



MINUTES
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 26 February 2008 commencing at 7.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. He then recognised and acknowledged the traditional owners of the land we are meeting on.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 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.

3.2 Electronic Voting

The Mayor advised that electronic voting was being used at the February meeting for the first time. He then referred to the overhead screen and explained how the process worked for the benefit of the public gallery.

3.3 Withdrawal of Agenda Item 10.3.5

The Mayor reported having received a written request from Mr Wayne Morgan (the applicant for development at 56 Talbot Avenue) requesting that consideration of his application at Item 10.3.5 be withdrawn from the Agenda and considered at the March Council meeting in order to allow them time to address issues in relation to compliance with the R Code requirements.

3.4 Activities Report Mayor Best

As recorded in the Agenda paper the Mayor's Activities Report' was circulated with the Agenda paper for information.

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
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Development and Community Services
Mr G Flood	Director Infrastructure Services
Ms D Gray	Acting Director Financial Services
Mr R Kapur	Acting Manager Development Assessment (until 9.43pm)
Mr S Camillo	Manager Environmental Health Services (until 7.48pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 7.48pm)
Ms A Spaziani	Human Resources Manager (from 9.44pm)
Mr M Taylor	Manager City Environment (until 7.48pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 8.50pm)
Ms R Mulcahy	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery

There were 18 members of the public and 1 member of the press present

4.1 APOLOGIES

Director Financial and Information Services

4.2 APPROVED LEAVE OF ABSENCE

Cr T Burrows Manning Ward

5. DECLARATION OF INTEREST

The Mayor reported having received a written Declaration of Interest from Cr Hearne in relation to Agenda Item 10.0.8 and a verbal Impartiality Interest from Cr Doherty for Item 10.0.1. The Mayor then read aloud the Declarations, as detailed in the Minutes before Items 10.0.1 and 10.0.8.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Note: There were no questions taken on notice at the December 2007 Council meeting.

6.2 PUBLIC QUESTION TIME : 26.2.2008

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements must relate to the area of Council's responsibility. He advised that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.09pm.

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

Summary of Question

The Minister for Planning and Infrastructure 'Ordered' on 30 January 2008 that part of the building at No. 11 Heppingstone Street be demolished. Does the City admit the building at 11 Heppingstone is over plot ratio?

Summary of Response

The Mayor said that the SAT has determined that the position taken by the City prior to 2005 with respect to calculation of plot ratio was incorrect.

Mr Drake stated: That was not the question. The question was: *Does the City admit the building at 11 Heppingstone is over plot ratio?*

The Mayor responded, Yes.

Summary of Question

Will the City enforce the order?

Summary of Response

The Mayor replied that the City has served the Order on the owner.

Summary of Question

Who does the City hold responsible?

Summary of Response

The Mayor stated that no one is responsible but the City acknowledges that the established process employed at the City in the late 1990's and in 2000 when the application for No. 11 Heppingstone Street was lodged, are not the ones we use today. The City was using a mistaken practice of interpreting the plot ratio calculations and since the SAT decision in October 2005 we have changed the methodology for assessing the Residential Design Codes in South Perth. I regret that you feel the City did not listen to you.

Summary of Question

Does the City hold itself responsible?

Summary of Response

The Mayor said no, as the City was following accepted standards of calculating plot ratio at the time of issuing the approval - it is not the method of calculation used today.

Summary of Question

In the Order outlined at the beginning, the Minister has made certain Orders for the building to comply with plot ratio. The two issues I have been trying to get addressed with this Council for the last 6 years relating to floor levels and setbacks will not be addressed by the Minister's Order. When will they be dealt with?

Summary of Response

The Mayor said that the setbacks and height issues were not part of the SAT decision. He said Council had previously considered these issues and resolved that no further action be taken. He then read aloud the letter dated 4 February 2008 received from the Minister for Planning and Infrastructure.

Contempt of the Chair

Following several interjections by Cr Gleeson the Mayor requested Cr Gleeson refrain from interjecting with inappropriate comments. As the comments continued, the Mayor then cited Cr Gleeson with contempt of the Chair for using an expletive and showing lack of respect while a ratepayer was speaking.

Summary of Question

Will the City now reimburse my out of pocket expenses in demonstrating that the City failed to enforce effectively the observance of the Planning Scheme?

Summary of Response

The Mayor responded that the City has not previously considered 'out of pocket expenses'. You have previously applied to the SAT for the expenses incurred and the SAT determined that you are not entitled to be reimbursed by the City or the landowners. The SAT noted that the discretion to award costs is to be exercised in the same way as in ordinary review proceedings where parties bear their own costs. The Mayor further advised that the City would consider a written application on its merits.

6.2.2. Mr Geoff Defrenne, 24 Kennard Street, South Perth

Summary of Response

Two or three years ago approval was granted to Royal Perth Golf Club for nets to be installed along the fencing in Labouchere Road in response to safety issues. This has not been done - has the Planning Consent expired and is the City now liable?

Summary of Response

The Mayor confirmed that the approval has expired but that the club has come up with another design solution to ensure golf balls are driven down the centre of the course and therefore the proposed netting to the fencing in Labouchere Road is not required.

Summary of Question

Has the City's liability diminished in such circumstances.

Summary of Response

The Mayor stated that in the case of Royal Perth Golf Club the liability is the Clubs who maintain their own insurance cover therefore the City has no exposure.

Close of Public Question Time

There being no further questions the Mayor closed Public Question time at 7.24pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 18 December 2007

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Gleeson

That the Minutes of the Ordinary Council Meeting held 18 December 2008 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.1.2 Special Electors Meeting Held: 11 February 2008

COUNCIL DECISION ITEM 7.1.2

Moved Cr Hasleby, Sec Cr Ozsdolay

That the Minutes of the Special Electors Meeting held 11 February 2008 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.2 BRIEFINGS

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

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

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

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

7.2.1 Agenda Briefing - December Ordinary Council Meeting Held: 11.12.2007

Officers of the City presented background information and answered questions on items from the December 2007 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum : Residential Design Manual : Meeting Held: 5.2.2008

Officers of the City presented the draft policies and background information in relation to the proposed Residential Design Manual. Notes from the Agenda Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum Aged Care Presentation Meeting Held: 6.2.2008

Representatives from Meath Care, and Settlers Lifestyle Villages provided information on their Aged Care facilities in relation to Collier Park Hostel. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum : Strategic Financial Plan / Budget Process : Meeting Held: 12.2.2008

Officers of the City presented background information on the Strategic Financial Plan / Budget Process and answered questions from Members.

Notes from the Agenda Briefing are included as **Attachment 7.2.4.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Doherty, Sec Cr Ozsdolay

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 18 December 2007 be noted.

CARRIED (12/0)

8. PRESENTATIONS

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

Nil

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

8.2.1 Acknowledgement - Director Infrastructure Services

The Mayor advised the meeting of the pending departure of the Director Infrastructure Services, Mr Glen Flood, to take up a position in the private sector with Parsons Brinckerhoff. He said, that as Director Infrastructure Services Glen has been responsible for:

- delivery of in excess of 40 million dollars of Infrastructure Capital Works
- championing major initiatives including the City's Sustainability Strategy, Creation of Tendering Procedures, Occupational Safety and Health Practices (Winning industry Gold and Silver Awards); and
- development of Infrastructure Asset Management Systems.

On behalf of the Council the Mayor thanked Glen for his significant contribution to the City over the past seven and a half years and wished him well in his new role. He then presented Glen with a Certificate of Recognition.

Director Infrastructure Services thanked the Mayor for his kind words and acknowledged that he had learnt a lot about community infrastructure service delivery, leadership and management over the past 7 years. He expressed his thanks for being given the opportunity to work with the City and concluded by stating he was looking forward to the new challenging role with Parsons Brinckerhoff.

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 10.0.8, 10.3.1, 10.3.3, 10.3.4, and 10.3.5 were heard at the December Council Agenda Briefing held on 11 December 2007.

Opening of Deputations

The Mayor opened Deputations at 7.35pm and advised that speakers would be permitted 10 minutes each to address the Members.

**8.3.1. Mr TC Foong representing applicant of 1 McNess Glade, Salter Point
Agenda Item 10.3.2**

Mr Foong spoke against the officer recommendation on the following topics:

- boundary wall of proposed kitchen
- 1.5m setback space behind wall - boundary becomes inaccessible
- 1.5m setback - proposed kitchen becomes too small
- ground levels
- streetscape
- neighbour approval
- garage walls - dimensions
- asked Council for a more favourable approval

Close of Deputations

The Mayor closed Deputations at 7.42pm.

8.4 DELEGATES' REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to 8 February 2008 for inclusion in the Council Agenda.

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 19 February 2008.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Hearne

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.4, 10.0.7, 10.1.1, 10.2.1, 10.3.6, 10.3.7, 10.4.1, 10.5.1, 10.5.2, 10.5.3, 10.5.5, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6 and 10.6.7 be carried en bloc.

CARRIED (12/0)

Note: Managers, Environmental Health Services. City Environment and Community, Culture and Recreation left the meeting at 7.48pm.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

DECLARATIONS OF INTEREST : ITEM 10.0.1 : CR DOHERTY

As a family member is employed by WaterCorp (WaterCorp is the subject of the report at Item 10.0.1) I wish to declare an 'Impartiality Interest' in accordance with Regulation 11 of the Local Government Act (Rules of Conduct Regulations 2007).

Note: Cr Doherty remained in the Council Chamber.

10.0.1 Reconsideration of Planning Condition. 8 Multiple Dwellings within an Eight-Storey Building Lot 8 (No. 52) Mill Point Road, South Perth. (Item 10.3.10 December 2007 Council meeting)

Location:	Lot 8 (No. 52) Mill Point Road, South Perth
Applicant:	Hart Architects
Lodgement Date:	04 September 2007
File Ref:	11.2007.451 MI3/52
Date:	1 February 2008
Author:	Matt Stuart, Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

In September 2007, a planning application received by the City in relation to an eight-storey building containing ten Multiple Dwellings, on Lot 8 (No. 52) Mill Point Road, South Perth.

During the consultation period, the adjoining neighbour to the north (WaterCorp) issued advice in relation to potential odour problems, sourced from a WaterCorp wastewater pump on that property.

As a direct result, Condition (b)(i) was placed on a planning approval granted by the Council dated 18 December 2007.

The planning condition relates to an easement required to be placed on the Certificate of Title of current and future properties, ensuring that a delineated area shall not be developed for the use of external communal activities.

The Owner of property appealed the decision, with the matter is currently before the State Administrative Tribunal.

As a result of the appeal proceedings, a discussion with WaterCorp and revealed that the original advice from WaterCorp was erroneous, directly leading to the City imposing the said condition. The City consequently formally requested that WaterCorp review the wording of its advice.

Now that WaterCorp has revised their advice, it is recommended that the Council revoke Condition (b)(i) of the planning approval dated 18 December 2007.

Background

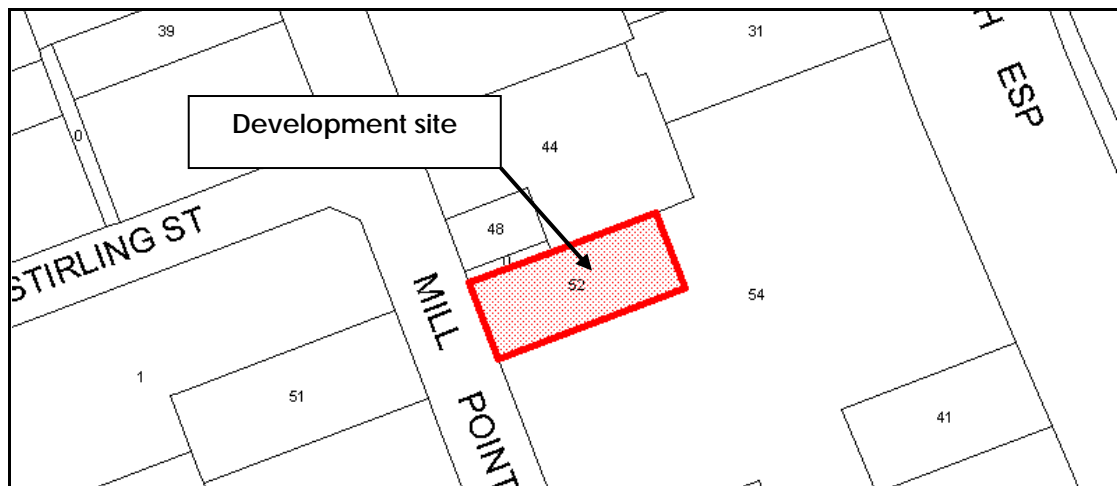
The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	1,029 sq. metres
Building height limit	24.5 metres
Development potential	Not applicable
Plot ratio	Not applicable

This report includes the following attachments:

- Attachment 10.0.1(a)** Letter from WaterCorp (dated 23 November 2007).
- Attachment 10.0.1(b)** Planning approval (dated 18 December 2007).
- Attachment 10.0.1(c)** Letter to WaterCorp (dated 14 January 2008).
- Attachment 10.0.1(d)** Letter from WaterCorp (dated 25 January 2008).

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:

- 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.
- 7. Neighbour comments**
In considering any application, the assigned delegate shall fully consider any comments made by any affected landowner or occupier before determining the application.

Comment

- (a) Description of the proposal**
 In September 2007, a planning application received by the City in relation to an eight-storey building containing ten Multiple Dwellings, on Lot 8 (No. 52) Mill Point Road, South Perth.

During the consultation period, the adjoining neighbour to the north (WaterCorp) issued advice as seen in **Attachment 10.0.1(a)**, in relation to potential odour problems, sourced from a WaterCorp wastewater pump on that property.

As a direct result, Condition (b)(i) was placed on a planning approval granted by the Council dated 18 December 2007, as seen in **Attachment 10.0.1(b)**.

The planning condition relates to an easement required to be placed on the Certificate of Title of current and future properties, ensuring that a delineated area shall not be developed for the use of external communal activities. The condition states as follows:

“Prior to the issue of a building licence, a notification in the following terms shall be registered on the Certificate of Title for Lot 8 under Section 70A of the Transfer of Land Act 1893 at the expense of the developer:

“The portion of the ground level of Lot 8 which falls within a 10 metre buffer area adjacent to the Water Corporations Wastewater Pump Station site on Lot 1 (No. 48) Mill Point Road may be affected by odour associated with this facility.””

The owner of subject property appealed the condition and the matter is currently before the State Administrative Tribunal.

As a result of the appeal proceedings, a discussion with WaterCorp and revealed that the original advice from WaterCorp was erroneous, directly leading to the City imposing the said condition. The City consequently formally requested that WaterCorp review the wording of its advice, as seen in **Attachment 10.0.1(c)**.

Now that WaterCorp has revised their advice, as seen in **Attachment 10.0.1(d)**, it is recommended that the Council revoke Condition (b)(i) of the planning approval dated 18 December 2007.

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

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

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

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

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

(a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;

(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;

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

(j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;

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

(x) any other planning considerations which the Council considers relevant.

Consultation

(a) Neighbour consultation

Further consultation from the adjoining neighbour to the north (WaterCorp) has resulted in a new advice letter being issued, as seen in **Attachment 10.0.1(d)**.

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

Submitter's Comment	Officer Response
Suggested wording from the City is supported as WaterCorp's intent has been met.	It is agreed that the revised advice is appropriate. The comment is UPHELD .
The Body Corporate shall establish an odour reporting procedure, to firstly involve the Body Corporate.	The City and the landowner agree that the procedure should be established, in the form of an advice note on the planning approval. The comment is UPHELD .

The advice from WaterCorp is agreed upon by the City and the landowner, with a new advice note on the planning approval required to establish an odour reporting procedure.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Conclusion

As a result of some unintentional wording by the WaterCorp, an unnecessary condition has been placed on a planning approval for an eight-storey building with 8 Multiple Dwellings and 2 Single Bedroom Dwellings.

Revised advice has made the planning condition redundant and allows the removal of that condition.

As agreed upon by the City and the landowner, the advice also requests a new condition be placed on the planning approval, to establish an odour reporting procedure firstly involving the Body Corporate.

The proposal will have no detrimental impact on the future residential site neighbours, nor the adjoining residential neighbours, and meets all of the relevant Scheme objectives. Provided that a new advice note is imposed to establish an odour reporting procedure as recommended, it is considered that Condition (b)(i) be removed and a new advice note be added to the approval.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
--

That....

(a) consideration be given to revoking Item 10.3.10(b)(i) insofar as it relates to the Minutes of the Council Meeting dated 18 December 2007 as follows:

(b) Specific Conditions

(i) *Prior to the issue of a building licence, a notification in the following terms shall be registered on the Certificate of Title for lot 8 under section 70A of the Transfer of Land Act 1893 at the expense of the developer:*

“The portion of the ground level of lot 8 which falls within a 10 metre buffer area adjacent to the Water Corporations Wastewater Pump Station site on Lot 1 (No. 48) Mill Point Road may be affected by odour associated with this facility.”

CARRIED EN BLOC RESOLUTION

By Required Support of a Minimum of One-Third of Members

(b) Item No. 10.3.10.(b)(i) insofar as it relates to the Minutes of the Council Minutes dated 18 December 2007 be revoked.

CARRIED EN BLOC RESOLUTION

By Required Absolute Majority

(c) the following Specific Advice Note be included on the planning approval granted by the Council dated 18 December 2007.

Specific Advice Note

Portions of Lot 8 (No. 52) Mill Point Road adjacent to the Water Corporation Wastewater Pump Station site situated on Lot 1 (No. 48) Mill Point Road may be affected by odour associated with this facility. The applicants and owners are advised of the need for the Body Corporate to establish effective procedures whereby all future residents of the proposed multiple dwellings are kept well informed of the potential odour issues originating due to their proximity to this Wastewater Pump Station site. Any odour related issues experienced by the residents of these multiple dwellings are to be dealt effectively by the Body Corporate.

CARRIED EN BLOC RESOLUTION

10.0.2 Draft Revised Policy P350 'Residential Design Policy Manual.' Endorsement for advertising. (Item 9.0.2 May 2005 Council meeting refers)

Location:	City of South Perth
Applicant:	City of South Perth
Lodgement Date:	Not applicable
File Ref:	LP/801
Date:	12 February 2008
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

This report presents thirteen draft revised City-wide policies comprising Part 1 of Policy P350 'Residential Design Policy Manual'. It is recommended that the draft Policy Manual be endorsed to enable public consultation on the draft revised policies to be implemented.

Background

The draft revised Policy P350 'Residential Design Policy Manual' (Policy Manual) is attached (**Attachment 10.0.2**).

The Policy Manual is a supporting policy-status document, prepared and adopted under the provisions of Clause 9.6 of Town Planning Scheme No. 6 (TPS6).

The draft Policy Manual was initially considered by Council Members at a briefing session in March 2004, and then at a workshop in July 2004 before being advertised for public comment. A number of modifications requested by Council Members were incorporated prior to the Policy Manual being advertised for the lodging of public submissions. It was presented to the Council again in May 2005 at the conclusion of the advertising period, when the Council resolved that "*a decision on this matter be deferred pending a workshop on the Draft Residential Design Policy Manual to be held at the earliest available date*".

Since that time, however, officers have identified and undertaken numerous additional major and minor improvements to the Policy Manual. These are incorporated into the attached draft revised Policy Manual. Each of the individual policies comprising Part 1 of the Policy Manual is now very different from those which were previously considered by the Council, in terms of number, arrangement, format and content. The revisions are so extensive that the Policy Manual could now be viewed as a different document, and it should be considered afresh, independently of the previous draft versions.

On 6 December 2006, a 'progress briefing' was provided to Council Members advising of the additional work required to be undertaken. Subsequently, the broad content and form of the revised Policy Manual was explained at a Council Members' Concept Forum held on 7 August 2007. Copies of each policy were then progressively provided to Council Members at fortnightly intervals as attachments to the Council Members' Bulletins, to facilitate familiarisation with their content. Updated copies of the Policy Manual were provided prior to a more detailed Concept Forum which was held on 5 February 2008. At the 5 February Concept Forum, each policy was explained by officers, and resulted in valuable discussion and feedback from Council Members on many aspects of the policies. Most of the Council Members' suggested modifications have been incorporated into the revised draft Policy Manual contained in Attachment 10.0.2 in preparation for community comment.

In its original draft form, the Policy Manual contained:

- 17 City-wide policies dealing with particular aspects of residential development; and
- 14 Precinct-based streetscape policies.

In the 2005 revised version, the number of City-wide policies was reduced from 17 to 15 by the amalgamation of some policies. The current (2008) revised Policy Manual will initially contain 13 specific-purpose City-wide policies. Two additional policies, relating to rights-of-way and subdivision into narrow or 'battle-axe' lots, may be added later, depending on the outcome of current discussions and negotiations with the Western Australian Planning Commission. Other City-wide policies may be added in the future as the need arises.

With respect to the 14 Precinct-based streetscape policies, it has been recognised that the preparation of these requires further careful consideration and that community consultation and engagement processes may be appropriate at an early stage. To undertake this exercise, the Council might decide to engage consultants who are skilled in this process. Consequently, no Precinct-based streetscape policies are included in the current version of the Policy Manual. These will comprise Part 2 of the Policy Manual at a later stage.

Part 1 of the Policy Manual comprises the following:

- Introduction
- Policy 1 Sustainable Design
- Policy 2 Residential Boundary Walls
- Policy 3 Car Parking Access, Siting, and Design
- Policy 4 Additions to Existing Dwellings
- Policy 5 Trees on development sites and adjoining street verges
- Policy 6 Safety and Security
- Policy 7 Fencing and Retaining Walls
- Policy 8 Visual Privacy
- Policy 9 Significant Views
- Policy 10 Ancillary Accommodation
- Policy 11 Aged or Dependent Persons' Dwellings
- Policy 12 Single Bedroom Dwellings
- Policy 13 Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6

The policies, all of which relate to residential development, reflect the Council's current position on each issue. In the course of preparing each policy, comments from all relevant branches of the Council administration have been sought and incorporated, as appropriate.

Much of the content of the 2008 revised Policy Manual has been in operation for many years. The main improvements incorporated into the attached policies as compared with those advertised for public comment in 2005, are as follows:

- The policies have been re-ordered into a more user-friendly and logical sequence.
- The format has been modified to reflect the more familiar corporate image of other Council policies.
- Large amounts of superfluous descriptive background material have been removed and the policies streamlined for ease of use.
- A new policy relating to sustainability has been added.
- Generic City-wide discussions on streetscape compatibility have been removed, and will be covered more specifically in any Precinct-based streetscape policies which are later adopted.
- The right-of-way and subdivision policies have been removed, since they rely on the State Government approval process. The Council's position on certain aspects of these matters may be presented in policy form when it has been established that the Western Australian Planning Commission will consistently support the City's expressed position on these matters.

- The City's Standard Conditions used in planning approvals have been examined, and where appropriate, corresponding provisions have been incorporated into various policies. When the Policy Manual is finally adopted by the Council, the Standard Conditions will need to be reviewed.

Comment

The Policy Manual commences with an 'Introduction' which explains the purpose and background to the document. Previously, the 'Introduction' contained a large amount of administrative and procedural information which was not relevant to the policies within the Policy Manual. Most of this material has been removed, and the Introduction has been decreased from thirteen to two pages in length. It now briefly describes the following aspects of the Policy Manual:

- Status of the Policy Manual.
- Relationship between parts of the Policy Manual.
- Scope of the Policy Manual.
- Purpose of the Policy Manual.
- Objectives of the Policy Manual.

Each of the thirteen individual policies comprising Part 1 of the Policy Manual contains standard introductory material comprising:

- Rationale.
- Status.
- Objectives.
- Scope.
- Definitions (where applicable).

The main provisions of the draft revised policies are described below:

Policy 1 'Sustainable Design'

This is a new policy which has been designed to reflect both the Council's position on residential sustainable design and the likely level of acceptance by the community. It has been nominated as Policy 1 to emphasise the importance of the philosophy contained in its provisions. It has been tailored so as to support and be fully compatible with the 2002 Residential Design Codes (R-Codes). Policy 1 deals with the following aspects of residential design:

- Geotechnical report relating to soil foundation, particularly in relation to acid sulfate soils (*clause 5*).
- Clarification of required details relating to solar access for adjoining lots which is already required by the R-Codes (*clause 6*).
- Sustainable design provisions, including the maximisation of solar access to outdoor living areas, positioning of windows and doors so as to take advantage of cooling summer breezes and appropriate solar access, use of water-sensitive design techniques and strategic planting of shade trees. These aspects are illustrated in a diagram (*clause 7 and Figure 1*).

Policy 2 'Residential Boundary Walls'

Similar boundary wall policies have been in operation for many years. Policy 2 emphasises that the most crucial factors in Council consideration of any boundary wall are the amenity factors (*clause 5*). The policy states that in arriving at a decision as to whether to approve a boundary wall, the listed amenity factors will always be the City's dominant consideration, and not compliance with the dimensions specified in the policy. The amenity factors are listed below:

- Streetscape character.
- Outlook from an adjoining dwelling or its front garden, if the wall is located forward of that dwelling.
- Visual impact of building bulk, where the wall is situated alongside an outdoor living area on an adjoining lot.
- The amount of overshadowing of a habitable room window on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the portion of the proposed dwelling which conforms to the R-Codes Acceptable Development setback will overshadow this window to an equivalent or greater extent than would the proposed boundary wall.
- The amount of overshadowing of an outdoor living area on an adjoining lot, unless the portion of the proposed dwelling which conforms to the R-Codes Acceptable Development setback will overshadow this outdoor living area to an equivalent or greater extent than would the proposed boundary wall.

In addition to those amenity considerations, Policy 2 identifies a range of technical compliance issues which must be addressed, such as length of wall (*clause 6*), setbacks(*clause 7*), limitations of walls on lot boundaries (*clauses 8, 9*), and surface finish (*clause 10*).

Policy 3 ‘Car Parking Access, Siting, and Design’

Policy 3 deals with a wide range of technical compliance matters, including the following aspects of design:

- Access to on-site parking (*clause 5*) -
 - minimising vehicular access to a site from the street;
 - right-of-way access not mandatory;
 - street entry to be in a forward gear.
- Vehicle crossovers (*clause 6*) -
 - crossovers and development design to retain street trees;
 - crossover design and associated remedial works;
 - street tree relocation, removal or replacement. This clause links to Policy 5 which deals with street trees in more detail;
 - removal of redundant crossovers.
- Driveway gradient (*clause 7*) -
 - verge levels not to be modified;
 - indemnity for steep gradients.
- Setbacks of garages and carports, including conversion of carports to garages (*clause 8*).
- Setbacks of garages, carports and car bays from a right-of-way (*clause 9*).
- Driveway dimensions for vehicles turning into and out of car parking bays (*clause 10 and Figures 1-4*).
- Variation from prescribed car bay dimensions, including reference to universally accepted Australian Standards (*clause 11 and Figure 5*).
- Roof cover to occupiers’ car bays (*clause 12*).
- Design of garages and carports including minimum opening width for garages and carports (*clause 13*).
- Visitor car parking (*clause 14*).
- Identification of car bays for different uses (*clause 15*).

Other requirements are contained in both TPS6 and the R-Codes. These requirements are not repeated in Policy 3 to avoid duplication and to avoid the perception that the requirements in those other documents have been ‘downgraded’ to ‘Policy’ status.

Policy 3 introduces a set of diagrams to assist designers and officers in relation to space required to turn into and out of car bays in different configurations (*clause 10 and Figures 1-6*).

The policy also introduces the first formal reference to an acceptable variation of car bay sizes to the extent depicted in a diagram which is modelled on the Australian Standards (*clause 11 and Figure 5*). At the December 2007 meeting, the Council resolved that this diagram is to be included in the car parking policy, pending the introduction of an amendment to TPS6 for the same purpose. Consent has been obtained from the company SAI Global Limited, which 'owns' the Australian Standards, and a nominal annual fee will be charged when the Council adopts this provision of the Policy. The particular standard appears to be universally accepted and offers minor concessions on car bay dimensions, predominantly in undercroft situations.

Policy 4 'Additions to Existing Dwellings'

This policy incorporates the provisions of the relatively new Policy P397 'Battle-Axe Residential Development - Matching Materials and Colours not Required', which will need to be rescinded should Policy 4 be finally adopted following the required community consultation. Policy 4 deals with the following aspects of residential design:

- Additions forming part of an existing dwelling (*clause 5*).
- Addition of a new dwelling to an existing dwelling (*clause 6*).
- Heritage-listed dwellings (*clause 7*).
- Application drawings to identify external materials and colours (*clause 8*).

Policy 5 'Trees on development sites and adjoining street verges'

This policy has the benefit of significant input from, and support by the City Environment Department. Policy 5 introduces the following new aspects of tree preservation:

- Required minimum distance from a tree (to a vehicle crossover or building) is measured from the centre of the tree trunk at ground level (*clause 5*).
- Unless otherwise approved, all trees 3.0 metres or more in height, where situated at least 3.0 metres from a side or rear boundary, are to be retained. Trees situated less than 3.0 metres from such a boundary are not required to be retained (*clause 7(a)*).
- Where an existing tree is to be retained on a site, any proposed building is to be situated at least 3.0 metres from the tree (*clause 7(b)*).
- In certain circumstances, where trees 3.0 metres or more in height are to be removed from a development site, the developer is to pay a fee, identified within the City's Schedule of Fees and Charges, calculated to cover not only the cost of replacement and replanting, but also the environmental and aesthetic value of a tree to be removed. Alternatively, the applicant is to justify removal of the tree (*clause 7(c)*).
- The City decides which trees are required to be retained, and may require the development proposal to be redesigned to preserve a tree (*clause 7(d)*).
- Where a development site with a frontage of 10.0 metres or wider would otherwise have no trees on site, at least one tree is to be planted within the street setback area or elsewhere. Palms are discouraged (*clause 7(e)*).
- Trees being retained are to be protected (*clause 9*).

Policy 5 also deals with the following aspects of residential design which have been included in the City's previous tree policy:

- Development site plan to show all trees on the site and on the adjoining street verge (*clause 6*).
- Dwelling density entitlement is preserved (*clause 7(f)*).
- Registered trees are not to be removed (*clause 7(g)*).
- Street trees are to be retained or relocated (*clause 8*).
- Development design to retain existing street trees (*clause 8(f)*).
- Costs associated with street tree relocation, removal and replacement are to be met by the developer (*clause 8(g)*).

Policy 6 'Safety and Security'

Policy 6 augments the R-Codes and prescribes requirements relating to the location of viewing windows facing public streets and access way in the cases of:

- Dwellings facing directly onto a public street (*clause 4*).
- Dwellings facing onto a shared internal driveway (*clause 5*).
- Rear dwellings facing towards a public street (*clause 6*).

Policy 7 'Fencing and Retaining Walls'

Policy 7 predominantly comprises material which has been included in previous fencing policies or which augments existing requirements of TPS6 or the R-Codes. It deals with the following matters:

- Fences within front setback area, including obstructions adjacent to driveways and street corners and method of measuring fence height (*clause 5*).
- Fences on secondary street boundaries (*clause 6*).
- Fences on side and rear boundaries behind the front setback area (*clause 7*).
- Fences higher than 1.8 metres (*clause 8*).
- Internal fencing (*clause 9*).
- Retaining walls (*clause 10*).
- Requirement for a building licence in the case of masonry construction or retaining walls (*clause 11*).

Policy 8 'Visual Privacy'

Policy 8 deals with the following aspects of residential design:

- Required documents to demonstrate compliance with R-Codes requirements (*clause 5*).
- Compliance with R-Codes required irrespective of adjoining neighbours' support (*clause 6*).
- Design modifications to eliminate non-compliant windows (*clause 7*).
- Use of louvers for effective screening (*clause 8*).
- Use of awning windows for effective screening (*clause 9*).
- Use of lattice or other perforated material for effective screening (*clause 10*).

Policy 9 'Significant Views'

Protection of existing views has always been a controversial issue, and one which the Western Australian Planning Commission has traditionally not supported as a relevant 'planning' consideration. Policy 9 deals with the following aspects of 'significant' views:

- Design considerations relating to a significant view (*clause 5*).

Policy 10 ‘Ancillary Accommodation’

Policy 10 deals with the following aspects of Ancillary Accommodation:

- Occupancy restriction (*clause 5*).
- Floor area restriction (*clause 6*).
- Design and siting criteria (*clause 7*).

Policy 11 ‘Aged or Dependent Persons’ Dwellings’

Policy 11 deals with the following aspects of design for Aged or Dependent Persons’ Dwellings:

- Composition of developments containing Aged or Dependent Persons’ Dwellings (*clause 5*).
- Occupancy restriction (*clause 6*).
- Larger dwellings and density bonus (*clause 7*) -
 - density bonus combined with larger dwellings;
 - density bonus but not larger dwellings;
 - larger dwellings without density bonus.
- Proposals complying with ‘Acceptable Development’ provisions of the R-Codes (*clause 8*).
- Proposals not complying with ‘Acceptable Development’ provisions of the R-Codes (*clause 9*) -
 - number of dwellings;
 - location criteria;
 - site planning;
 - dwelling design for persons not confined to a wheelchair;
 - dwelling design for persons confined to a wheelchair;
 - trees;
 - letter box.

Policy 12 ‘Single Bedroom Dwellings’

Policy 12 deals with the following aspects of design for Single Bedroom Dwellings:

- Larger dwellings and density bonus (*clause 5*) -
 - density bonus combined with larger dwellings;
 - density bonus but not larger dwellings;
 - larger dwellings without density bonus.

Policy 13 ‘Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6’

Policy 13 deals with the following:

- Planning clearance towards strata title certification (*clause 4*).
- Provision of required facilities (*clause 5*) -
 - open space and landscaping;
 - car parking, vehicular and pedestrian access;
 - store rooms;
 - laundry facilities.
- Upgrading of buildings, other facilities and street verge (*clause 6*) -
 - upgrading of buildings;
 - upgrading involving site works;
 - upgrading of street verge and crossovers;
 - upgrading of adjoining right-of-way.
- Building and Environmental Health requirements (*clause 7*).

Consultation

(a) Design Advisory Consultants

In addition to other consultation procedures outlined in this report, a copy of the draft revised Policy manual was provided to each of the City's Design Advisory Consultants (DAC) at their scheduled meeting on 11 February 2008. At a subsequent specially convened DAC meeting on 25 February, the consultant architects will be fully briefed on each policy and invited to comment on the policy provisions.

(b) Community consultation

The draft revised Policy Manual has not yet been made available for community comment. When the Council endorses the document for this purpose, the consultation procedures contained in clause 9.6 of TPS6 and Policy P104 will be activated. The normal advertising requirements for a Planning Policy prescribed in the current version of Policy P104 are described below:

Consultation period: 21 days

Method of advertising: Notice published in two consecutive issues of a local newspaper circulating within the Scheme area.

In addition to these requirements, it is also long-standing practice to advertise all draft Planning Policies on the City's web site, with copies available for reference in the foyer of the Civic Centre and in the City's Libraries.

When the previous version of the Policy Manual was advertised for public comment in 2004, the consultation period was four weeks. However, to allow sufficient time for appropriate interest groups to examine the document and provide written comments to the City, it is recommended that a consultation period of sixty days be set now.

It is intended that the widest appropriate consultation will be undertaken, recognising the central role to be performed by the Policy Manual in guiding residential design. Accordingly, it is proposed that, at the commencement of the community advertising process, the following agencies and groups be provided with a copy of the draft revised Policy Manual and invited to comment on any aspect of it:

Specialist City groups -

- The Community Sustainability Advisory Group
- The City's Design Advisory Consultants (briefing on 25 February 2008)
- The City's Water Team

Community progress groups -

- Kensington Community Association Inc.
- Association of Residents and Ratepayers of Karawara

Other local governments -

- Town of Victoria Park
- City of Canning
- City of Melville

Government agencies -

- Department of Water
- WestNet Energy (AlintaGas)
- Main Roads Western Australia
- Western Power Corporation
- Western Australian Planning Commission
- Office of Energy

Professional interest groups -

- Urban Development Institute of Australia (Western Australia)
- Australian Association of Planning Consultants (WA)
- Housing Industry Association
- Royal Australian Institute of Architects

(c) City Departmental Input

In the course of preparing the draft Policy Manual, several relevant departments of the City administration have been consulted.

Policy and Legislative Implications

The Residential Design Policy Manual is a major statutory document comprising numerous policies on various aspects of residential development. The document will be a Planning Policy as referred to in clauses 1.5(e), 1.6(2)(b), 7.5(f) and 9.6 of Town Planning Scheme No. 6. The document has been prepared in fulfilment of the No. 6 Scheme Objective set out in clause 1.6(2)(b) of TPS6.

This Policy Manual will be a document guiding all residential development within the City of South Perth and will be taken into consideration by the Council and by City Officers when considering residential development applications.

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

Part 1 of the Policy Manual contains thirteen policies relating to a wide range of design aspects of residential buildings within the City. These policies will have a significant impact on the growth and character of the district. In particular, Policy 1 ‘Sustainable Design’ and Policy 5 ‘Trees on Development Sites and Street Verges’ will have a direct impact on sustainability aspects of the environment of the City.

Each of the policies comprising Part 1 of the Policy Manual has been thoroughly examined by officers within the Planning department and by other relevant departments of the City, including the City Sustainability Coordinator. It is considered by those officers that the Policy Manual is now in a form which is suitable for use for some considerable time, subject to minor modifications from time to time, and that the attached Policy Manual should now be advertised to the wider community for comment.

OFFICER RECOMMENDATION ITEM 10.0.2

That

- (a) Part 1 of the draft revised Policy P350 'Residential Design Policy Manual', containing an Introduction and thirteen individual policies comprising **Attachment 10.0.2**, be endorsed for the purpose of public consultation;
- (b) public advertising of the draft Policy Manual be undertaken in accordance with the following:
- Consultation period: Not less than 60 days;
- Method of advertising: Notice published in the 'City Update' column of two consecutive issues of the 'Southern Gazette' newspaper;
- Display of Policy Manual: 'Out for Comment' page of the City's web site; a copy available for reference in the foyer of the Civic Centre and in the City's Libraries;
- Groups to be consulted: At the commencement of the community advertising process, the following agencies and groups be provided with a copy of the draft revised Policy Manual and invited to comment on any aspect of it:

Specialist City groups -

- The Community Sustainability Advisory Group
- The City's Design Advisory Consultants
- The City's Water Team

Community progress groups -

- Kensington Community Association Inc.
- Association of Residents and Ratepayers of Karawara

Other local governments -

- Town of Victoria Park
- City of Canning
- City of Melville

Government agencies -

- Department of Water
- WestNet Energy (AlintaGas)
- Main Roads Western Australia
- Western Power Corporation
- Western Australian Planning Commission
- Office of Energy

Professional interest groups -

- Urban Development Institute of Australia (Western Australia)
- Australian Association of Planning Consultants (WA)
- Housing Industry Association
- Royal Australian Institute of Architects

and

- (d) a report on any submissions received be presented to the earliest available Council meeting following the conclusion of the advertising period.

MOTION

Cr Cala moved the officer recommendation, Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- gone through the 13 draft policies
- draft policies now ready for advertising for public comment / input
- support recommendation

Cr Ozsdolay for the Motion

- support Cr Cala's comments
- note consultation period now 60 days
- still opportunity during advertising period to submit further changes to policies
- support recommendation

Cr Hasleby point of clarification - at the briefing the method of advertising was discussed. It was stated that the Southern Gazette newspaper was not reaching the Manning/Karawara areas however this was not mentioned in the advertising method in the report in order to address this issue?

Chief Executive Officer - said that part (b) of the officer recommendation is comprehensive and refers to the advertising in the 'City Update' column of two consecutive issues of the 'Southern Gazette' newspaper with display of the Policy Manual in the 'Out for Comment' page of the City's web site; and that copies would be available in the Civic Centre and the City's Libraries and to groups to be consulted.

Cr Trent support Cr Hasleby's comments - recently we had material for Fiesta delivered to all households - believe this issue should be prepared in the same way ie as a 'flyer' delivered via letterboxes. If we make it attractive it is a far better way of promoting the Manual.

Chief Executive Officer stated that part (b) of the officer recommendation could certainly be amended to include that a 'flyer' also be distributed.

AMENDMENT

Moved Cr Trent, Sec Cr Hasleby

That part (b) of the recommendation under 'Method of Advertising' include that a 'flyer' be prepared and circulated to all households within the district.

Cr Best against the Motion

- in speaking against advertising the Residential Design Policy Manual recognise the difficulties and acknowledge the professionalism/experience of staff that has gone into the document
- believe it is important we express our intentions in relation to the environmental impact of buildings within the City of South Perth
- support Sustainable Design- buildings, homes, offices, and industrial facilities- account for over 40 percent of carbon dioxide emissions
- most of these emissions come from the combustion of fossil fuels to provide heating, cooling, and lighting and to run electrical equipment and appliances.
- the manufacture of building materials and products, and the increased emissions from the transport generated by urban spread, also contribute a significant amount of greenhouse gas (GHG) emissions.

- the City's sustainable design policy should recognise the need for reducing the ecological impact of our built environment. Specific attention would be given to reduction in burning of fossil fuels, emission of greenhouse gases, consumption of water and contribution to urban spread.
- the City would recognise that these effects are relevant to all areas of Town Planning and to the Design, Construction and Operation of buildings.
- the intention of this Policy would be to:
 - Design to minimise life-cycle costs, including the use of materials that will maximise durability and longevity.
 - Use resources efficiently by designing buildings that minimise energy and water use and optimise use of natural daylight and cooling breezes.
 - Use environmentally preferable products, including, (but not limited to) those without toxic ingredients and those which contain recycled content.
 - Create healthy indoor and outdoor environments for building occupants, workers and communities.
 - Minimise adverse impacts that development may have upon natural and built systems.
 - Make buildings adaptable for future inclusion of innovative energy and environmental technologies as they become commercially viable.
- important we recognise in our strategy sustainability policy when it goes out for public comment
- to put out now - document is incomplete

FORESHADOWED MOTION

Cr Best Foreshadowed he would move to delay publication of the Residential Design Policy Manual until a full expression of our sustainability program is included if the current Motion is Lost.

Cr Hearne against the Motion

- sustainable design and CO2 omissions an issue
- need to do a lot more on sustainable design before advertising for public comment
- public need to know what we want in relation to sustainable design
- suggest deferral until sustainable design issues are addressed

Cr Hasleby for the Motion

- would like officer recommendation strengthened as presented
- points raised by Cr Best could be incorporated as a submission
- inviting comments from other groups - why could this not be included as part of the report on submissions
- support advertising for public comment

The Mayor Put the Amended Motion.

LOST (6/7)

Lost on the Casting Vote of the Mayor

MOTION

Moved Cr Best, Sec Cr Hearne

That advertising for public comment, Part 1 of the draft revised Residential Design Policy Manual be deferred pending review, within the next three months, of Policy 1 "Sustainable Design".

Cr Cala against the Motion

- acknowledge sustainability is an enormous subject
- unfair to put back on officers
- believe this needs to come back to Council to be workshopped
- believe it could go out for comment and capture some of the expertise around the traps
- disappointed officer recommendation to advertise lost
- such a big subject needs community consultation/input

Cr Trent for the Motion

- object of policies ‘out for comment’ is to give ratepayers an idea of where Council is going
- to include items raised by Cr Best would give a better idea to residents of Council’s expectations and our concerns about greenhouse gases etc
- support the Motion

Cr Hasleby against the Motion

- believe proposal by Cr Best be included in policy document going out for comment
- we should be out there trying to cover as much information as possible
- believe number of organisation and bodies mentioned that this particular documents is going to would be sufficient in getting that opinion
- believe issues raised by Cr Best are well know in community
- cannot see why we should hold this up for 3 months when we could get information in before then

Mayor Best for the Motion

- opportunity for Council to show leadership in the community
- can use South Perth Sustainability Advisory Group
- appropriate for Council to have a Workshop first and then proceed to engage community
- in 2/3 months we will have input to achieve everyone’s objectives
- will not delay the process

Cr Best closing for the Motion

- echo previous remarks
- vital to the way South Perth manage buildings
- Policy P1 “Sustainable Design” is important to all other policies
- Sustainable Design Policy needs to be recognised by the City community

COUNCIL DECISION ITEM 10.0.2

The Mayor put the Motion

That advertising, for public comment, Part 1 of the draft revised Residential Design Policy Manual be deferred pending review, within the next three months, of Policy 1 “Sustainable Design”.

CARRIED (8/4)

Reason for Change

Advertising of the Residential Design Manual was deferred as it was believed it important that Policy P1 “Sustainable Design” be further reviewed to express the City’s intentions in relation to the environmental impact of buildings within the City of South Perth.

10.0.3 Proposed Amendment No. 8 to TPS No. 6 relating to certain development requirements in the 'Karawara Special Area' (Item 9.0.1 of December 2006 Council Meeting)

Location: Karawara
Applicant: City of South Perth
Lodgement Date: Not Applicable
File Ref: LP/209/8
Date: 1 February 2008
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

At the December 2006 meeting, Council resolved to initiate a Scheme Amendment (No. 8) for the purpose of introducing special provisions to the City's Town Planning Scheme No. 6, for portions of Karawara. It had been anticipated that the proposed draft Amendment documents would be presented to a subsequent Council meeting early in 2007 for endorsement for advertising purposes. However, for the reasons explained in the Comment section of this report, a further report will not be presented to Council for some time. Therefore, this matter should now be deleted from the regular status report on outstanding matters arising from Council meetings.

Background

This matter was the subject of a comprehensive report to the December 2006 Council meeting. At that meeting, the Council adopted the following objectives for the proposed Amendment No. 8:

- (i) *Objective 1: Schedule 4 and its related definition shall be replaced with a plan and definition reflecting the 'Karawara Special Area' to which the new provisions relate.*
- (ii) *Objective 2: Where a portion of open space reserve is less than 5.0 metres wide, buildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.*
- (iii) *Objective 3: Where a portion of open space reserve is 5.0 metres wide or wider, buildings shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the open space reserve. No special fencing requirements apply; or*
- (iv) *Objective 4: Where a portion of open space reserve is 5.0 metres wide or wider, buildings may be set back as required by the R-Codes to a minimum of 1.5 metres from the open space reserve. This provision shall only apply if a full-height portion of fence on the open space reserve boundary, measuring three times the width of a window to a habitable room, is fitted with a wrought iron panel or similar, providing an outlook onto the reserve.*
- (v) *Objective 5: Every dwelling in Karawara shall be provided with at least one window to a habitable room facing the open space reserve.*
- (vi) *Objective 6: Outbuildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.*

As previously mentioned, a further report and the draft Scheme Amendment documents was to have been presented to a subsequent Council meeting early in 2007, however for the reasons explained below, a further report on this matter will not be presented for some time.

Comment

Following the December 2006 Council meeting, a draft Scheme Amendment was prepared, however, in the final stages of preparing the subsequent Council report, it was discovered that the Amendment proposals do not satisfy the Council's original intentions. This was highlighted during the preparation of the report on an application for planning approval presented to the February Council meeting (Agenda Item 9.3.4) which relates to a proposed house at No. 3 Yallabee Place. Considerable additional work is necessary before a suitably framed Scheme Amendment can be presented to Council and other tasks have higher priority in terms of service delivery. In regard to the further consideration of this matter, the following actions are required:

- It is now recognised that the Amendment No. 8 proposals should be dealt with in the wider context of a major review of the special development requirements for Karawara. This would involve considerable engagement with the Karawara community.
- Further research is also necessary regarding other comparable 'Radburn style' subdivisions and the manner in which development is regulated in those areas.
- Devising a more effective method of prescribing setbacks from the open space reserve.

One of the particular difficulties identified is to determine appropriate setbacks from the various portions of open space reserves, which vary greatly in width. Such determination relies on knowledge of the precise width of the open space reserve adjacent to any development site. The complexity of the objectives endorsed at the December 2006 Council meeting, combined with the irregular subdivision design of the Karawara open space reserves, means that Planning Officers would be required to undertake detailed trigonometric calculations to measure the width of the open space reserve adjacent to any site within the 'Karawara Special Area' which is the subject of a development application. The 'trial' development application referred to above has proved that such an arrangement would be impractical and cumbersome.

It is now considered that a better manner of identifying the affected Karawara properties should be sought, without lessening the intent of the proposed Amendment. Officers are trialling a 'mapping' form of presentation.

Consultation

In the course of conducting the further research referred to above, the Planning Officers will be consulting with other Councils and representatives of affected land owners where subdivisions of a similar kind to the Karawara subdivision have been implemented.

In due course, there will also be extensive consultation with all property owners in Karawara. The intentions in this regard will be explained in the next report presented to a Council meeting.

Policy and Legislative Implications

When the formalised Scheme Amendment text is presented for Council's endorsement in draft, this will enable the required advertising and consultation procedures to be implemented in accordance with the *Town Planning Regulations* and Council's Policy P104. Details in this regard will be explained in the next report to Council.

Financial Implications

The issue has some impact on this particular area. No planning fee is applicable in this instance and therefore, all costs associated with the Scheme Amendment will be met by the City.

Strategic Implications

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

Sustainability Implications

This report is only a “status report” and therefore, at this stage, there are no sustainability implications. At a later time, when a substantive report on Amendment No. 8 is presented to Council, comments will be included regarding sustainability implications.

OFFICER RECOMMENDATION ITEM 10.0.3

That, having regard to the circumstances relating to the proposed Amendment No. 8 to Town Planning Scheme No. 6 as described in the officer report at Item 10.0.3 of the February 2008 Council Agenda, this matter be deleted from the regular status report on outstanding matters arising from Council meetings.

MOTION

Cr Trent moved the officer recommendation. Lapsed for want of a Seconder. LAPSED

MOTION

Moved Cr Hearne, Sec Cr Cala

That

- (a) the officer recommendation not be adopted; and
- (b) Item 9.0.1 of the December 2006 Council Minutes on the proposed Amendment No. 8 to Town Planning Scheme No. 6 relating to certain development requirements in the Karawara Special Area remain on the monthly Status Report as an outstanding matter arising from a Council meeting.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne opening for the Motion

- appreciate Amendment to Scheme proposed is a hard task
- main objective - do not want outstanding item to drop off the ‘Status Report’
- prefer Item stay on the Status Report with regular updates

COUNCIL DECISION ITEM 10.0.3

The Mayor put the Motion

That

- (a) the officer recommendation not be adopted; and
- (b) Item 9.0.1 of the December 2006 Council Minutes on the proposed Amendment No. 8 to Town Planning Scheme No. 6 relating to certain development requirements in the Karawara Special Area remain on the monthly Status Report as an outstanding matter arising from a Council meeting.

CARRIED (12/0)

Reason for Change

Believe it is important the proposed Amendment No. 8 to TPS6 remain on the monthly Status Report as an ‘outstanding’ item.

10.0.4 Proposed new Establishment Agreement: South East Metropolitan Regional Council (SEMRC) proposed to become Rivers Regional Council (RRC)
[Item 10.3.10 November 2007 Council meeting refers]

Location: City of South Perth
Applicant: Council
File Ref: GR/207
Date: 1 February 2008
Author: Steve Cope, Director Development and Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

A draft proposed Establishment Agreement (EA) was received from the South East Metropolitan Regional Council (SEMRC) in September 2007. The SEMRC forwarded the EA to each of the existing member Councils including prospective member Councils (City of Mandurah, Shires of Murray and Serpentine/Jarrahdale) seeking a resolution from each Council supporting the signing of the document. The City of Gosnells and the City of Armadale resolved to endorse the revised EA at their respective December 2007 meetings.

A Concept Forum briefing for City of South Perth Councillors on the draft proposed EA was held in September 2007.

Council considered a detailed report (Item 10.3.10) on the proposed new EA at its November 2007 meeting and resolved:

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

(Rivers Regional Council is the successor to the SEMRC including the three additional councils.)

The SEMRC was also advised that the City was reviewing its future waste management options.

This report reviews the future waste disposal options available to the City and recommends that the City remain with the SEMRC and support the proposed EA and Deed of Amendment.

The following items form attachments to this report:

Attachment 10.0.4(a) Proposed draft Establishment Agreement 2007

Attachment 10.0.4(b) Proposed draft Deed of Amendment

Background

Preamble

The City currently generates in the order of 12,500 tonnes of domestic waste per annum, 4,600 tonnes of recyclables, 2,700 tonnes of inert waste (transfer station) and 600 tonnes of green waste. The domestic waste and green waste is processed at the Southern Metropolitan Regional Council (SMRC) into organic compost at the Canning Vale plant, recyclables are processed by Cleanaway at the Baywaste plant in Bayswater and the inert material is landfilled at the Mindarie Regional Council's Tamala Park facility.

The City of South Perth has been a member of Regional Waste committees for over 40 years, but remains one of the few (if any other) local governments in WA that does not have an active involvement in a waste disposal facility. The City became a member of the South East Region Waste Committee, when it was formed in 1967, and for the next 34 years was involved in subsequent variations of that Committee.

Recent Events

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

Currently, the SEMRC focuses on two key areas being waste education and strategic planning for resource recovery and waste minimisation.

The adoption of a new EA and Deed of Amendment is necessary to provide for contractual agreements required for a future RRRF. The existing EA (initially adopted in 2001 and revised and adopted in 2005) is deemed unsuitable for this purpose owing to the number and complexity of amendments that would be necessary. As well the proposed EA would provide for the expansion of the SEMRC by the addition of three new member Councils.

The proposed new EA was reviewed by the City's Executive Management Team (EMT) and a discussion paper outlining the City of South Perth's points was provided to the SEMRC, CEO for circulation and discussion at the TAC (Technical Advisory Committee) meeting held September 2007. Following the TAC meeting the City's discussion paper was circulated to the then Mayor and City of South Perth Regional Council representatives by memo prior to the Regional Council workshop held on 20 September 2007 and to all Councillors as an attachment to the November 2007 City of South Perth Council report. A further briefing was delivered to Councillors by the Chair, Deputy Chair & CEO of the SEMRC and Woodhouse Legal in December 2007.

The City's submission covered a number of points as follows:

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

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

The draft proposed Establishment Agreement achieves the following:

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

The SEMRC has made it clear that for the purposes of the tender it is important that SEMRC participants are committed. Should City of South Perth seek to withdraw from the SEMRC at a later time, then because of forecast population growth and the additional household waste generated such withdrawal is unlikely to jeopardise the RRRF project. Should this scenario eventuate, as there is no capital investment and therefore minimal liability then at the appropriate time when there is no risk to the project there would be little reason for the SEMRC to object to such a withdrawal.

The City of Mandurah, Shire of Murray and Shire of Serpentine/Jarrahdale have been involved in the SEMRC feasibility study to investigate the prospect of a Regional Resource Recovery Facility (RRRF) for an expanded region. This has progressed to recent discussions with a view to these local governments joining and expanding the SEMRC membership to six local governments. In order to achieve this, it has been decided that the most appropriate method of facilitating this objective is to 'annul' the existing agreement between the three original members of the SEMRC and enter into a new agreement (the EA) and then to enter into a Deed of Amendment to permit the addition of the three new members to make six members.

Therefore, to formalise the new establishment agreement, member Councils are required to resolve to adopt the proposed Establishment Agreement and adopt a Deed of Amendment to expand from 3 to 6 members. Once signed by all parties the Establishment Agreement will be forwarded to the Minister of Local Government for approval.

The other current members of the SEMRC (the Cities of Gosnells and Armadale) have already resolved to accept the new EA and Deed of Amendment at their December 2007 Council meetings.

If the City of South Perth resolves to do the same, the revised EA can be forwarded to the Minister which in turn will provide for the admission of 3 new member Councils. If the City of South Perth does not endorse the revised EA then the prospective new members cannot readily be admitted without the SEMRC having to resort to a formal windup process.

Once the Minister has signed the revised EA and the new members are admitted, the new 'Rivers Regional Council' will be formed and the RRRF feasibility study will proceed through statutory and environmental approval processes and subsequently the tender process.

State Government Resource Recovery Policy

The WA State Planning Strategy 1997 contains a commitment to phase out unlined land fill sites on the Swan coastal plain.

The Waste Avoidance and Resource Recovery Bill (2007) together with State Government waste management policy (Waste 2020, Towards Zero Waste) emphasises strategic waste management and regional co-operation.

The Resource Recovery Rebate Scheme operated between 2001 and 2006 and allowed local governments and regional councils to claim a rebate for material demonstrated to have been reused, recovered or recycled. It is understood that in future, rebates will only apply to Regional Councils, not individual Local Governments.

Under the Zero Waste Plan Development Scheme, funding is available for preparation of local government Strategic Waste Plan.

Status of SEMRC Regional Resource Recovery Facility Feasibility Study

Through its involvement in the SEMRC the City has been party to detailed investigation and research into the identification of future sites for Waste Management treatment, reviewing available treatment technologies and contracting alternatives through a process called 'Regional Resource Recovery Facility' Feasibility Study (RRRF).

The first 12 tasks associated with the RRRF Feasibility Study have been completed as follows:

Phase 1

1. Project Management Plan
2. Land and Technology Options Guiding Principles
3. Preliminary Technical and Financial Assessment
4. Consultation with local community reference groups
5. Preliminary Assessment of Sites and Technologies
6. SEMRC Participant Consultant

Phase 2

7. Preferred Sites & Technologies
8. Waste Collection Systems
9. Financial Models

Phase 3

10. Staging of the Project
11. Contract Delivery Mechanism
12. Business Plan Participating Members Agreement and Project Plan.

The key outcomes of the RRRF Feasibility Study are in summary:

- Aerobic or anaerobic technology is favoured, whereas landfill, bio-reactor landfill and thermal processes have been excluded. There will be some reliance on landfill for the disposal of residual material from processing of the domestic waste.
- Site selection review of approximately 30 sites was undertaken against economic environmental and social criteria with the outcome that the preferred site at McLaughlan Road and the second preferred site at Millar Road achieve maximum compatibility with site selection criteria.
- A Build Own Operate (BOO) contract arrangement is favoured, meaning that the SEMRC would not undertake responsibility for building, owning or operating the RRRF. Tenders would be called for a single contractor to propose the technology, construct, operate and manage the plant and to take responsibility for its safe and efficient operation. This contract arrangement is similar to the Mindarie Regional Council's (MRC) proposed \$80m RRRF at Neerabup.
- The SEMRC established the Community Reference Group (CRG) in 2004 comprising interested members of the community in each of their local government areas of South Perth, Armadale and Gosnells. Consultation with the CRG was a requirement of the study consultant throughout the RRRF Feasibility Study. With the addition of the City of Mandurah and the Shires of Murray and Serpentine-Jarrahdale as study partners, the CRG was expanded to include representatives from those local government areas. A wider community consultation program also formed part of the RRRF study.

Comment

A review of a further amended version of the proposed EA indicates that the Agreement does not commit the City to participating in waste disposal at the selected site and chosen facility. By adopting the proposed EA and Deed of Amendment however, the SEMRC will expect the City of South Perth to commit to a guarantee of waste delivery at a later time prior to the tender process.

One of the reasons why this matter is a concern for the City is that refuse trucks from the City will need to travel approximately 20kms south of the existing waste disposal facility at Canning Vale to dispose of refuse. This report identifies the options and issues associated with this.

Clause 5 of the EA specifies that:

The RRC is established for the following regional purposes:

- (a) *to undertake the processing, recycling, treatment, sale and disposal of Household Waste delivered by the Participants;*
- (b) *to investigate and assess the possibilities and methodology of carrying out and to identify funding opportunities for, any service or facility on a regional basis;*
- (c) *without limiting any of the other regional purposes set out in this clause:*
 - (i) *to investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the Participants (but not to carry out that undertaking); and*
 - (ii) *to acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste referred to in sub-paragraph (i);”*
- (d) *to influence and liaise with local, State and Federal Governments in the development of policies and legislation for the benefit of the Region;*
- (e) *to provide advice, information and education to the Participants and the communities of the Participants in relation to the functions of the Participants; and*
- (f) *to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the purposes referred to in paragraphs (a) to (d) inclusive of this clause*

Clause 11 of the EA deals with the prospect of withdrawal by a member from the Regional Council and clause 11.5 specifies the principles that should be taken into account when the Regional Council considers such an action. Clause 11.5 is repeated as follows:-

11.5 Matters relevant to negotiations

When negotiating under clause 11.3, the Participants are to have regard to:

- (a) *the following principles:*
 - (i) *if the RRC has an excess of assets over liabilities as shown in the financial statements of the RRC, then the withdrawing Participant’s proportionate entitlement to the excess is to be determined as if the RRC were being wound up and:*
 - (A) *firstly, to the extent that the withdrawing Participant’s proportionate entitlement to the excess is sufficient to do so, the withdrawing Participant is to be given credit for its capital contributions as shown in the accounting records of the RRC;*
 - (B) *secondly, the withdrawing Participant is to be given credit for any balance remaining of that proportionate entitlement to the excess;*
or
 - (ii) *if the RRC has an excess of liabilities over assets as shown in the financial statements of the RRC, then the withdrawing Participant’s proportionate liability for the excess is to be determined as if the RRC were to be wound up and then the withdrawing Participant must meet its proportionate liability of the excess; and*
- (b) *any factor or circumstances considered relevant by the Participants including any financial consequences for the RRC and the Participants other than the withdrawing Participant, associated with any contractual obligations of the RRC, by reason of the proposed withdrawal.*

Subclause (a) of clause 11.5 is not particularly significant as it is not anticipated that the Regional Council will have either significant assets or liabilities. Subclause (b) is more open but because of the small volume of tonnes of refuse contributed by the City compared with the total tonnages generated within the region is not anticipated to be significantly detrimental in financial terms (if at all).

In the current Establishment Agreement, a participant may at any time give notice of its intention to withdraw from the SEMRC. This option is not available in the new EA and if Council is not satisfied with this, it should resolve not to sign the new EA.

Table 1 below demonstrates that the current value of actual transport costs of domestic waste to total costs associated with the refuse management is small (5.8%). Under the proposed arrangements, the total collection and transport costs will only increase by \$1.56 per service (assuming there is no change to the disposal rate) if an alternative site at Millar Road or McLaughlin Road is chosen and would not have any impact on the annual charge as the cost could be absorbed. This increase equates to a total additional cost of only \$30,425 and is inconsequential as part of the City's total waste management budget of \$4.1m.

TABLE 1 - REFUSE CHARGE ANALYSIS

Annual charge components	REFUSE DISPOSAL SITE			
	Existing - Canning Vale		Proposed - Millar Road or McLaughlin Road	
Collection	28.08	15.6%	29.12	16.2%
Disposal (transport) (Est)	10.40	5.8%	10.92	6.1%
Sub total	38.48	21.4%	40.04	22.2%
Disposal fees (\$102 per tonne)	65.15	36.2%	65.15	36.2%
Other *	76.37	42.4%	74.81	41.6%
Total Annual Charge	180.00	100.00%	180.00	100.00%

* Other includes net costs of transfer station, plant and equipment replacement, kerbside collection, transfers to Reserves etc.

TABLE 2 - REGIONAL WASTE PROJECTIONS

	Current				Est 2011			Est 2016		
	Pop	Tonnes	Ratio	%	Pop.	Tonnes	%	Pop	Tonnes	%
Armadale	53,450	16,871	3.2	18.9	71,225	22,482	21.6	88,242	27,853	23.5
Gosnells	94,685	31,926	3.0	35.8	101,000	34,055	32.8	105,200	35,471	29.9
South Perth	38,333	12,458	3.1	14.0	40,029	13,009	12.5	40,873	13,283	11.2
Subtotal	186,468	61,255	3.0	68.7	212,254	69,546	66.9	234,315	76,973	65.0
Mandurah	65,273	22,393	2.9	25.1	82,779	28,399	27.3	99,507	34,138	28.8
Murray	13,000	2,600	5.0	2.9	13,270	2,654	2.6	16,032	3,206	2.7
Serpentine-Jarrahdale	13,426	2,945	4.6	3.3	15,291	3,354	3.2	19,714	4,324	3.60
Total	278,167	89,193	3.1	100.0	323,594	103,953	100	369,568	118,500	100

Source : SEMRC Study - Task 7 Report September 2007 (as amended)

Table 2 illustrates that the City of South Perth is a relatively small player in the regional waste disposal scene. At the present time, the City disposes of 12,458 tonnes (14% of the total) and this decreases to 12.5% in 2011 and further decreases to 11.2% in 2016. In all likelihood, the percentages will be further reduced as the populations projections for the Shires of Murray and Serpentine-Jarrahdale are believed to be very conservative. In addition, if the site selected is either Millar Road (Rockingham) or McLaughlan Road (Kwinana) it is very likely that one or both of these Councils will also dispose of their refuse at the selected site. If these local governments participate in the disposal of waste at the new site, the percentage of waste disposal by the City will be significantly reduced. It is clear however, that if the City of South Perth is not making a major contribution to the economic viability of the proposed RRRF.

Further, if plant capacity is economic at quantities in excess of 100,000 tonnes of refuse per annum, by the time the facility is operational (say in 2011), this volume of waste would already be generated conservatively within the Region.

Review of Future City of South Perth Waste Management options

Concept forum briefings held in June 2006, September 2006, April 2007 and September 2007 have provided status review of the progress of the SEMRC's RRRF Feasibility Study and review of City of South Perth future waste management options.

The principal options available to the City are:

- 1A) Remain a member of the SEMRC and commit to deliver City of South Perth domestic waste to the future RRRF;
- 1B) Remain a member of the SEMRC and deliver waste elsewhere (if possible);
- 2) Negotiate to become equity member of another Regional Council operating a waste disposal facility in the metropolitan region and withdraw from the SEMRC; and
- 3) Withdraw from SEMRC and negotiate from year to year the disposal of waste at waste facilities on the most favourable terms as a customer only.

Examining each of these options in turn:

Option 1(A)

The other current members of the SEMRC, the Cities of Gosnells and Armadale have resolved to endorse the proposed Establishment Agreement 2007. As mentioned earlier the City has been participating in Regional Schemes for in excess of 40 years but has not yet made a commitment to being part of a waste disposal facility arrangement.

Through its membership of the SEMRC, the City of South Perth has been a party to a comprehensive study of future waste management options by participation in the RRRF study.

If the City of South Perth remains with the SEMRC, there will be a need for clear commitment to the tender process and guarantee of waste delivery. The signing of the proposed EA will ensure that the City has a guarantee of being an equity partner along with the other members of the SEMRC.

A strong case can be put in favour of City of South Perth becoming an equity partner in one Regional Council or another rather than being a customer only, principally because this relationship will provide long term certainty and avoids the risks of having to negotiate to dispose of waste at different sites from year to year and with the possibility of incurring the payment of 'penalty' rates.

From waste generation scenarios based on forecast population growth for the 6 Member Councils the indications are that on the basis that all member Councils deliver all their waste to the RRRF the total volume of waste will achieve the anticipated economic threshold required for establishment of a RRRF of 100,000 tonnes by the time the facility is operational. (Table 2)

The advantages and disadvantages of either the McLaughlan Road or Millar Road site are essentially the same and are as follows:

ADVANTAGES	DISADVANTAGES
Buffer zoning	Increased distance (increased costs/less emissions)
New technology	Tip fees/Tonnage disposal unknown
BOO - no capital contribution <ul style="list-style-type: none"> • Contract proposed • Minimal risk management 	No long term security of site <ul style="list-style-type: none"> • Relocation at end of tender • Rehabilitation of site • Options beyond this site
20 years expected life	Possible Commissioning / teething problems
Little community objection anticipated	Locked into long term agreements (commercial or R/C membership)
Reserve funds become available	Need other Councils to achieve 100k tonnes/annum
Utilities (water/power) headworks available	Residual to landfill site (i.e. 30%)
Space for expansion - modular.	Negotiations for use of site not finalised
Landfill sites nearby for residual waste	<ul style="list-style-type: none"> • Utilities - (Power/water) connections necessary

The apparent disadvantage of disposing of refuse at the RRRF is that the City refuse trucks would travel a minimum of an additional 40km per round trip south of the existing site where refuse is currently disposed (Canning Vale). Table 1 demonstrates that transport costs are a low proportion of the overall total cost of waste disposal and has no detrimental effect on the City's financial expenditure.

Option 1(B)

The City of South Perth could remain a member of the SEMRC and with the consent of the SEMRC and deliver its waste as a customer to another waste disposal facility.

This scenario might eventuate in the event that disposal of waste at an alternative site offered a significant operational cost advantage over disposal at a SEMRC RRRF. Under this scenario the City of South Perth would still be obliged to meet its membership obligations to the SEMRC including annual administration fee and could feasibly become a user of the future RRRF at some later date. There would however be no guarantee of entering into long term disposal arrangements with an alternative site manager and with commensurate benefits to being a full SEMRC member and user being lost.

The advantages and disadvantages of this option are as follows:

ADVANTAGES	DISADVANTAGES
Minimal transport costs	Should future capacity of RRRF become limited CoSP could have lower priority than other members
Costs known	Still jointly responsible for underwriting development of the RRRF
Proven/operational technology	Still liable for annual membership fees and proportion of RRRF consultant fees
Eligible for resource recovery rebate	CoSP influence over future direction of decision making could be diminished
Little community objection anticipated	
Reserve funds become available	
Flexibility to obtain most competitive disposal rate	
Benefits of Regional Council membership	

Option 2

The Southern Metropolitan Regional Council at Canning Vale is the closest secondary waste processing facility to the City of South Perth is the most obvious alternative to the SEMRC and is currently the site where the City domestic waste is taken.

If City of South Perth wished to become a member of the SMRC, the estimated cost to buy ~~in~~ an equity share would likely exceed \$10m, based on the original capital cost of the facility plus capital improvements. It is likely that the City of South Perth would face a similar significant capital cost injection if it sought to buy in to any other metropolitan regional council as it would be acquiring a share of the net assets of the business. This cost would not necessarily be an 'up front' capital contribution but its nature would need to be determined and negotiated with payment made either 'up front' or over a period of time.

It is common knowledge that the SMRC has had previous issues of odour control, plant breakdown and objection by resident groups in relation to its facility which the SMRC is dealing with, although it is acknowledged that at the present time the facility is operating satisfactorily.

The advantages and disadvantages of SMRC membership is as follows:

ADVANTAGES	DISADVANTAGES
Nearest site - transport costs would be minimised	Need to buy into equity
Proven/operational technology	Reliability of technology
Costs known	
Established markets for treated materials	Residential development in relative close proximity
	Political pressures to minimise odour nuisance
	No certainty of membership
	Future uncertainty / options

It is noted that the next closest waste disposal facility, the Western Metropolitan Regional Council (WMRC) in Shenton Park is not considered to be an option at this stage because that alternative waste treatment facility does not have sufficient capacity. The technology being used will have capacity for up to 55,000 tonnes per annum which will only accommodate WMRC members at this stage.

Option 3

If the City of South Perth were to withdraw from the SEMRC and dispose of its waste as a commercial customer only at various waste disposal sites, the City would also be relieved of the capital cost associated with equity membership of a regional council (as per Option 2). This option means that the City of South Perth would need to negotiate a waste disposal arrangement from year to year and as a result such arrangements would be short term at best, and offer no long term security as other regional council's waste disposal facilities would not be obliged to accept the City's waste. It is natural to assume that owners or operators of waste facilities would give preference to its own members.

The City of South Perth would also lose the administration support that membership of a regional council provides with likely resource implications on the City of South Perth administration. Further the City of South Perth- may not have access to the recycling rebate under the proposed regional funding model as the State government now proposes to fund the rebate via regional councils. In 2005/06, the last year of the Resource Recovery Rebate Scheme, the City received approximately \$50,000.

The advantages and disadvantages of this option are:

ADVANTAGES	DISADVANTAGES
More flexibility	No certainty/security of facility user
Ability to compare disposal costs	No long term equity
No capital contribution costs	No access to Member Disposal Rates
No necessity to guarantee tonnages	Cost to join a Regional Council in the future
More response to emerging technology	No access to recycling rebate (if available)
Sustainable options (social/environ)	
No regional council activities <ul style="list-style-type: none"> • Savings in membership fees • Savings in CoSP administration support 	
Reduced financial risks	

Summary

Of the options outlined above, Option 1A is favoured for the following reasons:

- The proposed Build Own Operate (BOO) contract arrangement which is the preferred SEMRC option avoids the substantial capital cost associated with equity membership
- The BOO contract arrangement significantly reduces risk to the Regional Council and member Councils and
- Regional council membership provides certainty of long term waste disposal
- Additional transport costs are minor

It is not possible to undertake any meaningful financial analysis at this stage regarding the future disposal rate as key inputs are not known (i.e.site location, capital cost of RRRF, operational costs, profit and risk factors, all of which affect the gate fee per tonne). The capital cost of comparative facilities is up to \$80m and the indicative gate fees at comparative facilities are in excess of \$100 per tonne. To quantify the financial variables it is necessary to proceed through a tender process.

Conclusion

As the proposed Establishment Agreement (August 2007) removes the ability for City of South Perth to unilaterally withdraw voluntarily from the SEMRC, it is timely to consider the future waste management options available to the City.

In examining future waste management options there are obvious differences apparent between City of South Perth and other current Regional Council members in terms of: geographic separation, Smaller waste tonnages and the existence of other waste disposal options.

Further, there are a range of future waste management options taking into account waste processing technologies, distances to site and equity membership versus non-membership.

If City of South Perth wishes to become an equity member of another existing regional council which owns and operates a waste disposal facility the City could expect to be faced with a significant capital cost contribution. Under the SEMRC's proposed contract arrangements for a RRRF, neither the SEMRC nor the member Councils would own and operate the RRRF. The RRRF would be established by way of a Build Own Operate contract arrangement, similar to the contract arrangements for Mindarie Regional Council's proposed new RRRF at Neerabup.

This arrangement significantly reduces the cost and risk to City of South Perth as there would be no major capital cost associated with equity membership. The principal expectations upon the City of South Perth together with all member Councils would be a guarantee of waste delivery.

Based on the review of future waste management options, it is considered that the City of South Perth's interests would be best served by remaining a member of the SEMRC. Accordingly, it is considered that Council should endorse the proposed Establishment Agreement and Deed of Amendment.

Consultation

- City of South Perth Executive Management Team
- City of South Perth Elected Members (Concept Forum Briefing)
- SEMRC/Technical Advisory Committee
- SEMRC City of South Perth Elected Member Representatives
- City of South Perth Community Reference Group
- Future members of the Rivers Regional Council

Policy and Legislative Implications

Local Government Act s3.61 - Regional Local Governments is relevant.

Financial Implications

It is too premature to determine financial implications of being a full participating member of the proposed new Regional Council operating a RRRF. The site has not been selected, the contractor has not been selected and the technology has not been chosen. This information will become available as the process continues and results of calling tenders are known.

However, having regard for all relevant factors identified in this report, it is recommended that the City take all necessary action to become a full participating member of the SEMRC to ensure that it has access to a long term waste disposal facility.

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.*

Strategy 3.7 is as follows:

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

Sustainability Implications

The strategic management of waste collection/disposal/recycling services is one of the more critical sustainable service delivery considerations faced by Local Government. The City's officers have carefully considered a range of waste management options against the three primary elements of Sustainability being Economic, Social and Environmental. In brief, the officers recommended option is considered the more sustainable and viable direction for the long term management of this critical community service.

In Economic terms the proposed direction requires no up front capital investment, has a manageable level of economic risk which is confined to jointly underwriting, with other member Councils, a Build Own Operate (BOO) Regional Resource Recovery (RRR) facility. In addition, there is an element of risk with respect to the final per tonne cost of disposal at the RRRF and also the travel distance to the proposed facility is a little further from the City. However, in the context of the capital investment consideration of the other options, these factors are negligible.

Social considerations with regard to this activity relate to aspects such as appropriate site selection for the future RRRF so as to have the least impact on adjacent communities, maximising waste recycling and minimising waste to land fill. South Perth residents and the broader community are acutely aware of the need to be responsible about the manner in which the City collects, recycles and disposes community generated waste and therefore the manner in which the City carries out these activities needs to be in keeping with community expectations in this regard. The direction proposed will ensure that the most up to date technologies are employed to meet this sustainable objective.

In environmental terms, again site selection for the RRRF is critical to ensure the future operations of such a facility have the least impact on the surrounding environment. Method of waste transport, distance to the facility and the selected transport route are also key environmental considerations as are the environmental credentials of the technologies employed at the RRRF. The recommended option will still require further investigation in terms of all the potential environmental impacts of the proposed RRRF however all indicators at this early stage are positive.

When considering the sustainability merits of an activity such as this, no one element (economic, social & environmental) takes precedent, all aspects must be considered and any identified negatives or risks mitigated. At this stage of the City's officers investigations the recommended direction would appear to provide the most appropriate and most sustainable option for the City.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4</p>

That Council

- (a) agree to enter into the draft proposed Establishment Agreement (2007) for the South East Metropolitan Regional Council (proposed to be renamed Rivers Regional Council) and the draft Deed of Amendment (2007) of the Establishment Agreement; and
- (b) authorise the Mayor and CEO to sign and seal the proposed Establishment Agreement and Deed of Amendment.

CARRIED EN BLOC RESOLUTION

10.0.5 Planning Policy P398 “Applications for Planning Approval: Applicant’s Responsibilities” (*Item 10.3.1 November 2007 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/4
Date:	1 February 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

In November 2007, Council adopted the **draft** Planning Policy P398 “Applications for Planning Approval: Applicant’s Responsibilities”. The draft Policy has been advertised and no submissions were received. Therefore the Policy is now being presented again, without modification, for final adoption.

Background

The final version of Planning Policy P398 comprises **Attachment 10.0.5** to this report.

Council Planning Policy P398 will introduce new provisions requiring applicants for development approval to submit detailed calculations and annotated plans relating to plot ratio, open space and landscaped area. The policy will also require applicants to submit an “Applicant’s Planning Assessment Check-Sheet”. Finally, in relation to building licence drawings submitted following the granting of planning approval, the policy itemises “major” and “minor” variations and requires applicants to identify all intended variations, noting that major variations would necessitate the submission of another application for planning approval.

Comment

The draft Policy P398 has been advertised in the manner described in the “Consultation” section of this report. As no submissions were received, the Policy should now be adopted without modification.

Consultation

At the November 2007 meeting, for the purpose of the required public consultation, the Council resolved that the draft Policy P398 was to be advertised in the manner described in the Officer report presented to that meeting. The following advertising procedures have been completed:

- The required notice was published in the “City Update” section of the *Southern Gazette* newspaper on 4 and 11 December 2007 inviting comments on the draft Policy. The submission period extended over the required 21 days.
- Notices were also placed on the City’s web site, in the City’s Libraries and at the Civic Centre office.

Policy and Legislative Implications

Clause 9.6 of Town Planning Scheme No. 6 sets out the procedure for preparation and adoption of planning policies. That procedure is described as follows:

- After Council has endorsed the draft Policy, a notice is published once a week for two consecutive weeks in the *Southern Gazette* newspaper inviting comments. The submission period must be not less than 21 days.

- At the conclusion of the submission period, a report on any submissions received is presented for Council's consideration. Having considered the submissions, the Council decides either to finally adopt the Policy, with or without modification, or not to proceed with the Policy.
- Following final adoption of the Policy, notification to this effect is published once in the *Southern Gazette* newspaper. The Policy becomes operational from the date of that notice.

In the case of Policy P398, the required advertising arrangements were implemented. In addition, notices were placed on the City's web site, in the City's Libraries and at the Civic Centre office.

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

Policy P398 imposes additional requirements on applicants in terms of the information and calculations to be submitted with their applications. This will lead to more efficient processing of applications by the Planning Officers. To this extent, Policy P398 will have some sustainability benefit in terms of more efficient use of staff resources.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Grayden

FORESHADOWED MOTION

Cr Doherty Foreshadowed she would be moving to defer adopting Policy P398 "Applications for Planning Approval: Applicant's Responsibilities" to the next meeting to allow for further modification if the current Motion is Lost.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5
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The Mayor put the Motion

That, under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6:

- (a) Policy P398 "Applications for Planning Approval: Applicant's Responsibilities" **Attachment 10.0.5**, be adopted as a Council Planning Policy; and
- (b) a notice relating to Council's final adoption of Policy P398 be published once in the *Southern Gazette* newspaper.

CARRIED (11/1)

10.0.6 Review of Policy P104 “Neighbour and Community Consultation in Planning Processes” (Item 12.1 of July 2007 Council Meeting)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801
Date:	1 February 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

This report provides information on the progress of the review of Council Policy P104 “Neighbour and Community Consultation in Planning Processes”. For the reasons explained in the Comment section of this report, a revised version of Policy P104 will not be completed for some time. Therefore, this matter should now be deleted from the regular status report on outstanding matters arising from Council meetings.

Background

Policy P104 was adopted by the Council in July 2005, and was thoroughly reviewed during 2006 and 2007. The draft revised Policy was presented to a Council Members Concept Forum on 8 May 2007, and several concerns were expressed by Council Members, particularly in relation to the extent of consultation proposed for some types of applications.

At the July 2007 meeting, in response to a Councillor’s Notice of Motion, Council resolved as follows:

“That further to recent legal advice regarding the extent of access permitted by neighbouring residents to building plans associated with development applications, the Chief Executive Officer undertake a review of Planning Policy P104, “Neighbour Consultation on Town Planning Processes”. The review will examine whether the present “copyright “ obligations of the City can be relaxed to allow development plans associated with a Development Application to be copied by neighbouring residents.”

A further review of Policy P104 has commenced, however a revised version is not yet ready for presentation to Council due to the extent of the required review; and the need to survey other Councils’ practices, to obtain further legal advice and to await the outcome of a Private Members’ Bill being presented to State Parliament regarding public access to applicants’ plans and Third Party Appeals.

Comment

In relation to the review of Policy P104, the following information is provided:

(a) Extent of the required review

A substantially modified version of Policy P104 was presented to the Council Members Concept Forum in May 2007. During general discussion at the Concept Forum involving input from Members, the following areas were identified for investigation and consideration of further modifications to Policy P104.

- Matrix - extent of consultation for particular proposals and alternative format;
- Legal advice to be sought in relation to making applicants’ plans available to the public;
- Develop consultation process for community forums;
- Wider notification to neighbouring residents;

- Accommodating comments from submitters 'remote' from development site;
- Likely need for Scheme Amendment to TPS6;
- Issues relating to Delegated Authority to Director/Managers.

Due to the extent of the necessary further review of Policy P104, this matter was withdrawn from the May 2007 Council Agenda pending further research being carried out and incorporation of the Members' suggestions/comments. Members were advised that it would be some considerable time before this matter was presented to another briefing and Council meeting.

(b) Survey of other Councils' neighbour consultation practices

A questionnaire has been circulated to eight other local councils regarding their neighbour consultation practices. The questionnaire sought responses to 14 pertinent questions. The councils surveyed are Fremantle, Victoria Park, Canning, Melville, Stirling, Belmont, Rockingham and Vincent. Responses have been received from Fremantle, Stirling, Belmont and Rockingham. The responses now need to be analysed in detail. In addition, advice on the consultation practices of the City of Sydney has been obtained. The findings will be conveyed in the next report to a Council meeting.

(c) Legal Advice

Council Members have expressed views relating to copyright, display of applicants' plans on the City's website, the appropriate extent of neighbour consultation and paper copies of applicants' plans being given to neighbours and other members of the public. Having regard to the views expressed by Council Members concerning these matters, it was necessary to obtain further legal advice. A comprehensive response has been received from the City's lawyers and advice in this regard will be conveyed in the next report to a Council meeting.

(d) Private Members' Bill

A critical consideration in relation to the appropriate extent of public access to Planning / Building application plans is the outcome of a Private Members' Bill, prepared by Dr Janet Woollard, MLA which is to be debated in State Parliament. That Bill deals with the issue of public access to Planning / Building application plans as well as third party appeal rights. If the Bill leads to the promulgation of new State Government legislation, this will have far-reaching ramifications for councils throughout Western Australia. It is therefore advisable to await the outcome of the Bill, before presenting any amended version of Council Policy P104 to a Council meeting.

Consultation

Prior to advancing the review of Policy P104, consultation with other councils and the City's lawyers has been undertaken as described above. When Policy P104 has been comprehensively reviewed and a further revised draft has been endorsed by Council, further public advertising procedures will be implemented in the normal manner.

Policy and Legislative Implications

The review of Policy P104 is being undertaken in accordance with the procedures set out in Clause 9.6 of Town Planning Scheme No. 6.

Financial Implications

The issue has some impact on this particular area. Costs have been incurred in relation to the further legal advice. If wider consultation is incorporated into a revised version of Policy P104, additional administrative costs will be incurred in the implementation of the Policy.

Strategic Implications

This matter relates to Goal 1 “Customer Focus” identified within the Council’s Strategic Plan. Goal 1 is expressed in the following terms:

To be a customer focused organisation that promotes effective communication and encourages community participation.

This matter also 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 report is only a “status report” and therefore, at this stage, there are no sustainability implications. At a later time, when a substantive report on the review of Policy P104 is presented to Council, comments will be included regarding sustainability implications.

OFFICER RECOMMENDATION ITEM 10.0.6

That, having regard to the circumstances relating to the review of Council Policy P104 “Neighbour and Community Consultation in Planning Processes” described in the Officer’s report at Item 10.0.6 of the February 2008 Council Agenda, this matter be deleted from the regular status report on outstanding matters arising from Council meetings.

OFFICER RECOMMENDATION

The officer recommendation lapsed for want of a mover and seconder.

MOTION

Moved Cr Hearne, Sec Cr Doherty

That...

- (a) the officer recommendation not be adopted; and
- (b) item 12.1 of the July 2007 Council Minutes “Review of Council Policy P104” remain on the monthly Status Report as an outstanding matter arising from a Council meeting.
- (c) a report be prepared for consideration at the March 2008 Council meeting on the subject of making plans more accessible to members of the public.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne opening for the Motion

- P104 relates to access to building plans for neighbouring residents to comment
- discussed legal aspects of making plans available on many occasions at Council
- access to plans widely available in many city / regional areas
- believe we have expertise available to review plans - can then make meaningful input
- want it kept on Status Report and Members updated accordingly
- Private Members Bill proposed to be presented on this issue - could be 12 months away
- important we show 'Best Practice' to residents when developments going on in their area
- too important an issue to 'drop off' Status Report

Cr Doherty for the Motion

- support Cr Hearne's comments
- contacted Dr Janet Wollhard's Office - they could not advise exact timing of presentation of proposed Private Members Bill only that it would be at the least the end of 2009.
- important we make plans more accessible to members of the public the sooner the better
- support the Motion

Cr Hearne closing for the Motion

- believe it important the review of this policy remain on the monthly Status Report as an 'outstanding' item.
- part (c) of the Motion stands by itself - report to March on the subject of making plans more accessible
- if the review of P104 takes longer than this - keep us informed via the Status Report

COUNCIL DECISION ITEM 10.0.6

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted; and
- (b) item 12.1 of the July 2007 Council Minutes "Review of Council Policy P104" remain on the monthly Status Report as an outstanding matter arising from a Council meeting.
- (c) a report be prepared for consideration at the March 2008 Council meeting on the subject of making plans more accessible to members of the public.

CARRIED (12/0)

Reason for Change

Council believed it important the review of policy P104 remain on the monthly Status Report as an 'outstanding' item and sought a further report to the March Council Meeting on the subject of making plans more accessible to the public.

10.0.7 Community Visioning (Item 12.1 September 2007 Council meeting refers)

Location:	City of South Perth
Applicant:	Council
Date:	9 February 2008
Authors:	Helen Doran-Wu, Community Development Coordinator Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is for Council to consider entering into a Community Visioning Project to inform the City's strategic planning processes.

Background

At the meeting of 25 September, 2007, Council adopted the following Notice of Motion:

COUNCIL DECISION ITEM 12.1

That....

- (a) *the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in February 2008 on "Visioning," and the "Visioning Process" in relation to the 2008 reviews of, but not limited to the following:*
- *Town Planning Scheme;*
 - *Strategic Plan;*
 - *Connected Community Plan; and*
 - *Sustainability Strategy Action Plan*
- (b) *the "Visioning" include:*
- (i) *but not be limited to, public workshops, telephone polls, website and written surveys; and*
- (a) *all stakeholders including, but not limited to, residents, ratepayers, Elected Members and Council staff.*

MEMBER COMMENT

During 2008 the City will be reviewing the current Town Planning Scheme, Strategic Plan, Connected Community and Sustainability Action Plan. It is timely to consider the review of these documents which guide the direction of the City in a wider context and engage the community in Creating a Sustainable Community Vision for the City of South Perth – 2008 to 2028. Alongside the review of the aforementioned documents the State government is reviewing the Residential Design Guidelines (R Codes) which tie in with the City's review of TPS6 and associated planning policies. Similarly, with the review of the Strategic Plan, revisiting the City's Values and Mission would be part of this process.

The Oregon Model of Community Visioning has been used as a framework by other Councils as it focuses on a process through which any community can create a shared vision for their future and in essence begin to make that vision a reality. It is a framework for planning, policy and decision-making. The process focuses on asking the 5 questions:

1. *where are we now?*
2. *where are we going?*
3. *where do we want to be?*
4. *how do we get there?*
5. *are we getting there?*

An amount of \$40,000 has been allocated in the 2007/2008 budget in the event that a Community Visioning process is undertaken in conjunction with the review of TPS6. Other funding sources may be available to provide additional resources to assist the City to implement this "Visioning" process.

COMMENT CEO

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Chief Executive Officer comments as follows:

The request from Cr Doherty regarding undertaking a "Visioning" exercise is generally consistent with the City Administration's intentions in 2008. The City's current strategic directional document, the "Strategic Plan 2004-2008", is now due for review and the February 2008 timeframe for a report on the subject is appropriate.

It would also be the intention of the Administration that the Strategic Plan / City Visioning Exercise would also embrace the review of other relevant guiding documents, such as those mentioned above, and the intended timing of the review of these documents will be included in the February 2008 Report.

The suggestions with regard to the merits of the possible use of the Oregon Model and other such methodologies for embracing community views, can also be considered during the scoping phase of the review process early in 2008.

Regarding the extent of consultation on such an initiative, the City would undertake the process in accordance with the City's adopted Communication and Consultation Policy P103. The consultative methodologies listed in the Motion would be consistent with this Policy and supporting Management Practice with the exception of the "Telephone Poll". However, at the time when the particular project consultative strategy is formulated this additional consultative mechanism can be considered.

Comment

Defining Community Visioning

According to Steven Ames, Community Visioning practitioner and author of 'A guide to community visioning: hands on information for local communities' (2004), the definition of visioning is 'a process by which a community envisions the future it wants, and plans how to achieve it'. The aim of undertaking a visioning exercise is to allow a community to '(1) understand the values of its citizens and use them as a basis for planning (2) identify trends and forces that are affecting the community; (3) articulate a big picture view to guide short term decisions and long term initiatives; and (4) develop tools to achieve its vision'.

Current status

The City's current Strategic Plan, Connected Community Plan and Sustainability Strategy Action Plan are due for review in 2008. When developed in 2004 and 2005 these documents were the focus of considerable community consultation involving round table discussion with stakeholders such as community groups, service organisations, local businesses and churches following which draft documents were made available to the community for comment. Similar consultative processes have been undertaken in the development of other documents and initiatives to ensure community input is a significant factor in determining future directions. Examples of these documents include:

- Strategic Financial Plan which tentatively outlines major initiatives over a five year timeframe
- Community Facilities Needs Study
- Sporting Facilities Needs Study
- Families and Seniors Needs Studies
- Green Plan
- Como Beach Redevelopment
- Neil McDougall Park Landscape Plan
- Foreshore Renovation and Esplanade Landscape Plan
- Integrated Catchment Management Plan

Prior to the notice of motion that is the subject of this report it had been envisaged that the reviews of the Strategic Plan and Connected Community Plan would involve a similar level of consultation to the initial process and would be completed in the 2008 calendar year.

As noted in the notice of motion, the review of the district TPS6 was due to commence its review in 2008. It is not realistic to believe that a thorough review of the TPS6 could be conducted within the same timeframe as a review of the City's corporate Strategic Planning documents referred to in this report. There are a number of valid reasons why the formal review of the City's TPS should be considered as a separate exercise. These include:-

- A review of a TPS is a statutory process which must be conducted in a particular format;
- A review of a TPS will take several years - even with the best intentions;
- A review of a TPS is subject to State Government involvement and agreement;
- Many parts of the City are currently being reviewed (or about to be reviewed), including:
 - South Perth Railway Station (incorporating Civic Triangle) precinct
 - Canning Bridge precinct
 - Bentley Technology Park precinct
 - Karawara Greenways precinct
 - Waterford triangle
- All policies contained in the City Residential Design Manual (assuming policies approved for public comment at the February Council meeting) will be the subject of imminent public advertising for comment.

To a very large extent therefore, reviews of large tracts of land use are already underway and are undergoing separate community consultation processes and it would probably be neither appropriate or desirable to compromise the outcome of these projects by duplication the review process in some other way.

Rather, it is suggested that if any particular issues arises during the strategic planning review that has any bearing or relevance to the town planning reviews already commenced and identified above, then the issue should simply be referred to that process for consideration – provided of course that timing for further review is compatible.

It is however suggested that two additional precincts be given priority and status in the strategic planning review (or separate review) and these relate to the Canning highway and Manning roads precincts and these could be considered in a separate budget allocation.

Canning highway is suggested is that it is one of the principal transport routes in the City and, as a consequence, has been the subject of Network City consideration. Clearly land uses around the western end of Canning highway (Canning bridge precinct) will be reviewed during the course of that review.

Manning road precinct is also suggested because of its transportation significance. It is known that during the review of Bentley Technology Park the issue of an enhanced transportation link between Canning Bridge and Cannington is being considered with linkages to Curtin University. An upgraded Waterford Plaza, Curtin University extensions, Ley Street shopping precinct, Clontarf subdivision and Waterford triangle review all bordering Manning road contribute and point to a need for a timely review of land uses in the area.

It is considered that the visioning project will be complementary to the review of all the strategic documents and possibly excluding TPS6 and that the findings from the visioning project will make a significant contribution to the subsequent formal review processes associated with all of the strategic documents and future review of TPS6. Therefore, the visioning project is regarded as the first stage in the review of those documents.

Research undertaken subsequent to the September Notice of Motion indicates that a visioning project is a very significant process potentially involving a greater number of consultation incidents along with related planning, documentation and reporting

requirements. It is likely that a visioning project would take a minimum of twelve months to complete, therefore it would be necessary to re-assess the timeframe for the formal review of the abovementioned documents if the City were to take this route.

Visioning

A visioning process can take a variety of forms depending upon the outcomes required and desired by the community. In this instance, the notice of motion has described the visioning project in its broadest terms. Therefore the community would be asked to comment on a wide variety of issues, and themes rather than contents of specific documents. The method of consultation and expected outcomes are not prescribed. In instances where this has occurred, a visioning process looks at the broader philosophy of the community, what values they are committed to, and what they feel are priority areas for Council to consider. A key stakeholder task force then works with Council to create the appropriate links to strategic documents and action plans.

Due to the breadth of the proposed visioning project there is a lot of flexibility in how the model is delivered. Therefore, consideration must be given to the method of consultation, ensuring that the consultation is meaningful and that the expected outcomes are clearly defined. The project must ensure that the process is manageable. To achieve this, the methods and themes discussed can be focused on particular geographical areas and/or communities of interest. For example, Toowoomba 2050 was a broad project that ran a number of streams of workshops that were:

- targeted at demographic groups ie, youth, people of diverse multicultural origins
- communities of interest and topic based ie environmental, development, infrastructure, and community services .

Consequently, the scope of a City of South Perth visioning project and the type of engagement used will depend upon the issues of the area, defined outcomes, the budget and human resources allocated to the project. To enable the City to consider the scope and consultation strategy a variety of information is to be considered.

Community visioning model

Much of the information on visioning is based on the Oregon model of engagement which focuses on asking 5 questions;

1. Where are we now?
2. Where are we going?
3. Where do we want to be?
4. How do we get there?
5. Are we getting there?

The Oregon Model was devised by Steven Ames, Community Visioning practitioner. The model is designed to answer these 5 key community questions and provide the City with a direction for improving services, the built form and lifestyle. Breaking the visioning into discrete phases will ensure that the five key questions are answered. Further it will facilitate the most effective consultation and engagement process can be designed. Consequently, communication with internal and external stakeholders will be easier.

Stage One of a visioning project will aim to answer the question, *Where are we now?*, from the perspective of the City. It is proposed that a discussion paper is prepared to:

- Identify current knowledge that exists within the City, consider current plans, previous consultation, key documents
- Identify gaps in the City's current knowledge and
- How visioning outcomes could be linked to strategic documents

Stage two, will entail roundtable discussions with key community stakeholders. The discussions will identify the community's views on key issues. This will address the question, *Where are we now?*, to be answered from the perspective of the community. An outcome of this process would be to prepare a paper that will establish the need and scope of a visioning project.

Stage three, engaging the broader community, will answer the Oregon model questions '*Where are we going?*' and '*Where do we want to be?*'. The scope of the active engagement phase will have been developed based on the outcomes of the first two stages. The scope will include:

- The terms of reference for a consultant
- The methodology
- The link between the visioning and strategic documents

The methodology must identify the following:

- What is to be discussed
- Whether or not the discussion should be based on geographical areas or communities of interest or a mixture of the two
- Expected outcomes ie whether or not the outcomes should produce clearly defined targets and actions or outcomes that will provide broad direction for the City's strategic documents.
- Targeted communication strategy for both the internal and external community
- Implementation strategy
- Statement of intent by Council to endorse findings of the visioning
- Required resources

It is expected that stage three will involve an innovative and dynamic engagement strategy to ensure that the community is initially motivated and then remains interested in visioning over a period of time. In practice, this means that the visioning must be seen as relevant to people's lives and aspirations. All residents of the City would have the opportunity to engage in the visioning process through consultative mechanisms including workshops, forums, various forms of surveys, web based communications and one on one discussion with a wide range of community based groups. In addition a range of community based activities and events such as community art projects with schools, Fiesta activity days and art exhibitions could be designed to stimulate participation and provide excellent opportunities for input into the process. It is anticipated that a significant number community members could be actively involved in the process through these and other means. At the end of stage three, a list of priority areas, defined by the broader community, will have been developed.

Stage four will address the question, '*How do we get there?*' to be answered. It will include two phases:

- Review of the priority areas as defined in stage three. The review will be undertaken by key stakeholders. The key stakeholders would have been identified through stage two.
- Identify how outcomes would be implemented and incorporated into existing strategic documents.

The partnership approach in stage four will ensure that outcomes are inline with project expectations, have the commitment of Council and officers, will be realistic and achievable and are supported by the community.

Stage five addresses the question '*Are we getting there?*' is a process by which the Council can present its progress reports on implementation strategies. In this manner, both the community and Council can remain engaged with the visioning and its outcomes.

Consultation

Given the depth and breadth of the visioning project under consideration, officers have held discussions with consultants in the field of Visioning. The consulting firms included CSD Network, TPG and Community Perspectives. Further, discussions were held with officers of the Town of Vincent: Vincent Vision 2024, City of Gosnells: Maddington-Kenwick project, Toowoomba 2050 and North Sydney: 2020 to help to define the project scope, assess risk management processes and the financial implications of visioning.

As a result of the discussions, the identified risks to be managed when undertaking a visioning project are:

- Lack of defined purpose for the visioning project
- Inadequate engagement strategy both internal and external to the organisation
- Lack of internal support for the project, particularly by key decision makers
- Community perception that the Council will not be committed to delivering outcomes
- Not having focused implementation strategies that have whole of organisation support
- Lack of awareness that visioning cannot achieve everything at once.
- Domination by interest groups
- Burnout as a result of either a vague purpose, process or action plan
- Burnout as a result of trying to achieve too much
- Project is outside current human and financial resource commitments
- Costs of marketing and catering can be a hidden cost

Methods for overcoming risks include:

- Invite Steven Ames to review the process with staff and councillors
- Clearly articulate that the desired outcomes for the project are realistic and achievable
- Matching the desired project outcomes with the right consultant to deliver the project
- Matching the desired outcomes with a variety of consultation methods
- Developing a process that links with effective implementation strategies
- Developing an education strategy for Councillors and staff so that they are aware of what visioning entails and how it will benefit projects
- Clearly define the communities of interest and/or the geographical areas to be considered in the scope of the project
- Clearly define issues for discussion
- Ensure that workshop discussions are based on facts that are, where appropriate, presented by specialists in particular areas
- Ensure that workshop discussions are, where appropriate, based on an initial household survey of priorities
- Clearly defined consultation program (internal and external to the organisation)
- Marketing campaign to promote Council support for the process and findings
- Use a variety of mediums to facilitate discussion on outcomes
- Clearly articulated action plan outcomes that are specific, targeted, realistic and achievable
- Consider building Enquiry by Design processes for specific areas, where appropriate, into the implementation strategy
- Use technology to keep marketing costs down eg use DVD's to promote workshops and outcomes

Given the feedback from other Councils and consultants an outline of the process has been identified that will minimise risks to the project and ensure the best possible outcome for the city, businesses and residents.

Summary

A fundamental objective of visioning is to encourage the community to actively articulate a preferred vision for the future. The visioning process is intended to ensure that key medium and long term outcomes can be described and achieved. Consequently, the vision will contribute to the creation of a place that people wish to actively participate in and belong. Further, when developing its strategic direction, business plans and policies, Council will incorporate those visioning outcomes a degree of confidence that they are desired by the community.

Due to the diverse nature of the strategic documents identified in the notice of motion, the purpose of the visioning must be broad. Advice from the various Councils and consulting firms is that a number of relationships with the strategic documents can be created. Each will have different cost implications. The advice is that defining the visioning project's relationship with the documents is, of necessity, a whole-of-organisation process. As such, stage one is where the link to the documents, the various forms of consultation and desired outcomes will be explored in further detail. When stage one is completed, and stage two has refined any ideas, then will the scope of the visioning and the form of the consultation will become clear.

Undertaking a Visioning process would be a major undertaking for the City. It is anticipated that a visioning project for the City of South Perth would take a minimum of 12 months to complete and that significant financial and human resources in addition to the City's current capacity would be required. Based on the experiences of similar projects it is anticipated that the following resource items would be necessary to successfully complete the project:

- Expert presentations at Council and community workshops
- External consultant(s)/facilitator(s)
- Workshops/forums
- Surveys
- Consultation related events/activities
- Communications (website, newsletters)
- Documentation (research/preparation/reporting)

Based on the experience of other Local Governments an amount of up to \$200,000 should be considered as realistic to cover the abovementioned cost items. In addition one full time equivalent for a 12 month period will be required to enable effective support for the project and the continuance of the City's ongoing programs and initiatives.

An amount of \$50,000 has been included in the current budget in anticipation of the visioning process. Based on the indicative costs above an additional \$150,000 would be required in the 2008/09 budget and an allowance for one additional full time equivalent for a period of approximately 12 months.

Strategic Relationships

Goal 1.3: Undertake research in order to assess performance and gauge opinions and priorities for future service delivery.

Goal 1.7: Establish consultative community mechanisms in order to involve the community in the planning and development of local area precincts.

The district TPS6, Strategic Plan 2004-2008, Connected Community Plan 2005-2008 and the Sustainability Strategy Action Plan 2006 - 2008 are all due for review in 2008. The visioning is seen as complementary to, and informing, the review of the various documents and would be considered to be the first stage of their review.

Governance Framework

Communication and Consultation Policy P103 would be relevant

Financial Implications

There is an allocation in the current budget of \$50,000 for a Visioning project. As indicated in this report an additional \$150,000 would be required in the 2008/09 annual budget to cover associated project costs.

In addition the equivalent of one full time officer for a period of approximately 12 months in addition to current resources would be required to support the Visioning process and to ensure the maintenance of the City's ongoing programs and initiatives.

Care would need to be taken to minimise any conflict with the City's Strategic Financial Plan which is also currently being reviewed and will undergo separate community consultation. This plan expresses in financial terms the City's plans for the next five year period during which significant expenditure on major projects such as the Civic facilities upgrade, Manning District Centre development, George Burnett Leisure Centre expansion and river walls etc will be promoted.

Sustainability Implications

Local governments work across a wide range of social, environmental and economic issues that directly impact the community. The City of South Perth, through its policies and actions, aims to encompass the principle of sustainability throughout the organisation, the community and the environment.

The visioning process is intended to ensure a number of sustainability outcomes:

- ensuring that the democratic principle of participation is upheld and promoted
- that the community is actively involved in articulating their preferred vision of their future
- that the community are provided with accurate information about sustainability, trends and issues within the City
- that the City is responsive to the community's ideas about where they live, work and socialise
- that the outcomes of a visioning project are feed into the City's strategic documents and policies to ensure that sustainability outcomes are achieved
- that the outcomes of the visioning project are delivered over a period of time
- that the outcomes contribute to the creation of a place that has high quality destinations, both natural and built, that delivers lifestyle benefits to the community and over the whole of life of a person

In this manner, it can be demonstrated the visioning reinforces the Council philosophy that it has a consistent Triple Bottom line approach throughout all of its key strategic documents and policies.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.7</p>

That given the substantial nature of a visioning project and the significant human and financial resources required, a councillor workshop is held at the earliest opportunity to provide a forum to consider the implications of such a project for the City of South Perth.

CARRIED EN BLOC RESOLUTION

Note: Strategic Urban Planning Adviser left the meeting at 8.50pm.

DECLARATION OF INTEREST : CR HEARNE : ITEM 10.0.8

“I wish to declare a Conflict of Interest in Agenda Item 10.0.8 “Proposed Retaining Wall/Fence Addition St Columbas Primary School” on the February 2008 Council Agenda. I own a property on the corner of Forrest and Edinburgh Streets, directly opposite the development site, and in view of this I will leave the Council Chamber and not participate in the debate or vote on this matter.”

Note: Cr Hearne left the Council Chamber at 8.50pm

<p>10.0.8 Proposed Retaining Wall and Fence No. 2 Alexandria Street, South Perth-St Columbas Primary School (Item 10.3.4 Council Meeting 16.10.07)</p>

Location:	Lot 2 (No. 2) Alexandra Street / (No. 30) York Street, South Perth.
Applicant:	St Columba’s Catholic Primary School
File Ref:	11.2007.127 AL2/2 - YO1/30
Date:	14 February 2008
Author:	John Devereux, Senior Planning Officer;
Reporting Officer:	Steve Cope, Director Planning and Community Services

Summary

An agenda item was prepared for the December 2007 meeting of Council for reconsideration of conditions of planning approval, issued by Council at its October 2007 meeting. The item was withdrawn from the agenda prior to the December meeting, on request of the applicant to enable them to undertake further consultation with the property owners in the neighbourhood.

The original application was to provide a retaining wall and fencing around the existing oval of St Columba’s Primary School, along the Alexandra, Hopetoun and Forrest Street frontages of the site, and to level the surface of the oval to provide for a more usable playing area. Council’s discretion was originally sought in regard to the impact of the retaining wall on the amenity of the surrounding area, and the removal of a substantial number of mature trees in order for the retaining wall to be built.

The request for reconsideration of conditions of planning approval comes with the submission of a revised design for the oval. The revised design proposes a higher finished ground level than originally approved by Council; however, it incorporates a number of other changes to minimise the impact on the surrounding streetscape.

As the amended drawings differ significantly from the previous approval, the recommendation is to issue a new approval subject to conditions.

Background

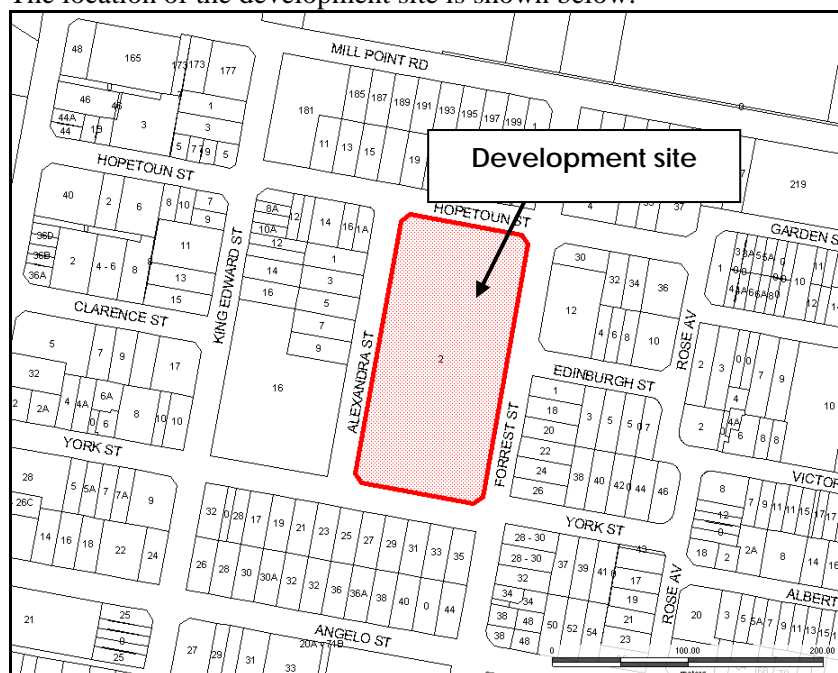
This report includes the following attachments:

- Attachment 10.0.8(a)** Amended plans.
- Attachment 10.0.8(b)** Letter from Michael Cameron, School Chairman, dated 1 February 2008.
- Attachment 10.0.8(c)** Letter from Chris Lamb, School Principal, dated 4 February 2008.

The development site details are as follows:

Zoning	Private Institution
Density coding	R15
Lot area	19,153 sq. metres
Building height limit	7.0 metres
Development potential	Not applicable
Plot ratio	Not applicable

The location of the development site is shown below:



Comment

(a) Description of the proposal

The original proposal comprised a retaining wall with a maximum height of 3.15 metres (at the corner of Hopetoun and Forreast Streets), and an open style 1.2 metre fence on top of the retaining wall.

The revised plan includes filling between road and property boundary, from 0.5 metre behind the kerb line of Alexandra, Hopetoun and Forreast Streets to a level of RL 22.15, within the school property. This will reduce the need for retaining wall along the majority of Alexandra and Hopetoun Streets, besides the corner truncations which have been set back from the boundary to reduce the overall height. Along Forreast Street retaining wall is still proposed; however, the perceived height is reduced by the banking of the road reserve. The banking along Forreast Street will require the realignment of the existing footpath. A 1.5 metre high fence is to be installed along edge of the proposed oval and retaining walls.

(b) Height

The original proposed height of the wall along Hopetoun Street varied from 2.65 metres at the corner of Alexandra Street, to between 1.65 and 2.15 metres for the length of Hopetoun Street, and up to 3.15 metres at the corner of Forreast Street. The Council approved the application with the condition that the finished ground level and top of the retaining wall be lowered to an RL not exceeding 21.50. This resulted in

the height varying from 2.0 metres at the corner of Alexandra Street, to between 1.0 and 1.5 metres for the length of Hopetoun Street, and up to 2.5 metres at the corner of Forrest Street.

The revised drawings are seeking to retain the originally proposed top of wall height of RL 22.15. The majority of the retaining wall along Alexandra and Hopetoun Streets has been removed, besides an area adjoining the corner truncation, which has been setback 9.1 metres from the boundary. The retaining wall will not be readily visible due to the steel platform proposed sitting out from the retaining wall around 4.6 metres. The steel platform enables the applicant to extend the area of the oval to the amount required without the removal of trees. On from the truncation, along Hopetoun Street, the retaining wall extends some 14.4 metres, with a visible height of around 0.7 metres above the earth banking. The retaining wall rises to height of 2 metres, in order to retain a tree. A steel platform is to propose to extend from the retaining wall surrounding the tree, which will help conceal the proposed wall. The plans show the platform extending over the boundary which will not be permitted.

Along Forrest Street the proposal is to fill between the proposed realigned path to a level on the boundary, with a retaining wall on top of approximately 0.7 metres in height. The existing pedestrian path is required to be relocated to allow for the grade required to bank the earth. A retaining wall remains along the truncation of Forrest and Hopetoun Street, with a setback of 3.8 metres from the boundary. The highest visible point of the retaining wall will be 1.7 metres.

A 'sacrificial' graffiti coating will be required to be applied to the visible areas of the retaining walls.

(c) Tree retention

The area around the corner of Alexandra and Hopetoun Streets has a mature tree canopy, which provides for a calming ambience, and habitat for birdlife. Although some of these trees are located within St Columba's lot boundary, these trees contribute significantly to the character of the area, and therefore their removal would adversely impact the amenity of the area.

The proposal retains all street trees and the trees within the property along the Alexandra and Hopetoun Streets. There is one smaller tree in the location of the proposed retaining wall along Hopetoun Street which is proposed to be removed. The removal of this one tree is seen to be acceptable as its removal will have minimal impact on the amenity of the area due to its size and location.

Six trees located on the School property, towards the Forrest Street boundary are proposed to be removed. These trees have been shown on all plans as "to be removed" and there has been no concerns raised with their removal, due to having minimal impact on the amenity of area.

(d) Realignment of footpath along Forrest Street

To allow for the banking of the earth along Forrest Street, in order to reduce the visual impact of the retaining walls, the existing footpath will need to be realigned. The Manager, Engineering Infrastructure has commented on the proposed application and made particular comments with regard to the footpath. He is prepared to support the proposal subject to the new footpath, with a width of 1.8 metres, being constructed at the applicant's costs.

(e) **Landscaping and stabilisation**

A landscaping and stabilisation plan will be required to be submitted and approved, by the Manager City Environment, for the proposed development. Of particular importance will be the stabilisation of the proposed filling in the road reserve. Ground covers will be required, as opposed to the use of grass, for ongoing maintenance reasons.

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

The request for reconsideration of conditions of planning approval has been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

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

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

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

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

(f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*

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

(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;*

(l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*

(m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*

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

(o) *the cultural significance of any place or area affected by the development;*

(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;*

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

(h) Application for review lodged with State Administrative Tribunal

The proponents have lodged an application for review (appeal) against conditions contained within Council's October determination with the State Administrative Tribunal (SAT). The proponents have advised that the application for review was lodged primarily to protect their interests in order to allow further discussions with the Council while not losing their appeal rights. The application for review has been the subject of a Directions Hearing, and has been listed for Mediation in February 2008.

If agreement can be reached between the Council and the applicant, the matter can be determined without the need to go through the formal review process overseen by SAT. However, if agreement can not be reached, the SAT will ultimately become the decision maker in its role of adjudicating between the Council and the proponent.

Consultation

(a) Neighbour consultation

The original application was advertised on two separate occasions, and was the subject of a Special Elector's Meeting on 4 September 2007, although under Policy P104 "Neighbour and Community Consultation in Town Planning Processes", no neighbour notification was officially required.

The applicants choose to remove the matter from the agenda of the December meeting of Council in order to further consult with landowners in the area. Discussion were held with representative on the 21 January 2008. The idea of filling the road reserve up to the property boundary in order to reduce or remove the retaining walls was developed at this meeting and was seen to an outcome that was generally supported by all. Please refer to the letter [**Attachment 10.0.8(b)**] attached to the report for further details on consultation with surrounding landowners.

Following this meeting the revised plans were drafted and shown to a smaller group of representatives for comments. As detailed in the letter [**Attachment 10.0.8(c)**] supplied by the School's Principal, the representatives supported the revised proposal.

(b) Parks and Environment Department

The Manager, City Environment was invited to make comment on the revised proposal. The response received related to ensuring that the trees to be retained are protected and ensuring that the filled areas within the road reserves are stabilised and planted for ease of maintenance.

(c) Engineering Infrastructure Department

The Manager, Engineering Infrastructure was invited to make comment on the revised proposal. The response received was to support the proposal subject to conditions. The conditions relate to the submission of detailed drawings for the works being undertaken within the road reserve and the realignment of footpath along Forrest Street. The footpath would be required to be constructed to a width of 1.8 metres, as this is City standards for footpaths on kerbs. As part of the approval process the application would be sent to Western Power for their comments on levels surrounding the above ground transformer.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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 revised proposal strikes a balance between the applicant’s desired outcome and protecting the amenity of the area for the surrounding landowners. The recommendation is to issue an approval for the revised proposal.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.8
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Moved Cr Trent, Sec Cr Ozsdolay

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 retaining wall and fence addition to Lot 101 (No. 2) Alexandra Street / (No. 30) York Street **be approved**, subject to:

(a) Standard Conditions

416 (protection of street tree), 470(excavation and filling), 471 (retaining walls along the boundary), 506 (tree retention), 660 (validity of approval).

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

- (i) To ensure the retention and protection of the streets trees and the trees to be retained within the property, the applicant is to provide the City with an Arboriculturalist’s report accompanied by two sets of detailed drawings.
- (ii) The retaining walls shall be treated with a ‘sacrificial’ graffiti protection coating, and a certification shall be provided to the City that such treatment has been undertaken.
- (iii) A landscaping and stabilisation plan shall be submitted for approval by the City, for the areas to be filled and embanked. The plan shall include reticulation for the area. The works in the portion of the land, that is the subject of this approval, shall not be carried out unless and until:
 - (1) the City has approved a landscaping plan; and
 - (2) the landscaping and stabilisation has been completed in accordance with the plan approved by the City.
- ~~(iv) The realignment of the footpath along Forrest Street shall be undertaken at applicants cost and shall have a minimum width of 1.8 metres. This Condition Revoked by Resolution of Council. Item 14 Minutes of Council Meeting 24 March 2009~~
- (v) Prior to any works been undertaken between the road and the property boundary, including filling and realignment of the footpath, detailed drawings are required to be submitted and given approval by the Manager, Engineering Infrastructure.

(c) **Standard Advice Notes**

645 (landscaping plan), 647 (revised drawings), 648 (building licence), 651 (appeal to SAT).

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

The approved drawings show that the proposed additions which extend into the street verge may interfere with services maintained by a service authority (or private company) as Western Power and Water Corporation. The applicant is required to make arrangements with the responsible service authority or private company for the relocation of any infrastructure, as required, prior to carrying out the proposed development.

CARRIED (11/0)

Note: Cr Hearne returned to the Council Chamber at 8.52pm.

10.1 GOAL 1 : CUSTOMER FOCUS

10.1.1 Minutes Special Electors Meeting 11 February 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	12 February 2008
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Monday 11 February 2008.

Background

The Special Electors' Meeting was called following receipt of a petition organised by Elizabeth Florence, 5 Eric Street, Como and signed by 103 ratepayers requesting a meeting to discuss - '*Proposed Change of Use from Showroom and Single House to Office. Lot 51 (No. 123) Melville Parade and (No. 3) Eric Street, Como.* (Part of subject site accommodates the Como Furniture Mart)

As a result, under a requirement of the *Local Government Act*, Section 528 a Special Electors Meeting was held on 11 February 2008 to discuss residents' concerns.

Comment

The Minutes from the Special Electors Meeting held 11 February 2008 are attached. **Attachment 10.1.1** refers.

A report on the development application, including submissions and the Motion passed at the Special Electors Meeting held on 11 February 2008 will be the subject of a report to the March 2008 meeting of Council.

The motion passed at the Special Electors' Meeting is repeated below:

MOTION

That the City of South Perth consider this application as a "stand alone" application approved on the merits presented in line with Town Planning Scheme No. 6 and not dependant upon the use of supplementary public amenity.

CARRIED

RESPONSE

This Motion will be addressed in the Report on Submissions on this topic and form part of a report on the March 2008 Council Agenda.

Consultation

Notice of the Special Electors' Meeting scheduled for 11 February 2008 was advertised in the:

- in the Southern Gazette newspaper on 29 January and 5 February ;
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre, the Libraries and Heritage House.

Policy Implications

This issue has no impact on this particular area.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with Strategic Goal 1: Customer Focus: *To be a customer focused organisation that promotes effective communication and encourages community participation.* .

Sustainability Implications

This report contributes to the City's sustainability by promoting effective communication and community participation. .

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1.

That....

- (a) the Minutes of the Special Electors Meeting dated 11 February 2008 be received; and
- (b) the Motion passed at the Special Electors Meeting on 11 February 2008 be considered together with other Submissions received forming part of a report on the March 2008 Council Agenda in relation to the application for a proposed 'Change of Use from Showroom and Single House to Office at Lot 51 (No. 123 Melville Parade and (No. 3) Eric Street, Como'.

CARRIED EN BLOC RESOLUTION

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Manning District Centre

Location:	City of South Perth
Applicant:	Council
File Ref:	tbc
Date:	9 February 2008
Authors:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Planning and Community Services

Summary

The purpose of this report is to recommend that the development of a Manning District Centre as outlined in the City's Strategic Financial Plan is brought forward for reasons outlined in this report.

Background

Three major building initiatives in the City's Strategic Financial Plan are the redevelopment of the Civic facilities in Sandgate Street which is currently underway, the expansion of the George Burnett Leisure Centre which is planned to occur following the completion of the Civic facilities and the development of a Manning District Centre which is flagged for 2010/2011 and 2011/2012. Funds have been allocated in the current budget to develop Concept Plans for both the George Burnett Leisure Centre and Manning District Centre projects.

The expansion of the George Burnett Leisure Centre is currently planned to commence in 2008/2009 and 2009/2010. This was the second of the three major building initiatives relating to the major community hubs within the City of South Perth, the other two as mentioned above are the redevelopment of the Civic facilities a Sandgate Street and the development of a Manning District Hub. An important element of the George Burnett Leisure Centre project as identified in the Strategic Financial Plan is the impact that the new \$22 Million facility currently under construction at Curtin will have on the community and how the operations of the Curtin facility and the George Burnett Leisure Centre will relate to each other.

The development of a major community hub in the Manning area at Bradshaw Crescent in the precinct embracing the current Manning Hall, James Miller Pavilion, Manning Infant Health Clinic and the Tennis Club pavilion is flagged for 2010/2011 and 2011/2012. This initiative is one of the fundamental platforms identified in previous studies into the best way to sustain and support the City's community and sporting groups.

Comment

The City has strong relationships with stakeholders in the Manning area. These stakeholders include;

- Manning Primary School
- Manning Senior Citizens Centre
- Welwyn Avenue Traders
- Local community and sporting groups that currently use the facilities and the reserve on a regular basis such as; Moorditj Keila, Manning Rippers Football Club, SP Junior & Senior Cricket Clubs, Manning Toy Library, Dancing for the Disabled, Hope of God Church as well as various boot scooting, Marshal Arts and dancing groups.

There is a strong sense of community in Manning with many of the groups mentioned above very active in meeting the needs and providing services and activities for people in the area. Officers are of the view that a likely horizon of maybe 4 or 5 years before the development of a Manning District Centre is completed would result in a missed opportunity to take advantage of the current energy and motivation of these groups and the strong links that exist between the groups and the City.

One idea that could be tested during the feasibility process into a revitalised Manning District Centre would be the implications of closing off part of Bradshaw Crescent which would make James Miller Reserve immediately accessible to the current Manning Hall site. Another may be to consider relocating the Manning library to the District Centre and to investigate the potential benefits of collocating the library with the other facilities and its proximity to the Primary School, seniors centre and Welwyn Avenue shopping precinct. The Manning Library, at the present time is a stand alone facility on the South Western corner of George Burnett Park.

While the future expansion of the GBLC must be carefully considered, there are a number of reasons why there may be less of an imperative to move on this project in the timeframe originally planned. The most significant of these is the impact that the new \$22 Million Recreation facility at Curtin University will have on the City of South Perth Community and on the operations of the George Burnett Leisure Centre.

Due to open in late 2008 or early 2009 the Curtin Multi -Purpose Recreation (Dry only) facility will consist of meeting rooms, office space, foyer, seminar rooms, aerobic/gym space, multi purpose rooms, two squash courts, two beach volleyball courts, cafe, change room / toilets, function hall, three full size netball courts (with imposed 12 x badminton, 2 x volleyball, 3 x basketball), retractable seating to accommodate spectators and graduation ceremonies. The sports hall will have the ability to cater for international netball competition with seating and emergency provisions.

While the facility is being created predominantly as a student and alumni Centre, attracting new students and professionals to the campus, it will be open and promoted for community use at all times. In particular it is envisaged that community members would utilise the centre to a more significant extent during university down times.

City officers and Curtin staff are working together to consider the implications of the two centres relatively close proximity, however while some speculative forecasting has been done it will not be until the Curtin facility has commenced operations that the impact of both on each other will be known.

Additional reasons to consider swapping the timing of the Manning District Centre development and the GBLC expansion include the relative poor state of the facilities at Manning compared to those at the leisure centre and also the increased usage of the GBLC. Part of the rationale behind the expansion of the GBLC was to create more facilities such as additional courts that would attract organisations that currently do not utilise the centre because of the limitations of the present facilities. With more of the capacity of centre now being utilised, in particular through programs for seniors, young people and people with disabilities there is less of an imperative at the present time to create something 'bigger and better' to attract more users.

Consultation

Consultation with the following has informed this report;

- Curtin University
- SERRAG (South East Regional Recreation Advisory Group)
- Manning Rippers Amateur Football Club
- Moorditj Keila Aboriginal family support group
- Department of Health - Child and Adolescent Community Health Division
- Relevant City departments including Community Culture & Recreation, Libraries and Heritage, Financial Services , City Environment

Sustainability Implications

The creation of community hub such as the Manning District Centre is consistent with the concept of building strong sustainable communities by strengthening community networks and creating more opportunities to interact.

Opportunities also exist through this initiative to rationalise and modernise facilities incorporating best practice sustainability initiatives.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
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That....

- (a) officers commence developing a Concept Plan into the development of a Manning District Centre with input from stakeholder groups and following an investigation into a preferred location for the Manning Library,
- (b) the development of Concept Plans for the expansion of the George Burnett Leisure Centre are postponed until the impact of the new Curtin Recreation facility on the George Burnett Leisure Centre can be determined; and
- (c) a further report is presented to Council regarding the future of the George Burnett Leisure Centre following part (b) of this recommendation

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed Two Storey Single House. Lot 252 (No. 158) Lockhart Street, Como.
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Location:	Lot 252 (No. 158) Lockhart Street, Como
Applicant:	Angela Oeij
Lodgement Date:	21 November 2007
File Ref:	11.2007.607 LO1/158
sDate:	1 February 2008
Author:	Stephanie Radosevich, Customer Service Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

This application for planning approval proposes a two storey Single House. The officer report recommends that the application be approved subject to standard and specific conditions, as the proposed development is not completely in compliance with the provisions of the Residential Design Codes 2002 as explained in this report.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	506 sq. metres
Building height limit	7.0 metres
Development potential	1 Single House
Plot ratio	Not applicable

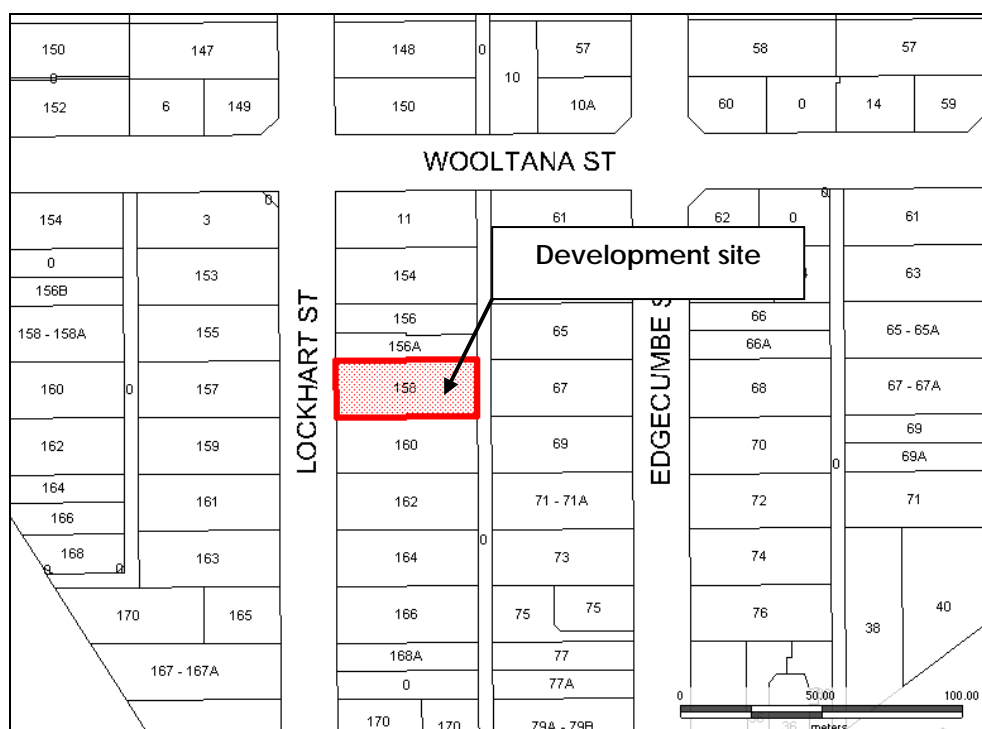
This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Plans of the proposal.
- Attachment 10.3.1(b)** Letter dated 30 January 2008 from Tim Martelli, the applicant.

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

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

The location of the development site is shown below:



Comment

- (a) **Description of the proposal**
 The proposal is for a two storey Single House. An assessment of the proposal reveals the proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below. The officer recommends that the application for the proposed development be approved subject to standard and specific conditions.

(b) Maximum floor and ground levels

The proposed finished floor levels are a RL of 15.942 for the entry, a RL of 16.114 for the foyer and a RL of 16.457 for the main floor, these FFLs are higher than would normally be permitted under Clause 6.10 of Town Planning Scheme No. 6. The appropriate maximum FFL for the proposed design, calculated in accordance with the provisions of TPS6, is as follows, an RL of 15.2 for the entry, an RL of 15.4 for the foyer and a RL of 16.0 for the main floor.

Clause 6.10(1) of TPS6 states that:

“The floor level of a building other than a parking structure shall be calculated to generally achieve equal cutting below and filling above the ground level at the perimeter of the building, subject to the following:

- (a) Such level may be raised by up to 100 millimetres;*
- (b) The Council may permit or require the floor level to be varied to the extent necessary to comply with the following:*
 - (i) In no case shall the floor level be lower than required by Clause 6.9.*
 - (ii) The floor shall not be at a level which, in the Council’s opinion, would cause the building to unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.*
 - (iii) The Council may require the floor level to be varied where necessary in the Council’s opinion to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots.”*

The applicant suggests that the proposed FFL is correct as it demonstrates a visually balanced streetscape, having regard to the floor levels of buildings and adjoining lots as shown in **Attachment 10.3.1(b)**. The following comments are made in response to this suggestion:

The Lockhart Street frontage clearly shows that whilst most lots demonstrate filling and retaining at the lower end of the lot, they also demonstrate cutting at the higher end, thereby meeting the Scheme objective of finding an appropriate average level. The intent of the equal cut and fill requirement is to arrive at an average or median ground level for the lot with cut from the higher areas of the lot and fill to the lower areas, thus producing a relatively level lot which is at an average height. Due to the other properties achieving equal cutting and filling, for the streetscape to be balanced the lot at No. 158 Lockhart Street is required to achieve a FFL that demonstrates equal cutting and filling. Therefore the properties who have their frontage to Lockhart Street generally meet with the equal cutting and filling of the site, as No. 158 Lockhart would need to achieve, for a visually balanced streetscape when it is viewed from Lockhart Street.

(c) Solar access for adjoining sites

The proposed development is in conflict with Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes 2002 with respect to the overshadowing of the adjoining southern vacant lot at No. 158 Lockhart Street. The proposal overshadows 32.7% (165.52 sq. metres) of the adjoining property which exceeds the maximum permissible limit of 25% (126.5 sq. metres) of the adjoining site area.

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

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

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

For the proposed two storey Single House to be assessed against the Performance Criteria it is necessary for the owner of No 158 Lockhart street to demonstrate how their proposed development should be approved, having regard to the impact that it will have on the outdoor living areas, major openings to habitable rooms, solar heating devices and balconies / verandahs of the adjoining property. This may be done by working on a probable form of development for the adjoining property, and then consider the relationship between the proposal and the probable form of development.

Due to the east-west orientation of the lot it is unlikely for the proposal to be able to meet with the Acceptable Development if amended drawings relating to the overshadowing are requested. Rather a indicative plan for the adjoining property, which is owned by the owners of No 158 Lockhart Street, shall be submitted.

The plans should demonstrate that they support the objectives outlined in the Performance Criteria of the R-Codes and what would be overshadowed by the proposed development. The plans should show that outdoor living areas, major openings to habitable rooms, solar heating devices, and balconies or verandahs will not be affected (or are affected to an insignificant degree) by the proposed development.

It should also be noted that a development of an east-west orientation with a similar amount of overshadowing was previously approved by Council at its November meeting in 2007 through them providing a probable form of development for the adjoining property.

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

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

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*

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

(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;*

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

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

(a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*

(c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*

(j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*

(l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*

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

(x) *any other planning considerations which the Council considers relevant.*

Consultation

(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 156A Lockhart Street were invited to inspect the application and to submit comments during a 14-day period. A total of 1 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

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

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.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the proposed two storey Single House on Lot 252 (No. 158) Lockhart Street, Como **be approved**, subject to:

(a) Standard Conditions

340 (boundary walls), 375 (clothes drying), 377 (clothes drying), 390 (crossover), 393 (remove existing crossover), 427(colours and materials), 455 (side and rear fencing), 470 (excavation and filling), 471 (retaining walls along the boundary), 550 (plumbing fittings), 578 (subdivision), 625 (visual truncations adjacent to driveways), 660 (validity of approval).

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

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

(A) The floor level of the building shall be lowered to a level of 15.2 for the entry, 15.4 for the foyer and 16.0 for the main floor relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots, having regard to the provisions of Clause 6.10 (1) of Town Planning Scheme No. 6.

(B) An indicative plan for the adjoining property at No. 158 Lockhart Street shall be submitted, demonstrating compliance with the Performance Criteria of Clause 3.9.1 “Solar Access for Adjoining Sites” of the Residential Design Codes 2002 (R-Codes).

(c) Standard Important Footnotes

640 (cost of crossover construction), 641 (subdivision), 646A (building licence for fencing), 648 (building licence), 649A (minor variation), 651 (appeal to SAT).

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

The officer recommendation lapsed for want of a mover and seconder.

LAPSED

MOTION

Moved Cr Best, Sec Cr Hearne

That the officer recommendation be amended by the deletion of the following Specific Condition (b)(i)(A):

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

(A) The floor level of the building shall be lowered to a level of 15.2 for the entry, 15.4 for the foyer and 16.0 for the main floor relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots, having regard to the provisions of Clause 6.10 (1) of Town Planning Scheme No. 6.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best opening for the Motion

- objective a visually balanced streetscape
- in view of the existing adjacent developments, finished floor levels of the proposed development will be consistent with the streetscape character
- levels proposed for the development will have a negligible impact on the streetscape

Cr Hearne for the Motion

- officers have done the right thing in pointing out discrepancy in plans
- Council has discretion
- concur with alternative Motion

COUNCIL DECISION ITEM 10.3.1

The Mayor put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the proposed two storey Single House on Lot 252 (No. 158) Lockhart Street, Como **be approved**, subject to:

(a) Standard Conditions

340 (boundary walls), 375 (clothes drying), 377 (clothes drying), 390 (crossover), 393 (remove existing crossover), 427(colours and materials), 455 (side and rear fencing), 470 (excavation and filling), 471 (retaining walls along the boundary), 550 (plumbing fittings), 578 (subdivision), 625 (visual truncations adjacent to driveways), 660 (validity of approval).

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

(b) Specific Conditions

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

- An indicative plan for the adjoining property at No. 158 Lockhart Street shall be submitted, demonstrating compliance with the Performance Criteria of Clause 3.9.1 “Solar Access for Adjoining Sites” of the Residential Design Codes 2002 (R-Codes).

(c) Standard Important Footnotes

640 (cost of crossover construction), 641 (subdivision), 646A (building licence for fencing), 648 (building licence), 649A (minor variation), 651 (appeal to SAT).

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

CARRIED (12/0)

Reason for change

Having due regard for the objective of achieving a visually balanced streetscape, and in view of the existing adjacent developments, the finished floor levels of the proposed development will be consistent with the streetscape character. The levels proposed submitted for the development will have a negligible impact on the streetscape.

10.3.2 Proposed Additions / Alterations to Two Storey Single House. Lot 119 (No. 1) McNess Glade, Salter Point.

Location: Lot 119 (No. 1) McNess Glade, Salter Point
 Applicant: PH Goh and AL How
 Lodgement Date: 27 November 2007
 File Ref: 11.2007.350 MC5/1
 Date: 1 February 2008
 Author: Stephanie Radosevich, Customer Service Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

This application for planning approval proposes additions and alterations to the two storey Single House. The additions and alterations being proposed are to enclose the existing verandah and balcony, a front fence and a new kitchen addition. The officer report recommends that the application be conditionally approved, as the proposed development is in conflict with the provisions of the Residential Design Codes 2002 as explained in this report.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	460 sq. metres
Building height limit	7.0 metres
Development potential	1 Single House
Plot ratio	Not applicable

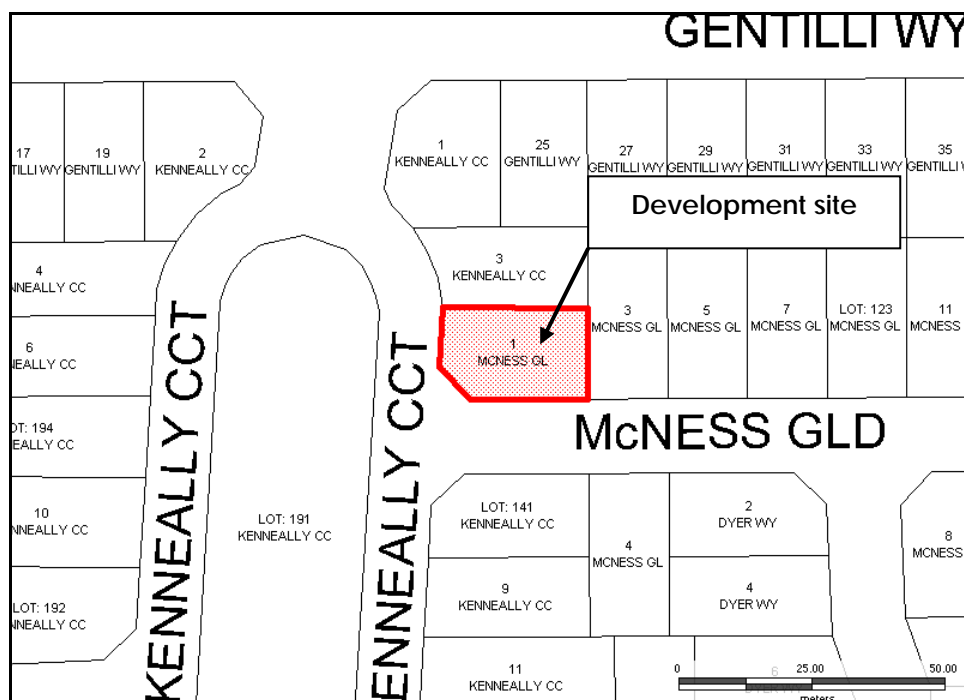
This report includes the following:

Confidential Attachment 10.3.2(a) Plans of the proposal.
Attachment 10.3.2(b) Letter 18 July 2007 from owners PH Goh and AL How,
Attachment 10.3.2(c) Email 27 November 2007 from TC Foong on behalf of PH Goh and AL How, the owners.

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

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

The location of the development site is shown below:



Comment

(a) Description of the proposal

The proposal is for additions / alterations to a two storey Single House. The additions and alterations comprise of enclosing the verandah and balcony, a front fence and a kitchen extension. An assessment of the proposal reveals a significant departure from the provisions of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies. The officer recommends that the application for the proposed development be conditionally approved.

With the exception of the boundary wall, the proposal demonstrates compliance with the provisions of the City’s TPS6, the R-Codes and relevant Council Policies.

(b) Boundary wall

The length of the proposed boundary wall on the eastern boundary is 12.3 metres. The wall has a height of 3 metres. When assessed against the provisions of the City’s Policy P376_T “Residential Boundary Walls”, the proposed wall complies with the permitted average wall height of 3 metres with a maximum height of 4 metres but does not comply with the permitted one quarter of the length of the boundary which is 4.25 metres. For the proposed kitchen extension to be deemed acceptable the wall would be required to be setback from the boundaries in accordance with the requirements of the Residential Design Codes 2002 as the proposed boundary wall stands facing a major opening on the adjoining property thus adversely affecting the outlook from, and sunlight into that room.

The boundary wall on the northern boundary, by virtue of it being separated and distanced from the active outdoor living area on the adjoining property by a water body, approximately 2.5 metres wide, is seen to have a negligible impact on the amenity of the adjoining property.

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

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

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

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

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

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

- (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.*

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

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

- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
(f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
(j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
(n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
(x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of properties at 3 McNess Glade and 3 Kenneally Circuit were invited to inspect the application and to submit comments during a 14-day period. A total of 2 neighbour consultation notices were mailed to individual

property owners and occupiers. During the advertising period, no submissions were received. A letter was submitted from the owner of 3 Kenneally Circuit and the plans have been signed by both adjoining properties (3 Kenneally Circuit and 3 McNess Glade) stating they have no objections to the proposed parapet walls.

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

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2
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Moved Cr Ozsdolay, Sec Cr Gleeson

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the proposed additions and alterations to the two storey single house on Lot 119 (No. 1) McNess Glade, Salter Point **be approved**, subject to:

(a) **Standard Conditions**

425 (matching materials and colours), 455 (height of side and rear fences), 625 (visual truncation adjacent to driveways), 626 (visual truncation adjacent to driveways), 660 (validity of approval)

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

- (i) This planning approval pertains only to the following proposed additions / alterations to the two storey Single House which have been highlighted on the site plan:
- (A) Enclosing the verandah;
 - (B) Enclosing the balcony; and
 - (C) a new kitchen;
 - (D) boundary fencing.
- (ii) The east facing wall of the proposed kitchen is to be setback 1.5 metres from the side boundary in accordance with Clause 3.3.1 of the R-Codes.

(c) **Standard Important Footnotes**

646A (building licence for fence), 648 (building licence required), 649A (minor variations), 651 (appeal to SAT)

Footnote	A full list of Standard Conditions and Important Notes is available for inspection at the Council Offices during normal business hours.
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CARRIED (11/1)

10.3.3 Proposed Two Storey Single House. Lot 81 (No.1) Alexandra Street, South Perth.

Location: Lot 81 (No. 1) Alexandra Street, South Perth
 Applicant: Peter Moran Architect
 Lodgement Date: 12 November 2007
 File Ref: 11.2007.598 AL2/1
 Date: 1 February 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

The application for planning approval relates to a proposed two storey Single House on Lot 81 (No. 1) Alexandra Street, South Perth. Council’s determination is sought in relation to streetscape compatibility and compliance with the provisions of Council Policy P370_T “General Design Guidelines for Residential Development”, the departure from No. 6. Town Planning Scheme (TPS) in relation to car parking depth, maximum ground and floor levels and Council also needs to determine issues relating to the requirements of the Residential Design Codes 2002 (R-Codes). The recommendation is for refusal due to non-compliance with Council Policy, TPS No. 6 and the Residential Design Codes 2002.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	756 sq. metres
Building height limit	7 metres
Development potential	One (1) Single House

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Computer generated elevation of the proposed dwelling.
- Attachment 10.3.3(c)** Letter from owner, 2 January 2008.
- Attachment 10.3.3(d)** Letter from applicant, 3 February 2008.

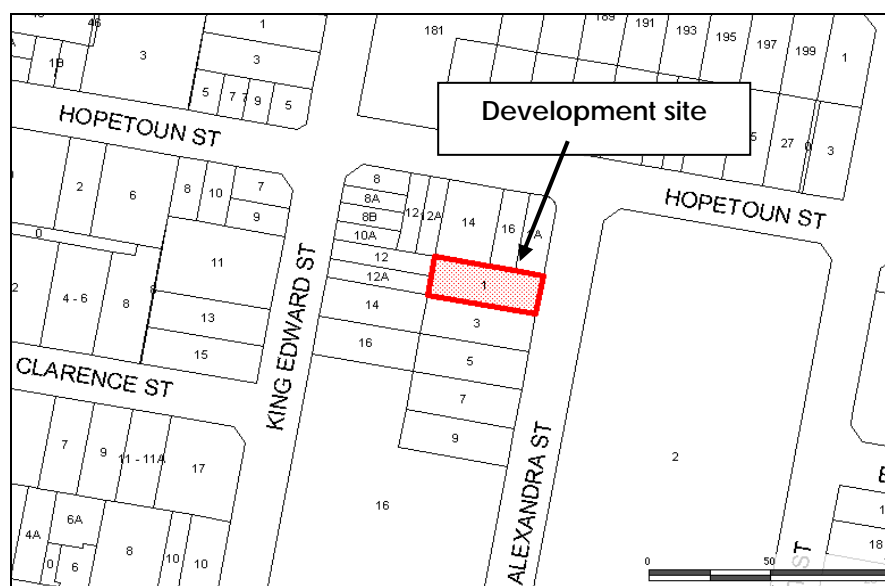
In accordance with Council Delegation DC342, the proposal is being referred to a Council meeting because it falls within the following category described in the delegation:

The exercise of a discretionary power

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

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

The site is adjoined by residential zoned land, a private institution zoned land and has street frontage to Alexandra Street. The location of the development site is shown below:



(a) Description of the proposal

The proposed development is a two storey Single House. It is broadly characterised as a late 20th and early 21st century modern house by:

- A flat roof;
- Walls made of rectilinear geometric shapes (squarish proportions horizontal and vertical);
- Colours used: white, brown and corrugated iron grey.

Although the proposed development complies with many of the requirements of the City's Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies, there are a number of exceptions, and these are discussed below.

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

The main objective of Council Policy P370_T is as follows:

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

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

Policy P370_T provides, under Clause 3 "Streetscape Character" that:

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

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

The “focus area” means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting on to that section of the street.

Predominant characteristics of the focus area are as follows:

- Single Houses;
- Roof form - Pitched; and
- Roof materials - 100% tiled.

The photographs below are examples of the residential development within the focus area:





The proposal is not in keeping with the dominant characteristics of the focus area in terms of its flat roof design. The form and shape of the proposed single house differs markedly from existing houses within the focus area, as it displays predominantly square and flat elements within its design. Existing dwellings have quite different characteristics due to the incorporation of verandahs, angled awnings and pitched roofs within their design. As a result of the wall height, flat roof design and square elements of the proposed house, the perceived magnitude of the building is significantly greater than that of other existing dwellings within the focus area. It is therefore concluded that the proposal does not meet the objectives of Council Policy P370_T.

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

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

Objective (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*

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

In accordance with objectives (c) and (f) of TPS6, the City will facilitate a diversity of dwelling styles where proposed dwellings retain the desired streetscape character, and in the older areas of the district (such as Alexandra Street) demonstrate compatibility with the existing built form character. Although new dwellings do not need to be an exact match or replica of existing dwellings within the streetscape, they should incorporate characteristics and features (i.e. architectural details, roof designs, building materials) of existing residential development to ensure compatibility with the existing streetscape. The proposed dwelling has few features or characteristics in keeping and in harmony with the character and scale of existing residential development. It is therefore, determined that the proposal does not comply with Clause 1.6 of TPS6.

(e) Car parking bays non-compliance: Clause 6.3 of No. 6 Town Planning Scheme

In terms of the City's TPS6 the Car Parking bays are required to be 5.5 metres in depth. As the proposed Car Parking bays are 5.15 metres in depth (not including the store) it does not comply with the provisions of the scheme. It is therefore, determined that the proposal does not comply with Clause 6.3 of TPS 6.

(f) Finished floor levels non-compliance: Clause 6.10 of No. 6 Town Planning Scheme

In terms of the City's Town Planning Scheme No 6 (TPS6) the finished floor levels pertaining to the house section being the study, entry and guest room is required to be 20.20 metres. As the proposed house section being the study, entry and guest room finished floor level is 20.44 metres it does not comply with the provisions of the scheme. The scheme states that:

"The floor level of a building other than a parking structure shall be calculated to generally achieve equal cutting below and filling above the ground level at the perimeter of the building".

Therefore according to the scheme the garage can not be included in the calculation of the finished floor levels.

It is therefore determined that the proposal does not comply with Clause 6.10 of No. 6 Town Planning Scheme.

(g) 'Solar access for adjoining sites' non-compliance: Residential Design Codes Element 9 (Design for Climate)

The proposal fails to comply with the overshadowing requirements of the Residential Design Code requirements. The shadow cast on the adjoining property is 9.0 sq. metres (26.2%) which is in excess of the permissible 25%. The development will impact the adjoining property owner as the solar access for major openings to habitable rooms will be interrupted.

(h) Other Matters to be Considered by Council: Clause 7.5 of No. 6 TP Scheme

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

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

The listed matters above are relevant to the subject application. In relation to listed matter (c), the proposal fails to comply with the overshadowing requirements of the Residential Design Code requirements. In relation to listed matters (j) and (n) the proposal is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters.

It is therefore, determined that the proposal does not comply with Clause 7.5 of TPS6.

Consultation

(a) Design Advisory Consultants' comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 10 December 2007. On that occasion, the proposal was not favourably received by the consultants. Their more specific comments are summarised below:

"The Advisory Architects considered that the design of the proposed house does not demonstrate compatibility with the dominant streetscape character. Having regard to the existing development in the focus area, the roof form and design were seen to be incompatible to the established streetscape character. In light of the circumstances referred to above, the Advisory Architects did not support the proposal at their December 2007 meeting."

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The proposal was referred to the adjoining neighbour in respect to a proposed overshadowing. The owner of the property at No. 3 Alexandra Street was invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received. However the adjoining property owner has requested to be kept informed of the status, comments and decisions made regarding 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.*

Conclusion

The proposal will have detrimental impact on adjoining residential neighbours, and does not meet all of the relevant Scheme objectives. As recommended, it is considered that the application should be refused.

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.

OFFICER RECOMMENDATION ITEM 10.3.3

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two-storey Single House on Lot 81 (No.1) Alexandra Street, South Perth **be refused** for the following reasons:

- (a) The proposed development does not comply with a number of the objectives listed within Clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6.
- (b) The proposed development does not comply with a number of the matters listed within Clause 7.5 “Matters to be Considered by Council” of the City of South Perth Town Planning Scheme No. 6.
- (c) The design and form of the proposed development is incompatible with the existing streetscape and does not comply with the provisions of City’s Town Planning Scheme and Council Policy P370_T - “General Design Guidelines for Residential Development”.
- (d) The proposed development does not comply with Elements 3.9.1 “Solar Access for Adjoining Sites” of the Residential Design Codes 2002.
- (e) The proposal does not comply with Clause 6.3 “Car Parking” of the City of South Perth Town Planning Scheme No. 6.
- (f) The proposal does not comply with Clause 6.10 “Maximum Ground and Floor Levels” of the City of South Perth Town Planning Scheme No. 6.

Standard Advice Notes

651(appeal to SAT)

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

- (a) If the applicant elects to submit a new application for planning approval, supported by revised drawings which appropriately address all of the reasons for refusal of the current application, additional information may also be required along with amended drawings as outlined in Clause 2.4.6 (ii) “Special Information Requirements” of the R-Codes.
- (b) If the applicant elects to submit a new application for planning approval within 6 months of the date of determination of this application, no new application fee will be payable.

MOTION

Cr Cala moved the officer recommendation. Lapsed for want of a Seconder. LAPSED

MOTION

Moved Cr Smith, Sec Cr Hearne

That this application for planning approval for a two-storey Single House on Lot 81 (No.1) Alexandra Street, South Perth **be deferred** to the next meeting of Council to allow the owners of No. 1 Alexander Street to demonstrate that they can comply with the requirements of the Scheme that need to be addressed with the exception of compatibility with the predominant features of the streetscape.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith opening for the Motion

- no criticism of hypothesis brought forward
- look at streetscape - no doubt proposal does not comply with streetscape
- trying to retain a streetscape that will disappear - existing streetscape is 70 years old
- trying to maintain a status that will disappear - not a criticism of staff
- Alexander Street is predominantly 'old English' in style - but that will go
- there are new developments in surrounding streets with 'flat roof' designs
- following policy in this case will not achieve anything
- trying to preserve streetscape compatibility governed by economic circumstances

Cr Hearne for the Motion

- heard Deputation at Agenda Briefing
- reasonably satisfied applicant could comply with most aspects of application recommendations except for the roof line
- perhaps this issue needs to be addressed at some stage
- when a high rise is built you do not see the roof line or pitch
- acknowledge there are a lot of flat roofed houses in near vicinity
- highlight we do have discretion to approve
- support Motion

Cr Grayden against the Motion

- policy we have is quite clear
- a number of Councillors stood in the recent elections based on preserving amenity and character of South Perth
- do not agree with going against a fundamental policy
- believe we should support the officer recommendation and policy if we are serious in maintaining amenity of South Perth
- against the Motion

Cr Cala against the Motion

- concur with Cr Grayden's comments
- officers are following Council policy
- acknowledge South Perth is in a transition with older homes being replaced but hope they are replaced with more sympathetic forms
- believe proposal does not compliment adjoining properties and streetscape
- wasting our time and that of the officers if we go against the policy
- we may choose to override the policy - if so then we need to review the policy

Cr Gleeson against the Motion

- houses in South Perth are predominantly ‘character houses’
- other option to maintaining character home - knock down and rebuild on the land
- believe people should have opportunity to re build to style they wish
- against the Motion

Cr Smith closing for the Motion

- in preserving amenity for single residential area Council brought in height limits
- do not confuse preserving amenity in relation to a particular lot
- policy is a flexible instrument and can be altered
- in this instance there is a logicality in allowing a 2 storey with a flat roof as other existing older houses in the streetscape will eventually go

FORESHADOWED MOTION

Cr Best Foreshadowed that he would be moving the officer recommendation if the current Motion is Lost.

COUNCIL DECISION ITEM 10.3.3

The Mayor put the Motion

That this application for planning approval for a two-storey Single House on Lot 81 (No.1) Alexandra Street, South Perth **be deferred** to the next meeting of Council to allow the owners of No. 1 Alexander Street to demonstrate that they can comply with the requirements of the Scheme that need to be addressed with the exception of compatibility with the predominant features of the streetscape.

CARRIED (7/5)

Reason for Change

Council deferred consideration to allow the applicants to demonstrate that they can comply with the requirements of the Scheme but with the exception of compatibility with the predominant features of the existing streetscape.

10.3.4 Reconsideration of Condition of Planning Approval for Signage for an Educational Establishment - Penrhos College. Lot 9 (No. 101) Thelma Street, Como.

Location:	Lot 9 (No. 101) Thelma Street, Como
Applicant:	Penrhos College
Lodgement Date:	24 January 2008
File Ref:	11.2007.316 TH1/101
Date:	1 February 2008
Author:	Stephanie Radosevich, Customer Service Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

On 25 June 2007, conditional planning approval was granted under delegated authority for proposed signage for an educational establishment on Lot 9 (No. 101) Thelma Street, Como. The applicants have requested that Condition 2 of the approval be reconsidered. Condition 2 states: *“This approval does not extend to proposed sign board No. 4 facing the junction of Thelma Street and Murray Street as marked on the drawings.”*

Council’s discretion is sought in this regard. The officer’s recommendation is to approve the sign subject to reducing the proposed size from 4.5 metres (long) × 2.4 metres (high) to a size 3.0 metres (long) × 1.6 metres (high).

Background

The development site details are as follows:

Zoning	Private Institution
Density coding	R30
Lot area	81468 sq. metres
Building height limit	7.0 metres
Development potential	Not applicable
Plot ratio	Not applicable

This report includes the following attachments:

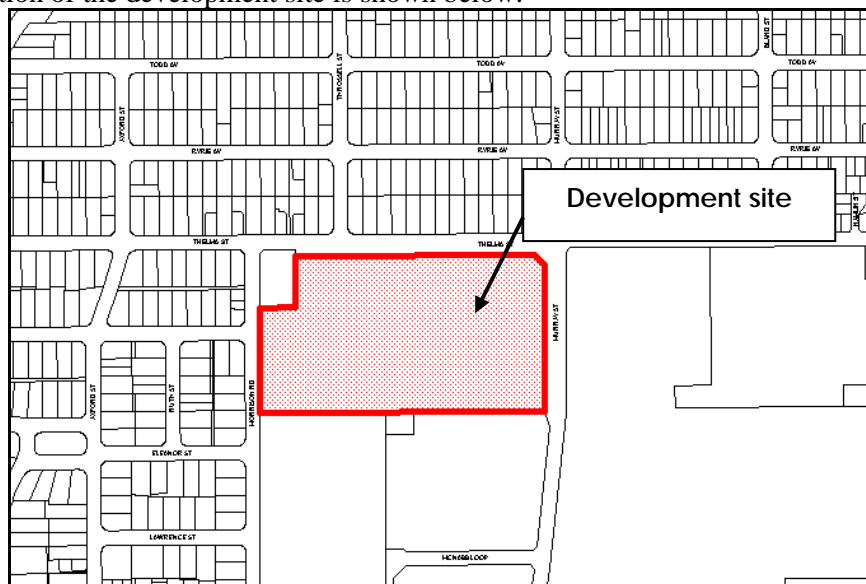
- Confidential Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Email dated 24 January 2008 from the applicant.

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

- 3. **The exercise of a discretionary power**
Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the Scheme, relevant Planning Policies or Local Laws.

- 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.

The location of the development site is shown below:



Comment

- (a) **Description of the proposal**
 The signage additions to Penrhos College were approved with the condition that the approval does not extend to the proposed sign board No. 4 facing the junction of Thelma Street and Murray Street. The applicant has requested that the sign board No. 4 be permitted.

As previously identified, Condition 2 of the planning approval for the signage for an educational establishment - Penrhos College, which states that:

“This approval does not extend to proposed sign board No. 4 facing the junction of Thelma Street and Murray Street as marked on the drawings.”

This condition of approval was imposed in order to achieve compliance with Clause 6.12 “Signs” of the City’s Town planning Scheme No. 6. The specific relevant clause is expressed in the following manner:

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

The significant size of the proposed sign board is observed to be one of the elements that are seen to adversely affect the character and amenity of the focus area, which Council is to have particular regard to. The size of the proposed sign is 4.5 metres × 2.4 metres and it is raised approximately 1.8 metres high above ground level as measured from the photograph provided by the applicant. However, if the Council chooses to approve the proposed sign, it is recommended that the sign size be proportionately reduced to 3.0 metres × 1.6 metres.

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

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

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

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

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region 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;*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Neighbour consultation

Consultation with the community or with other City Departments was not required for this purpose. However, this matter has been previously discussed with the owners / applicants.

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

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.

OFFICER RECOMMENDATION ITEM 10.3.4

That, in respect of the planning approval issued for signage for an educational establishment - Penrhos College - Lot 9 (No. 101) Thelma Street, Como, Condition 2, which requires the proposed sign board No. 4 facing the junction of Thelma Street and Murray Street be excluded from the planning approval, the sign be approved subject to reducing the proposed size from 4.5 metres (long) × 2.4 metres (high) to a size 3.0 metres (long) × 1.6 metres (high).

MOTION

Cr Cala moved the officer recommendation, Sec Cr Ozsdolay

FORESHADOWED MOTION

Cr Gleeson foreshadowed he would be moving to delete the words *subject to reducing the proposed size from 4.5 metres (long) × 2.4 metres (high) to a size 3.0 metres (long) × 1.6 metres (high)* from the officer recommendation if the current Motion is Lost.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4

The Mayor put the Motion

That, in respect of the planning approval issued for signage for an educational establishment - Penrhos College - Lot 9 (No. 101) Thelma Street, Como, Condition 2, which requires the proposed sign board No. 4 facing the junction of Thelma Street and Murray Street be excluded from the planning approval, the sign be approved subject to reducing the proposed size from 4.5 metres (long) × 2.4 metres (high) to a size 3.0 metres (long) × 1.6 metres (high).

CARRIED (11/1)

10.3.5 Proposed Two Single-Storey Grouped Dwellings Development. Lot 2 (No. 56) Talbot Avenue, Como.

Location: Lot 2 (No. 56) Talbot Avenue, Como
 Applicant: Dale Alcock Homes Pty Ltd
 Lodgement Date: 26 February 2007
 File Ref: 11.2007.497 TA1/56
 Date: 1 February 2008
 Author: Matt Stuart, Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

An application for planning approval was lodged with the City for two single-storey Grouped Dwellings on Lot 2 (No. 56) Talbot Avenue, Como. The proposal conflicts with the Residential Design Codes of WA (R-Codes), which (in part) require:

- (a) A minimum area of 50% Open Space;
- (b) Garage doors be a maximum 50% of the frontage;
- (c) Driveway widths no greater than 40% of the frontage;
- (d) Walls with major openings be setback a minimum 1.5 metres from the boundary; and
- (e) At least one major opening with a clear view of the street.

The above issues could have been resolved through design amendments at the planning application phase. The applicant has been provided detailed and consistent guidance by various officers during various stages of development (subdivision, pre-lodgement and post-lodgement) on how to resolve the issues. However, the applicant has chosen not to take the advice on board given by the City, resulting in a development proposal that conflicts with several statutory requirements within the R-Codes. The proposal was refused at the delegated officer level on 23 January 2008 for reasons listed in **Attachment 10.3.5(a)**.

The applicant has requested that the reasons for refusal be reviewed at a Council meeting. Since the applicant has not made the required amendments to the development proposal, it is recommended that the reasons for refusal be upheld by the Council.

Background

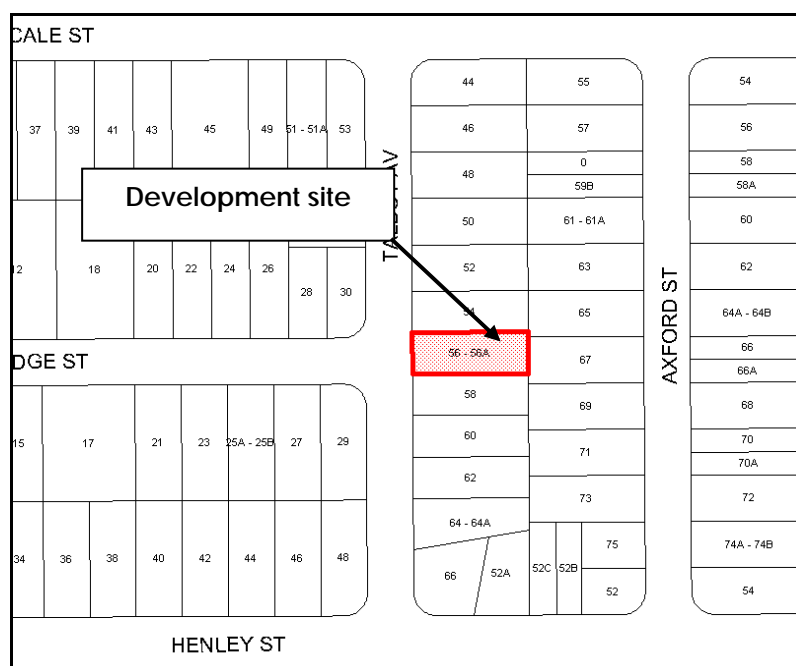
The development site details are as follows:

Zoning	Residential
Density coding	R20
Required street frontage	10.0 metres
Lot area	910 sq. metres
Building height limit	7.0 metres
Development potential	Two Grouped Dwellings
Plot ratio	N.A.

This report includes the following attachments:

- Attachment 10.3.5(a)** Notice of Refusal issued on 23 January 2008.
- Attachment 10.3.5(b)** Site photographs.
- Confidential Attachment 10.3.5(c)** Plans of the proposal.
- Confidential Attachment 10.3.5(d)** Concept site plan.
- Attachment 10.3.5(e)** Applicant's supporting letter.

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:

3. The exercise of a discretionary power

- (i) *Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the Scheme, relevant Planning Policies or Local Laws.*

Comment

The application for two single-storey Grouped Dwellings on Lot 2 (No. 56) Talbot Avenue, Como was refused for the reasons mentioned in the Notice of Planning Refusal issued on 23 January 2008. Refer to **Attachment 10.3.5(a)** for the list of reasons and advisory notes.

(a) Survey-Strata subdivision

The subject site is 910 sq. metres in area in a R20 density-coded locality, with Table 1 of the R-Codes requiring a minimum 10 metres of street frontage per lot.

In late 2006, the applicant and the landowners were advised by City that the proposed subdivision design with two 9.0 metre frontages is not an appropriate development for the locality, would result in design issues, and would not be supported by the City. A sub-division layout with front and rear (battleaxe) lots was more appropriate for the subject lot.

In December 2006, the applicant ignored the advice from the City and submitted a subdivision application with the WAPC for two survey-strata lots with 9.0 metre frontages. As a consequence, the City advised the WAPC in January 2007 that the subdivision design is not supported by the City due to:

- (i) The lack of functionality of the Common Property (1.0 sq. metre);
- (ii) The 9.05 metre in lieu of 10.0 metre frontages; and
- (iii) The subdivision form is not consistent with the predominant form of development within the locality.

Despite the advice given to the WAPC, the subdivision application was approved in February 2007, with titles issued in August 2007.

(b) Description of the proposal

Subsequent to the above subdivision, the applicant lodged a Development Application with the City in late September 2007. This application proposes the construction of two single-storey Grouped Dwellings, under an approved Survey-Strata Certificate of Title (see above).

Current development on the subject site involves two single-storey Grouped Dwellings, as depicted in the site photographs in **Attachment 10.3.5(b)**.

The proposal involves two single-storey Grouped Dwellings with double garages, as depicted in the submitted plans in **Confidential Attachment 10.3.5(c)**.

This proposal conflicts with the R-Codes, which (in part) require:

- (i) A minimum area of 50% open space;
- (ii) Garage doors are a maximum 50% of the frontage;
- (iii) Driveway widths no greater than 40% of the frontage;
- (iv) Minor walls with major openings be setback a minimum 1.5 metres from the boundary; and
- (v) At least one major opening with a clear view of the street.

The proposal complies with Town Planning Scheme No. 6 (TPS6), the R-Codes and relevant Council policies, with the exception of the variations discussed below.

(c) Open space

Each of the proposed developments are required to provide a minimum area of 227 sq. metres open space (50% each), however the application proposes 217.5 sq. metres and 222.5 sq. metres (47.9 and 48.7%). As a consequence, the proposal is deficient by 14 sq. metres of open space.

The applicant has neither amended, nor justified this non-complying issue, resulting in the City with no other option but to refuse the application.

(d) Garage door width

Existing Development

It is important to note that the existing development on the site features two Grouped Dwellings in a side-by-side configuration, as does the current proposal, however the existing development features only one double garage configured parallel to the street.

The current modest provision of car bays on the site is a desirable outcome, as the streetscape is not dominated by garages or garage doors, and as a result the positive architectural features of the dwelling contribute to the local streetscape.

Current Development Proposal

The current proposal deviates from this desirable outcome by proposing two double-garages with 10.1 metres of garage doors widths (56% of the frontage) in lieu of 9.05 metres (50%). As a direct result, the proposed effect on the streetscape will be two narrow dwellings, having architectural features totally obscured from view, and two domineering garages.

Furthermore, on inspection of the surrounding built environment, it is considered that the proposed development is completely out-of-character with the locality, which will negatively affect the amenity, streetscape and general aspirations of the community. Finally, it is also considered that, if approved, the proposed development will provide a permanent precedence to development, which would support an undesirable change in the character of the local built environment.

Alternatively however, the R-Codes do allow for garage doors no-greater-than 60% of the frontage, if an upper floor or balcony extends the full width of the garage, for the purpose of architectural compensation and contribution to the streetscape. The applicant was advised of this option by the City.

Supporting Arguments

The applicant has however unsuccessfully presented arguments to attempt to justify the proposal under the Acceptable Development and Performance Criteria. Due to the poor choice of subdivision design in light of the landowner's strong desire for two double-garages without a double-storey, the proposal cannot meet the **Acceptable Development** standards due to minimum and maximum garage door widths.

The applicant's attempt to address the **Performance Criteria** related to an alternative design concept as seen in **Confidential Attachment 10.3.5(d)**, but the plan clearly conflicts with Schedule 5 (dimensions of car parking bays) of the City's Town Planning Scheme No. 6. As a consequence, the comments are invalid and the Performance Criteria has not been met.

The applicant's other points in support of this proposal as seen in **Attachment 10.3.5(e)**, is based upon the following:

- The development configuration preference of the landowner;
- The development configuration preference of the entire Couth Perth Council; and
- The landowner apparently paying rates for 50 years and the resulting preferential treatment that should be granted.

The above arguments do not attempt to address the Performance Criteria, and furthermore, invite the City to carryout unprofessional acts that are in violation to the City's statutory obligations under the *Planning and Development Act 2005* via the R-Codes. It can also be imagined how this type of preferential treatment would be seen as a precedence, and result in further claims from the community for such treatment on similar grounds.

Summation

In summation, it is considered that the proposed development cannot meet the Acceptable Development or Performance Criteria without the significant amendments advised by the City. As the applicant has neither amended, nor justified this non-complying issue, the City had no other option but to refuse the application.

(e) **Driveway width**

Residential driveway widths are required to be no-greater-than 40% of the frontage, or 7.2 metres in total in this case, in accordance with Element 3.5.4 A4.2 of the R-Codes. However, this application proposes 10.5m of driveways, which is a significant shortfall of 3.3 metres of unsealed surface.

It should be noted that the term 'frontage' is defined by the R-Codes as '*The width of a lot at the primary street setback line...*'. Given that the subject site is Coded R20, the primary street setback line is setback 6.0 metres from the front boundary, parallel to that boundary.

In considering this proposal, the driveways as well as the crossovers are tapered towards the boundary line. It is considered that this significant tapering of the driveways and crossovers conflicts with the intent and requirement of Element 3.5.4 of the R-Codes.

As an indicator of that intent and requirement, the relevant Performance Criteria is stated as '*Vehicular Access provided so as to minimise the number of crossovers ...and not detract from the streetscape.*'

In considering this proposal, the driveways and crossovers would be a detracting feature of the streetscape. The detracting features include an overwhelming proportion of man-made, heat-reflective and water-impermeable surfaces within the streetscape, enabling and / or encouraging an unacceptable ratio of vehicles to frontage area.

Alternatively however, the proposal could be amended in accordance with the Acceptable Development standards (as above), to increase the amount of landscaping area which can contribute to the streetscape and general amenity of the locality.

As the applicant has neither amended, nor justified this non-complying issue, the City had no other option but to refuse the application.

(f) Wall setbacks- north facing wall (northern dwelling)

The north-facing wall with Major Openings to Bedroom 1 (northern dwelling), is setback from the boundary by 1.0 metre in lieu of 1.5 metres, in accordance with Acceptable Development standards of the R-Codes.

The applicant has neither amended, nor justified this non-complying issue, resulting in the City with no other option but to refuse the application.

(g) Clear view of the street

It is an established working practice of the City whereby at least one Major Opening is required to be no further than 6.0 metres behind the front face of the garage, and the porch no greater than 4.5 metres behind the front face of the garage. Such an arrangement is seen to provide the required surveillance of the street and meet the intent of the clause. A suggested sketch plan was also forwarded to the applicant which complies with this requirement.

The applicant has neither made a meaningful or successful attempt to amended, nor justify this non-complying issue, resulting in the City with no other option but to refuse the application.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, it is considered that the proposal does **not** meet the following general Scheme 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;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

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

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners of properties at Nos 54, 58 and 2-58 Talbot Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of five neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, two submissions were received, one against the proposal, and one of no objection. The comments of the submitters, together with officer responses, are summarised as follows:

Submitter’s Comment	Officer Response
<p>Object to the parapet wall on the boundary due to the loss of outlook of the streetscape.</p> <p>The parapet wall will cause undesirable overshadow on the property.</p>	<p>The parapet wall complies with Planning Policy P376 in that it is located not less than 6.0 metres from the front boundary. The comment is NOT UPHELD.</p> <p>The proposed structures comply with the overshadowing requirements of the R-Codes. The comment is NOT UPHELD.</p>
<p>No objection</p>	<p>NOTED.</p>

(b) Other City Departments

Comments have also been invited from Parks and Environment area of the City’s administration, with respect to the setback of a street tree with the proposed crossover. This Section recommends that:

- (i) The tree is healthy and should not be removed or replaced; and
- (ii) The crossovers need not be modified in order to be located no closer than 3 metres from the street tree.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Conclusion

The applicant was provided consistent advice by the City since late 2006 with regards to the statutory requirements of the Residential Design Codes of WA (2002). However, the applicant has not made a meaningful or successful attempt to amend the fundamental, non-complying issues under the Acceptable Development standards, with the various alternatives suggested by the City. The applicant has also not been able to justify the non-complying issues under the Performance Criteria provisions.

The proposal will have a significant detrimental impact on adjoining residential neighbours, the streetscape, and the general amenity of the locality. The proposed development fails to comply with the relevant elements of the R-Codes. It is therefore strongly recommended that the application should be refused.

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.

OFFICER RECOMMENDATION ITEM 10.3.5

That, with respect to the applicant’s request for a review of reasons for refusal mentioned in the Notice of Planning Refusal issued on 23 January 2008 for two single-storey Grouped Dwellings on Lot 2 (No. 56) Talbot Avenue, Como, the applicant be advised that Council is not prepared to approve the proposed development.

COUNCIL DECISION ITEM 10.3.5

Note: As reported to the meeting by the Mayor at Item 3.4, at the request of the applicant, consideration of Item 10.3.5 was withdrawn and will be considered at the March Council meeting.

10.3.6 Gwenyfred Road Reserve draft Landscape Concept Plan

Location:	Corner of Gwenyfred Road and George Street, Kensington
Applicant:	Council
File Ref:	GEI
Date:	11 February 2008
Author:	Kim Dravnieks, City Environment Coordinator
Reporting Officer:	Glen Flood, Director Infrastructure Services

Summary

The City of South Perth has investigated landscaping the reserve on the corner of Gwentyfred Road and George Street in Kensington.

This report contains a summary of the community consultation to date and presents the resulting draft Landscape Concept Plan to Council for approval to advertise for wider community comment.

Background

Community and Ward Councillor requests resulted in a small budget allocation being made for the investigation to landscape the vacant reserve on the corner of Gwentyfred Road and George Street.

The total area of the reserve to be landscaped is 1,876 square metres. The land is a sloping barren block devoid of any vegetation including trees. It is adjacent to the busy George Street which is a common thoroughfare for traffic from Bentley and Como through to the Town of Victoria Park

A small shopping precinct lies one block to the south west along George Street encouraging pedestrian traffic in the area. The Kent Street Senior High School is 300 metres to the south east along Gwentyfred Road.

The purpose of the Landscape Concept Plan is to provide a guiding document to ensure that the future development of the reserve is properly planned and coordinated and continues to meet the needs and expectations of the community.

Another reserve, to the north along George Street, adjacent to a sump, was included in the investigation, but is not considered in this report.

Comment

To assist with the development of a landscaping plan, a survey was produced and mailed to surrounding residents, **Attachment 10.3.6(a)** refers. The primary responses from the meeting and survey are as follows:

- The majority of surveyed residents were in the 21-50 age group;
- The majority surveyed like to use local parks with family members usually on a weekly basis;
- The majority of those surveyed like to enjoy a park with natural surroundings e.g. water wise plantings;
- A community garden was not considered appropriate for the reserve;
- A playground was not considered appropriate for the reserve;
- Participants at the meeting indicated that fencing and lighting were not required at the Reserve, at least in the short term.

The draft Landscape Concept Plan, **Attachment 10.3.6(b)** refers, was developed as a response to the community survey and public meeting held onsite the site of the proposed Gwentyfred Road Park. The comments from this consultation expressed a need for passive recreation pursuits at Gwentyfred. Garden styles requested were native with the possible inclusion of Olive trees.

The design response was based on the site location, surrounding environment, site size, potential park users and activity they would most likely desire when visiting the park. Traffic from both pedestrians and cars along George Street is considerable at most times of the day.

In response, the design aims to provide a tranquil retreat for local residents and pedestrians. The curved path provides relief from adjacent traffic by directing pedestrians along an alternative route to the road side footpath and through planted native trees and groundcovers. The path widens at its central point to a circular paved area, bounded by three park benches. The intention is that park users may pause to observe the surrounding native plants. The circular seat arrangement aims to encourage conversation and interaction between park users. Five fruiting Olive trees will be planted around the conversation zone to create a greater sense of visual separation and privacy from the traffic on George Street. The canopy of the Olive trees will be pruned during development, to prevent total screening of the seating from adjacent residences and the road.

The design has used native plants to encourage visitation by native birds from surrounding bush areas. It was deemed environmentally unsustainable to install a ground water bore for such area. Temporary reticulation will be used from a truck fill point, to water the plants once per week over summer for a period of two years. After two years the plants will be established and will no longer require supplementary watering.

The surrounding suburb is predominantly urbanised with some pockets of remnant vegetation. The design emphasis was not to recreate native bushland, but provide a landscape that fulfils a sustainable requirement to the local environment, while complementing the more traditional landscapes of surrounding residences. Ground cover and shrub species have been limited to seven varieties planted in groups. Visual interest is maintained year round through use of contrasting textures and foliage and flower colours. The grouped planting of species also allows the gardens colours to be appreciated from a car when travelling along George Street.

The design has considered security of park users and the amenity of the landscape to the two adjacent residences. All plants have mature height less than one metre to limit the threat from concealed dangers in the gardens. Tree species have been positioned to avoid overhanging and shading adjacent premises or positioned away from dwellings.

The draft Landscape Concept Plan for the reserve on the corner of Gwennyfred Road and George Street is presented to Council for endorsement to be advertised for formal community comment for one month.

Consultation

An information brochure and survey questionnaire, *Gwennyfred Road Reserve and George Street Reserve Landscaping*. **Attachment 10.3.6(c)** refers, was circulated to 350 residents in Kensington, placed on the City's website and advertised in the local community newspaper advising of the project.

One hundred and ten questionnaire forms were returned by the closing date and the information has been summarised.

A community meeting was held on site on Wednesday 18 July. Feedback gathered through this meeting and the questionnaire responses were used to develop the draft Landscape Concept Plan.

Policy and Legislative Implications

Community consultation with regard to this project is consistent with Policy P103, *Communication and Consultation*.

Financial Implications

The City has allocated \$8,750.00 for this project in the 2007/08 Capital Works budget. The draft Landscape Concept Plan has a construction estimate of \$24,528.90. A recommended funding model for construction will be developed on acceptance of the final plan following community consultation.

Maintenance for Gwentyfred Park is estimated 2 hours per week to attend to weed growth, mulching and pruning. This may be reduced to 1 hour per week after year two.

Strategic Implications

This item is consistent with Strategy 3.3 of Goal 3 *Environmental Management*, of the City's Strategic Plan, 2004-2008: *Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.6
--

That....

- (a) the draft Landscape Concept Plan for the reserve on the corner of Gwentyfred Road and George Street be endorsed for wider community consultation for a period of one month; and,
- (b) a report containing the results of consultation and any subsequent changes to the draft Landscape Concept Plan is presented to the earliest possible meeting of Council.

CARRIED EN BLOC RESOLUTION

10.3.7 Proposal to Initiate the Closure of a Portion of Wooltana Street and Robert Street Road Reserves, Como.

Location:	Wooltana Street and Robert Street Road Reserves, Como
Applicant:	David Caddy on behalf of Main Roads Western Australia
File Ref:	WO1
Date:	18 February 2008
Author:	Stephanie Radosevich, Customer Service Planning Officer
Reporting Officer:	Steve Cope, Director, Planning and Community Services

Summary

This report considers the submission to initiate the proposed partial closure of a portion of the Wooltana Street and Robert Street road reserves, Como and recommends that the Council support the closure to the extent shown in **Attachment 10.3.7(a)** with a 20 metre easement due to the concerns raised by the Water Corporation and the impact that the closure could otherwise have on the existing water main. It is recommended that Council recommends the proposal to the Western Australian Planning Commission (WAPC) and the Department for Planning and Infrastructure (DPI).

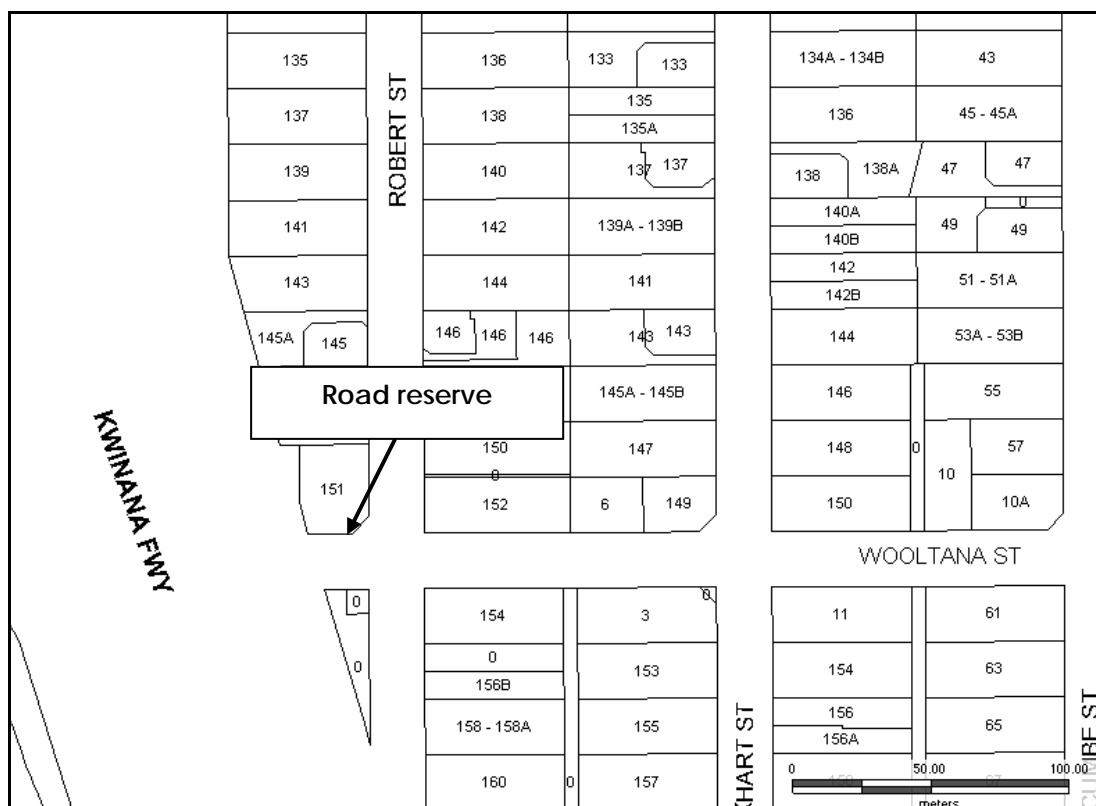
Background

This report includes the following attachments:

- Attachment 10.3.7(a)** Plans of the proposed closure.
- Attachment 10.3.7(b)** Letter dated 15 October 2007 from David Caddy.
- Attachment 10.3.7(c)** Letter dated 15 February 2008 from Craig Cormack, Water Corporation.

Location

The subject portion of road reserve is located in Wooltana Street and Robert Street, as shown on the location map below:



Previous attempts at closure

There have been no previous attempts to close the road reserve.

Comment

The portion of the road reserve proposed to be closed is adjacent to the residence on Lot 1 (No. 151) Robert Street. The vehicle carriage way will not be affected by the closure of the road reserve. Following closure, it would be intended that the land will be offered for sale as a Residential R40 lot.

The extent of the proposed closure shown in **Attachment 10.3.7(a)** is due to there being infrastructure belonging to the Water Corporation located to the south of the proposed boundary that cannot be relocated. However, the City has liaised with the Water Corporation and they have advised 20 metre easement would be required as shown in **Attachment 10.3.7(c)**. An easement that is less than 20 metres would not maintain the security of supply to the area or access in the event of an emergency or required maintenance.

Consultation

No consultation has been undertaken by the City as this report is to initiate the closure process. However, consultation will be undertaken in accordance with the requirements of Section 58 of the *Land Administration Act*. The consultation process will include consultation with the adjoining landowners, services authorities (telephone, water, gas, sewer and electricity) and Council’s Infrastructure Services Directorate. TPG on behalf of Main Roads Western Australia have been in discussion with City officer’s regarding the proposed closure.

Policy and Legislative Implications

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

Financial Implications

Main Roads Western Australia are initially responsible for the costs of relocating services such as telephone, water, gas, sewer and electricity. They can then make arrangements with DPI to have the purchase price of the land reduced by the amount of those particular costs. It is their responsibility to confirm with DPI the ability to claim any monies back from DPI.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.7
--

That the proposal to initiate the road closure for a portion of the Wooltana Street and Robert Street road reserves, Como is supported to the extent shown in **Attachment 10.3.7(a)** in accordance with concerns raised by the Water Corporation. Council is to recommend the proposal to the Western Australian Planning Commission (WAPC) and the Department for Planning and Infrastructure (DPI).

CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Sir James Mitchell Park Beaches Project - Review of Tender Submissions
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Location:	Sir James Mitchell Park
Applicant:	Council
File Ref:	Tender 2/2008
Date:	12 February 2008
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Glen Flood, Director Infrastructure Services

Summary

Council adopted the Sir James Mitchell Park Foreshore Renovation Plan (SJMPFRP), after extensive community and stakeholder consultation, in December 2003. What has followed has been consultation with the Swan River Trust (SRT) and indigenous community for development approval and a funding submission to the SRT which was eventually successful.

Tenders for construction of most of the Beach Reconstruction component were called in January 2008 and two tenders were received in February. This report outlines the assessment process and recommends that Council accept the tender from Downer Edi Works Pty Ltd, but also seek a price clarification prior to entering into a contract.

Background

The adopted SJMPFRP contained a number of separate projects including:

- Three Beach Reconstruction Zones;
- The Coode Street Activity Zone;
- A Black Swan Conservation Zone;
- Two River Wall Rush Planting Zones.

The aim of the Beach Reconstruction Zones was to:

1. Create a series of beaches along eroded foreshore between the Captain Stirling Memorial and the car park at the eastern end of the South Perth Esplanade;
2. Enhance the existing eroded beach west of the Mends Street Jetty;
3. Create a series of beaches immediately to the west of Ellam Street. The Ellam Street beaches were proposed to be considered after construction of the other two.

At the time of adoption of the SJMPFRP, a funding strategy was proposed to support implementation of the plan. The City’s capacity to deliver the project without external funding support was a key determinant before implementing the individual projects. Funds were allocated from the Strategic Financial Plan but were quarantined until State Government agency approvals were received and additional external funding could be sought. In December 2006, Council resolved to use some of the quarantined budget (\$281,000) to help fund the Como Beach landscape project.

In October 2007, the Swan River Trust announced a \$510,000 grant to the City to implement two of the three Beach Reconstruction Zones. This facilitated commencement of the Beach Reconstruction project.

Comment

Tenders for this project were called on Saturday 19 January 2008 and closed at 2.00 pm on Tuesday 12 February. Eleven sets of documents were taken, but only two tender submissions were received by the close. The prices submitted are listed below (see table).

Tenderer	Price (ex GST)
Downer Edi Works Pty Ltd	\$1,241,774.73
G & G Contractors Pty Ltd	\$1,626,108.00

Evaluation of tenders was based on the following criteria:

1. Demonstrated Ability to perform to time and budget	50%
2. Suitability and logic of works program	20%
3. Satisfactory resources to complete works	20%
4. Industrial Relations and safety record	10%

The evaluation has resulted in the following scores:

Downer Edi Works	G & G Contractors
8.5	7.3

The City has utilised the services of a coastal engineering consultant to assist with the review and assessment of tenders. Analysis of the tenders against the assessment criteria show that the tender submitted by Downer Edi Works Pty Ltd to be the lowest priced and best value for the City and is therefore recommended for acceptance by Council. The Tender Assessment Report is provided as **Confidential Attachment 10.4.1**.

While the tender by Downer EDi Works is the lowