



## ORDINARY COUNCIL MEETING

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## **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 16 December 2008 at 7.00pm**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Mayor opened the meeting at 7.05pm 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 country.

### **2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

### **3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

#### **3.1 Activities Report Mayor Best**

Mayor's Activities Report for the month of November attached to the back of the Agenda.

#### **3.2 Audio Recording of Council meeting**

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.

The Mayor referred the meeting to Item 8.2.1 on the Agenda, the Peoples' Choice Artist Award and advised that as the recipient and sponsor of the Award had other commitments that he was proposing to make the presentation and this point in the meeting.

### **CHANGE TO ORDER OF BUSINESS**

Moved Mayor Best, Sec Cr Trent

That the Order of Business in the Agenda be changed to allow Item 8.2.1 to be brought forward and dealt with at this time.

CARRIED (13/0)

#### **8.2.1. City of South Emerging Artist Award - Peoples' Choice**

The Mayor presented the 'Peoples' Choice' Award to the winning artist of the City of South Perth Emerging Artist Exhibition held at Heritage House from 30 October to 23 November 2008 to **Thomas Moore**. He also extended his personal thanks to **Pierre Sequeira of Karalee on Preston** for his ongoing support in sponsoring this Award.

Thomas Moore then thanked the City and the sponsor for his Award.

**Note:** At this point business was resumed in the sequence of the Agenda.

ANNOUNCEMENTS cont'd

**3.3 Newspaper Articles**

The Mayor reported on recent articles in the West Australian newspaper regarding 'The City calls a Forum' in relation to the Swan and Canning Rivers and to 'River Councils Trying for Federal Rescue'. He then commended the CEO and City Officers in preparing the Funding Submission.

**3.4 Waterford Plaza**

The Mayor referred Members to additional information provided by Greg Rowe and Associates, circulated at the commencement of the meeting, in relation to Agenda Item 10.0.2 - 'Amended Floor / Car Parking Layout Waterford Plaza Shopping Centre'.

**3.5 Councillor Behaviour**

The Mayor provided an update on action taken in relation to the issue of 'Councillor Behaviour' at the November 2008 Council meeting. He advised that together with the Deputy Mayor that he met with Cr Gleeson and Cr Smith and discussed the incident stressing that Members:

- should be seen as representing the community, not their own personal agendas
- are held in high esteem and must behave at the highest standards; and
- are community leaders working for the community.

The Mayor said that he was disappointed that it has come to this and that some Councillors are unable to conduct themselves in a manner expected by the community. He then read aloud a letter of apology received from Cr Gleeson and a letter from Cr Smith detailing the incident and stating that he had over reacted.

Mr Best then stated that the behaviour of Crs Gleeson and Smith is unacceptable and that he was forwarding a complaint to the Standards Panel on the basis of a breach of Regulation 4 which is constituted by a breach of a local government's Standing Orders Local Law and Regulation 3, Section (d) - avoid damage to the reputation of the local government. He said that this is your First Notice and that under the new regulations a Member given three strikes can be suspended or terminated.

The Mayor then advised that the following clauses of the Standing Orders Local Law will now be rigorously applied by the Chair:

- Councillors will be reminded to keep debate to the topic. If they continue to raise extraneous matters a Motion shall be moved: "*that the Member no longer be heard*"
- If a further breach occurs Councillors will be directed to not take part in any further part of the meeting, other than by voting. Councillors are to comply with the direction of the Presiding Member.
- Cr Gleeson is not permitted to ask questions of people making Deputations, or during the Council meeting. Questions may only be asked with the consent of the Presiding Member and the Mayor further stated that he was withdrawing his consent for Cr Gleeson to ask questions.
- All questions on Council night are to be in writing before the start of the meeting.
- Councillors can ask questions at Briefings but are encouraged to send in written questions after receiving the draft Agenda.
- Councillors are reminded not to interrupt the meeting by conducting in side conversations.
- Councillors Gleeson and Smith are not to make requests direct to the CEO, Directors or Officer. All requests are to be made verbally to the Mayor who will advise the CEO accordingly.

- Enforcement of the alcohol / drugs policy. Cr Gleeson is on notice that we expect Councillors not to drink alcohol before or during meetings. Further action will be taken if alcohol is smelt on his breath.

The Mayor concluded by stating that in light of the behaviour exhibited by Crs Gleeson and Smith at the November Council Meeting and the damage to Council's reputation that he was making all of these actions public to demonstrate that the integrity, openness, accountability and performance of the entire Council is above reproach and that the majority of Councillors do wish to provide leadership in a professional manner.

#### 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 Ward
R Wells, JP	McDougall Ward
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 S Bell	Director Infrastructure Services
Mr S Cope	Director Development and Community Services
Mr M Kent	Director Financial and Information Services
Mr S Camillo	Manager Environmental Health and Regulatory Services(until 8.00pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Assessment (until 8.38pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 8.12pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 8.38pm)
Mr S McLaughlin	Legal and Governance Officer
Ms R Mulcahy	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery Approximately 20 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 that Declarations of Interest had been received from Cr Doherty in relation to Item 10.0.1 and Cr Grayden in relation to Items 10.0.1 and 10.3.3. He further stated that in accordance with *Local Government (Rules of Conduct) Regulations 2007* that the Declaration would be read out immediately before the Item in question was discussed.

**6. PUBLIC QUESTION TIME**

**6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Council meeting held 25 November 2008 there were no questions taken on notice.

**6.2 PUBLIC QUESTION TIME : 16.12.2008**

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes, that questions, not statements, must relate to the area of Council's responsibility and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7:30pm.

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

Summary of Question

I refer to 2 Multiple Dwellings at 11 Heppingstone Street, South Perth at the corner of Heppingstone and Lamb Streets. Will the City ask Matt Stuart, Senior Statutory Planning Officer, to investigate the height and setbacks of 11 Heppingstone Street and provide a report to the Council along the lines of the report he provided to Council for Agenda Item 10.3.3 dated 12 November 2008 for 6 Parker Street, South Perth which is a similar building. I ask this question because the Council were provided with a report by Planning Officer, Christian Buttle dated 3 March 2004 where Mr Buttle stated that the building at 11 Heppingstone Street appears to be up to 1.4 metres too high. If the City refuses this request then I believe the City is only paying lip service to its claim of fairness and openness in local government.

Summary of Response

The Chief Executive Officer responded that it is not for Council to 'direct' a particular officer to prepare a report. He advised that the building height and setbacks of 11 Heppingstone Street were addressed in a planning report to Council in March 2004 and that the variations in height referred to a projection which was deemed to be "a minor projection" and acceptable. The assessment of 6 Parker Street referred to was carried out on the plans and not the 'as built' development. The CEO stated that as advised previously, without a resolution of Council directing him to do so, that he would not devote resources to researching any more issues in relation to 11 Heppingstone Street.

Summary of Question

Since the first report to Council dated 19 December 2000, the City has incurred legal costs by many law firms mainly as a result of my efforts to have this building comply with this City's Building Licence. The Invoices provided by the law firms to the City, I believe would be on record and I further believe it would be a relatively simple and inexpensive task for the City to answer this question I asked last month. ie How much has the City spent to date paying lawyers in an attempt to defend their position with respect to the overbuilding at 11 Heppingstone Street?

Summary of Response

The CEO stated that as advised previously, it was impossible for the City to qualify all costs of this action and that he could not and would not devote resources to researching an estimate of the costs as requested unless there is a Council Motion directing him to do so.

Summary of Question

The State is able to confiscate property that is gained as a result of the proceeds of crime. Was this building overbuilt as a result of incompetence on behalf of the City or was it corruption?

Cr Smith point of Order - not an appropriate question.

Mayor Best upheld the point of order and stated that this Council is neither corrupt or incompetent. He said that a different process was used to calculate plot ratio at that time and this has previously been acknowledged on many occasions. The SAT made a determination on the development at 11 Heppingstone Street and the building is being modified accordingly.

The Mayor then suggested that any interested Councillors contacted Mr Drake to assist in the preparation of an appropriate Motion for the February 2009 Council meeting.

**6.2.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington**

Summary of Question

Would like a Council assurance that as 11 Heppingstone Street is required to comply, that it would not require a Council resolution? Is Council aware that if a direct assessment is done of the building at 11 Heppingstone Street that Mr Drake will go away?

Summary of Response

The Mayor said the City is not interested in re-assessing calculations back to 2001 as suggested by Mr Drake. He said that the SAT has directed the City to make sure the 'Direction' issued is complied with.

Summary of Question

A report on the Light Vehicle Fleet is on the Agenda. To obtain a greater understanding of the vehicle composition and use could you stated the number of vehicles, percentage of private use or deemed personal use, commuter rights, private use rights for each of the following vehicle types:

- 6 cylinder sedans / vans
- 4 cylinder sedans / vans
- 4 cylinder single cab utilities
- 4 cylinder twin cab utilities

Summary of Response

The Chief Executive Officer stated that as Mr Defrenne had provided his question in advance of the meeting that a response was able to be prepared. He then read aloud the following:

- V6 – total of 4 vehicles in the Executive Fleet
- V4 – 1 vehicle in the Executive Fleet is a People Mover
- V6 – total of 3 vehicles in the light commercial fleet
- V4 – total of 18 vehicles (light vehicle fleet - managers and coordinators etc).
- V4 – total of 7 vehicles in light commercial fleet.
- V4 – 1 vehicle in the light commercial fleet is a Van.

As a general rule, all sedans have some form of private use rights allocated. Most utilities have some form of commuting use rights allocated.



Summary of Question

I do not believe this answers the questions - when the Commissioners were here I asked, how many 4 cylinder / 6 cylinder cars we had etc and I am sure looking at the 2001 Minutes this is the sixth time I have asked these questions.

Summary of Response

The Chief Executive Officer stated that he had copies of the questions raised in 2001 in relation to this issue and said that he believed the questions have been answered.

Summary of Question

In relation to Agenda Item 10.3.5 is Council aware that this proposal is a “spot zoning”?

Summary of Response

The Mayor responded yes.

Summary of Question

Is Council aware that spot zoning is not good and orderly planning?

Summary of Response

The Chief Executive Officer said that while we do not see a lot of ‘spot zoning’ that it was a useful tool to use from time to time. Each request is considered on its merits and if deemed appropriate, to address for example an anomaly, an Amendment to the Town Planning Scheme would be proposed.

Summary of Question

Is Council aware the main reason for this proposed increase in the zoning is an economic issue and that economic considerations should not be taken into account for good and orderly planning?

Summary of Response

The Mayor responded that he did not believe this was the rationale behind the request for rezoning.

Summary of Question

Could the City post details of its Grant Funding on its web site?

Summary of Response

The Mayor responded yes.

Summary of Question

Could the City call for ideas from the public on how the Federal Funding Grant could be spent?

Summary of Response

The Mayor said that he would have liked to have done this but that because of the tight deadline in which to make a submission for funding that time did not allow for community input.

Summary of Question

At the recent Annual Electors Meeting, tea and coffee etc was provided outside the Council Chamber. Can this also be provided at Council meetings?

Summary of Response

The Mayor said this suggestion was being considered.

Close of Public Question Time

There being no further questions the Mayor closed public question time at 7.50pm

**7. CONFIRMATION OF MINUTES / BRIEFINGS**

**7.1 MINUTES**

**7.1.1 Ordinary Council Meeting Held: 25.11.2008**

**7.1.2 Annual Electors Meeting Held: 8.12.2008**

**COUNCIL DECISION ITEMS 7.1.1 AND 7.1.2**

Moved Cr Hearne, Sec Cr Doherty

That the Minutes of the Ordinary Council Meeting held 25 November 2008 and the Annual Electors Meeting held 8 December 2008 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.

**7.2.1 Agenda Briefing - November Ordinary Council Meeting Held: 18.11.2008**

Officers of the City presented background information and answered questions on items identified from the November Council Agenda.

Notes from the Agenda Briefing are included as **Attachment 7.2.1**

**7.2.2 Concept Forum - Visioning Project Update - Meeting Held: 2.12.2008**

Consultants Mr Tim Muirhead and Ms Mary Del Casle provided an update on the Community Visioning Project.

Notes from the Concept Briefing are included as **Attachment 7.2.2**

**7.2.3 Concept Forum Town Planning Major Development Meeting Held: 3.12.2008**

Officers/Applicants provided background information on proposed amended floor/car parking proposal for Shopping Centre 'Waterford Plaza' (previously Village Green) and answered questions from Elected Members.

Notes from the Concept Briefing are included as **Attachment 7.2.3**

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.3 INCLUSIVE**

Moved Cr Grayden, Sec Cr Trent

That the comments and attached Notes under Items 7.2.1 to 7.2.3 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 25 November 2008 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**

Nil

**8.2 PRESENTATIONS** -Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

**8.2.1. City of South Emerging Artist Award - Peoples' Choice**

**Note:** This presentation was dealt with under Item 3 on the Agenda "Announcements from Presiding Member"

**8.2.2. Como Chapel of the Church of Jesus Christ of Latter-Day Saints**

The Mayor presented a book to the City entitled "Reflections of Christ" together with a plaque on "The Family" from the Como Chapel of the Church of Jesus Christ of Latter-Day Saints commemorating their 50<sup>th</sup> Anniversary and in recognition of the Chapel's listing on the City of South Perth Heritage Inventory.

**8.2.3. Minute Secretary**

The Mayor presented a floral tribute to the Minute Secretary in recognition of her work in Council meeting preparations and Minute taking.

**8.2.4. Carson Street School**

The Mayor presented a 2009 Calendar depicting the School's achievements, to the City from the Carson Street School and acknowledged Cr Ozsdolay's contribution as Chairman of the Board of the Carson Street School.

**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.

**Note:** Deputations in relation to Agenda Items 10.0.2, 10.3.3, 10.3.4 and 10.3.5 were heard at the December Council Agenda Briefing held on 9 December 2008.

There were no Deputations heard at the December Council Meeting.

**8.4 COUNCIL DELEGATES** Delegate's written reports to be submitted to the Minute Secretary prior to **28 November 2008** for inclusion in the Council Agenda.

**8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 26 November 2008**

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 26 November 2008 is at **Attachment 8.4.1**. The Minutes of the WALGA South East Metropolitan Zone meeting of 26 November 2008 have also been received and are available on the *iCouncil* website and in the Council Lounge.

RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 26 November 2008 be received.

**COUNCIL DECISION ITEM 8.4.1**

Moved Cr Trent, Sec Cr Ozsdolay

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 26 November 2008 be received.

CARRIED (13/0)

**8.5 CONFERENCE DELEGATES** Delegate's written reports to be submitted to the Minute Secretary prior to **28 November 2008** for inclusion in the Council Agenda.

Nil

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 9 December 2008.

The Chief Executive Officer confirmed that this was correct.

### WITHDRAWN ITEMS

The following items were withdrawn for discussion / debate:

- Item 10.0.1 Declaration of Interest : Cr Grayden
- Item 10.2.1 Declaration of Interest Cr Doherty
- Item 10.2.2 Council Decision re Proposed Committee
- Item 10.3.3 Proposed Alternative Motion Cr Smith and Declaration of Interest Cr Grayden
- Item 10.3.4 Proposed Alternative Motion Cr Hasleby
- Item 10.4.1 At the request of Cr Best
- Item 10.5.5 Proposed Alternative Motion Cr Hearne

<b>COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION</b>
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Moved Cr Hasleby, Sec Cr Best

That with the exception of Withdrawn Item 10.0.1, 10.2.1, 10.2.2, 10.3.3, 10.3.4, 10.4.1 and 10.5.5 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.2, 10.1.1, 10.3.1, 10.3.2, 10.3.5, 10.3.6, 10.4.1, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.6.1, 10.6.2, and 10.6.3 be carried en bloc.

CARRIED (13/0)

## 10. REPORTS

### **10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

#### DECLARATION OF IMPARTIALITY INTEREST : CR GRAYDEN : ITEM 10.0.1

The Mayor read aloud the Declaration of Interest from Cr Grayden, as follows:

*“As I live at 23 Riverview Street, South Perth which is in close proximity to ROW15, alongside South Perth Primary School, and ROW15 is the subject of Report Item 10.0.1 on the December Council Agenda I wish to declare an impartiality interest in common with other residents in the vicinity and as such I will **not leave** the Council Chamber during the discussion / debate on this matter at the Agenda Briefing on 9 December or the Council Meeting on 16 December 2008”.*

**Note:** Cr Grayden remained in the Council Chamber.

<b>10.0.1 Policy P350.14 ‘Use or Closure of Rights-of-Way’ (Item 10.0.1 November 2008 Council meeting refers)</b>
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Location:	City of South Perth
Applicant:	City of South Perth
Lodgement Date:	Not applicable
File Ref:	LP/801/350.14
Date:	1 December 2008
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

### **Summary**

At the November 2008 meeting, the Council considered submissions received on the set of fourteen revised policies which collectively comprise Policy P350 'City-Wide Residential Policies' as the first part of City's 'Residential Design Policy Manual'. Thirteen of the fourteen policies were adopted for use. Consideration of Policy P350.14 'Use or Closure of Rights-of-Way' was deferred, pending further modification. Policy P350.14 has now been modified as requested, and is presented for final adoption.

### **Background**

At the November Council meeting, the Council resolved as follows at Item 10.0.1 with respect to Policy P350.14:

*"That the officer recommendation be amended by the deletion of Policy P350.14 'Use or Closure of Rights-of-Way'."*

As recorded in the minutes of the November meeting, the reason for modifying the officer's recommendation of adoption, was that Council felt that Policy P350.14 needed further review to better encompass all situations that may arise with the use or closure of rights-of-way within the City. Right-of-Way No. 15 alongside the South Perth Primary School was the particular focus of discussion in this regard. That right-of-way contains a footpath and historically has been used as a pedestrian thoroughfare for many years.

This report is to be read in conjunction with **Attachment 10.0.1** Modified Policy P350.14 'Use or Closure of Rights-of-Way'.

The draft Policy P350.14 has now been further modified in response to the concern expressed by Councillors. It is considered that the revised Policy now expresses the Council's position with respect to privately owned rights-of-way and those in common usage as a regular pedestrian thoroughfare.

### **Comment**

Policy P350.14 was originally prepared to incorporate appropriate parts of the City's previous right-of-way Policy P388\_T, and also to be compatible with, and to complement:

- (a) long-standing policies of the Western Australian Planning Commission with respect to closure, use and design of rights-of-way and abutting development; and
- (b) the City's interpretation of the R-Codes requirements regarding access to residential properties where access from a right-of-way is available.

The Policy now further clarifies the situation with respect to:

- (a) the closure and use of rights-of-way which are in private ownership; and
- (b) the need to retain rights of way which are in regular use as a pedestrian thoroughfare.

### **Consultation**

The related report to the November 2008 Council meeting fully addressed the submissions which had been received from members of the community on various policies comprising Policy P350. That report advised that one comment in a submission related to Policy P350.14, and that no change to the Policy was proposed in response to that comment.

### **Policy and Legislative Implications**

Policy P350 'City-Wide Residential Policies', being the first part of the Residential Design Policy Manual, is a major statutory document comprising policies on various aspects of residential development. The document was adopted last month and is now operational, other than for Policy P350.14 relating to the use or closure of rights-of-way. Adoption of Policy P350.14 will complete the first part of the Residential Design Policy Manual. As advised in the Officer's report to the November meeting, Policy P350 constitutes a Planning Policy for the purposes of clauses 1.5(e), 1.6(2)(b), 7.5(f) and 9.6 of Town Planning Scheme No. 6. The Policy Manual has been prepared in fulfilment of the No. 6 Scheme Objective set out in clause 1.6(2)(b) of TPS6.

When Policy P350.14 has been adopted by the Council, clause 9.6 of TPS6 requires that notice of final adoption is to be published once in a newspaper circulating within the Scheme area. The Policy will become operational following publication of this notice.

### **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.*

This matter also relates to Goal 5 "Organisational Effectiveness". Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

### **Sustainability Implications**

Policy P350.14 'Use or Closure of Rights-of-Way' is one of 14 Policies comprising the first part of the Residential Design Policy Manual, relating to a wide range of design aspects of proposed residential buildings within the City. These policies will have a significant impact on the growth and character of the district. Policy P350.14 reflects sustainability principles in that it supports the closure of 'obsolete' rights-of-way, enabling the land to be used more effectively for residential purposes, while also protecting "essential" rights-of-way for continuing use as vehicular or pedestrian thoroughfares.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1</b>
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Moved Cr Ozsdolay, Sec Cr Smith

That Council, under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6, adopts Policy P350.14 'Use or Closure of Rights-of-Way', at **Attachment 10.0.1**, to supersede Policy P388\_T 'Development of Land adjoining Rights-of-Way'.

CARRIED (13/0)

**10.0.2 Proposed Amended Floor/Car Parking Layout, Waterford Plaza Shopping Centre, Manning Road, Karawara** (*Item 10.0.1 October 2007 Ordinary Council Meeting*)

Location: Lots 102, 104, 105 and 180 (Nos. 31-39) Walanna Drive and Lots 103 and 802 (Nos. 224-230) Manning Road, Karawara  
 Applicant: Greg Rowe & Associates  
 Lodgement Date: 11 November 2008  
 File Ref: 11.2008.531 WA1/ 33-39  
 Date: 08 December 2008  
 Author: Matt Stuart, Senior Statutory Planning Officer  
 Reporting Officer: Steve Cope, Director, Development and Community Services

**Summary**

To consider amended drawings for a planning application for major additions and alterations to the Waterford Plaza Shopping Centre (formally known as the Village Green), specifically an amended floor and car-parking layout, on Lots 102, 104, 105 and 180 (Nos. 31-39) Walanna Drive and Lots 103 and 802 (Nos. 224-230) Manning Road, Karawara.

This report carries extracts from Item 10.0.1 in relation to the Waterford Plaza development that was approved at the October 2007 Ordinary Council Meeting, a report prepared by other Planning Officers of the City. The main changes from the previously approved development is the removal of the northern car parking deck, the removal of two retail tenancies, and the addition of an adjoining lot proposed to be converted into car parking.

The proposed changes conform to the City's statutory requirements, subject to planning conditions for some minor clarifications and amendments, in relation to:

- Grade of car parking ramp;
- Provision of shopping trolley bays;
- Landscaping plan; and
- Proposed shade sails facilitate an acceptable clearance for vehicle doors.

**Background**

Reports have been considered at the May 2003, December 2004, May 2005, May 2006, May, July, August, October and December 2007 Council meetings, as well as a SAT hearing, whereby the proposed development was conditionally approved.

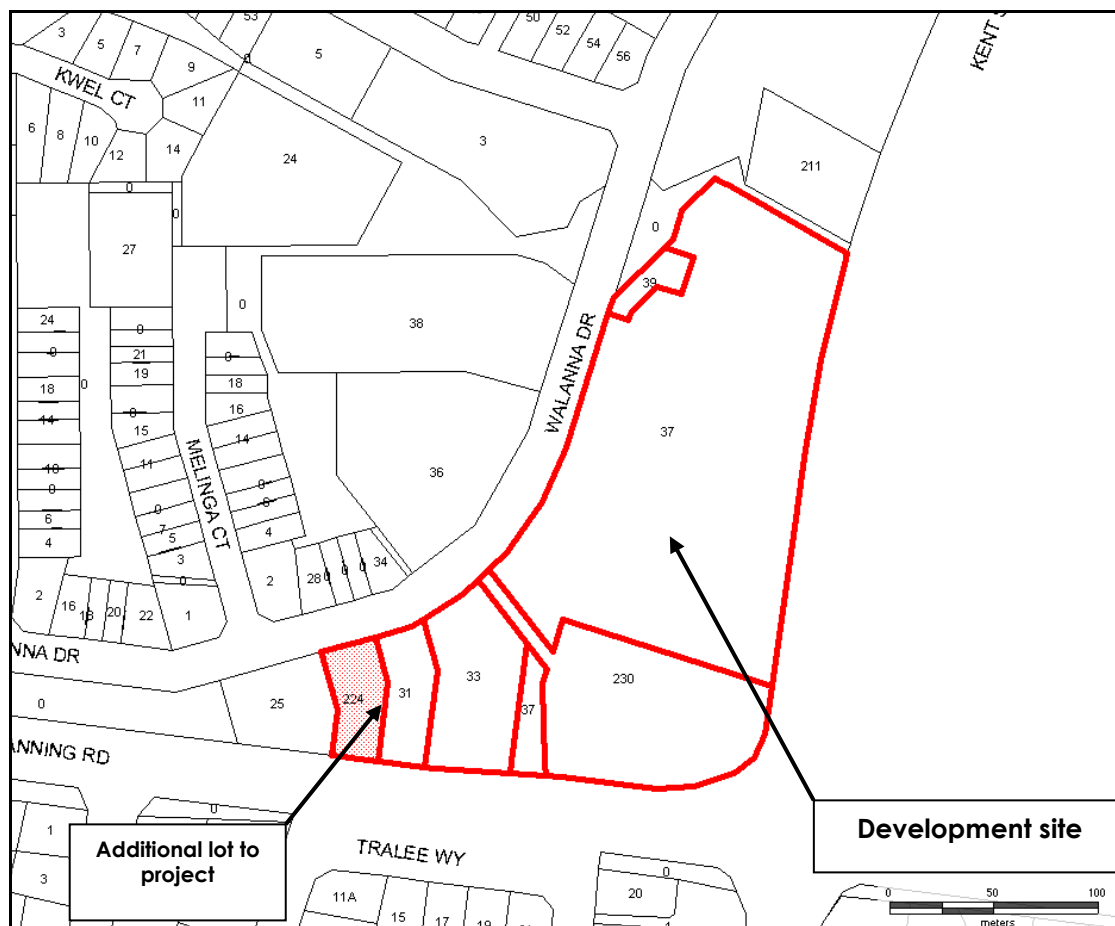
The development site details are as follows:

<b>Zoning</b>	District Centre Commercial
<b>Density coding</b>	R30
<b>Lot area</b>	38,316 sq. metres in total (previously 36,937 sq. metres)
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Various residential and non-residential uses
<b>Plot ratio limit</b>	1.5:1 for non-residential uses

This report includes the following attachments:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Attachment 10.0.2(a)</b></li> <li>• <b>Confidential Attachment 10.0.2(b)</b></li> <li>• <b>Attachment 10.0.2(c)</b></li> </ul> | <ul style="list-style-type: none"> <li>Site photographs</li> <li>Plans of the proposal</li> <li>Applicant's supporting report</li> </ul> |
|--|--|

The location of the development site is shown below:



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

2. ***Large scale development proposals***
  - (i) *Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.*
  
4. ***Matters previously considered by the Council***

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

**Comment**

- (a) **Description of the Surrounding Locality**

The subject site is located adjacent to the Jehovah’s Witness Church to the north, opposite to Curtin University grounds (student housing) to the east, and opposite low-density residential suburbs to the south (Waterford) and west (Karawara).
- (b) **Existing Development on the Subject Site**

The existing development on the subject site currently features various non-residential land uses, as depicted in the site photographs in **Attachment 10.0.2(a)**.

The main planning approval for the development was by Council in October 2007, which includes the same land uses proposed under this amended planning application.



(c) **Description of the Proposal**

The proposal involves an amendment to the approved single-storey and two-storey buildings (including the roof car parking area), with previously approved “Shop” and “Tavern” land uses and existing “Take-Away Food Outlet” uses, as depicted in the submitted plans of *Confidential Attachment 10.0.2(b)*.

The following components of the proposed development are not resolved to satisfy the Scheme and planning policy requirements:

- (i) The number shopping trolley bays;
- (ii) Possible traffic congestion at the bottom of the ramp;
- (iii) A landscaping plan to demonstrate landscaping area, shade sails and provision of shade trees;
- (iv) Amenity issues in relation to a blank wall facing Walanna Drive; and
- (v) Width of crossovers not to be greater than 10 metres.

The Applicant’s letter, **Attachment 10.0.2(c)**, describes the proposal in more detail.

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, and relevant Council Policies with the exception of the remaining non-complying issues, all discussed in detail below.

(d) **Finished Ground and Floor Levels- minimum**

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with clause 6.9.2 “Minimum Ground and Floor Levels” of TPS6.

(e) **Finished Ground and Floor Levels- maximum**

There is approximately 1.0 m of fall across this large site, and no additional cutting and filling is proposed. Accordingly, the proposed finished ground and floor levels comply with clauses 6.10.1 and 6.10.3 “Maximum Ground and Floor Levels” of TPS6.

(f) **Boundary Setbacks**

The permissible street setback is 1.5 metres, whereas the proposed building setback is between 7.0 – 17.0 metres; therefore, the proposed development complies with Table 3 of TPS6.

The permissible rear setback is 4.5 metres, whereas the proposed building setback is 49.0 metres; therefore, the proposed development complies with Table 3 of TPS6.

(g) **Building Height**

The maximum permissible building height limit is 7.0 metres; whereas the proposed building height is 7.0 metres; therefore, the proposed development complies with Clause 6.2 "Maximum Building Height Limit" of TPS6.

In arriving at this conclusion, it is considered by the Applicant and agreed by the City that some structures beyond the 7.0 metre height are minor projections. Clause 6.2 “Building Height Limits” prescribed under clause 6.2(1)(b)(v)(d) of TPS6, which reads:

*Minor projections which extend outside the space referred to in sub-paragraph (v)(A), including, but without in any way restricting the generality of this provision, such structures as vertical glass planes within the roof structure, dormer and saw-toothed windows, and chimneys.*

Furthermore, the Applicant states that:

*The intent and functionality of any 'high street' is a product of not only the uses along the street, but the ability to promote the location as a safe, user friendly location that promotes the pedestrian realm. The built form at the eastern end of the high street is approximately 1m above the building height limits as prescribed within the Scheme. This architectural statement has been included into the current proposal as a means of ensuring the 'high street' is promoted with a significant entry statement to the street. As can be seen, this projection above the building height limit is an architectural statement that is noted as 'lifestyle graphics'. The materials used in this area of the site, as depicted on the elevations is of an 'open' nature with decorative wooden panels used to create a built form consistent with that expected in a 'high street' shopping situation, whilst at the same time providing an opportunity to promote the entry point to the centre. We also note the intent of the height standards prescribed within TPS 6, Clause 6 "Building Form and Site Planning" under Policy P370\_T "General Design Guidelines for Residential Development" makes reference to building height. The main intent of Clause 6 is to ensure building height is in accordance with the TPS 6 provisions and that a building would not have an "overpowering impact on neighbours and the street". Now we do note that the policy pertains to residential development, however we believe the overriding principle of the height restrictions to not have "overpowering impact on neighbours and the street" is an important point to note and one that is pertinent more so in the District Centre Zone. Even though this section of the development will be constructed of an open air/infill panel materials, we feel it important to note that the actual projections will have no impact whatsoever on any adjoining neighbours, the street or the locality. In saying this, we believe it is an import aspect of the street (high street) to promote this minor variation as it helps promote and form the proposed street. It is with the above in mind we respectfully request Councils support for this minor variation to the height provisions applicable to the site.*

*Furthermore, we note a height variation is also sought in relation to the proposed heights along the remainder of the southern side of the proposed high street. Firstly we would like to outline that this variation is sought given the significant architectural statement or "halo" proposed through the centre of the site and two main buildings. As you can see, the location of the "halo" ensures a consistency between the "old" and the "new" areas of the shopping centre as a means of linking the two differing retail areas. This is important in ensuring the centre functions as one, rather than 2 separate centres. With the above in mind, the eave location and relationship between the halo and the building heights proposed along the south side of high street have been somewhat compromised in relation to the 7.0m building height. However, the relationship between the eaves/awning overhanging to the high street provided Council with a situation where the assessment of the building height can be considered in relations to the eaves location and the 25 degree notional hip roof shape, as prescribed under the provisions of TPS 6. Overall, the minor projections proposed by the proposal can be supported for the following reasons:*

- *The minor projection assists in the formation of the high street and its pedestrian scale of the street.*
- *The building bulk is internalised to the high street and avoids any specific influence to the surrounding locality.*
- *The minor projections have been included as architectural statements and assist in the architectural form of the development. That is, these projections are not included as a means of including additional floors and floorspace into the development.*

- *The majority of the projections are of a permeable nature with materials to suit.*
- *The minor projections are in no means overpowering to the locality or neighbours.*
- *The variations sought are similar to ‘glass planes’ which are mentioned in Part 1(b) sub Part (v) (D) of TPS 6.*

According, the City agrees with the Applicants contention that the structures are minor projections and therefore, the proposed development complies with Clause 6.2 "Maximum Building Height Limit" of TPS6.

**(h) Plot Ratio**

The required maximum plot ratio is 1.5:1 (57,474m<sup>2</sup>), whereas the proposed plot ratio is approximately 0.36:1 (13,750m<sup>2</sup>), therefore the proposed development complies with the plot ratio element of Table 3 of TPS6.

**(i) Landscaping**

As landscaping plan has not been provided by the Applicant, the provision of the amended landscaping has not been approved by the City (including the Parks and Environment section), and accordingly calculations are approximate.

The required minimum landscaping area is 3,832m<sup>2</sup> (10 percent); whereas the proposed landscaping area is 3,560m<sup>2</sup> (9.3 percent), therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

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

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

The applicant has included both ‘soft’ landscaped areas and all other paved areas (with the exception of vehicle access ways and parking areas) on the development site, resulting in a total landscaped area of 5,742m<sup>2</sup> of landscaped area (15 percent of site). This figure is comprised of 2,595m<sup>2</sup> of ‘soft’ landscaping (planted areas; 6.8 percent of site) and 3,147m<sup>2</sup> of paving (8.2 percent of site).

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

Having regard to the definition of landscaping within the R-Codes, the City’s Officers have previously recommended that a larger portion of the site be developed as ‘soft’ landscaping, and that only very limited paved areas (such as the ‘piazza’ between the two malls) be accepted within the landscaping calculations. Accordingly, the City’s calculations show that 3,560 m<sup>2</sup> of the site (9.3 percent) has been provided as landscaped area.

The following additional comments are made with respect to landscaping of the site:

- Clause 6.3(12) of TPS6 requires that any continuous line of unroofed car parking be provided with reticulated planting areas, including shade trees approved by the Council, at the rate of 1 per 8 car parking bays. Without a landscaping plan, the City is unable to ascertain scheme requirement, and therefore would require a detailed landscaping plan before a Building Licence is issued.
- No landscaping areas are provided in conjunction with the roof deck parking area. After further consideration, City Officers are of the opinion that increased landscaping can be provided by alternative means, and that it is not necessary to pursue the provision of landscaping within the roof deck parking areas. It is also noted that shade structures have been previously provided within the roof deck parking areas. As this proposal includes an indicative layout of shade sails, the City would require detailed plans of such structures before a Building Licence is issued, especially to demonstrate a lack of obstructions to car doors within the car bays.

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

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

- 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;*
- the non-compliance will not have any adverse effect on upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- 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.*

In return for acceptance of the lesser amount of on site landscaped provision (3,560 m<sup>2</sup> or 9.3% of site as opposed to 38,316 m<sup>2</sup> or 10 percent of the site), it is appropriate that the applicant:

- Landscape and maintain the verges adjacent to the development site; and
- Landscape and maintain the strip of public open space between the shopping centre and the Jehovah's Witness Kingdom Hall. This strip of public open space runs to the north and northwest of the shopping centre.

Accordingly, it is recommended that drawings demonstrating compliance with the provision of landscaping be provided at the building licence stage.

**(j) Driveway Grades**

The standard permissible grade is no greater than 1:12 for the first 3.6 metres, then no greater than 1:8, whereas the proposed grade is 1:5.6. Therefore, the proposed development does not comply with clause 3.7.b "Driveway gradient" of City Policy P350.

Accordingly, it is recommended that revised plans be submitted to the City demonstrating a driveway grade not greater than 1:6, as per a standard condition.

**(k) Car Parking**

Officers have previously indicated support and subsequently Council granted Planning approval for the “pooling” of floor space together and undertaking a “parking calculation at a ratio of 1 car parking bay per 20 m<sup>2</sup> of gross floor area” (refer to agenda Item 9.3.9 - May 2007 Ordinary Council Meeting).

Using a ratio of 1 bay per 20 m<sup>2</sup> of Gross Floor Area (GFA), and having regard to the proposed gross floor area of 15,635 m<sup>2</sup>, the development requires 782 car parking bays and 773 car parking bays have been provided.

The shortfall is accountable to the floorspace of the existing transformer and fire booster facilities, adjacent to Walanna Drive. City officers are of the opinion that the areas are included in the definition of Gross Floor Area of TPS6, which states:

*means the area of all floors of a building measured from the outer faces of external walls, but the term does not include any balcony.*

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

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

In addition to the 773 car parking bays, 14 motor cycle bays have also been provided, which is not a requirement of TPS6, albeit a desirable outcome.

An issue that could potentially affect the above calculations is the provision of shopping trolley bays, which have been included in the previously approved and current proposals. However, the number, location and capacity of the proposed trolley bays is considered to be noticeably inadequate, which would result in either a negative effect on the local amenity by large numbers of discarded trolleys, or the sporadic wastage of car parking bays in lieu of dedicated trolley bays. If this matter were disregarded, it is reasonably foreseeable that upon commencement of commercial operations, approximately 5 - 10 car parking bays will be converted into trolley bays, without the removal of a proportional amount of Gross Floor Area.

Whichever the final eventuality, the outcome will not comply with the future parking requirements and accordingly the matter of car parking is considered unacceptable. As a consequence of the above, a condition has been drafted to resolve this matter by increasing the amount of trolley bays without a reduction in the previously approved ratio of car parking or percentage of landscaping area.

**(l) Bicycle Parking**

In accordance with the provisions of Table 6 “Car and Bicycle Parking” of TPS6, and on the basis of 1 bicycle parking bay per 200 sq. metres of gross floor area for a District Commercial Centre, the development requires 79 bicycle parking bays. The site plan drawing shows 80 bike bays. Officers are of the opinion that 80 bicycle parking bays are adequate for the development, and complies with Table 6 of TPS6.

However, some of the proposed bicycle bays are indicated as being within the vehicular accessway (under the decorative “halo” along “Main” street). Accordingly, a condition is recommended to reposition the bays, without a reduction in the required rate of bays.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (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;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality;*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of 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;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*

- (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;*
- (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;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on the 26<sup>th</sup> November 2008. Generally, the proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Project Architect Responses	Officer Comments
Hashed paint markings required at the bottom of the vehicle ramp abutting Manning Road due to this being a focal point of vehicle activity and possible congestion.	Traffic Engineers have been employed to review and design the road layouts and car parking, with a report received.	The report has not been presented to the City, and its contents are unknown. The comment is <b>UPHELD</b> .
Concerns about visual sightlines at junction of the 'high street' and feeder road (east). Suggest removal of two adjacent car parking bays.	Traffic Engineers have been employed to review and design the road layouts and car parking, with a report received.	The report has not been presented to the City, and its contents are unknown. Visual sightlines comply, The comment is <b>NOT UPHELD</b> .
Concern about traffic on or around Manning Road, suggest careful attention from traffic engineers.	Traffic Engineers have been employed to review and design the road layouts and car parking, with a report received.	The report has not been presented to the City, and its contents are unknown. Engineering Manager supports the amended application. The comment is <b>NOT UPHELD</b> .
Blank wall (west) to be protected from vandalism / security / enhanced. Suggest BAS relief / verge treatment / landscaping plan.	To be addressed as part of the future landscaping plans.	Requires further attention, as part of the landscaping plan. The comment is <b>UPHELD</b> .

In regards to the paint markings and blank wall, the City recommends a condition for amended plans to resolve these matters.

**(b) Neighbour Consultation**

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

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

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

The decision not to readvertise this development rests with the Council and not the officers, however if the Council were not agreeable to this course of action, the City will carryout the advertising in preparation to the next available Council meeting (February 2009).

**(c) Manager, Engineering Infrastructure**

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

**i) Access and Egress**

The construction of the turning lanes in Kent Street have been undertaken as part of Stage 1 Waterford Plaza Shopping Centre Development. Engineering Infrastructure has previously addressed the turning lanes from Kent Street to the developers who have incorporated the required works into Stage 1. Engineering Infrastructure has requested certain changes to the “splitter” island from “High Street” into Kent Street that will allow for both left turning and right turning movements from the Shopping Centre. This change is being incorporated into the current “High Street” works.



The Developer has been made aware previously that access and egress to Manning Road will be left in left out only. Under no circumstances will access be allowed through the median. The proposal does not extend beyond the left turn movements.

The removal of the “decked” parking proposed for the northern end of the site and detailed in some of the earlier proposals will remove any necessity to modify the crossings already constructed in Stage 1 and now operational.

**ii) Roof Top Parking**

The positioning of the ramp to the roof top parking area with direct access off Manning Road is satisfactory and will pose no issues with the loading dock.

**iii) Stormwater Drainage**

Drainage to be in accordance with Policy P415 and Management Practice M415.

Stormwater is to be collected on site and discharged in a controlled manner to the street drainage. The outfall to the street system is to remain unchanged from that in place prior to the commencement of Stage 1. The Consulting Engineer retained by the Developer is aware of the drainage requirement and has incorporated the required internal drainage for Stage 1. Essentially the Consultant must capture and store on site the stormwater in excess of the flow capacity of the current discharge pipe to the street system that will / could result from the intensified development forming Stage 2.

**iv) Crossing**

Any new crossing or an upgrade to an existing crossing will conform to the standard conditions that apply for commercial crossings. The level of the crossing is to be 125mm above the gutter level at any point 1500 mm in from the kerb line. Elsewhere the crossing will be level with the verge and any footpath within the road reserve.

The footpath is to be continuous through the crossing.

**v) General**

The layout of the roof top parking bays is to be in accordance with the requirements of AS 2890. Part 1 Off Street car parking. The bay dimensions have not been assessed against the above or TPS 6 car parking requirements.

The loading dock will most probably be accessed off Manning Road with drive though before reversing into the loading dock. Departure is most likely to be via Walanna Drive. With the loading dock serviced from aisles generally available to the public some issues may arise if deliveries are made at “peak times” during the day.

Accordingly, specific conditions are recommended to resolve the Manager’s concerns.

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

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

- An additional 3 bin areas are proposed which appears to be suitable to accommodate the proposed tenancies;
- The rubbish storage areas appear to be evenly distributed across the site with satisfactory access arrangements by service vehicles;
- Bin enclosures will need to be fully enclosed to prevent access by birds and other vermin; and

- Toilet numbers may not be suitable if tenancies are occupied by additional cafe / restaurants. Toilet numbers will be reviewed further upon submission of an application for a building licence.

Accordingly, specific conditions are recommended to resolve the Manager's concerns.

(e) **Manager, Parks and Environment Services**

The Parks and Environment section has not been able to provide comments due to the lack of a landscaping plan, although they have stated that no street trees are proposed to be removed.

(f) **Team Leader, Building Services**

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

(g) **Western Australian Planning Commission**

As the development site abuts roads which are reserved under the Metropolitan Region Scheme (Manning Road and Kent Street) which are affected by the proposed development, the proposal was referred to the Western Australian Planning Commission (WAPC) for consideration and comment, in accordance with the requirements identified within the notice of delegation of 20 September 2002 under the *Planning and Development Act 2005*.

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

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

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

**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 determination 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.*

### **Sustainability Implications**

This application has not been assessed against the relevant sustainability provisions. For reports to future Council meetings, guidance will be sought from the City Environment Department and appropriate comments will be included in future reports.

### **Conclusion**

The proposal will have an acceptable impact on adjoining residential neighbours, and meets all of the relevant Scheme and R-Codes objectives and provisions. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2</b>
--

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 proposed amended floor and car parking layout to Waterford Plaza shopping centre on Lots 102, 104, 105 and 180 (Nos. 31-39) Walanna Drive and Lots 103 and 802 (Nos. 224-230) Manning Road, Karawara, **be approved**, subject to:

**(a) Standard Conditions**

355	car parking bays- as per TPS6	359	driveway grade
352	car parking bays-marking	508	landscaping approved & completed
354	car parking bays- ongoing condition	510	shade tree- number of
390	crossover standards	550	plumbing hidden
393	verge & kerbing works	664	inspection (final) required
391	crossover width	660	expiration of approval
410	crossover effects infrastructure		

<b>Footnote</b> A full list of Advice Notes is available for inspection at the Council Offices during normal business hours.
--

**(b) Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (A) Location of shopping trolley bays to be marked, while ensuring compliance with the minimum car parking requirement of 1 bay per 20 m<sup>2</sup> of Gross Floor Area, and minimum landscaped area requirement of 7.8 percent of site area;
  - (B) Details of shade sails to the upper car parking deck, demonstrating car bays in compliance with clause 6.3(8) and Schedule 5 of the City of South Perth Town Planning Scheme No. 6;
  - (C) Bicycle racks and bays to be repositioned so as not to conflict or physically obstruct the safe and efficient movement of vehicles and pedestrians; and
  - (D) The internal bicycle storage room marked as “20 Bay Staff Bicycle Store” shall be used in accordance with the approved use.

- (ii) A landscaping plan to satisfy City requirements, and demonstrates:
  - (A) Paint markings at the onsite junction of the southern ramp and adjacent feeder roads; and
  - (B) Aesthetical amendments to the western elevation of the new supermarket along Walanna Drive.
- (iii) Drainage to be in accordance with City Policy P415 and Management Practice M415.
- (iv) Any new crossing or an upgrade to an existing crossing shall conform to the standard conditions that apply for commercial crossings. The level of the crossing is to be 125mm above the gutter level at any point 1500 mm in from the kerb line. Elsewhere the crossing will be level with the verge and any footpath within the road reserve. The footpath is to be continuous through the crossing.
- (v) The layout of the roof top parking bays shall be in accordance with the requirements of AS 2890 Part 1 Off Street Car Parking; and
- (vi) Bin enclosures shall be fully enclosed to prevent access by birds and other vermin.

(c) **Standard Advice Notes**

648	building licence required	646	landscaping standards- general
649	signs licence required	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
645	landscaping plan required		

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

(d) **Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (ii) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required; and
- (iii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

CARRIED EN BLOC RESOLUTION

**10.1 GOAL 1 : CUSTOMER FOCUS**

**10.1.1 Annual Electors Meeting held 8 December 2008**

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/1
Date:	9 December 2008
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The Annual Electors meeting was held on 8 December 2008 to discuss the Annual Report, Financial Statements and the Auditor's Report for the year ended 30 June 2008.

**Background**

Following completion of the City's Annual Report an Annual Electors' Meeting is called which must be within 56 days of acceptance of the Annual Report. The meeting was held on 8 December 2008.

**Comment**

Council is required to consider any Motions passed at an Annual Electors Meeting. At the meeting held on 8 December 2008 there were no Motions passed that required a determination by Council.

The Mayor tabled the Annual Report and then gave a power point presentation of the City's achievements for the year. The Director Financial and Information Services provided a brief overview of the financial highlights.

**Consultation**

Notice of the Annual Electors' meeting was lodged in the Southern Gazette newspaper 25 November and 2 December editions with copies of the Agenda being provided to the Libraries, Heritage House, the Council noticeboards and website.

**Policy Implications**

Council is required to hold an annual meeting of electors and consider any resolutions passed at the Annual Electors' Meeting at a subsequent Council meeting.

**Financial Implications**

N/A

**Strategic Implications**

This report deals with matters which directly relate to Goal 1 of the City's Strategic Plan – *'To be a customer focused organisation that promotes effective communication and encourages community participation.'*

**Sustainability Implications**

Reporting on the Minutes of the Annual Electors' meeting contributes to the City's sustainability by promoting effective communication.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1</b>
--

That the Minutes of the Annual Electors Meeting held on 8 December 2008, as per **Attachment 10.1.1**, be received.

CARRIED EN BLOC RESOLUTION

**10.2 GOAL 2: COMMUNITY ENRICHMENT**

DECLARATION OF IMPARTIALITY INTEREST : CR DOHERTY : ITEM 10.2.1

The Mayor read aloud the following Declaration of Interest from Cr Doherty:

*"As I am a member of Soroptimist International of Fremantle, and Soroptimist International of South Perth is one of the successful applicants for a grant from the City as part of the Funding Program at Item 10.2.1 on the December Council Agenda, and as I meet with the members from the South Perth group at events and know several personally, in accordance with the Local Government Act (Rules of Conduct Regulations 2007) I wish to declare an impartiality interest in common with other members. As such I will not leave the Council Chamber during the discussion / debate on this matter at the Agenda Briefing on 9 December or the Council Meeting on 16 December 2008."*

**Note:** Cr Doherty remained in the Council Chamber.

### **10.2.1 Funding Assistance - Round Two**

Location:	City of South Perth
Applicant:	Council
File Ref:	GS/103
Date:	26 November 2008
Author:	Seánna Dempsey, Community Development Officer
Reporting Officer:	Steve Cope, Director Development & Community Services

#### **Summary**

This report relates to applications in the Community Development category of the Funding Assistance Program - Round Two - 2008/2009.

#### **Background**

In June 2001 the City implemented a Funding Assistance Program to enable the City to equitably distribute funding to community organisations and individuals to encourage community and personal development, and foster community services and projects.

The Funding Assistance Program incorporates a number of levels and categories in response to identified areas of need, these are:

**Community Partnerships** - with identified organisations that provide a major benefit to the City of South Perth community.

#### **Community Development Funding**

- Community Development Category - project funding for incorporated not for profit groups, these are considered by council in 2 rounds annually.
- Individual Development Category - financial assistance for individuals attending interstate or international sporting, cultural or academic activities.

**Community Grants** - smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development program.

Submissions in the Community Development Funding category, which is the subject of this report, are assessed against the following criteria;

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City)
2. The proposed benefits for the participants involved as well as for the wider City of South Perth community.
3. The expected number of number of participants who are residents of the City of South Perth.
4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored.
5. The level of cash or in kind support committed to the project.
6. The sustainability of the project and / or the organisation.
7. The level of exposure given to the City in the promotion of the project. (recipients are required to promote the City's support of the project.)

Full details of the funding program can be found on the City's website where information is available about program guidelines, eligibility and selection criteria, acquittal information along with resources to assist with grant seeking and the development of grant submissions.

### **Comment**

Seven applications were received in this round requesting a total of \$61,742.18. Details of all submissions are included in the submission summaries at **Attachment 10.2.1**. All applications comply with the requirements of the program and cover a range of community service, cultural and recreational projects. These applications were submitted by:

- Esther Foundation
- Collier Park Seniors Golf Club
- South Perth Primary School P&C
- Soroptimist International of South Perth
- South Perth Outreach
- Uniting Care West
- Clan WA

This report recommends that five of the seven submissions are fully supported and that the remaining two are supported in part for reasons outlined in the attached submission summaries. The total recommended funding amount is \$38,942.18.

### **Consultation**

This funding round was advertised on the City's website and promoted directly to past applicants. In addition, City officers are proactive in discussing projects with applicants and assisting with the development of submissions.

### **Policy Implications**

This report refers to the Funding Assistance Policy P202

### **Financial Implications**

A total amount of \$175,000 is allocated in the 2008/2009 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program. The recommendation of this report is within budgetary parameters.

### **Strategic Implications**

This report is complimentary to Goal Two, Community Enrichment, and directly relates to Strategy 2.3. *'Implement the Community Funding Program to equitably distribute funding between community organisations to encourage and foster community development services and projects.'*

### **Sustainability Implications**

Through the City's Funding Assistance program a range of community services and initiatives, many of which are run by volunteers are fostered and supported whereas it would not be sustainable for the City or other government level organisations to deliver these programs.

<b>OFFICER RECOMMENDATION ITEM 10.2.1</b>
---

That \$38,942.18 be distributed to seven organisations from City funds for Round Two of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.2.1** of the December 2008 Council Agenda.

### MOTION

Cr Trent moved the Officer Recommendation, Sec Cr Grayden

### FORESHADOWED MOTION

Cr Hasleby Forshadowed that if the current Motion is Lost that he would be moving that the organisation Clan WA be deleted from the list of recipients and their funding allocation redistributed between the remaining six organisations.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.2.1**

The Mayor put the Motion

That \$38,942.18 be distributed to seven organisations from City funds for Round Two of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.2.1** of the December 2008 Council Agenda.

CARRIED (9/4)

**Note** Manager Community, Culture and Recreation retired from the meeting at 8.12pm

**10.2.2 Public Art Celebration**

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/402
Date:	1 December 2008
Author/Reporting Officer	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to progress Council's recent resolution to commission a piece of public art or similar statement to commemorate the City's 50<sup>th</sup> birthday celebrations which occur next year.

**Background**

The Council at its meeting on Tuesday 25<sup>th</sup> November 2008 at item 10.2.3 resolved as follows:-

**Resolution**

*That as part of the 50<sup>th</sup> Anniversary celebrations of the proclamation of the City of South Perth, the City undertake the process of advertising for 'Expressions of Interest' for suggestions of a civic art piece or similar statement in Sir James Mitchell Park, to mark this occasion.*

**Reason for Change**

*Elected Members were of the opinion that the proposal to produce a life sized bronze statue of Sir James Mitchell to be erected in Sir James Mitchell Park to mark the 50<sup>th</sup> Anniversary of the City of South Perth is too premature and should be opened up to public engagement.*

The background to this resolution is contained in the report item that resulted in the resolution detailed above. In summary, a proposal was placed before Council to commission a piece of public art or similar statements as part of the City's celebration of its 50<sup>th</sup> Anniversary in 2009.

**Comment**

In order to progress this resolution, a notice inviting *Expressions of interest* of ideas should be placed in the, the *Southern Gazette*, on the City's website and on the City and Library notice boards inviting submissions from members of the public on this subject so that Council can give further consideration to this proposal.



A proposed *Expressions of Interest*, refer **Attachment 10.2.2**, was prepared for Elected Member consideration and circulated on 28 November 2008. In order to widen the appeal of the project, the *Expressions of Interest* document has also been worded to modify the location of the piece (or pieces) of public art or similar statements to any location within the City rather than simply at Sir James Mitchell Park.

It is intended to commence the advertisement process before the end of 2008. The closing date for submissions has been suggested as Friday 30 January 2009.

The intention is to generate ideas from the community as to how the 50<sup>th</sup> Anniversary of the City can best be commemorated in the form of a lasting memorial. It is not the intention at this stage to commission a piece of art or similar – rather than to simply call for suggestions that may be considered. When submissions have been received, there are a number of alternative options as to how to progress the assessment process:

1. A Council Committee could be formed to consider nominations and make recommendations to Council on the preferred piece or pieces of art or similar.

Under section 5.8 of the *Local Government Act*, Council may establish a Committee of three or more persons to assist Council to exercise its powers. A Committee may comprise Council Members only or may consist of Council Members, officers and other persons. The City's Standing Orders Local Law requires that a resolution to establish a Committee under section 5.8 is to include Terms of Reference and the number of Councillors, Officers and other persons who are to be appointed to the Committee. The Act requires that an Absolute Majority pass the Resolution.

If this course of action is chosen, it is recommended that the City's Manager Libraries and Heritage, Cheryl Parrott, be appointed to the Committee.

5

2. An informal Briefing of Elected Members could be held to discuss the relative merits of each proposal received and a report subsequently prepared for Council decision; **OR**
3. Staff could assess the suggestions received and report to Council on the assessment conducted on each of the ideas.

So that the next stage of the process can proceed as efficiently as possible, it is important that Council determines which assessment process is required.

If Council chooses to select the formation of a Council Committee, the following resolutions should be considered in lieu of recommendation 10.2.2 (b):

- (b) appoint a Committee of Council called "50<sup>th</sup> Anniversary Public Art Committee" for the purpose of assessing Expressions of Interest received and making a recommendation to Council for consideration; and
- (c) appoint Councillors .....and the City's Manager Libraries and Heritage, to the Committee.

Following selection of the piece of public art or similar statement, further *Expressions of Interest* be called from suitable artists so that a final selection can be made on the item to be commissioned. At this time it is suggested that independent external advice be sought from an organisation such as Artsouce. This stage of the process does not need to be determined at this time.

### **Consultation**

No specific consultation has been conducted in relation to this proposal. Community input will be sought by way of suggestions as to how to best celebrate the 50<sup>th</sup> anniversary by commissioning a piece of public art or similar through an expressions of interest process.

### **Policy and Legislative Implications**

Policy and legislative implications are as discussed in the report.

### **Financial Implications**

Limited financial implications at this time. A budget provision will need to be made when the piece of art is commissioned. Council may wish to set a budget limit for this project at this time.

### **Strategic Implications**

This project is consistent with Strategic Plan Goal 2: Community Enrichment - *To develop strategic directions for events, arts including public art, leisure recreation and heritage that encourages a vibrant and participative community.*

### **Sustainability Implications**

Project assists with providing a diverse range of projects within the area of arts and culture.

<b>OFFICER RECOMMENDATION ITEM 10.2.2</b>
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That Council....

- (a) endorse the Expressions of Interest document procedure at **Attachment 10.2.2**, for calling for nominations for public art; and
- (b) determine which assessment process is required to select the piece of public art or similar so that the project can be taken to the next phase.

### MOTION

Cr Ozsdolay moved the officer Recommendation (a) together with Option 3, Sec Cr Cala

### MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

#### Cr Ozsdolay opening for the Motion

- support officer recommendation and Option 3
- believe Option 3 the most efficient way to go
- ultimately the decision will be made by Council
- support the Motion

#### Cr Cala for the Motion

- endorse Cr Ozsdolay's comments
- believe Councillors should stay at arms length
- support the Motion

#### Cr Smith against the Motion

- believe Council should lead rationale as to the way we go
- staff then work through suggestions/options
- ultimately Council makes the final decision
- against the Motion

#### Cr Ozsdolay closing for the Motion

- believe we can achieve the same outcome by getting officers to do the ground work
- have faith in officers assessing ideas/suggestions
- then bring back ideas to Council for a decision

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.2.2**

The Mayor put the Motion

That Council....

- (a) endorse the Expressions of Interest document procedure at **Attachment 10.2.2**, for calling for nominations for public art; and
- (b) staff assess the suggestions received and report to Council on the assessment conducted on each of the ideas.

CARRIED (11/2)

**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

**10.3.1 Retrospective Application for Fence within Front Setback Area : Solid above 1.2 metre height - Lot 12 (No. 41A) Coode Street, South Perth**

Location: Lot 12 (No. 41A) Coode Street, South Perth  
 Applicant: Pirone Builders  
 Lodgement Date: 17 July 2008  
 File Ref: 11.2007.326.2 CO6/41A  
 Date: 1 December 2008  
 Author: Laurence Mathewson, Trainee Planning Officer  
 Reporting Officer: Steve Cope, Director Development and Community Services

**Summary**

This retrospective application for planning approval relates to a fence within the front setback area that is solid above 1.2 metres in height. The officer report recommends that the application **be refused**.

**Background**

This report includes plans of the proposal referred to as **Attachment 10.3.1**.

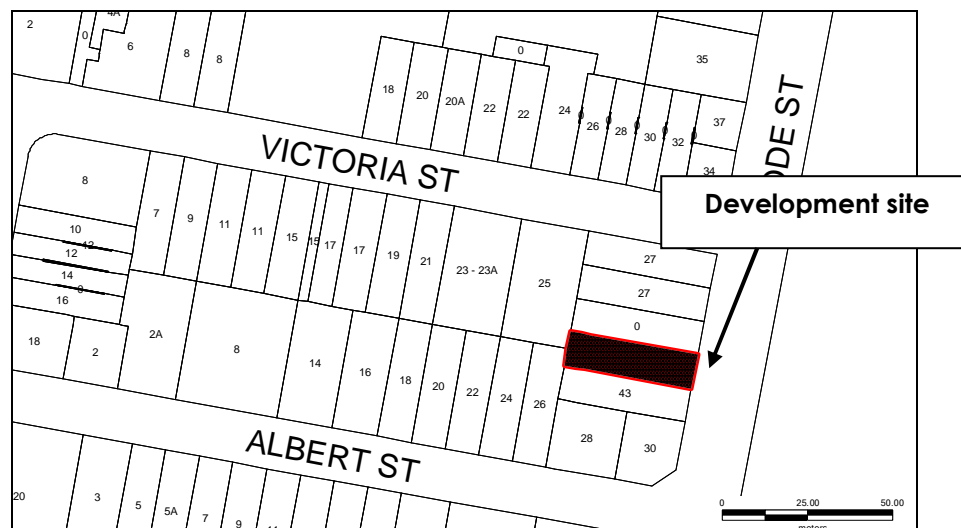
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15/30
<b>Lot area</b>	380 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 Single House
<b>Maximum Plot ratio</b>	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.*

The site is adjoined by existing residential development on the northern and southern sides. The location of the development site is shown below:



**Comment**

**(a) Description of the proposal**

The retrospective application is for a fence, a portion of which is solid above 1.2 metres. The non-compliant portion of the wall is shown in **Attachment 10.3.1**. The fence is located within the front setback area. An assessment of the proposal reveals departures from various provisions of the No. 6 Town Planning Scheme (TPS6) and the Residential Design Codes 2008 (R-Codes) which are discussed in more detail below. The officer recommends that the application for the proposed development **be refused**.

**(b) Street walls and fences**

The proposed front fence (solid above 1.2 metres) is in conflict with Clause 6.2.5 “*Street Walls and Fences*” of the R-Codes 2008 which requires:

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

The wall is solid to a maximum height of 1.75 metres, and therefore exceeds the specified maximum height of 1.2 metres. The proposal therefore does not comply with the acceptable development standards outlined in Clause 6.2.5.

R-Codes Clause 6.2.5 P5 Performance Criteria specifies that new development should meet the following criteria:

*“Front walls and fences to promote surveillance and enhance 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 to the front setback; or*
- *The need to provide privacy to north facing outdoor living areas.”*

The front fence is located on Coode Street, South Perth. Under the Main Roads “*Functional Road Hierarchy*” Coode Street is classified as a “Local Distributor”. This classification does not permit the construction of front walls and fences that are solid above 1.2 as the level of noise and headlight glare is considerably less than that experienced while living on primary distributors (such as Canning Highway), district distributors (such as Manning Road, Mill Point Road, Labouchere Road and South Terrace) or integrator arterials (none within South Perth).

The need to provide screening to the front setback area is explained further in the Explanatory Guidelines to “*Street Walls and Fences*” of the R-Codes.

*“High solid walls on the front boundary are undesirable as they disrupt the streetscape, destroy the setting of the building, and compromise security”.*

and;

*“The principles of visual permeability apply to all forms of street, including common streets. The exceptions to this principles are where a dwelling fronts on to an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road or, more rarely, where a wall is desirable to provide privacy to an outdoor living area.”*

*(R-Codes Explanatory Guidelines Part 6 Page 10 emphasis added.)*

In this instance the front setback area is not used as the exclusive outdoor living area of the subject dwelling, therefore a wall is not required to “*provide privacy to an outdoor living area*”. In response to the final performance criteria outlined in R-Codes Clause 6.2.5 the front setback area of the dwelling is not north-facing therefore there is no requirement to provide privacy to this area.

The proposed front fence therefore **does not comply** with either the acceptable development standards or performance criteria outlined in Clause 6.2.5 of R-Codes 6.2.5 “*Street Walls and Fences*”. Please note that since vehicular access for the dwelling is not provided from Coode Street, therefore there is no requirement for the front fence to comply with the visual truncation requirements specified under Clause 6.2.6 of the R-Codes.

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

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

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

The proposal for a fence, solid above 1.2 metres within the front setback area, is inconsistent with sub-clause (f) of Clause 1.6 outlined in TPS6.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of 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;*
- (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; and*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The proposed development is inconsistent with the matters listed above, specifically in relation to objective (c) and the development proposals failure to meet the R-Codes requirements outlined in Clause 6.2.5 “*Street Walls and Fences*”.

**Consultation**

**(a) Neighbour consultation**

In accordance with City Policy P104 “*Neighbour and Community Consultation*” there was no requirement to undertake neighbour consultation as part of the assessment.

**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.*

**Sustainability Implications**

Sustainability implications have been taken into consideration and no significant impact from a planning perspective is observed.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this retrospective application for planning approval for a front fence solid above 1.2 metres within the front setback area on Lot 12 (No. 41A) Coode Street, South Perth **be refused** for the following reasons:

- (a) The proposed front fence is not visually permeable above 1.2 metres and therefore does not comply with Clause 6.2.5 “*Street Walls and Fences*” of the R-Codes 2008.
- (b) Having regard to the matters identified in the reasons above, the proposed development conflicts with Clause 1.6 “Scheme Objectives” of the City’s Town Planning Scheme No. 6 (TPS6).
- (c) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Matters to be considered by Council” identified in Clause 7.5 of TPS6.
- (d) **Standard Advice Notes**  
651 (Appeal rights).

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

CARRIED EN BLOC RESOLUTION

**10.3.2 Retrospective Application for Fence within Front Setback Area : Solid above 1.2 metre height - Lot 13 (No. 43) Coode Street, South Perth**

Location: Lot 13 (No. 43) Coode Street, South Perth  
 Applicant: Pirone Builders  
 Lodgement Date: 17 July 2008  
 File Ref: 11.2007.325.2 CO6/43  
 Date: 1 December 2008  
 Author: Laurence Mathewson, Trainee Planning Officer  
 Reporting Officer: Steve Cope, Director Development and Community Services

**Summary**

This retrospective application for planning approval relates to a fence within the front setback area that is solid above 1.2 metres in height. The officer report recommends that the application **be refused**.

**Background**

This report includes plans of the proposal referred to as **Attachment 10.3.2**.

The development site details are as follows:

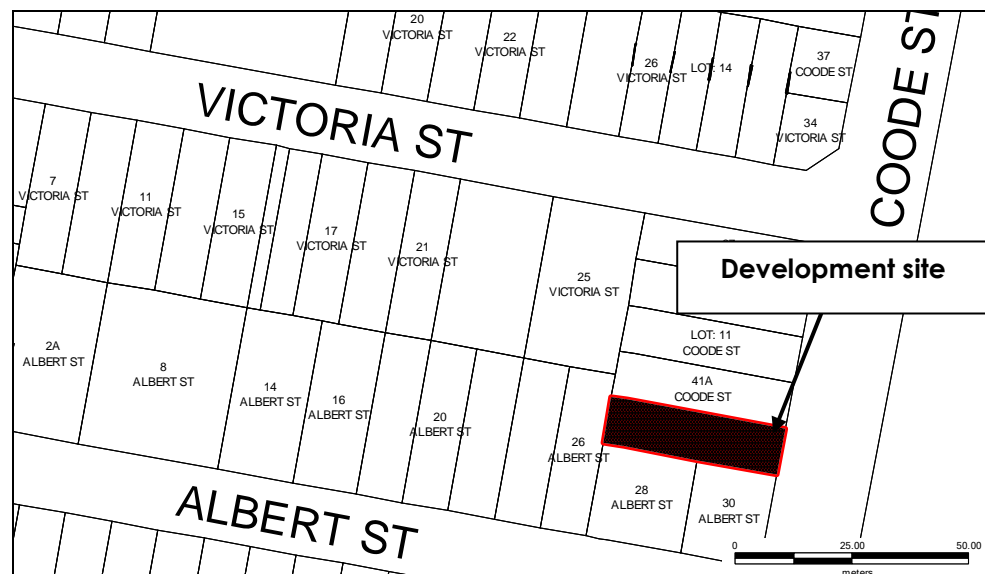
<b>Zoning</b>	Residential
<b>Density coding</b>	R15/30
<b>Lot area</b>	379 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 Single House
<b>Maximum Plot ratio</b>	Not applicable

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.*

The site is adjoined by existing residential development on the northern and southern sides. The location of the development site is shown below:



**Comment**

**(a) Description of the proposal**

The retrospective application is for a fence, a portion of which is solid above 1.2 metres. The non-compliant portion of the wall is shown in **Attachment 10.3.2**. The fence is located within the front setback area. An assessment of the proposal reveals departures from various provisions of the No. 6 Town Planning Scheme (TPS6) and the Residential Design Codes 2008 (R-Codes) and relevant Council Policies which are discussed in more detail below. The officer recommends that the application for the proposed development **be refused**.

**(b) Street walls and fences**

The proposed front fence (solid above 1.2 metres) is in conflict with Clause 6.2.5 “*Street Walls and Fences*” of the R-Codes 2008 which requires:

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

The wall is solid to a maximum height of 1.8 metres, and therefore exceeds the specified maximum height of 1.2 metres. The proposal therefore does not comply with the acceptable development standards outlined in Clause 6.2.5.

R-Codes Clause 6.2.5 P5 Performance Criteria specifies that new development should meet the following criteria:



*“Front walls and fences to promote surveillance and enhance 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 to the front setback; or*
- *The need to provide privacy to north facing outdoor living areas.”*

The front fence is located on Coode Street, South Perth. Under the Main Roads *“Functional Road Hierarchy”* Coode Street is classified as a *“Local Distributor”*. This classification does not permit the construction of front walls and fences that are solid above 1.2 as the level of noise and headlight glare is considerably less than that experienced while living on primary distributors (such as Canning Highway), district distributors (such as Manning Road, Mill Point Road, Labouchere Road and South Terrace) or integrator arterials (none within South Perth).

The need to provide screening to the front setback area is explained further in the Explanatory Guidelines to *“Street Walls and Fences”* of the R-Codes.

*“High solid walls on the front boundary are undesirable as they disrupt the streetscape, destroy the setting of the building, and compromise security”.*

and;

*“The principles of visual permeability apply to all forms of street, including common streets. The exceptions to this principles are where a dwelling fronts on to an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road or, more rarely, **where a wall is desirable to provide privacy to an outdoor living area.**”*

*(R-Codes Explanatory Guidelines Part 6 Page 10 emphasis added.)*

In this instance the front setback area is not used as the exclusive outdoor living area of the subject dwelling, therefore a wall is not required to *“provide privacy to an outdoor living area”*. In response to the final performance criteria outlined in R-Codes Clause 6.2.5 the front setback area of the dwelling is not north-facing therefore there is no requirement to provide privacy to this area.

The proposed front fence therefore **does not comply** with either the acceptable development standards or performance criteria outlined in Clause 6.2.5 of R-Codes 6.2.5 *“Street Walls and Fences”*. Please note that since vehicular access for the dwelling is not provided from Coode Street, therefore there is no requirement for the front fence to comply with the visual truncation requirements specified under Clause 6.2.6 of the R-Codes.

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

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

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

The proposal for a fence, solid above 1.2 metres within the front setback area, is inconsistent with sub-clause (d) and (f) of Clause 1.6 outlined in TPS6.

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

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

The proposed development is inconsistent with the matters listed above, specifically in relation to objective (c) and the development proposals failure to meet the R-Codes requirements outlined in Clause 6.2.5 “*Street Walls and Fences*”.

**Consultation**

**(a) Neighbour consultation**

In accordance with City Policy P104 “*Neighbour and Community Consultation*” there was no requirement to undertake Neighbour Consultation as part of the development assessment.

**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.*

**Sustainability Implications**

Sustainability implications have been taken into consideration and no significant impact from a planning perspective is observed.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this retrospective application for planning approval for a front fence solid above 1.2 metres within the front setback area on Lot 13 (No. 43) Coode Street, South Perth **be refused** for the following reasons:

- (a) The proposed front fence is not visually permeable above 1.2 metres and therefore does not comply with Clause 6.2.5 “*Street Walls and Fences*” of the R-Codes 2008.
- (b) Having regard to the matters identified in the reasons above, the proposed development conflicts with Clause 1.6 “Scheme Objectives” of the City’s Town Planning Scheme No. 6 (TPS6).
- (c) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Matters to be Considered by Council” identified in Clause 7.5 of TPS6.
- (d) **Standard Advice Notes**  
651 (Appeal rights).

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

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 10.3.3

The Mayor read aloud the following Declaration of Interest from Cr Grayden:

*“I wish to declare an “interest” in Agenda Item 10.3.3 ‘Application for Planning Approval for Retrospective Additions to 3 Multiple Dwellings within a 5-Storey Building at 6 Parker Street, South Perth on the December Council Agenda. The firm I work for is representing a client against the applicant at Agenda Item 10.3.3 on the December Council Agenda and as such I will leave the Council Chamber on 9 December at the Agenda Briefing and 16 December at the Council Meeting and not take part in the discussion or vote on this matter.”*

**Note:** Cr Grayden left the Council Chamber at 8.16pm

**10.3.3 Application for Planning Approval for Retrospective Additions to 3 Multiple Dwellings within a 5-Storey Building - Lot 10 (No. 6) Parker Street, South Perth**

Location: Lot 10 (No. 6) Parker Street, South Perth  
Owner / Applicant: Robert Auguste  
Lodgement Date: 19 May 2008  
File Ref: 11.2008.220 PA2/6  
Date: 9 December 2008  
Authors: Lloyd Anderson, Planning Officer; and  
Rajiv Kapur, Manager Development Services  
Reporting Officer: Steve Cope, Director Development and Community Services

**Summary**

To consider an application for planning approval for retrospective additions and modifications to an approved multiple dwelling building containing 3 multiple dwellings within a five-storey building on Lot 10 (No. 6) Parker Street, South Perth. This application was deferred from the November 2008 Council meeting at the applicant’s request. Since then, the applicant has submitted new information to the City which has led to further changes to the earlier report. The Officers observe that that the proposed modifications raise matters of non-compliance with the permissible building height limit, plot ratio and minimum wall setbacks. The Officers recommend to the Council that the proposed additions as presented not be supported, and modifications, as identified in the report, be carried out to bring the building in compliance with the statutory provisions.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R60
<b>Lot area</b>	572 sq. metres
<b>Building height limit</b>	9.75 metres
<b>Development potential</b>	3 Multiple Dwellings
<b>Plot ratio limit</b>	0.7

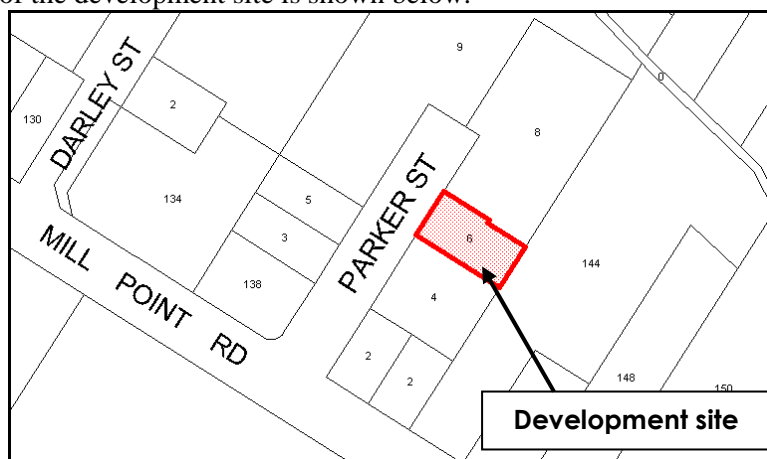
This report includes the following attachments:

**Confidential Attachment 10.3.3(a)** As constructed plans and as proposed modified plans of the proposal dated 5 December 2008.

**Attachment 10.3.3(b)** Applicant’s supporting letters.

**Attachment 10.3.3(c)** Site photographs.

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:

- (i) Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies; and
- (ii) 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.

- (iii) *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.*

### **Comments**

(a) **Background**

Development on this site has been subject to City and Council consideration since July 2001. The initial five-storey multiple dwelling building was first approved at the December 2004 Council meeting. Since then, there have been various planning applications lodged with the City for several amendments to this building. The applicant has been previously informed by the City's officers of the requirement to obtain necessary approvals from the City prior to going ahead with the developments.

The building is currently in the final stages of construction, as depicted in the site photographs of **Attachment 10.3.3(c)**, and awaiting final strata clearance from the City.

(b) **Description of the proposal**

The proposal before the Council is for retrospective additions and modifications to the approved plans, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. This report is based upon amended set of drawings dated 5 December 2008 submitted by the applicant which consist of the "as constructed plans" and "as proposed modified plans".

1. The applicant has not proposed any changes to the ground, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels.
2. Changes proposed by the applicant relate to the 4<sup>th</sup> and 5<sup>th</sup> floor levels.
3. On these levels, the applicant has reverted to the previous approvals by proposing the following modifications:
  - a. On the 4<sup>th</sup> floor level, removal of the door from the living area into the balcony (4<sup>th</sup> floor); reinstating bedroom 2 and placing walls around the previously approved "Void" space to make it unusable. Air conditioning duct previously opening into the balcony now opens into the Bedroom 2.
  - b. On the 5<sup>th</sup> floor level, removal of all doors, windows and their framework installed on the north-western face of the roofed terrace area (figure 1).
  - c. No glazing will be provided on the balcony or terrace openings, thus leaving them open as earlier approved with security wire mesh (figure 2).
4. The following variations are observed to be non-complying and are discussed in detail in this report:
  - a. The building exceeds the height limit. The November 2008 Council report states that the building is over-height by 5cm;
  - b. Additional plot ratio area is proposed which comprises of:
    - On the 4<sup>th</sup> floor level, floor area marked as "Voids" on the drawings between Bedroom 2, Living Room and Foyer;
    - On the 5<sup>th</sup> floor level, floor area marked as "Voids" on the drawings between Bedroom 1 and Powder room. As reported in the previous report, it was observed during a site inspection by an Officer that an awning window has been provided opening out of this space; and
    - Increase in the length of the passage on the 5<sup>th</sup> floor level.
  - c. Increased setback variation due to 5cm increase in building height.



**Figure 1:** Enclosure of Level 5 “Balcony” proposed to be removed.

**Figure 2:** “Balcony” with security mesh and without any glazing.

(c) **Planning aspects where no change has been proposed:**

As reported to the November 2008 meeting, no change has been proposed from the previous approvals with regards to the following matters:

1. Primary street setback and rear setback;
2. Minimum and maximum ground and floor levels;
3. Car parking and vehicular access;
4. Open space;
5. Boundary walls;
6. landscaping; and

(d) **Building height**

The prescribed building height limit for this site is 9.75 metres plus a 25 degree notional roof envelope. As per the detailed calculations reported to the November 2008 Council meeting, the building is over-height by 5cm, hence in conflict with Clause 6.2 "Maximum Building Height Limit" of Town Planning Scheme No. 6.

Clause 7.8 “Discretion to Permit Variations from Scheme Provisions” of TPS6, sub-clause (2) states:

*“The power conferred by sub-clause (1) if this clause shall not be exercised by the Council with respect to: (a) Building Height Limits referred to in Clause 6.2;”*

The officers have accordingly assessed this departure of 5cm from the permissible building height limit as a conflict with the Scheme provision, noting that the building height is not open to the exercise of discretion by Council. Therefore, the officers recommend that the building be modified to demonstrate compliance with the relevant provisions of TPS6.

It is also worth noting that had the roof been designed with an eaves projection, in accordance with the interpretation of Clause 6.2 of TPS6, the building height would have been measured to the bottom of the eaves. Since no drawings have been submitted by the applicant in this regard, it is not possible for the officers to make comments whether such a proposal would demonstrate compliance with the permitted building height or other relevant provisions.

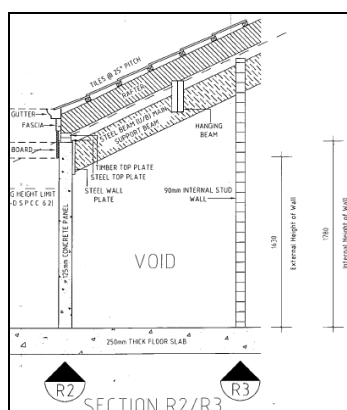
(e) **Plot ratio**

As reported to the November 2008 Council meeting, since the building was previously approved with the maximum allowable plot ratio area, any proposed additional floor area is seen to be above the permissible limit.

As explained under section (b) description of the proposal, an assessment of the amended set of drawings dated 5 December 2008 submitted by the applicant shows that the following additional plot ratio area is proposed:

1. On the 4<sup>th</sup> floor level, 5.0 sq. metres of floor area exists between Bedroom 2, Living Room and Foyer, where the proposed drawing carries a notation “reinstatement vacant enclosure and remove door”. This space was initially approved as a void. On the 5<sup>th</sup> floor level, 2.5 sq. metres of floor area exists between Bedroom 1 and Powder room, where the drawings carry a notation “void”. As stated earlier, an awning window has been provided opening out of this space.

Voids are spaces that are without any floor slab and are either meant to carry services such as air conditioning ducts, water supply and sewerage and drainage pipes, or are referred to spaces that give additional height to rooms at the level below. As voids are without any floor space, there do not add to the plot ratio area.



**Figure 3:** The “Void” with floor space of Level 5.

However, the owner / applicant has confirmed to the City that these spaces marked as “Voids” actually have floors built into them. The owner / applicant has stated that he has been of the understanding that floor space enclosed on all sides, thus inaccessible would not counted towards plot ratio area. Officers are concerned that demolition of any of the internal walls of these voids could result in additional useable floor space. Additionally, a photograph on file obtained recently while assessing this application shows an awning window built into the external wall of the void on fifth floor level.

The City’s officers recommend that either the floor slabs laid in these areas (which totals to 7.5 sq. metres) approved as voids be removed subject to complying with the structural requirements of the City’s building department; or, 7.5 sq. metres of plot ratio area from some other part of the building be removed.

2. 1.5 sq. metres of area that was previously approved as open has now been enclosed on the 5<sup>th</sup> floor level as a part of the passage which is for the exclusive use of the dwelling, hence taken towards plot ratio area. The City’s officers recommend that modifications be made to reduce the length of the passage in accordance with the earlier approval.

3. The applicant has earlier obtained approval to install security wire mesh on the openings to balcony and terrace on 4<sup>th</sup> and 5<sup>th</sup> floor levels to ensure the safety of his child (refer to Figure 1 below). A site inspection carried out by a City officer revealed that double channel frames were installed to these openings that could hold glazed windows in addition to the wire mesh. Provision of glass panels to the openings of this balcony will convert them into enclosed spaces resulting in additional plot ratio area.

For the terrace to be counted as open and not adding to the plot ratio area, it is required to have two sides considered to be completely open. In the past, having regard to the reasons provided by the applicant that the roof to the terrace area requires at least 750 mm wide structural columns, the Planning officers determined that the openings to the southeast and southwest basically balanced out and combined to provide one equivalent required opening. The other opening required was the northwest facing opening. In ordinary circumstances therefore this would have been acceptable and was conveyed to the applicant.

The applicant has now confirmed in writing that the opening to the balcony on 4<sup>th</sup> floor level and terrace on the 5<sup>th</sup> floor level will not contain any glazing with an aim to keep them open and unenclosed in accordance with the earlier approvals. The applicant has proposed to replace the double channel frames with single channel frames only holding the security wire mesh and with no provision for plastic blinds. The City's officers recommend that the above modifications be carried out. All doors, windows and their framework installed on the north-western face are also proposed to be removed.

If the Council decides to vary the officer recommendation, the decision will need to have due regard to the "stated purpose and aims of the Scheme" in terms of the amenity impact on the adjoining properties and "orderly and proper planning". The officers recommend that the Council adopts a consistent approach to the application of statutory provisions of the Scheme and the R-Codes.

**(f) Wall setback - Southwest**

The increase in the building height by 5 cm affects the setback of the south western wall at the 5<sup>th</sup> floor level. Noting that the approved wall height does not meet with the acceptable developments provisions, it was earlier approved as a setback variation under the performance criteria provisions.

As reported to the November 2008 Council meeting, the south western wall to the Terrace on Level 5 is setback from the boundary by 2.4 metres instead of 4.1 metres, as required by the acceptable development provisions. In accordance with the performance criteria provisions of Clause 6.3.1 of the R-Codes, it is observed that the proposed increase in the wall height by 5cm:

- will provide adequate ventilation and sun to the subject site;
- will provide adequate sun and ventilation to the neighbouring property;
- will not create a significantly large additional building bulk as perceived from the adjoining property; and
- will not cause any privacy issues.

Therefore, the wall setback variation caused by an increase its height by 5cm is seen to comply with the performance criteria provisions of Clause 6.3.1 of the R-Codes. Therefore, the officers recommend to the Council that this variation be approved.



**(g) Permanent Visual privacy screens**

The visual privacy screens that have been fitted to the building are temporary, made of plywood and affixed with removable tek screws. As the materials used for this screening are not permanent, they cease to comply with Clause 6.8.1.A1(ii) of the R-Codes, which requires "... permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space". Therefore, these screens do not comply with Clause 6.8.1 "Visual Privacy" of the R-Codes.

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

As reported to the November 2008 Council meeting, the maximum area of overshadow permitted is 489 sq. metres (50 percent); the proposed overshadow is 116 sq. metres (12 percent), therefore, the proposed development complies with the solar access element of the R-Codes.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls; and*
- (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.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of 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;*
- (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;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (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;*
- (q) *the topographic nature or geographic location of the land; and*

### **Consultation**

#### **(a) Design Advisory Consultants' comments**

The subject retrospective additions to the existing building were not referred to the Design Advisory Consultants (DAC) meeting. DAC provides input on the overall architectural design of the built form and its compatibility with the existing streetscape character. Referral to the DAC was not required for the retrospective additions as the overall architectural design of the built form is unchanged and the issues discussed in this report are planning related. It is also noted that this application has been to DAC meetings several times in the past.

#### **(b) Neighbour consultation**

As reported to the November 2008 Council meeting, 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 1-4, 2-4, 3-4 and 4-4 Parker Street were invited to inspect the application and to submit comments during a 14-day period. A total of 8 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

#### **(c) Other City Departments**

As reported to the November 2008 Council meeting, comments were received from the City's Strategic Urban Planning Advisor, Development Services and Team Leader, Building Services that the fascia-board and barge-board are not a part of the roof and form a part of the wall, hence the building height calculation.

### **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.*

### **Sustainability Implications**

Sustainability implications have been taken into consideration. The retrospective modifications, being discussed in this report are observed not to have any greater impact in terms of sustainability.

**Conclusion**

Over a period of time, the applicant has carried out unauthorised works contrary to the Act and the Scheme by constructing structures that are not compliant with planning and building approvals. These unauthorised works were detected by the City after the applicant requested strata clearance from the City.

As discussed in relevant sections above, owing to the conflicts with Scheme provisions shown on the submitted drawings, the officers recommend that the application be refused for the stated reasons.

The officers also recommend to the Council that the applicant be requested to submit another application for planning approval, supported by revised drawings which satisfactorily address the reasons for refusal of the current application. Upon receipt of the new application and satisfactory revised drawings, the Manager Development Services be authorised to grant planning approval under delegated authority, subject to appropriate standard conditions.

**OFFICER RECOMMENDATION ITEM 10.3.3**

That.....

(a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective modifications regarding additional building height, additional plot ratio, reduced wall setbacks and removal of privacy screens, on Lot 10 (No. 6) Parker Street, South Perth **be refused** for the following reasons:

**(i) Specific Reasons**

- (A) The proposed development does not comply with Clause 6.2 “Building Height Limit” of Town Planning Scheme No. 6 (TPS6).
- (B) The proposed development does not comply with the maximum plot ratio of 0.7 prescribed by the Residential Design Codes 2008 (R-Codes) and exceeds the permissible limit by 9.0 sq. metres [Also refer to Specific Advice Notes (A) and (B)] .
- (C) The proposed development does not comply with Clause 6.8.1 “Visual Privacy” of the R-Codes as the visual privacy screens are required to be permanently affixed.
- (D) Having regard to the reasons mentioned above, the proposed development does not comply with Clause 1.6.2 “Scheme Objectives” of TPS6, specifically sub-clauses a, e, and f.
- (E) Having regard to the reasons mentioned above, the proposed development does not comply with Clause 7.5 (Matters to be Considered by Council) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically sub-clauses a, b, c, i, j, k, n and q.

**(ii) Standard Advice Notes**

651 (appeal rights).

**(iii) Specific Advice Notes**

- (A) In addition to the reduction of 9.0 sq. metres of plot ratio area, and as shown on the drawings by the applicant, the openings to the balcony on 4<sup>th</sup> floor level and terrace on the 5<sup>th</sup> floor level will be maintained as previously approved and without any glazing. The double channel frames are to be replaced with single channel frames which only hold the security wire mesh. No plastic blinds are to be installed on these openings.

- (B) In addition to the reduction of 9.0 sq. metres of plot ratio area, and as shown on the drawings by the applicant, all doors, windows and their supporting framework installed on the north-western face of the terrace on the 5<sup>th</sup> floor level are to be removed.
  - (C) The applicant is advised of the requirement to bring the as constructed building into compliance prior to the issue of a strata clearance by the City's building department.
- (b) the applicant be requested to submit another application for planning approval, supported by revised drawings which satisfactorily address the reasons for refusal of the current application; and
  - (c) upon receipt of the new application and satisfactory revised drawings, the Manager Development Services be authorised to grant planning approval under delegated authority, subject to appropriate standard conditions.

<b>Footnote:</b> A full list of Standard Conditions and Important Notes is available for inspection at the Council Offices during normal business hours.
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#### OFFICER RECOMMENDATION

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

#### MOTION

Moved Cr Smith, Sec Cr Hasleby

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective modifications regarding additional building height, additional plot ratio, reduced wall setbacks and removal of privacy screens, on Lot 10 (No. 6) Parker Street, South Perth **be refused** for the following reasons:
  - (i) **Specific Reasons**
    - (A) The proposed development does not comply with Clause 6.2 "Building Height Limit" of Town Planning Scheme No. 6 (TPS6).
    - (B) The proposed development does not comply with Clause 6.8.1 "Visual Privacy" of the R-Codes as the visual privacy screens are required to be permanently affixed.
    - (C) Having regard to the reasons mentioned above, the proposed development does not comply with Clause 7.5 (Matters to be Considered by Council) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically sub-clauses (a) and (b).
  - (ii) **Standard Advice Notes**  
651 (appeal rights).
  - (iii) **Specific Advice Notes**  
The applicant is advised of the requirement to bring the as constructed building into compliance prior to the issue of a strata clearance by the City's building department.
- (c) the applicant be requested to submit another application for planning approval, supported by revised drawings which satisfactorily address the reasons for refusal of the current application; and
- (d) upon receipt of the new application and satisfactory revised drawings, the Manager Development Services be authorised to grant planning approval under delegated authority, subject to appropriate standard conditions.

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

Cr Smith opening for the Motion

- reiterate Council has no discretion
- ask Council act in good faith - remove height issue
- height issue approximately 2”or 50mm - what are we going to achieve?
- ask Councillors to go outside parameters - for sensibility for such a minimal change - what are we going to achieve?
- by going outside, we leave ourselves open to someone challenging decision or worse using it later on where they may have a height above an acceptable level
- problem is with interpretation - ask Councillors to ‘stick their necks out’
- have been warned that we are out on a limb - but in all consciousness cannot favour amount of money required for developer to change configuration of roof for sake of 9 sq.m
- ask Councillors to act in good faith

FORESHADOWED MOTION

Cr Smith Foreshadowed that he would be making changes to the Motion if the current Motion is lost.

Chief Executive Officer point of clarification - Council has no discretion to approve the height variation, ie it does not have the legal ability to approve a building in excess of the approved height. He said he accepted the argument that only 5cm is involved but that unfortunately we have to follow the law. Council does have discretion to vary plot ratio and therefore the alternative Motion proposed has taken out the reference to plot ratio as grounds for refusal. He further stated that the planning officers have come up with a process to simply extend the roof and bring back the eaves by approximately 5cm lower than they currently are.

Cr Ozsdolay point of clarification - Cr Smith, the mover of the Motion has Foreshadowed his own Motion.

The Mayor confirmed this was correct and suggested Cr Smith Move or Withdrawn the Motion.

MOTION WITHDRAWN

Cr Smith withdrew the Motion.

MOTION

Moved Cr Hasleby, Sec Cr Best

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective modifications regarding additional building height, additional plot ratio, reduced wall setbacks and removal of privacy screens, on Lot 10 (No. 6) Parker Street, South Perth **be refused** for the following reasons:

**(i) Specific Reasons**

- (A) The proposed development does not comply with Clause 6.2 “Building Height Limit” of Town Planning Scheme No. 6 (TPS6).
- (B) The proposed development does not comply with Clause 6.8.1 “Visual Privacy” of the R-Codes as the visual privacy screens are required to be permanently affixed.
- (C) Having regard to the reasons mentioned above, the proposed development does not comply with Clause 7.5 (Matters to be Considered by Council) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically sub-clauses (a) and (b).

- (ii) **Standard Advice Notes**  
651 (appeal rights).
- (iii) **Specific Advice Notes**  
The applicant is advised of the requirement to bring the as constructed building into compliance prior to the issue of a strata clearance by the City's building department.
- (b) the applicant be requested to submit another application for planning approval, supported by revised drawings which satisfactorily address the reasons for refusal of the current application; and
- (c) upon receipt of the new application and satisfactory revised drawings, the Manager Development Services be authorised to grant planning approval under delegated authority, subject to appropriate standard conditions.

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

#### MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

##### Cr Hasleby opening for the Motion

- acknowledge the changes made to recommendation
- aware we have no discretion on height variances
- replacement Motion sets out what is required by owner of the building to get planning approval
- believe it is a solution that will resolves this matter
- urge Councillors to support Motion

#### **COUNCIL DECISION ITEM 10.3.3**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective modifications regarding additional building height, additional plot ratio, reduced wall setbacks and removal of privacy screens, on Lot 10 (No. 6) Parker Street, South Perth **be refused** for the following reasons:
  - (i) **Specific Reasons**
    - (A) The proposed development does not comply with Clause 6.2 "Building Height Limit" of Town Planning Scheme No. 6 (TPS6).
    - (B) The proposed development does not comply with Clause 6.8.1 "Visual Privacy" of the R-Codes as the visual privacy screens are required to be permanently affixed.
    - (C) Having regard to the reasons mentioned above, the proposed development does not comply with Clause 7.5 (Matters to be Considered by Council) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically sub-clauses (a) and (b).
  - (ii) **Standard Advice Notes**  
651 (appeal rights).
  - (iii) **Specific Advice Notes**  
The applicant is advised of the requirement to bring the as constructed building into compliance prior to the issue of a strata clearance by the City's building department.

- (b) the applicant be requested to submit another application for planning approval, supported by revised drawings which satisfactorily address the reasons for refusal of the current application; and
- (c) upon receipt of the new application and satisfactory revised drawings, the Manager Development Services be authorised to grant planning approval under delegated authority, subject to appropriate standard conditions.

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

CARRIED (9/3)

Reason for Change

Council exercised discretion in relation to the minor plot ratio.

**Note:** Cr Grayden returned to the Council Chamber at 8.35pm

**10.3.4 Proposed Two-Storey Single House Lot 17 (No. 18) Wattle Street, South Perth**

Location:	Lot 17 (No. 18) Wattle Street, South Perth
Applicant:	Lisa and Greg Robinson
Lodgement Date:	14 November 2008
File Ref:	11.2008.250.2 WA7/18
Date:	1 December 2008
Author:	Matt Stuart, Senior Statutory Planning Officer
Reporting Officer:	Steve Cope, Director Development and Community Services

**Summary**

A planning application was received in June 2008 for a two-storey Single House at Lot 17 (No. 10) Wattle Street, South Perth. The application was refused by the City under delegated authority, and consequently the applicant has chosen to exercise the right to appeal before the Council for a favourable determination. The proposal conflicts with Clause 6.9.1 “Solar Access for Adjoining Sites” of the 2008 R-Codes, which require the overshadowing of the neighbouring lot to comply with the permissible limits. It is recommended that the proposed development be refused.

**Background**

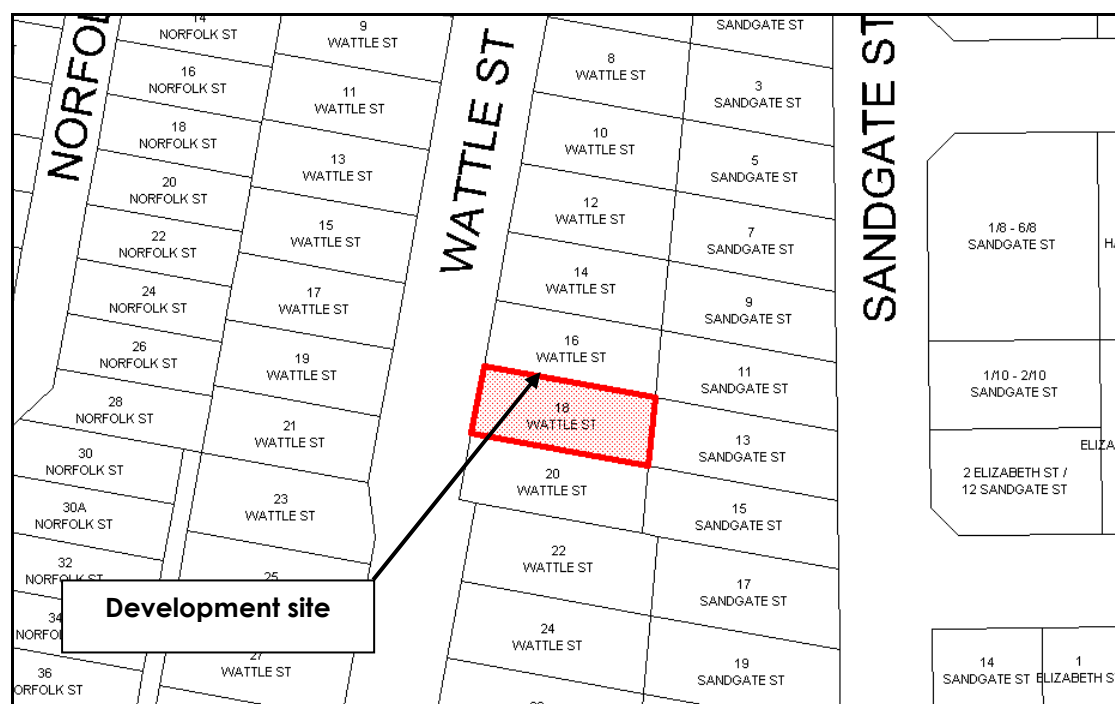
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	564 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 Dwelling
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Site photographs.
- Attachment 10.3.4(c)** Applicant’s supporting report.

The location of the development site is shown below:



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

**6. *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.*

**7. *Neighbour comments***

*In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.*

In relation to item 6 above, the extent of amenity impact arising from the proposal is considered unacceptable.

**Comment**

**(a) Existing development on the subject site**

The existing development on the subject site currently features a Single House, as depicted in the site photographs of **Attachment 10.3.4(b)**.

**(b) Description of the proposal**

A planning application was received in June 2008 for a two-storey Single House at Lot 17 (No. 10) Wattle Street, South Perth. The application was refused by the City under delegated authority, and subsequently the applicant has chosen to exercise the right for the application to be considered and determined by Council.

The proposal involves the construction of a two-storey Single House, as depicted in the submitted plans of **Confidential Attachment 10.3.4(a)**.

The applicant's letter at **Attachment 10.3.4(c)** puts forward justification for approval.



The proposal complies with all other *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council Policies requirements with the exception of a non-complying issue, discussed in detail below.

(c) **Residential density**

The permissible residential density is one dwelling, whereas the proposed residential density is one dwelling; therefore the proposed development complies with the density controls in Table 1 of the R-Codes.

(d) **Finished ground and floor levels - Minimum**

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with Clause 6.9.2 "Minimum Ground and Floor Levels" of TPS6.

(e) **Finished ground and floor levels - Maximum**

The proposed finished floor level of 10.2 metres RL (relative level) complies with the maximum permitted finished *floor* level in accordance with Clause 6.10.1 "Maximum Ground and Floor Levels" of TPS6.

The maximum permissible finished ground level is RL 9.90 metres, whereas the proposed finished ground level along the northern boundary is 10.02 metres. The proposed ground level along the northern boundary therefore does not comply with the equal cutting below and filling above the natural ground level at the perimeter of the site along this side as prescribed by this clause.

However, performance based assessment of the ground level in accordance with sub-clauses (3)(a) and (3)(b) demonstrates that an additional 0.12 metres filling of the ground will not unreasonably adversely affect the amenity of the neighbouring property in relation to visual impact and overshadowing. The proposed ground level also assists in reducing the difference between their floor and ground levels to no more than two brick courses, hence seen to enhance the amenity of the residents of the subject property. Therefore, an assessment of the ground level against the performance based criteria demonstrates compliance with Clause 6.10.3 "Maximum Ground and Floor Levels" of TPS6.

(f) **Street setback**

The permissible average street setback is 6.0 metres, whereas the proposed building setback is 6.0 metres; therefore the proposed development complies with Table 1 of the R-Codes.

(g) **Wall setbacks**

In assessing wall setback, it is considered that the proposal complies with the Acceptable Development standards of the R-Codes.

(h) **Building height**

The maximum permissible building height limit is 7.0 metres; whereas the proposed building height is 7.0 metres; therefore the proposed development complies with Clause 6.2 "Maximum Building Height Limit" of TPS6.

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

The maximum area of overshadow permitted is 145 sq. metres (25 percent); whereas the proposed overshadow is 168 sq. metres (29 percent), therefore the proposed development does not comply with the acceptable development provisions relating to the solar access element of the R-Codes.

Where a development does not comply with the acceptable development provisions, in accordance with Clause 2.5 “Exercise of discretion” and associated Explanatory Guidelines contained within the R-Codes 2008 (*pages 3 and 4 of Part 2 “Codes approval process”*), an applicant may seek a discretionary approval from a Council. All codes provisions with the exception of the site area requirements set out in Table 1 are open to the exercise of discretion. In this regard, the Explanatory Guidelines state as follows:

*“In considering whether to grant a discretionary approval, Council should adopt a consistent approach taking into account:*

- *The performance criteria relating to the matter for which discretionary approval is sought;*
- *The relevant provisions of the scheme; and*
- *The relevant contents of a local planning policy prepared in accordance with the codes.”*

For the purpose of exercising discretion, there are no specific provisions of the scheme or the local planning policy that provide guidance in relation to assessing overshadowing. The stated purpose and aims of the scheme and consideration for orderly and proper planning have been discussed in sections (n) and (o) of this report and officers’ concerns have been identified.

Discretion can be exercised if the application complies with the following performance criteria provisions relating to Clause 6.8.1 “Solar Access for Adjoining Sites” of the R-Codes 2008:

*“ Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:*

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *Solar collectors; or*
- *Balconies or verandahs.”*

An assessment shows that the proposed development overshadows two major openings to habitable rooms of the adjoining property as well as its outdoor living area and verandah, hence does not satisfy the abovementioned performance criteria. Based upon the explanation provided above, the officers recommend to the Council that a discretionary approval not be granted.

The applicant’s justification on this matter is (**Attachment 10.3.4(c)** refers):

- Great care and pains have occurred to make the home fit in with the street;
- It is acknowledged that the development does not comply with a regulation that changes constantly on the basis of the sun movement;
- The overshadow is insignificant;
- The overshadowing of the rear yard is less than 25 percent;
- The neighbours have provided a positive comment;
- Suburbs are going to change in the future; and
- Forward thinking and common sense should prevail.

The City has informed the applicant of the non-complying issue and the inability of the City officers to approve the current design. The City has also informed the applicant of the changes to the design that help achieve compliance, such as moving a portion of the building away from the boundary, reducing the finished floor levels, increasing the wall setbacks and reducing the building height.

If the applicant is prepared to make the above changes in order to resolve this issue, design changes would be required. The process of amending the design will require lodgement of a new planning application, further planning assessment and neighbour consultation. As a consequence, the granting of planning approval would be regarded in planning and legal terms as an inappropriate planning condition.

**(j) Visual privacy setbacks**

In assessing visual privacy setbacks, it is considered that the proposal complies with the Acceptable Development standards and Performance Criteria of the R-Codes, which is supported by the City.

**(k) Plot ratio**

There is no plot ratio control for this site, being either a residential or non-residential use.

**(l) Open space**

The required minimum open space is 50 percent (282 sq. metres); the proposed open space is 59 percent (331 sq. metres), therefore the proposed development complies with the open space element of the R-Codes.

**(m) Car parking**

The required number of car bays is two; the proposed number of car bays is two, therefore the proposed development complies with the car parking element of the R-Codes.

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

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

*(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;*

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

The following general Scheme Objectives are **not** met:

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

*(e) Ensure community aspirations and concerns are addressed through Scheme controls;*

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of 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;*
- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (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 owners of the property at No. 20 Wattle Street were invited to inspect the application and to submit comments during a 14-day period. A total of one neighbour consultation notice was mailed to an individual property owner. During the advertising period, one submission was received in favour of the 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.*

### **Sustainability Implications**

The proposed development has been designed keeping in mind the sustainability design principles. The proposal maximises solar access to habitable rooms and private outdoor spaces for the subject property. However, due to the east-west orientation of the lot, the development is observed to have an adverse impact on the solar access to the adjoining southern property, especially to its habitable room and outdoor living area.

**Conclusion**

The proposed development will have a detrimental impact on the adjoining residential property as it does not meet the relevant R-Codes objectives and provisions. For these reasons the officers recommend that the application be refused.

**OFFICER RECOMMENDATION ITEM 10.3.4**

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 on Lot 17 (No. 18) Wattle Street, South Perth, be **refused** due to the following reason:

- (a) The proposed development does not comply with the Acceptable Development or Performance Criteria 6.9.1 (Solar Access for Adjoining Sites) of the Residential Design Codes of WA, specifically the 28.9 percent (168 sq. metres) overshadow in lieu of 25 percent (145 sq. metres).

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

- (b) **Standard Advice Notes**  
651 Appeal rights - SAT

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

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Hasleby, Sec Cr Gleeson

That....

- (a) the officer recommendation not be adopted; and  
(b) pursuant to the provisions of the City of South Perth Town Planning Scheme No.6 and Metropolitan Region Scheme, the application for planning approval for a two-storey Single House on Lot 17 (No.18) Wattle Street, South Perth, **be approved** subject to standard conditions.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hasleby opening for the Motion

- degree of overshadowing of neighbouring lot by proposed development is minor
- owner of adjoining property directly affected by overshadowing, in favour of proposal
- interesting point raised at Deputation - if there is not a second storey there would still be overshadowing by a single storey development
- ask Councillors support the Motion

**COUNCIL DECISION ITEM 10.3.4**

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted; and
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No.6 and Metropolitan Region Scheme, the application for planning approval for a two-storey Single House on Lot 17 (No.18) Wattle Street, South Perth, **be approved** subject to standard conditions.

CARRIED (13/0)

Reason for Change

Council believed the degree of overshadowing of the neighbouring lot by the proposed development is minor (maximum permitted in the R-Codes is 25% whereas the proposed overshadow is 29%).

**10.3.5 Request for Amendment to Town Planning Scheme No. 6. Increase in density coding from R40 to R40/60 for Lot 50 (No. 32) Jubilee Street cnr Weston Avenue, South Perth**

Location: Lot 50 (No 32) Jubilee Street cnr Weston Avenue, South Perth.  
 Applicant: The Planning Group, on behalf of Owners of Strata Plan 5025: Westpoint Apartments Strata Management  
 File Ref: LP/209/19 JU1/32  
 Date: 1 December 2008  
 Author: Gina Fraser, Senior Strategic Planning Officer  
 Reporting Officer: Steve Cope, Director, Development and Community Services

**Summary**

The Council has received a request for an amendment to Town Planning Scheme No. 6 (TPS6) to increase the density coding from R40 to R40/60 for Lot 50 (No 32) Jubilee Street cnr Weston Avenue, South Perth. Council's discretion may be exercised as to whether or not to initiate the Amendment process. However, once the process has formally commenced, the Minister for Planning has the ultimate authority to decide whether the Amendment is to proceed to finality. The recommendation is that Council resolve to initiate the Scheme Amendment process for the requested purpose, and to prepare draft Amendment proposals for community consultation, in order to test local community opinion on the proposal.

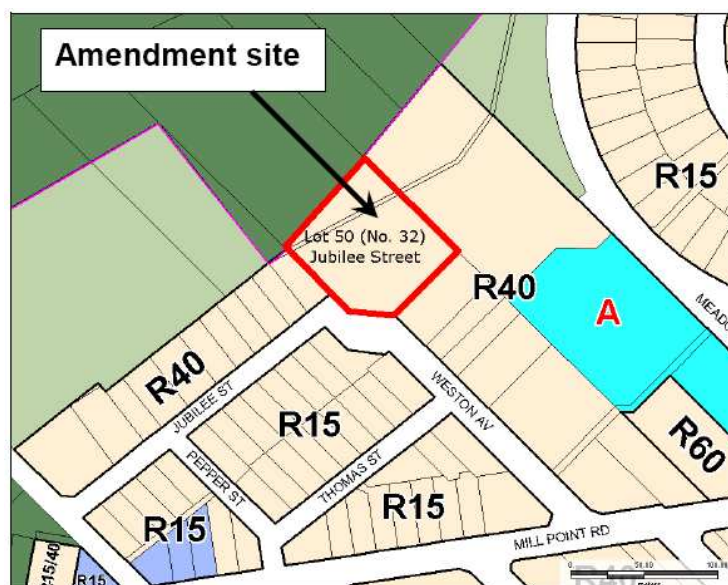
**Background**

The Amendment site details are as follows:

<b>Zoning</b>	Residential.
<b>Current density coding</b>	R40.
<b>TPS6 Amendment proposal</b>	Increase to R40/60.
<b>Lot area</b>	6,537 sq. metres.
<b>Building height limit</b>	10.5 metres - <i>no change is proposed.</i>
<b>Existing Development</b>	2-storey development comprising 30 Multiple Dwellings
<b>Development potential</b>	Potential at current R40: 29 Grouped Dwellings; Potential at requested R60: 36 Grouped dwellings or 39 Multiple Dwellings;
<b>Proposed development at R60</b>	3-storey development comprising 35 Multiple Dwellings

This report includes **Attachment 10.3.5**, being the applicant’s report explaining and supporting the Amendment request.

The location of the development site is shown below. The site is adjoined by the Sir James Mitchell Park foreshore reserve to the north-west; a ‘gated’ Grouped Dwelling development at No. 44 Meadowvale Avenue to the north-east, seven Grouped Dwellings at 17 Weston Avenue, and a Single House at 28 Jubilee Street. All of this surrounding land is zoned Residential with a density coding of R40 and a Building Height Limit of 10.5 metres. Diagonally opposite the subject site, the land is coded R15 with a Building Height Limit of 7.0 metres.



The request is for an amendment to TPS6 to increase the density coding of the subject site from R40 to R40/60 to facilitate redevelopment of a particular form.

The proponent’s report at **Attachment 10.3.5** contains a detailed analysis of the proposal and explains the need for a density coding increase to R40/60.

**Comment**

|

**(a) History of zoning and density coding of Lot 50**

**(i) Town Planning Scheme No. 2**

TPS2 operated from 1972 to 1986. The early history of zoning of this site is relevant because the site was developed in its current form in 1976 under TPS2. Under that Scheme, the zoning was General Residential GR5A, which permitted, among other uses, Row Houses, Patio Houses, Town Houses, Dwelling House, Duplex, Triplex, Quadruplex and Flats. The maximum plot ratio based on the land area of the site was 1.03. Council did not impose a 90 sq.metre minimum unit size until Policy D5.2 was adopted in 1981. The current development was approved as Flats, now classified as Multiple Dwellings. There was no height restriction at that time. As noted above, the existing development comprises 30 Multiple Dwellings in two-storey configuration.

(ii) Town Planning Scheme No. 5

Under TPS5, the zoning of the site was Residential with a density coding of R50 and a Building Height Limit (BHL) of 10.5 metres. Under the 1985 R Codes, a maximum of 32 Multiple Dwellings @ 90 sq. metres were permitted.

(iii) Town Planning Scheme No. 6

The draft TPS6 was originally advertised in both 1998 and 2002 with a density coding of R15/40 and a Building Height Limit of 7.0 metres for the subject site. Following the 2002 submission period, in response to submissions, the Council recommended to the Western Australian Planning Commission and the Minister that the density coding be increased to R50 with a BHL of 10.5 metres for Weston Avenue properties, including the subject site. However, reflecting the Minister's direction, the TPS6 was ultimately approved with a coding of R40 but a BHL of 10.5 m for the subject site. It is unusual in TPS6 for density coding below R60 to be allocated a 10.5m BHL, which usually relates only to codings of R60 and higher.

**(b) Description of the existing development**

The amendment site currently comprises two land parcels of 1,325 sq. metres and 5,212 sq. metres, respectively situated to the north and south of a 3.0 metre wide Sewerage Reserve which diagonally traverses the north-eastern corner of the lot. The lot has a relatively short frontage to the street, but a wide frontage to the foreshore reserve, with three sides adjoining other residential sites.

The 6,537 sq. metre amendment site currently accommodates 30 Multiple Dwellings in two-storey buildings arranged in a U-shape around three sides of the site, with the open side facing towards the river, to maximise river views. The centre of the site is developed with an open communal garden, including a mature Morton Bay fig tree. Approximately one third of this central area comprises driveway access to car parking bays for the dwellings located along the north-eastern boundary of the site.

The existing development was built in 1976, and approved under the City's former TPS2. Under the currently operative TPS6, 'Multiple Dwellings' is an 'X' (prohibited) use in areas coded R40 or lower. The current use is therefore a 'Non-Conforming Use'. The development potential of the site at R40 coding under the 2008 R-Codes is 29 Grouped Dwellings, which is one less than the number of Multiple Dwellings in the existing development.

Where an approved existing development comprises a greater number of dwellings than is now permitted by TPS6, or has a higher plot ratio than the currently prescribed maximum, or a dwelling type that is not otherwise permitted on the site, clause 6.1 provides for the replacement of 'like with like'. This applied to both the number and type of dwellings and also the plot ratio. In the current case, clause 6.1 would permit the replacement of the existing 30 Multiple Dwellings, despite both the number and type of dwellings not normally being permitted within the R40 coding. However, the Owners would like an additional five dwellings which cannot be accommodated by clause 6.1. To achieve this, a higher density coding needs to be allocated to the site through a Scheme Amendment.



(c) **Description of desired form of redevelopment**

The existing development of 30 Multiple Dwellings in a two-storey configuration is over 32 years old. The Owners wish to totally redevelop the site in order to achieve substantial upgrading. Their proposal, should the requested increase in density coding be approved, is to build a total of 35 Multiple Dwellings in a three-storey configuration. These would comprise 30 'replacement' dwellings for the existing owners, and five additional dwellings. Sale of the five additional dwellings is needed to help fund the development. However, this cannot be achieved at the current R40 coding. It could only be achieved if the site qualified for development at R60 density coding. The development potential of the site under TPS6 and the 2008 R-Codes is tabulated below, based on R40, R50 and R60 density coding respectively:

Density Coding	Development potential
R40	29 Grouped Dwellings
R50	36 Grouped Dwellings 32 Multiple Dwellings
R60	36 Grouped Dwellings 39 Multiple Dwellings

While the proposed 35 dwellings are fewer than the 36 Grouped Dwellings permitted in the R50 coding, the desired form of dwelling is Multiple Dwellings. In R50, the maximum permissible number of Multiple Dwellings is 32. This would enable two further dwellings to be developed in addition to the 30 replacement dwellings. However, the Owners advise that two additional dwellings would not be sufficient to fund the redevelopment upgrading project to the required level. Five additional dwellings would be required for this purpose. R60 is the lowest coding which would enable the development of the 35 Multiple Dwellings sought by the Owners.

The proponent advises that the proposed development would be of high quality and contemporary architectural design, meeting current expectations in terms of views of the river, secure basement parking, and neighbours' amenity. It is proposed that each dwelling would have wide balconies.

The existing large Morton Bay fig tree situated within the development site would be removed to facilitate construction, but would be replaced by several trees of more appropriate species.

The development will involve the relocation of the existing sewer reserve to the north of the site boundary within the foreshore reserve. This is beneficial to the flexibility of design available to the site, and would be undertaken at the Owners' cost and to the specifications of the Water Corporation. Views corridors are proposed from the street through to the foreshore reserve along the south-western boundary and through the centre of the development.

(d) **Building Height Limit**

TPS6 prescribes a building height limit of 10.5 metres for the site. The Owners do not request any increase in this Building Height Limit.

(e) **Parking**

The number of car bays provided for Owners and visitors must comply with normal requirements of the R-Codes. It is proposed that Owners' car parking will be in undercroft garaging, while visitors' parking would be at ground level.

**(f) Sustainable Design**

The Owners intend to replace the existing older development with one designed in line with sustainable design principles, as described in the attached submission at **Attachment 10.3.5**. This would be achieved through better thermal performance, reduced mechanical cooling and heating requirements, more effective use of insulation, greater cross-ventilation, and more shading of outer walls. The submission also advises that the development will increase the number of dwellings and population that have a high level of access to public transport, employment, schools and amenities thus potentially reducing reliance on private motor vehicle transport.

**(g) Sewer reserve**

The subject site is dissected by a sewer reserve which diagonally traverses the north-eastern corner of the site, effectively splitting the site into two parts. The sewer reserve is owned by the Water Corporation, which will not permit building works on the reserve. The applicants advise, however, that the Water Corporation would be prepared to consider the relocation of the sewer to the outer perimeter of the development site in order to facilitate redevelopment of the site at a later time. The applicant's report contained in **Attachment 10.3.5**, provides more detailed responses to the City's queries to the applicant in this regard. Based on those responses, it would appear that the sewer reserve would not pose a major impediment to the redevelopment of the site in the manner depicted in the applicant's concept plan, also contained in Attachment 10.3.5.

**(h) Scheme Amendment proposal**

A Scheme Amendment involves two initial resolutions by the Council:

- (i) a decision to amend the Scheme in principle for a specific purpose; and
- (ii) adoption of a draft Amendment report describing the proposal in detail, and including draft Amendment text and maps.

At this stage, the applicant is only requesting the Council to consider the first of these resolutions - that is, to decide to amend TPS6 for the desired purpose. If the Council endorses the proposal in principle, then the detailed Amendment text and maps will be prepared.

If the Council endorses the applicant's request to increase the residential density coding of the site, this can be accommodated in two ways within TPS6:

- (i) delete the R40 density coding from the subject site, and insert R60 coding in its place; or
- (ii) delete the R40 density coding from the subject site, and insert a dual density coding of R40/60 for the site. The dual coding mechanism would enable the Council to require certain performance criteria to be met if the owners wish to redevelop to the higher R60 coding; otherwise the (current) base coding of R40 would still be applicable.

Having regard to the prominent position of the subject site when seen from the Sir James Mitchell Park foreshore reserve, it is recommended that the latter option be pursued. Performance criteria linked to the R60 coding could include, for example, any combination, or all, of the following:

- (i) All occupiers' car parking to be provided under cover and concealed from view from any street.
- (ii) Visitors' car parking to be provided in excess of the number of bays required by the Residential Design Codes.

- (iii) The proposal incorporating broad viewing corridors from the street across the development site, providing one or more vistas of the Sir James Mitchell Park foreshore reserve from the street reserve.
- (iv) The proposal incorporating a higher percentage of total open space and a larger area of communal open space than the minimum required by the Residential Design Codes.
- (v) The proposal presenting an attractive landscaped interface between the development site and the Sir James Mitchell Park foreshore reserve, incorporating an item of sculpture or other decorative features on the development site, considered by the Council to enhance the visual quality of the development when viewed from the foreshore reserve. Such item of sculpture or other decorative feature to be a minimum height of 1.8 metres and be located within 6.0 metres of the foreshore reserve boundary.
- (vi) Each dwelling incorporating at least one balcony with a minimum area of 15 sq. metres and a minimum dimension of 3.0 metres.
- (vii) Building façades facing both the street and the Sir James Mitchell Park foreshore reserve incorporating a sufficient level of articulation and detail to ensure that the architectural design is of high quality.
- (viii) The proposed development incorporating sustainable design measures, including measures in excess of those required by the *Building Code of Australia 2007*.
- (ix) The proposal comprising no more than 35 Multiple Dwellings.

Any performance criteria included in the Scheme Amendment would be presented in the standard format of Schedule 3 of TPS6. Some of the above criteria already apply to some dual coded areas listed in Schedule 3.1 of TPS6. Within Schedule 3.2, each of the performance criteria would have a related Objective and explanatory comments. While the applicant's preference is that a proportional minimum number of criteria be met in order to 'qualify' for the higher density coding (e.g. 7 of the 9 criteria), in this instance, it is suggested that the required minimum number of criteria should encompass **all** of the nine criteria listed above. The particular criteria are all very specific to the site in question and have been designed to ensure that the City's requirements are met in full.

The primary function of this dual coded mechanism is to facilitate a "win-win" outcome, where the applicant can achieve the desired form of redevelopment, while the community also benefits from an outstanding design quality. This is seen to be an appropriate approach to the requested density increase. This mechanism is already incorporated in TPS6.

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

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

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

The City Officers' preferred form of Scheme Amendment meets this overriding objective, in that any future redevelopment of the site would be subject to performance based assessment, should the Owners decide to redevelop at the R60 coding.

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 (b) Introduce performance-based controls supported by planning policies and Precinct Plans;*
- 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 (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;*
- Objective (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- Objective (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- Objective (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- Objective (l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

While clause 7.5 is intended to relate to the consideration of development applications, the creation of the rules applicable to future developments - that is, a proposed Scheme Amendment - is also relevant to that extent. In addition to issues of technical compliance for any project under TPS6, clause 7.5 also lists a range of other matters which the Council is required to have due regard to, and may impose conditions with respect to, when considering a proposed development. Of the 24 listed matters, the following are relevant to this Scheme Amendment, and will also be relevant when a future development application is being considered for the site:

- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (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;*

- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

### **Consultation**

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

This Scheme Amendment request is not required to be considered by the City's Design Advisory Consultants. However, one of the Owners' consultants (the project architect) is a current member of this group. Any future redevelopment application for the subject land would be referred to the DAC for comment.

**(b) Neighbour and community consultation**

Neighbour and community consultation requirements are contained in the Town Planning Regulations and in the City's Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. Community consultation does not need to be undertaken at this stage of the process, but will be undertaken when the Council endorses a detailed draft Scheme Amendment proposal. More precise details of this process will be provided at that time. The consultation process will also involve referral to the Environmental Protection Authority for assessment.

### **Policy and Legislative Implications**

If the requested Scheme Amendment reaches finality, it will have the effect of modifying the City's operative Town Planning Scheme No. 6 Scheme Text and Scheme Maps.

### **Financial Implications**

The issue has some impact on this particular area, to the extent of payment of the required Planning Fee by the applicant, in accordance with the Council's adopted fee schedule.

### **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.*

### **Sustainability Implications**

The Scheme Amendment request provides an opportunity for the Council to introduce achievable, mandatory performance criteria which will require the building design to reflect sustainable design principles. The proposed redevelopment of the site is in itself a sustainable factor, enabling the Owners to incorporate more modern design elements and features which support sustainable outcomes.

**Conclusion**

While it is not common to support “spot rezoning”, in this instance, the current situation warrants special consideration for the following reasons:

- (i) The site is large, being 6,537 sq. metres in area, and situated in the unique location of having a wide frontage to the Sir James Mitchell Park foreshore reserve, but a relatively short street frontage. It is almost fully developed with Multiple Dwellings, which is a use not permitted by the current R40 coding. The development style of the site already established within the locality, and its redevelopment in the proposed manner will therefore not be out of character with the local built form character.
- (ii) The current R40 density coding and BHL of 10.5 metres are an uncommon combination in TPS6. The 10.5m BHL is normally associated with higher density codings, such as R60, as sought by the applicants.
- (iii) The proposed development of 35 Multiple Dwellings will be below the maximum permitted number of dwellings for R60 because fewer, larger dwellings are desired by the Owners. The additional five dwellings are needed to offset the cost of redevelopment.
- (iv) It is unusual for 30 individual owners of a complex of units to agree to the total redevelopment of the site. Without a small incentive, such as additional dwellings to assist in funding the project, it might never be redeveloped. In order to encourage this enhancement of the City’s foreshore, it is considered that a density “bonus” could be considered, provided that the bonus is linked to the need to satisfy the nominated performance criteria.
- (v) The amendment process provides an opportunity to stipulate certain mandatory design features for any future development of the site, through performance-based criteria. It is considered that a Scheme Amendment of the kind described in this report would be appropriate in this instance.

If the Council agrees to endorse the proposal and decides to amend TPS6 for the requested purpose, a further report will be presented to the Council for consideration of the draft Amendment Text. If the Council endorses the draft Amendment proposal at that later stage, it will then be advertised for community comment.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5</b></p>
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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 to increase the density coding applicable to Lot 50 (No. 32) Jubilee Street, South Perth, from R40 to R40/60 with the following, or similar, performance criteria inserted into Schedule 3 of the Scheme Text along with relevant Objectives and Explanations applicable to each criterion, where appropriate:
- (i) All occupiers' car parking to be provided under cover and concealed from view from any street.
  - (ii) Visitors' car parking to be provided in excess of the number of bays required by the Residential Design Codes.
  - (iii) The proposal incorporating broad viewing corridors from the street across the development site, providing one or more vistas of the Sir James Mitchell Park foreshore reserve from the street reserve.
  - (iv) The proposal incorporating a higher percentage of total open space and a larger area of communal open space than the minimum required by the Residential Design Codes.
  - (v) The proposal presenting an attractive landscaped interface between the development site and the Sir James Mitchell Park foreshore reserve, incorporating an item of sculpture or other decorative features on the development site, considered by the Council to enhance the visual quality of the development when viewed from the foreshore reserve. Such item of sculpture or other decorative feature to be a minimum height of 1.8 metres and be located within 6.0 metres of the foreshore reserve boundary.
  - (vi) Each dwelling incorporating at least one balcony with a minimum area of 15 sq. metres and a minimum dimension of 3.0 metres.
  - (vii) Building façades facing both the street and the Sir James Mitchell Park foreshore reserve incorporating a sufficient level of articulation and detail to ensure that the architectural design is of high quality.
  - (viii) The proposed development incorporating sustainable design measures, including measures in excess of those required by the *Building Code of Australia 2007*.
  - (ix) The proposal comprising no more than 35 Multiple Dwellings.
- (b) The applicant be advised that 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. 19.

CARRIED EN BLOC RESOLUTION

**10.3.6 Endorsement of Strategic Waste Management Plan - Rivers Regional Council**

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/207
Date:	28 November 2008
Author:	Sebastian Camillo, Manager Environmental Health
Reporting Officer:	Steve Cope, Director Development Community Services

**Summary**

To endorse the approval of the Strategic Waste Management Plan to the Rivers Regional Council for adoption.

**Background**

The Waste Management Board (WMB) of Western Australia, in their efforts to support local Governments align their activities with the State's vision of 'Towards Zero Waste' developed the Zero Waste Management Plan Development Scheme (ZWPDS) in 2006.

The ZWPDS of WA requires waste management plans to be developed by each Local Government or by a Regional Council for their member Council's. The Waste Management Board made \$100,000 available to the Rivers Regional Council (RRC) to complete the plans for the Member Councils.

For the purpose of this Strategic Waste Management Plan (SWMP), the RRC comprises of the Cities of South Perth, Armadale, Gosnells, Mandurah and the Shires of Murray, Serpentine-Jarrahdale (being the six founding member Councils). In addition, the Shire of Waroona has joined the RRC in the development of this SWMP.

The engineering/environmental consultants Cardno were engaged by the Rivers Regional Council to prepare the SWMP on behalf of its Member Councils and the Shire of Waroona. The ZWPDS consists of two Phases.

Phase I was an on line survey to gather data to formulate baseline characteristics for the Local Governments across Western Australia (WA). Phase I was completed in September 2007.

Phase II was to satisfy the River Regional Councils (RRC) requirements of the ZWPDS, this Strategic Waste Management Plan (SWMP) has been developed and will guide waste management policies and practices across the Region over the next 5 years and potentially beyond.

The Department of Environment and Conservation (DEC) released Guidelines for the Preparation of a Strategic Waste Management Plan for Phase II of the Zero Waste Plan Development Scheme in September 2007. In this guidance document the vision and goals for the SWMP are listed as:

***Vision***

- Towards Zero Waste



**Goals**

- Development of a Strategic Waste Management Plan that outlines the steps to be taken to minimise the direct and indirect environmental impacts of waste and its management over the next five years;
- Management of waste in a sustainable manner; and
- Increased awareness of the impact of waste issues on the environment by the whole community.

The vision and goals provide the framework for the development of the SWMP and upon which the following objectives for the SWMP have been developed.

**Objectives**

- To confirm current waste infrastructure and levels of service;
- To identify, through the development of the SWMP priority actions and associated costs and timelines to incrementally improve waste management within the local government area(s) covered by the plan;
- To form partnerships with other local governments, business and industry to achieve economies of scale where feasible;
- To increase community awareness, appreciation and responsiveness to waste related issues;
- To assign actions, costs and timelines; and
- To define a performance monitoring and review schedule.

Upon completion of the final SWMP, the document will be submitted to each of the Member Councils and the Regional Council for endorsement. Once this has been achieved the SWMP will be submitted to the DEC for endorsement.

Tabled is the final Strategic Waste Management Plan (SWMP) for consideration by Council.

**Comment**

The report is comprehensive detailing the infrastructure, the waste processed and diverted, with improvements suggested across the region. The SWMP, as required by the DEC, generally focuses on the domestic waste managed by the LGA's which accounts for 20% of waste going to landfill.

The Commerce and Industry (C & I) waste stream contributes 23% and Construction and Demolition (C & D) waste is 57% of total waste to landfill within the Perth Metropolitan Area. Hence, 80% of the waste produced is not covered by the SWMP. Recommendations are made in the report to develop waste plans by Local Governments to include C & I and C & D waste.

Within the member Councils of the RRC, a total 124,383 tonnes of MSW is generated from the kerbside refuse and recycling collections and the diversion of this volume. Through the processing of kerbside recyclable collections at Material Recovery Facilities (MRFs) across the region some 22,531 tonnes is recovered annually which equates to a recovery rate of 19%. A total of 92,775 tonnes of refuse is collected with the vast majority going to landfill, with the exception of the City of South Perth which currently sends its household waste or Municipal Solid Waste (MSW) to the Southern Regional Council's composting facility in Canning vale.

With the introduction of the RRC's proposed alternative Waste Facility for the Region, approximately 70% of the domestic refuse stream will be recovered. This will increase the overall recovery rate for the domestic MSW collections to approximately 73% for the region.

It is projected that tonnages of kerbside waste collections will increase to 190,000 tonnes across the Region by 2031. This is made up of 142,000 tonnes of household refuse and 48,000 tonnes of recyclables. A total of 8,546 tonnes of Greenwaste was collected from vergeside collections and the region is currently achieving a recovery rate of 97% for this waste stream.

The input required from State Government Authorities for the region to achieve the desired outcomes is identified in the Plan. Without implementing legislation, and coordinating resources, the efforts of Local Governments will be limited and thus less effective. Extended Producer Responsibility (EPR), Container Deposit Legislation (CDL), State and Federal Government Procurement Policies, Illegal Dumping Legislation, and coordination of remote area transport are a few of the areas that need positive action for Local Governments' Plans to be successful.

Across the region the LGA's offer a range of various waste services including the provisions of drop off facilities, public place refuse and recycling services, hazardous waste collections and waste awareness and education. In addition the RRC and the member councils participate in a number of external waste programmes including but not limited to Waste Wise Schools, DrumMuster, Mobile muster, ChemClear and Tidy Towns / Sustainable Cities etc. Currently the provision of these services and the participation within these programmes varies considerably across the Region.

The SWMP prepared by the RRC's consultant engineers, has identified twenty nine recommendations, either directly affecting the City of South Perth or indirectly through the RRC. Many of the recommendations are modelled on the member Council's current practices or recycling trials.

Based upon DEC guidance the key issues of the current waste management policies and practices were identified under the following headings:

- Data Gaps
- Minimising direct and indirect environmental impacts
- Improving existing service efficiencies
- Raising community awareness of waste management issues
- Improving LGA waste management practices

Based upon the DEC framework for analysing the issues, the findings of the data and service analysis contained within Section 2 of the SWMP a Strategic Action Plan has been prepared for the RRC and its Member Councils. A Summary of the recommendations are included within the report below and the full SWMP is provided in hard-copy form in the Members Lounge. The officers comments on the impact of the recommendations on the City have been included hereunder:

## **SWMP RECOMMENDATIONS**

### **Recommendation 1.1**

Expansion of the waste data gathering infrastructure across RRC.

### **Comment 1.1**

The City to investigate the options of re-designing the Transfer Station layout to allow for the installation for a weighbridge. This could be undertaken during 2009/2010 and funding be made available.

**Recommendation 1.2**

Reporting requirement as part of private waste management service providers agreements

**Comment 1.2**

This is currently being conducted as part of the City's waste recording and data collection with the respective contractors.

**Recommendation 1.3**

The RRC to take a more holistic approach to waste management reporting across the Region

**Comment 1.3**

RRC to conduct a feasibility on the collection of C & I and C & D waste

**Recommendation 1.4**

Consolidating waste data gathering and reporting across the Region

**Recommendation 1.5**

Consultation with the DEC regarding ZWPDS Phase 1 Data and the WMAA regarding their review of the Australian Waste Database

**Recommendation 1.6**

Commitment to participate in waste measuring and reporting requirement of the relevant government bodies.

**Recommendation 2.1**

Minimise the generation of waste through the adoption of sustainable waste management policies and practices.

**Recommendation 2.2**

Maximise the amount of waste recycled and recovered.

**Recommendation 2.3**

Adopting a more holistic approach to waste management across the Region

**Recommendation 2.4**

RRC to work with all relevant bodies in relation to tackling issues associated with illegal waste management activities across the Region.

**Recommendation 2.5**

Ensure that all waste management sites obtain the relevant approval and commitment to comply with all relevant legislative requirements.

**Comment 1.4 - 2.5**

To be co-ordinated by the RRC.

**Recommendation 2.6**

Continual improvement of the waste management infrastructure network across the Region

**Comment 2.6**

The re-design and expansion feasibility to be considered as per recommendation 1.1

**Recommendation 3.1**

Investigate options for improvements in kerbside collections systems currently in operation

**Comment 3.1**

Currently being conducted during regular kerbside collection services with the City's contractor.

**Recommendation 3.2**

Investigate options for improvement in vergeside collection services.

**Comment 3.2**

Currently this service is being provided twice per year, in accordance with best practice options.

**Recommendation 3.3**

Investigate options to further develop the drop-off facilities network across the Region.

**Comment 3.3**

This is being investigated by whom?

**Recommendation 3.4**

Investigate options for developing household hazardous waste across the Region.

**Comment 3.4**

This is being conducted in conjunction with the DEC's funding program and will be continued into the future.

**Recommendation 3.5**

Investigate options for developing public place recycling across the Region.

**Comment 3.5**

This is currently being investigated for installation within the City's high profile areas (ie SJMP and shopping precincts).

**Recommendation 3.6**

Investigate the practicality of participating in all waste and waste related programmes currently in operation across the State.

**Comment 3.6**

City is already participating in the programs.

**Recommendation 3.7**

Establishment of an Operational Officers Forum.

**Comment 3.7**

Currently being conducted during the Technical Advisory Committee (TAC) meeting schedules.

**Recommendation 4.1**

Develop a Regional Waste Awareness and Education Plan.

**Comment 4.1**

This is being investigated in conjunction with the City's contractor.

**Recommendation 4.2**

Investigate the employment of a Green Business Waste Officer.

**Recommendation 4.3**

The establishment of a regional environmental/waste community group.

**Comment 4.2 - 4.3**

To be co-ordinated by the RRC.

**Recommendation 4.4**

All LGA's to participate in the Waste Wise School Programme with the aim of achieving 100% participation for all schools in their jurisdiction.

**Comment 4.4**

This is being provided to schools within our district in conjunction with the City's Contractor.

**Recommendation 4.5**

The RRC and all LGA's websites should be informative and updated regularly.

**Recommendation 4.6**

Work in collaboration with the DEC, MWAC and WMAA to promote sustainable waste management practices

**Comment 4.5 - 4.6.**

To be co-ordinated by the RRC

**Recommendation 4.7**

Report back to the community on the environmental achievements of the LGA's and the RRC.

**Comment 4.7**

To be co-ordinated by the RRC. The City provides data to its Sustainability Officer for inclusion in the Sustainability Management Plan.

**Recommendation 5.1**

Collaboration with other LGAs and Regional Councils

**Comment 5.1**

To be co-ordinated by the RRC

**Recommendation 5.2**

Development and Implementation of a Purchasing Policy.

**Comment 5.2**

Policy to be considered in the 2009/10 Business Plan.

**Recommendation 5.3**

Development and implementation of a Procurement Policy.

**Comment 5.3**

The City already has a Sustainable Procurement Policy.

**Recommendation 5.4**

Utilities LGA Approvals Processes for the adoption of sustainable waste management practices.

**Comment 5.4**

To be co-ordinated by the RRC. Incorporate for inclusion in the 2009/10 Business Plan.

**Recommendation 5.5**

The RRC and LGAs to lead by example in promoting sustainable waste management practice.

**Comment 5.5**

This is being developed in conjunction with the City Sustainability Officer.

**Conclusion**

The Strategic Waste Management Plan prepared for the RRC and Member Councils by Cardno (WA) Pty Ltd is comprehensive and achievable. Local Government alone can only accomplish so much. The support of the State and Federal Governments with appropriate legislation is essential to achieve the ultimate goal of Zero Waste. State and Federal Governments' Strategic Waste Management plans would be a positive step in the process.

It needs to be noted that there will be some strategic and financial implications as result that will flow on to local governments such as:

- Implementing State and Federal legislative responsibilities are required to bring about zero waste outcomes.
- Local governments will inevitably incur additional costs in waste management as State regulations become more stringent.

The costs of the various investigative studies can all be accommodated with in the 2009/10 and 2010/11 Waste Management Budgets.

The vast majority of recommendations included in the SWMP will be co-ordintaed by the RRC where the City is adequately represented. Many of the recommendations involve firther research and investigation which will result in further reports to be considered either by the RRC or the City or both organisations.

**Consultation**

In considering the SWAMP, the Arc's consultant engineers have had consultation with:

- Rivers Regional Council,
- Member Councils,
- Department of Environment and Conservation (DEC),
- Community Reference Groups from member councils,
- Advertised for public comment from members of the public within region

**Policy and Legislative Implications**

The 2020 Zero Waste Target requires State and Federal Legislation in areas such as Extended Producer Responsibility, Container Deposit, and Illegal Dumping for Local Governments to be successful implementing their Plans.

### **Financial Implications**

Dependent on the extent of the implementation of recommendations within the SWMP by the RRC, this will have an impact on the membership contributions made by the City of South Perth to the RRC within the 2009/10 and 2010/11 budgets.

In respect to the implementation of specific recommendations by the City as mentioned in the body of the report, funds will be required to be quantified and included in the 2009/2010 budget and subsequent financial years.

### **Strategic Implications**

The proposal to endorse the Strategic Waste Management Plan relates to Goal 3 of the City's Strategic Plan, Environmental Management. In particular, reference is made to Strategy's 3.2 (Develop and implement a Sustainability Strategy and Management system to coordinate initiatives contained in associated management plans and to ensure City's environment is managed in a sustainable way.) and 3.7 (Continue to actively support and encourage waste reduction, recycling and re-use. The proposal also seeks opportunities to implement sustainable secondary waste treatment processes to significantly reduce the amount of waste going to landfill sites.).

### **Sustainability Implications**

The SWMP has been objectively reviewed the City's Sustainability Coordinator and provided comments on the fact that the SWMP will be a public document, and a formal waste management plan, which will be linked to the City's Sustainability Strategy.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.6</b>
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That Council ....

- (a) endorse the Strategic Waste Management Plan noting that:
- State and Federal legislative responsibilities are required to bring about zero waste outcomes; and
  - Local Governments will inevitably incur additional costs in waste management as State regulations become more stringent;
  - Certain recommendations of the SWMP will be investigated and progressed by the City; and
- (b) recommend the Strategic Waste Management Plan to the Rivers Regional Council for adoption

CARRIED EN BLOC RESOLUTION

**Note:** Manager Environmental Health and Regulatory Services retired at 8.00pm

## **10.4 GOAL 4: INFRASTRUCTURE**

<b>10.4.1 Infrastructure Australia</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	EM/109
Date:	27 November 2008
Author/Reporting Officer	Cliff Frewing, Chief Executive Officer

### **Summary**

The purpose of this report is to seek Council approval for the City to lodge submissions with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government for funds available under the Regional and Local Community Infrastructure Program for the purpose of expenditure on infrastructure projects.

### **Background**

The City has been allocated an amount of \$215 000 from the Regional and Local Community Infrastructure Program to be used for expenditure on infrastructure projects. This amount was the City of South Perth allocation from a national general funding pool of \$250M. There is a separate funding pool of \$50M which has been allocated for larger projects with a minimum grant allocation of \$2M. This report proposes two projects be nominated for funding under the general allocation and a specific project be nominated for funding under the separate funding pool.

### **Comment**

#### **(a) General Funding Pool**

The following information relates to project suggestions in relation to the allocation of \$215 000 Infrastructure Australia funds.

The City is required to lodge a submission by the end of January 2009 with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government confirming the projects approved by Council. It is then anticipated that the projects will be approved during the course of February 2009 and the funding must be spent by the end of September 2009. The funds must be spent on infrastructure type projects other than expenditure directly related to roads.

The following is a list of projects which were considered to be of sufficiently high priority:

- Stormwater - Water re-use and additional Gross Pollutant Traps
- SJMP Promenade east and west of Mends Street Jetty
- Contribution towards WG Thomas Pavilion project
- Contribution towards Hall and Library refurbishment project
- Waterford Path
- Construction of River Wall at Esplanade car park
- SJMP Flagpole area upgrade
- Weighbridge at Transfer Station
- Regional playground at McDougall Park
- Major playground at Old Mill Site

All projects listed above were considered to have merit. It was considered appropriate to allocate approximately half of the funds to projects each side of the Canning Highway for equity reasons and add funds, if necessary, from Reserve to provide sufficient funds to complete the funding required for the projects.

This action will also demonstrate the Council's commitment to the objectives of the funding program and commence projects that have been identified by Council for funding. The projects will also ideally match the purpose for which the grant is being made available to Local Government and will add to the size of the funds to be spent to generate economic activity.

Of the projects considered east of the Highway, the footpath at Waterford was determined as the highest priority as it was felt that the project could be commenced without undue delay and was currently a high priority of the City. It would also enable the section of the footpath to be completed on land partly under total control of the City which, when completed, would then leave only two further sections to be finalised. The section which could be completed in accordance with this grant allocation relates to the western foreshore portion of the project, ie the section between Treacy Way through Brother Keaney's Gardens and terminating at Clontarf's boundary. This will need the approval of Clontarf, but through numerous meetings held with the College, this is expected to be a formality.



The City will be submitting an application to DPI for funding under the 2009-2010 PBN (Perth Bicycle Network) Local Government Grants Program which closes on Friday 30 January 2009. This application will be for the next section of the footpath which is on Council controlled foreshore land (formerly owned by Clontarf) between Brother Keaney's Gardens and the Cygnia Cove development. The final section of the footpath is required to be constructed by the developer of Cygnia Cove and discussions are being held with the developer with a view to bringing forward construction of the footpath to enable the Waterford footpath link to be completed as soon as possible. The City is confident that if these works proceed, the City of Canning will also bring forward work scheduled to occur on Centennial Park to complete the linking of the cycleway around the Canning River.

Coincidentally, it is estimated that the cost of constructing the footpath for this project is in the order of the total size of the grant allocated to the City ie \$215 000. As mentioned above, however, it is not recommended that the whole of the grant be spent on one project, but should be split between two projects each side of Canning Highway. Therefore, in order for this project to proceed, additional funding of approximately \$125 000 will be necessary to be transferred from Reserve. Sufficient funds are held in the Future Municipal Works Reserve which can be used for this purpose.

Of the projects considered west of the Highway, it is recommended that the City commence work on the Promenade project by the Esplanade car park. In relation to the Swan River Wall and Foreshore concern has been expressed for some time at the vulnerability of the City's investment in the infrastructure asset known as the Esplanade Car Park located at the eastern end of The Esplanade in South Perth. During high tides and winter storms the car park is vulnerable to damage as the river bank is being eroded at increasing rates. The bank has recently undergone filling to help protect the car park, but a more permanent wall solution needs to be constructed to ensure the longer term protection of the car park.

The concept of a foreshore promenade being constructed either side of Mends Street has been recently promoted for a number of reasons:

- The area is the City's most high profile location from a visitors and residents point of view;
- The condition of the wall has deteriorated markedly in recent years and is now in a serious state of decay; and
- The area is now frequently overtopped by rising sea levels, high tides and storm events.

The promenade has been identified for construction between the eastern end of the western beach and the eastern edge of the car park at The Esplanade, a total length of approximately 500 m. At an estimated cost of between \$5 000 and \$6 000 per metre, the project has a likely cost of approximately \$3M. Because of the size of the project it is unlikely to be funded or completed in one budget allocation. The length of the exposed foreshore at the Esplanade car park is approximately 70 metres which would result in a total project cost of approximately \$350 000 (min) to \$420 000 (max).

There is benefit in commencing the promenade development at the Esplanade car park location for three reasons.

- The construction will protect the investment already made in the Esplanade car park ;
- It will provide a demonstration project of how the entire promenade project will appear; and
- Having commenced the project, it will provide information and evidence to State agencies such as the DPI and Swan River Trust as it will demonstrate the benefit of extending the promenade to the full length planned.

As there is a balance of \$115 000 available from the \$215 000 grant, further funding of \$235 000 (min) will be required to enable this project to proceed. Again, it is suggested that an allocation be made from the Reserves to commence this project and complements the Commonwealth action to promote economic activity.

**(b) Separate Infrastructure Funding Pool**

In addition to the grant referred to above, there is an additional \$50M funding pool made available to Local Government which can be used for 'Strategic Projects'. Grant applications from this funding pool are for a minimum of \$2M per application and only one application is permitted from each Local Government. At best therefore, it would be reasonably expected that there will only be 25 projects approved throughout Australia and on a normal equitable basis, Western Australia can only reasonably expect to have two or three successful applications.

There are also very stringent conditions attached to the application which are detailed below:

- The applications must be received by 23 December 2008
- Funds must be spent on community infrastructure (other than roads);
- Preference is given to projects where partnership funding is evident;
- Following announcement of the successful projects in February 2009, projects must be ready to commence by August 2009.

In addition to these conditions, the following information is also required to be provided with the application:

- Detailed cash flows for capital cost, revenue and operating costs;
- Prior Annual Reports;
- Details of loan approvals;
- Cost estimates and all quotations for project;
- Feasibility study;
- Business Plan;
- Project Plan;
- Budget information

Clearly if the City is to make application for funding from this source and approve the project at the Council Meeting on Tuesday, 16 December 2008 to enable the submission to be lodged by 23 December 2008, all of this work needs to be completed. On this basis there is only one project that will be capable of meeting all of the detailed criteria and this relates to the renovation of the Civic Library and Hall. Again, coincidentally this particular project ideally meets the project criteria and conditions and would be an excellent project for submission. All of the work detailed above has been done, including detailed and comprehensive community consultation and external funding committed which has been obtained from the Lotteries Commission and Health Department WA.

If the project is successful in receiving a \$2M grant, then funds otherwise allocated to this project in future years can be released for other civic purposes.

**Consultation**

No specific consultation has been conducted to ascertain how the funds allocated by the Commonwealth Government should be spent. Consultation has certainly occurred in relation to all three projects nominated and these projects have been identified as high priorities by Council .

**Policy and Legislative Implications**

There are no policy or legislative implications in relation to this report. Compliance with Commonwealth funding rules however is mandatory for the grants process to be successful.

**Financial Implications**

Funding is currently available in the Future Municipal Works Reserve and the River Wall Reserve which is flagged for works of the kind discussed in relation to the Waterford Foreshore Path and the Esplanade River Wall. Combined with the \$215,000 Commonwealth Government Funds the City has adequate funds to perform the nominated works. Success in securing the larger grant (should that occur) would be an important boost to our strategic financial position.

**Strategic Implications**

In line with Strategic Plan Goal 4: Organisational Effectiveness *“To sustainably manage, enhance and maintain the City’s infrastructure assets”* and the projects identified are consistent with corporate objectives.

**Sustainability Implications**

Funding allocations provided by the Commonwealth will assist the City in addressing and progressing recognised projects with high priority. In particular the promenade project will assist the City to protect the investment in its Esplanade car park reduce maintenance costs in that area and at the same time provide greater amenity for the public. In relation to the City library and hall project, funding will be provided for sustainability purposes in the project budget.

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1**

Moved Cr Doherty, Sec Cr Ozsdolay

That....

- (a) the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government be advised that the funds allocated under the Regional and Local Community Infrastructure Program be allocated for the following infrastructure projects:
  - (i) Waterford cycleway/footpath (section between Treacy Way through Brother Keaney’s Gardens and to the Clontarf boundary) - \$100 000 (total cost \$215 000); and
  - (ii) Promenade at the South Perth Esplanade car park, South Perth - \$125 000 (total cost estimated at \$350 000)
- (b) the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government be advised that the City makes application for funding of \$2M under the Regional and Local Community Infrastructure Program as the Commonwealth contribution towards the Civic Library and Hall upgrading project; and
- (c) in order to fund part (a) above, the following Budget re-allocation be approved.

A/C No.	A/C Description	Type	Amendment	Revised Budget
5357.1500.30	Waterford Foreshore Path	Capital	215,000	215,000
TBA	Grant Revenue	Revenue	(100,000) * <i>* Commonwealth Funds</i>	(100,000)
9906.7802	Transfer to Municipal Fund	Transfer	115,000	525,000
1045.9906	Transfer from FMW Reserve	Transfer	(115,000)	(525,000)
TBA	River Wall/Promenade	Capital	350,000	350,000
TBA	Grant Revenue	Revenue	(115,000) * <i>* Commonwealth Funds</i>	(115,000)
9906.7802	Transfer to Municipal Fund	Transfer	135,000	660,000
9924.7802	Transfer to Municipal Fund	Transfer	100,000	260,000
1045.9906	Transfer from FMW Reserve	Transfer	(135,000)	(660,000)
1045.9924	Transfer from River Wall Reserve	Transfer	(100,000)	(260,000)

CARRIED(13/0)

By Required Absolute Majority

**10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

**10.5.1 Planning Approvals Determined Under Delegated Authority.**

Location: City of South Perth  
Applicant: Council  
Date: 1 December 2008  
Author: Rajiv Kapur, Manager, Development Services  
Reporting Officer: Steve Cope, Director Development and Community Services

**Summary**

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of November 2008.

**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 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 November 2008, thirty-nine (39) development applications were determined under delegated authority, refer **Attachment 10.5.1**.

**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.*

**Sustainability Implications**

Reporting of Applications for Planning Approval Determined Under Delegated Authority contributes to the City's sustainability by promoting effective communication.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.5.1**

That the report and **Attachments 10.5.1** relating to delegated determination of applications for planning approval during the month of November 2008, be received.

CARRIED EN BLOC RESOLUTION

**Note:** Manager Development Assessment and Strategic Urban Planning Adviser retired from the meeting at 8.38pm

<b>10.5.2 Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 1 December 2008  
 Author: Kay Russell, Executive Support 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**

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

Nature of document	Parties	Date Seal Affixed
Surrender of CPV Lease	CoSP & Daphne Taylor	5 November 2008
CPV Hostel Residency Agreement	CoSP & Edna Hagley	12 November 2008
Deed of Agreement to enter CPV Lease	CoSP & Brenda Anderson	5 November 2008
CPV Lease	CoSP & Brenda Anderson	5 November 2008
Registration of CPV Lease	CoSP & Brenda Anderson	5 November 2008
Deed of Agreement to enter CPV Lease	CoSP & Andrew Morton	5 November 2008
CPV Lease	CoSP & Andrew Morton	5 November 2008
Registration of CPV Lease	CoSP & Andrew Morton	5 November 2008
Funding Agreement for Restoration of Old Mill	CoSP & Commonwealth of Australia	24 November 2008
Deed of Agreement to enter CPV Lease	CoSP & Mervyn Byatt	24 November 2008
CPV Lease	CoSP & Mervyn Byatt	24 November 2008
Registration of CPV Lease	CoSP & Mervyn Byatt	24 November 2008
Deed of Agreement to enter CPV Lease	CoSP & Denise Tsirindanis	27 November 2008
CPV Lease	CoSP & Denise Tsirindanis	27 November 2008
Registration of CPV Lease	CoSP & Denise Tsirindanis	27 November 2008

**Consultation**

Not applicable.

**Policy and Legislative Implications**

Clause 21 of the City's Standing Orders Local Law 2007 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.*

**Sustainability Implications**

Reporting of the use of the Common Seal contributes to the City's sustainability by promoting effective communication.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</b>
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That the report on the use of the Common Seal for the month of November 2008 be received.

CARRIED EN BLOC RESOLUTION

<b>10.5.3 Periodic Review of Local Laws</b>
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Location:	City of South Perth
Applicant:	Council
Date:	28 November 2008
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

Section 3.16 of the *Local Government Act* requires a local government to periodically review its local laws to determine if the law needs to be repealed or amended

It is recommended that Council instigate a periodic review of the nominated local laws in accordance with the Act. Given the Christmas/New Year break, it is proposed that the consultation period be extended to the end of February 2009.

**Background**

Section 3.16 of the Act requires local governments to review their local laws within a period of 8 years from their commencement to determine if they should remain unchanged, be amended or be repealed.

The statutory procedure for a periodic review under section 3.16 is similar to that for the local law-making procedure - it provides for community consultation by means of state-wide and local public notice over a minimum period of six weeks prior to Council considering any submissions received and making decisions on whether to amend or repeal the local law. Periodic review also enables valuable community consultation to occur in areas of relevant community concern.

Section 3.16 is used solely for reviewing local laws - if as a result of the review, a local government decides to repeal or amend a local law, it must do so under the usual law-making procedure set out in section 3.12. This will mean that when the results of the review come back before Council for its consideration in the new year, Council will have the opportunity to consider recommendations for the repeal or amendment of each law under review and if it decides to proceed with those recommendations, the proposed changes would go out for further community consultation before being able to be finally adopted by Council at a subsequent meeting.

**Comment**

The following local laws are recommended for review:

- Nuisance;
- Bee-Keeping;
- Street Lawns and Gardens;
- Streets and Footways;
- Hawkers, Stallholders and Trading in Public Places; and
- Public Property.

Copies of each local law are at **Attachments 10.5.3(a), (b), (c), (d), (e) and (f)**.

The Alfresco Dining Local Law which is the subject of Item 10.5.4 on the Agenda, is also recommended for periodic review pursuant to section 3.16.

**Consultation**

Nil.

**Policy and Legislative Implications**

Policy and legislative implications are as described in the report.

**Financial Implications**

Nil.

**Strategic Implications**

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

**Sustainability Implications**

Reporting on the proposed review of the City' local laws contributes to the City's sustainability by promoting effective communication.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3</b>
--

That Council resolves to instigate the periodic review of the following local laws pursuant to section 3.16 of the *Local Government Act*:

- Nuisance;
- Bee-Keeping;
- Street Lawns and Gardens;
- Streets and Footways;
- Hawkers, Stallholders and Trading in Public Places; and
- Public Property.

CARRIED EN BLOC RESOLUTION

<b>10.5.4 Review of Alfresco Dining Local Law</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/101
Date:	1 December 2008
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer	Cliff Frewing, Chief Executive Officer

### **Summary**

At its ordinary September 2008 meeting, Council requested a review of recent legislative activity by the local governments of Fremantle and Perth concerning proposals to ban smoking in alfresco dining areas.

This report describes the current situation in South Perth and the existing capacity of the City's local laws to institute a no-smoking policy in alfresco dining areas, together with a review of developments at Fremantle, Perth and the City of Joondalup.

In light of the conclusions reached in the review, it is recommended that Council endorses proposed administrative action and instigates a review of the City's Alfresco Dining Local Law pursuant to section 3.16 of the *Local Government Act*, enabling it to enhance the operation of the local law and reinforce the City's no-smoking message to the general community.

### **Background**

A number of local governments have taken action in the recent past to address the scourge of passive smoking in public spaces. This action has been triggered by concern over the deleterious health effects of passive smoking, the nature and extent of which have been widely documented.

#### *Costs of Passive Smoking*

A report commissioned by the Cancer Council of Western Australia (published in September 2008) reveals that in 2004 - 05, there were 11 deaths caused by, and hospital costs of \$5.9 million attributable, to passive smoking. Over 96% of all hospital costs arising from passive smoking were attributable to patients in the 0 to 14 year age group.

#### *Tobacco control legislation in Western Australia*

In Western Australia since 31 July 2006, under the *Tobacco Products Control Act 2006*, smoking has been progressively banned inside pubs, clubs, nightclubs and restaurants. This legislative change has been brought about to reduce community exposure to second hand smoke. The health effects of second hand smoke exposure are well documented. Numerous scientific studies have demonstrated that exposure causes or promotes a number of illnesses and diseases, including lung cancer and heart disease.

**Reference:** Collins DJ, Lapsley HM. *The social costs of smoking in Western Australia in 2004/05 and the social benefits of public policy measures to reduce smoking prevalence*: report prepared for the Cancer Council Western Australia. Perth, 2008.



The US Surgeon General's report on smoking and health titled "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" released in June 2006, contained six major conclusions:

- Children exposed to second hand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma;
- Smoking by parents causes respiratory symptoms and slow lung growth in their children;
- Second hand smoke causes premature death and disease in children and in adults who do not smoke;
- Exposure of adults to second hand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer;
- There is no risk-free level of exposure to second hand smoke; and
- Many millions of Americans, both children and adults, are still exposed to second hand smoke in their homes and workplaces despite substantial progress in tobacco control.

*Western Australian Health Promotion Strategic Framework 2007-2011*

The most effective means of reducing the adverse consequences of smoking is to develop a comprehensive state-wide strategy which is backed up with clear legislative prescription at each level of government. The WA Department of Health has mapped out a five year strategy described in the *Western Australian Health Promotion Strategic Framework 2007-2011* which targets the promotion of healthier lifestyles in six priority areas including the prevention of smoking.

*Creating environments that support healthy lifestyles and reduce the risk of injury*

A key focus of the Strategic Framework lies in the creation of environments and settings that encourage and support healthier lifestyles. Health policy and legislation (such as the *Tobacco Products Control Act*) have been developed to create environments that support healthier behaviour through regulation and proscription. Past successful examples include the ban on tobacco advertising, banning smoking in work and public places and taxation of tobacco and alcohol.

*Reduce exposure to second-hand smoke*

The Strategic Framework suggests that bans and restrictions that reduce or prevent exposure to second-hand smoke can also reduce daily tobacco consumption and increase the success of quit attempts. The *Tobacco Products Control Act 2006* and the Occupational Safety and Health Regulations prohibit smoking in a range of enclosed public spaces, workplaces and transport facilities. Despite these legislative interventions, there is still significant exposure to tobacco smoke in homes and cars.

The Strategic Framework recommends that agencies review, monitor and enforce relevant legislation and practices concerning the use of tobacco products. This process could include expanding the idea of smoke-free environments to other outdoor public spaces and alfresco entertainment areas.

*The good news - the benefits of public policy measures to reduce smoking*

The Health Department has estimated the cost savings that could be achieved from changes in some of the behavioural risk factors for chronic disease. For example, if Western Australia was to achieve a smoking prevalence of 10% by 2010 - 1,290 premature deaths would be averted, 20,258 hospital admissions saved, \$84 million saved in healthcare costs and \$733 million gained in social benefits. In addition to the financial savings, studies have also demonstrated gains in measures of quality of life, including mental wellbeing, productivity and economic status.

[For further information go to the Health Department's website [www.health.wa.gov.au/tobaccocontrol](http://www.health.wa.gov.au/tobaccocontrol) ]

**Comment**

*Current situation at South Perth*

Council adopted the existing Alfresco Dining Local Law on 27 May 2003. The law enabled the City to regulate the operation of alfresco dining on its footpaths (as part of the public property owned or managed by the City). A small number of cafe proprietors were initially identified as potential licensees and invited to apply but none took up the invitation. A copy of the Alfresco Dining Local Law is at **Attachment 10.5.4(a)**.

The City's Environmental Health Officers have recently concluded an audit of the cafes and restaurants operating in South Perth to determine whether there are any potential licensees who could be invited to apply should they wish to operate alfresco dining areas on City property.

This audit disclosed that there are currently 112 'class 1' or 'class 3' cafes or restaurants operating in South Perth. Of these, four have been identified as potentially requiring a licence under the Alfresco Dining Local Law if they wish to conduct alfresco dining. The remainder either do not operate an alfresco dining area, or do so within the boundary line of their own property and as a result cannot be regulated by the City's local laws which may only be applied to public property.

Under the Alfresco Dining Local Law, the City may grant a licence, subject to such conditions as it sees fit. Accordingly, the City can impose a condition on the licence holder prohibiting smoking within the licence area.

The four proprietors have been formally advised of the Alfresco Dining Local Law and have been invited to apply for a licence should they wish to use City public property (viz. the footpath) for alfresco dining. Informal feedback received by the Environmental Health Officers indicates that there is unlikely to be any objection to a licence condition prohibiting smoking should any of the proprietors wish to apply for an alfresco dining licence.

*Policy P313 Alfresco Dining*

The administration of the local law is guided by policy P313 Alfresco Dining. A copy of the policy is at **Attachment 10.5.4(b)**. The policy will be reviewed at the same time as the local law.

*The situation at other local governments*

Fremantle caused a stir late last year when it announced its intention to introduce a ban on smoking along its famous cappuccino strip (and elsewhere in the Fremantle area).

Fremantle Council implemented the change in 2007 by amending the city's local law relating to outdoor eating areas. The amendments came into effect in February 2008 but allowed for a transition period of six months to allow proprietors and patrons to adjust to the new laws. Feedback from the City suggests that the smoking ban has been generally well received by both proprietors and patrons.

The cities of Perth and Joondalup have recently followed suit with both currently proposing similar amendments to their existing alfresco dining local laws for the purpose of enhancing the operational aspects of the laws and to reinforce the no-smoking message to the general community.

*Section 3.16 - Periodic review of local laws*

Whilst it is possible for the City to implement a ban on smoking in alfresco dining areas under the provisions of the existing local law, it is recommended that a review be instigated pursuant to the periodic review provisions of the Act.

Section 3.16 of the Act enables a local government to periodically review its local laws to determine if the law needs to be repealed or amended. In light of the experiences at Fremantle, Perth and Joondalup it is considered that the time is ripe for the City to initiate a review of the Alfresco Dining Local Law. The City can learn from those experiences and a periodic review will enable valuable community consultation to occur in an area of relevant community concern.

The statutory procedure for a periodic review is similar to that for the local law-making procedure which provides for community consultation by means of state-wide and local public notice over a minimum period of six weeks prior to Council considering any submissions received and making decisions on the amendment or repeal of the local law. Given the Christmas/New Year break, it is proposed that the consultation period be extended to the end of February 2009.

**Please note:** a separate report to Council at Item 10.5.3 recommends a periodic review for a number of other local laws some of which (e.g. public property, streets & footways and hawkers, stallholders & trading in public places) are related thematically and operationally to the Alfresco Dining Local Law.

#### **Consultation**

Officers from the cities of Fremantle, Perth and Joondalup have been consulted in the preparation of this report.

#### **Policy and Legislative Implications**

Policy and legislative implications are as described in the report.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

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

#### **Sustainability Implications**

The content of the report is consistent with the objectives of the City's Sustainability Strategy - by implementing a smoking ban under the Alfresco Dining Local Law, the City will be helping to create a healthier and more sustainable environment.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.4</b>
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That Council....

- (a) endorses the imposition of a licence condition prohibiting smoking in any areas licensed under the City's Alfresco Dining Local Law; and
- (b) instigates a periodic review of the Alfresco Dining Local Law pursuant to section 3.16 of the *Local Government Act*.

**CARRIED EN BLOC RESOLUTION**

<b>10.5.5 Proposed Policy P560 Motor Vehicles</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CM/401
Date:	24 November 2008
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### **Summary**

The purpose of this report is to propose that the City responds to the changing environmental expectations in relation to the ownership and operation of the Light Vehicle Fleet. This is to ensure that the Light Vehicle Fleet meets responsible standards in regards to fuel consumption, greenhouse gas emissions, safety and whole of life costs. The City has identified Industry Criteria to support the achievement of the above objectives which are identified in the new policy. This report outlines the Industry Criteria generally being used to create the cleaner and more sustainable transport sector and recommends the adoption of a Motor Vehicle Purchasing Policy which embraces these principles.

### **Background**

With the exception of an approximate five year period around the year 2000 the City has generally maintained a fleet of Australian built six cylinder sedans for the Mayor, Chief Executive Officer and Directors and four cylinder vehicles for Managers and other staff. Light commercial vehicles have typically been six cylinder utilities although the introduction of the dual cab utility has proven beneficial to some supervisors and operational requirements of the City. During the above period the City availed itself of the very attractive leasing arrangements being provided by the Australian vehicle builders and settled on an all six cylinder fleet.

Currently, the City has six cylinder Holden Statesman sedans as the predominant vehicle in the executive fleet supported almost exclusively on contractual, functional and economic criteria, with Toyota and Mazda four cylinder sedans the predominant vehicle for Managers and other staff, excluding works supervisors. The State Government Common Use Arrangement (CUA) for the Purchase of Motor Vehicles has introduced an element of choice to the vehicle selection that was previously not readily available under an individual tendering arrangement.

So that the City can respond to changing community expectations in relation to reducing greenhouse gas emissions, take a leadership role, continue to take advantage of competitive purchasing arrangements and provide some measure of choice to the staff assigned vehicles, a Policy has been developed at **Attachment 10.5.5** for purchasing new vehicles. Adoption of the Policy will ensure that the City's Light Vehicle Fleet meets responsible standards in regards to fuel consumption, greenhouse gas emission's, safety, and whole of life costs.

### **Comment**

Transport is one of the biggest offenders when it comes to greenhouse gas emissions. According to the national Greenhouse Gas Inventory, transport contributed 14.4% of Australia's net emissions in 2005. Emissions grew by 30% from 1990 to 2005, one of the highest growth rates in Australia.

The City has traditionally maintained a “standard” fleet of motor vehicles with differing limits and classes of cars available for the following groups of staff and elected members:

- Mayor and Chief Executive Officer;
- Directors;
- Department Managers; and
- Coordinators / other staff.

With the recent focus on “peak oil” related issues, further deregulation of the Australian and international car markets and manufacturers, and an increased focus on sustainability and environmental matters, a review of the type, diversity and environmental impact of the City’s light vehicle fleet was undertaken.

The objective of the review was to enhance the “*environmental performance of the light vehicle fleet*” by concentrating on fuel efficiency and the introduction of alternative vehicle types. To establish the benchmarks for the performance of motor vehicles in the City’s light vehicle fleet, a number of well known websites and publications were reviewed, some of these being:

- The Green Vehicle Guide (GVG) - Department of Infrastructure, Transport Regional Development and Local Government;
- Australia’s Best Cars (Produced by the NRMA);
- Australasian New Car Assessment Program (ANCAP); and
- Green Wheels - An initiative of the Low Emission Vehicle (LEV) Automotive Partnership that involves the Royal Automobile Club of Victoria (RACV), the Environmental Protection Authority (EPA) of Victoria, and Future Climate Australia.

All vehicles for sale in Australia have an air pollution and greenhouse rating between 0 and 10, with ten being the highest rating. Further, all vehicles have a fuel efficiency rating which is based on the litres of fuel used for every 100 kilometres travelled.

Policy P560 Motor Vehicles at **Attachment 10.5.5** has been developed to encompass the above methodology. Hence, the following criteria will be applied to all new vehicle purchases:

- Using the Green Vehicle Guide, only vehicles with a combined score of 12 out of 20 or more for both the greenhouse and air pollution ratings will be purchased;
- Using the ADR 81A testing regime, vehicles will generally not be considered if the fuel consumption exceeds 10 litres per 100 kilometres travelled;
- Using the Green Vehicle Guide, carbon emissions (CO<sub>2</sub>) should not exceed 240 grams per kilometre;
- All vehicles to carry a 4 star minimum ANCAP (safety) rating; and
- Purchasing evaluations to use the most economical cost per kilometre calculated using:
  1. Cost of capital;
  2. Depreciation verified by Industry standards (e.g. Red Book or similar);
  3. Cost of fuel based on specified fuel consumption.

Over time, the rating system will be reviewed for adequacy, however it is considered at this time that the adopted ratings for greenhouse, air pollution, fuel consumption and CO<sub>2</sub> should provide enough of a stimulus for the City to move to a more sustainable and environmentally friendly light vehicle fleet.

The air pollution and greenhouse ratings are challenging and the standards upon which they are based are reviewed annually by the Department of Infrastructure Transport Regional Development and Local Government (DITRDLG) as author of the Green Vehicle Guide. It is therefore the intention to adopt this rating system as the basis for future decision making in regards to future light vehicle purchases.

**Consultation**

The Policy. is based on independent external advice as detailed in this report.

**Policy and Legislative Implications**

This report recommends that the Council adopt a new Policy P560 Motor Vehicles.

The City’s Policy P605 “Purchasing and Invoicing Approval” defines purchasing procedures for different levels of purchase price.

The City’s Policy P607 “Tenders and Expressions of Interest” defines the tendering procedures used by the City when acquiring goods and services.

Part 4 of the Local Government (Functions and General) Regulations 1996 governs certain matters relating to the procurement of goods and services.

As members of the Executive have specific types of vehicles included in their employment contracts, agreement is required to change the contractual conditions.

**Financial Implications**

The light vehicle fleet is currently changed over on a two (2) year cycle (50% of the passenger fleet each year). There is no immediate intention to vary this arrangement. Prudent fleet management requires careful scrutiny of whole of life cycle costs to identify opportunities to maximise the return on the entire light vehicle fleet.

The current funding allocated by the City for vehicle purchases is shown in the table below:

Officer	Maximum Allocation
Mayor & CEO	\$51,500
Director	\$45,600
Manager	\$34,200
Supervisor & staff	\$28,400

As the Policy advocates the removal of the larger 6 cylinder vehicles from the light vehicle fleet there needs to be an acknowledgement that the CEO and Directors have provisions in their salary packages that entitles them to the specified motor vehicles (i.e. Holden Statesman or equivalent), with the Mayor being assigned a vehicle equivalent in standard to the CEO.

It is proposed that as a trial the types of vehicles allocated to the CEO, Directors and Mayor be diversified to allow the City to take advantage of more fuel efficient and “greener” vehicles. This diversification would allow for the purchase of fuel efficient and environmentally friendly motor vehicles (ie Audi, Peugeot, SAAB, Volvo etc) subject to whole-of-life and air pollution/greenhouse considerations.

It is considered timely and appropriate to move into “greener” and more fuel efficient types of vehicles. It should however be noted that the current vehicle allocations will initially need to be increased on a “once only” basis to accommodate the higher cost of the European and “top end” Asian vehicles. In subsequent years, the net cost of changing over vehicles will be similar to what is currently allowed (new vehicle price less trade in). This is because whilst the purchase price is a little higher, importantly so to is the trade in value that is received on changeover.

On average, Officers at the City would travel about 20,000 kilometres a year. Accordingly, the Holden Statesman sedan with 20,000 kilometres of travel would consume at least 2,300 litres of fuel and discharge 5.4 tonnes of greenhouse gases. By way of a comparison, an Audi A4 TDI (diesel powered) which travelled the same distance would consume only 1200 litres of fuel and discharge 3.1 tonnes of greenhouse gases, giving savings of 48% and 43% respectively. As an operational cost this translates to an annual saving of about \$1,300 per vehicle (based on 20,000 kilometres travelled).

Allowing for the purchase of the more fuel efficient European and “top end” Asian vehicles within the Executive Fleet and “Hybrid” vehicles (i.e. Toyota Prius) within the Management Group, the capital allocation in the first two years of conversion would increase by about \$40,000 a year. However, as vehicles are progressively changed over to “greener” and more fuel efficient vehicle types, the City will start to realise savings both from an environmental and financial perspective.

As previously indicated, all of the light vehicle fleet is currently purchased through the State CUA and this provides opportunity for the City to acquire vehicles at discounted prices. At present, the City purchases the Holden Statesman for approximately \$44,000 although the retail cost of this vehicle is \$58,000 resulting in a \$14,000 discount.

Purchase of vehicles outside of the CUA (i.e. by tender or formal quotation) will result in the City paying a slightly higher cost for the Executive fleet as a discount will no longer apply. By way of an example, the City would expect to acquire an Audi TDI (diesel) mid range for about \$55,000.

Managers currently drive 4 cylinder motor vehicles and it is not proposed, other than extending the range to include “Hybrids”, that this entitlement be changed.

#### **Strategic Implications**

This matter relates to Goal 5 “Organisational Effectiveness” identified in the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

#### **Sustainability Implications**

There are significant environmental and sustainability gains in moving to a more diversified vehicle fleet that embraces the fuel efficiencies and “whole of life” costing of (in particular) the European and top end Asian marqueses. The Policy is proposed as the means to ensure that the City provides an economical and environmentally responsible light vehicle fleet whilst continuing to meet the operational needs of the organisation and expectations of the Officers assigned responsibility for the vehicles.

<b>OFFICER RECOMMENDATION ITEM 10.5.5</b>
---

That Policy P560 Motor Vehicles as detailed in **Attachment 10.5.5** of the December 2008 Council Agenda be adopted.

#### MOTION

Cr Ozsdolay moved the officer recommendation. The Motion Lapsed for Want of a Secunder.

LAPSED

MOTION

Moved Cr Hearne, Sec Cr Grayden

That...

- (a) the officer recommendation not be adopted;
- (b) consideration of proposed Policy P560 "Motor Vehicles" be **deferred** until:
  - (i) a triple bottom line assessment of the City's vehicle fleet is completed for Council consideration. Such assessment is to include, but no limited to, capital cost, operating cost per kilometre including the cost of servicing, insurance, running costs, fringe benefit tax, trade-in value and environmental issues;
  - (ii) justification for not introducing log books for each vehicle;
  - (iii) justification for not introducing an officer vehicle contribution scheme for private usage and how this could be implemented without penalising existing staff;
  - (iv) detail of the current policy for allocating vehicles to staff; and
  - (v) justification for continuing with the 2 year 40,000km policy when most existing warranties provide for a 3 or 5 year coverage.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne opening for the Motion

- November 2006 had an informative briefing on motor vehicles and associated issues with the expectation that a motor vehicle policy would be developed in due course.
- issues considered at that time included introduction of log books to minimize FBT etc
- Agenda Item 10.5.5 may only deal with replacement of 4 vehicles with Audis or similar but it does not address issues raised in November 2006.
- in the current economic environment, is it the time to be considering purchasing Audis
- how will this initiative look to our ratepayers?
- what have we done about rotating the fleet to achieve FBT economies/ introducing log books to identify business private use etc
- acknowledge keeping log books may be difficult
- what consideration has been given to the "buy Australian slogan" suggested
- have we taken into consideration the trade in prices and environmental issues for the Pries type vehicle?
- Attachment 10.5.5. refers to vehicles being made available for restricted or private use - what are the FBT implication as we don't keep log books?
- given the current economic crisis before us is it time to consider the phased introduction of an executive vehicle scheme
- we are talking about a \$1 million policy - believe we need to know a lot more about our fleet and its use before we can make an informed decision.

**Note:** A copy of Cr Hearne's comments in support of his Motion was circulated to Members prior to the commencement of the meeting.

Director Financial and Information Services - made the following comments in relation to Fringe Benefits Tax (FBT):

In relation to Fringe Benefits Tax (FBT) on City vehicles I have since sought further advice from external independent experts in the area. The advice has been sourced firstly from the Australian Taxation Office who have clarified the interpretation of 'Business' versus 'Private' use - and have confirmed that travel between home to place of work (and return) is always 'private' in nature Only travel directly to site meetings and external meetings is 'Business'. This is a slightly different premise to what was understood previously.



Given the small physical dimensions of the City, the amount of 'Business' mileage that will be covered in a typical City vehicle in a week will be rather modest compared to the much larger distances that would be travelled commuting to or from the place of work. This is a critical issue - as will become apparent following receipt of independent advice about FBT from accounting firm UHY Haines Norton who are experts in the local government accounting arena.

An extract from the UHY advice states:

*An employer can choose which method to apply in respect of each car in each year the car is used to provide a fringe benefit. However, unless the employer elects to apply the operating cost method, the value is determined on the basis of the statutory method. If an employer elects to use the operating cost method for a particular car but the statutory formula method gives a lower valuation, then the statutory method will apply.*

***If the business use is 70% or more, the operating cost method may be the better method to use. However, if the log book percentage was only 35% then the statutory method would be better to use. Generally, the higher the log book percentage, the better the operating cost method would be to use.*** But, with higher kilometre usage, the statutory method could prove to be the better choice. Given the stringent and onerous record-keeping requirements associated with the operating cost method some employers tend to elect to use the statutory method.

This additional information now suggests that using the ATO definitions of 'Private' motor vehicle use, the City would be much better off continuing to use the Statutory Method rather than adopting the Operating Cost for Motor Vehicles.

Cr Grayden for the Motion

- main reason for supporting deferral - it is an important initiative
- important we get the policy right
- endorse we get additional information prior to making a decision
- support the Motion

Cr Hearne closing for the Motion

- if we kept log books for 12 weeks we would know what the use of vehicles is
- need more information in order to make an informed decision
- ask Councillors support Motion

**COUNCIL DECISION ITEM 10.5.5**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) consideration of proposed Policy P560 "Motor Vehicles" be deferred until:
  - (i) a triple bottom line assessment of the City's vehicle fleet is completed for Council consideration. Such assessment is to include, but no limited to, capital cost, operating cost per kilometre including the cost of servicing, insurance, running costs, fringe benefit tax, trade-in value and environmental issues;
  - (ii) justification for not introducing log books for each vehicle;
  - (iii) justification for not introducing an officer vehicle contribution scheme for private usage and how this could be implemented without penalising existing staff;
  - (iv) detail of the current policy for allocating vehicles to staff; and
  - (v) justification for continuing with the 2 year 40,000km policy when most existing warranties provide for a 3 or 5 year coverage.

CARRIED (11/2)

Reason for Change

There is insufficient information to make an informed decision on a vehicle policy.

**10.6 GOAL 6: FINANCIAL VIABILITY**

**10.6.1 Monthly Financial Management Accounts - November 2008**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 6 December 2008  
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

**Summary**

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

The attachments to this financial performance report are part of the suite of reports that were recognised with a Certificate of Merit in the recent Excellence in Local Government Financial Reporting awards.

**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 more than 100 pages of 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 report 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.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those 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). Notwithstanding the statutory requirement, the City provides comment on other 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 from when the first budget amendment is recognised. This schedule reflects a reconciliation of movements between the 2008/2009 Adopted Budget and the 2008/2009 Amended Budget including the introduction of the capital expenditure items carried forward from 2007/2008.

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 and 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 - **Attachments 10.6.6(A) and 10.6.6(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 30 November 2008 is \$30.26M which represents 100% of the \$30.21M year to date budget. Actual performance is (as expected) on, or very near, revised budget expectations at month end in most areas. The most significant deviation is in the area of interim rates revenue which lags the budget target as a consequence of the VGO making a number of significant downwards adjustments to GRVs after rates were levied. Offsetting these negative adjustments are some favourable variances attributable to unbudgeted asset trade-ins. Comment on the specific items contributing to the small favourable variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 30 November 2008 is \$13.88M which represents 98% of the revised year to date budget of \$14.16M. Operating Expenditure to date is 2% under budget in the Administration area and in the Infrastructure Services area and 7% under for the golf course.

There are some favourable variances in the administration areas that relate to budgeted (but vacant) staff positions - but these are largely offset by increased use of consultants to assist in maintaining service delivery in the face of the ongoing staff shortage. An increased staffing cost for the Collier Park Hostel is currently being experienced due to the continuing need to use temporary staff and higher care standards required for more frail residents. Most other items in the administration areas are close to or slightly under budget expectations to date. Variances in the Infrastructure area relate primarily to timing differences whilst operational and maintenance programs are initiated, designs are prepared and contractors secured for road and path works. Golf Course expenditure remains favourable largely due to vacant staff positions and delays in incurring promotional expenditure.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 9.48% under the budget allocation for the 216.3 FTE positions approved by Council in the budget process - after agency staff invoices were received at month end. Increased use of external consultants is assisting in covering for current vacancies which exist in areas such as Engineering, Building Services, Human Resources, Information Technology and Planning - but costs overall are just within the approved budget allocations.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$01.04M at 30 November against a year to date budget of \$0.70M. The favourable variance largely relates to lease premiums and refurbishment levies on units at the Collier Park Village that have been leased since June. This variance will be further considered in the Q2 Budget Review after the December accounts are finalised. The City has also received some road grant revenue which was not budgeted as it actually related to the previous year's budget - related costs in this year are also similarly unbudgeted.

Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 November 2008 is \$6.90M which represents 102% of the year to date budget - and some 36.7% of the full year budget. Approximately 35% of this year to date capital expenditure relates to payment of cash calls on the UGP project. The year to date result suggests that the City's staged capital program approach of creating both a 'Deliverable' capital program and a 'Shadow' capital program is delivering a positive outcome to this stage of the year in that organisational capacity and expectations are now perhaps more appropriately matched.

The table reflecting capital expenditure progress versus the year to date budget by directorate has been re-introduced back into this report now that the September quarter has concluded - because from that time onwards, it presents meaningful information. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein are provided bi-monthly from the finalisation of the October numbers for similar reason.

Each month, 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 as below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	83,500	81,004	97%	1,551,000
Financial & Information Services	125,000	118,445	95%	411,500
Planning & Community Services	597,500	611,741	102%	1,622,344
Infrastructure Services	3,410,325	3,566,353	105%	9,419,464
Golf Course	145,000	97,964	64%	278,800
Underground Power	2,380,000	2,430,381	102%	5,500,000
<b>Total</b>	<b>6,741,325</b>	<b>6,905,888</b>	<b>100%</b>	<b>18,783,108</b>

### 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 to address any significant variances 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 which in turn promotes dynamic and prudent financial management.

### 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.

### Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances.

Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1</b>
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That ....

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34;
- (c) the Schedule of Movements between the Adopted and Amended Budget provided as **Attachments 10.6.1(6)(A) and 10.6.1(6)(B)** be received; and
- (d) the Monthly Rate Setting Statement provided as **Attachment 10.6.1(7)** be received;

CARRIED EN BLOC RESOLUTION

<b>10.6.2 Monthly Statement of Funds, Investments and Debtors November 2008</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 December 2008
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. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Because significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also 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. Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. 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 and to highlight any emerging trends that may impact on future cash flows.

**Comment**

**(a) Cash Holdings**

Total funds at month end of \$41.41M compare very favourably to \$37.69M at the equivalent stage of last year. Reserve funds are some \$5.7M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV and accumulated funds relating to the civic buildings refurbishment.

Municipal funds are \$2.2M lower due the capital program being much more advanced at this time in the current year - including cash outflows for the UGP project cash calls (\$2.4M). The free cash position is still good - with collections from rates currently within 0.5% of last year's excellent result. Convenient and customer friendly payment methods are in place and the Rates Early Payment

Incentive Prizes (all prizes donated by local businesses) have encouraged positive early cash collections. These actions are being complemented by timely and effective follow up debt collection actions by the City's Financial Services officers - an important action given the current global financial situation.

Monies brought into the year (and our subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects later in the year. As previously noted, astute selection of appropriate financial investments has meant that the City does not have any exposure to higher risk investment instruments - an issue noted very positively by our auditor's field staff in conducting our annual audit.

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 \$15.8M (compared to \$18.0M at the same time in 2007/2008). **Attachment 10.6.2(1).**

**(b) Investments**

Total investment in money market instruments at month end was \$40.44M compared to \$36.11M at the same time last year. This is largely due to higher holdings of Reserve Funds at this time.

The portfolio currently comprises at-call cash and term deposits only. Bank accepted bills are permitted - but are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 83.4% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities. The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1.

This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Interest revenues (received and accrued) for the year to date total \$1.17M - significantly up from \$0.89M at this time last year. This result is attributable to the higher reserve cash holdings and timely, effective treasury management - despite the falls in interest rates. Rates continue to be quite volatile even for safe 'vanilla' financial instruments such as term deposits - and the date on which an investment is placed can be a critical determinant of the rate of return as banks try to manage capital and meet re-financing commitments.

To this stage of the year, interest revenues have remained strong - being more than 95% of interest revenue targets. However, in response to the prevailing economic climate, the RBA reduced official rates by 75 basis points on 4 November and a further 100 to 4.00% on 2 Dec this year.

The reality is, therefore, that the City may have to revise its interest revenue targets downwards slightly at the Q2 Budget Review - which would be the first downwards revision required during the last 12 years.

At present, the targets will remain as stated upon budget adoption because we are still achieving close to expectations. However, investment performance will be monitored in the light of decreasing interest rates until Christmas when revised targets may need to be developed and brought back to Council in the Budget Review - along with details of any potential budget closing position impact.

Throughout the year it is necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational 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 whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date is 7.26% with the anticipated yield on investments yet to mature currently at 6.72% - but this is likely to fall further after recent official interest rate cuts. Investment results so far reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs are now providing a return of only 5.75% since early October and 5.00% since early December - and may be decreased again early in the new year.

**(c) Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtors classifications (rates, general debtors and underground power) are provided below.

**(i) Rates**

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 November 2008 represent 81.2% of total rates levied compared to 81.7% at the equivalent stage of the previous year. This is an excellent result to date. Ratepayer feedback suggests that the rating and communication strategies used for the 2008/2009 rates strike have been well received - and this is reflected in the good foundation that has been established for successful rates collections during the year.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) is again being supported by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.



**(ii) General Debtors**

General debtors stand at \$1.01M at month end excluding UGP debtors - which compares to \$1.32M at the same time last year. This reflects a further improvement in the comparative positions for general debtors over the last month.

**(iii) Underground Power**

Of the \$6.75M billed for UGP (allowing for adjustments), some \$3.98M was collected by 30 November with approximately 54.8% of those in the affected area electing to pay in full and a further 44.3% opting to pay by instalments. The remaining 0.9% has yet to make a payment and is the subject of follow up collection actions by the City. As previously noted, a small number of properties have necessarily had the UGP charges adjusted downwards after investigations revealed eligibility for concessions that were not identified by the project team before the initial invoices were raised.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which are currently accruing on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the 'yet to completed UGP service' - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (exactly like what would occur on a bank loan).

The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it will, if required, provide an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

**Consultation**

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City 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, 28 & 49 are also relevant to this report as is the DOLG Operational Guideline 19.

**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'*.

**Sustainability Implications**

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.2**

That Council receives the 30 November 2008 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 Listing of Payments**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 December 2008
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

A list of accounts paid under delegated authority (Delegation DC602) between 1 November 2008 and 30 November 2008 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 and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor or Non Creditor payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

**Comment**

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list 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.

The format of this report has been modified from October 2008 to reflect contemporary practice in that it now records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance an EFT payment reference of 738.76357 reflects that EFT Batch 738 made on 24/10/2008 included a payment to Creditor number 76357 (ATO).

- **Non Creditor Payments**

*(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).*

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function will no longer be recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

### **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's financial resources*'.'

**Sustainability Implications**

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.3**

That the Listing of Payments for the month of November 2008 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Application for Leave of Absence : Cr Smith**

I hereby apply for Leave of Absence from all Council Meetings for the period 23 February to 20 March 2009 inclusive.

**11.2 Application for Leave of Absence : Mayor Best**

I hereby apply for Leave of Absence from all Council Meetings for the period:

- 25 December 2008 to 18 January 2009 inclusive; and
- 8 to 15 February 2009 inclusive.

**COUNCIL DECISION ITEMS 11.1 AND 11.2**

Moved Cr Doherty, Sec Cr Hearne

That....

- (a) Cr Smith be granted Leave of Absence from all Council Meetings for the period 23 February to 20 March 2009 inclusive; and
- (b) Mayor Best be granted Leave of Absence from all Council Meetings for the period:
  - 25 December 2008 to 18 January 2009 inclusive; and
  - 8 to 15 February 2009 inclusive.

CARRIED (13/0)

**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**

**13.2.1 Councillor Behaviour November 2008 Meeting ....Cr Gleeson**

Summary of Question

Mr Mayor when you interviewed me and played the tape of the November 2008 Council meeting of the 'Smith/Gleeson' issue will you acknowledge that there was nothing on the audio recording of what I was alleged to have said?

Summary of Response

Mayor Best stated that unfortunately the microphone did not pick up verbatim all the words said during the incident referred to.

Summary of Question

Do you realise Mr Mayor that a number of Members on my side of the Chamber disagree with Cr Smith's comments on the matter?

Summary of Response

Mayor Best responded that Cr Gleeson was here to represent members of the community, not to raise personal issues. He further stated that he could not believe Cr Gleeson was again raising the issue already addressed in length at the beginning of the meeting.

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

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

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

Cr Smith foreshadowed that he sought to move a Motion in relation to the article in the Southern Gazette newspaper of 16 December 2008 "more ruffled feathers at Council".

**COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 14**

Moved Cr Smith, Sec Cr Cala

That Council accept the item of New Business introduced by Cr Smith.

LOST (6/7)

**15. MEETING CLOSED TO PUBLIC**

**15.1 Matters for which the Meeting May be Closed.**

**Note:** As there was no proposed discussion in relation to *Confidential* Item 15.1.1 the meeting was not closed to members of the public.

**15.1.1 City of South Perth Australia Day Awards *CONFIDENTIAL- NOT TO BE DISCLOSED REPORT***

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/109
Date:	28 November 2008
Author:	Seánna Dempsey, Community Development 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 Australia Day Ceremony.

**Note:** ***Confidential*** report circulated separately.

**COUNCIL DECISION ITEM 15.1.1**

Moved Cr Ozsdolay, Sec Cr Burrows

That...

- (a) following consideration of the nominations received for the 2009 City of South Perth Citizenship Awards the nominees as presented in the recommendation of the *Confidential* Report Item 15.1.1 of the December 2008 Council Agenda, be approved; and
- (b) the contents of this report remain *Confidential* until after the Award presentation on 26 January 2009.

CARRIED (13/0)

**15.2 Public Reading of Resolutions that may be made Public.**

Nil

CHRISTMAS GREETINGS

The Mayor thanked Members and Officers for their contribution over the year and wished them and their families a merry Christmas and a safe and happy New Year.

Deputy Mayor Cala responded on behalf of the Members and thanked the Mayor for his efforts and leadership over the year and wished him and his family the compliments of the season.

**16. CLOSURE**

The Mayor closed the meeting at 8.58pm and thanked everyone for their attendance.

**DISCLAIMER**

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

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

**These Minutes were confirmed at a meeting on 24 February 2009**

Signed \_\_\_\_\_

**Chairperson at the meeting at which the Minutes were confirmed.**

**17. RECORD OF VOTING 16/12/2008**

**Change to Order of Business at Item 3 Motion Carried**

Yes: No: Absent: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala, Casting Vote

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16/12/2008 7:55:30 PM

**Item 7.1.1 and 7.1.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 7:56:10 PM

**Item 7.2.1 - 7.2.3 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 7:59:25 PM

**Item 8.4.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:02:08 PM

**Item 9.0 EN BLOC - Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:04:27 PM

**Item 10.0.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:10:35 PM

**Item 10.2.1 Motion Passed 9/4**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden

No: Cr Ian Hasleby, Cr Brian Hearne, Cr Roy Wells, Cr Colin Cala

Absent: Casting Vote

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16/12/2008 8:14:50 PM

**Item 10.2.2 Motion Passed 11/2**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

No: Cr David Smith, Cr Roy Wells

Absent: Casting Vote

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16/12/2008 8:33:46 PM

**Item 10.3.3 Motion Passed 9/3**

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr Roy Wells, Cr Colin Cala

No: Cr Bill Gleeson, Cr Kevin Trent, Cr David Smith

Absent: Cr Rob Grayden, Casting Vote

MINUTES : ORDINARY COUNCIL MEETING : 16 DECEMBER 2008

16/12/2008 8:36:17 PM

**Item 10.3.4 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:37:55 PM

**Item 10.4.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:51:19 PM

**Item 10.5.5 Motion Passed 11/2**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Travis Burrows, Cr Les Ozsdolay

Absent: Casting Vote

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16/12/2008 8:52:01 PM

**Item 11.1 and 11.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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16/12/2008 8:55:27 PM

**Item 14 Motion Not Passed 6/7**

Yes: Cr Brian Hearne, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty

Absent: Casting Vote

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16/12/2008 8:56:22 PM

**Item 15.1.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote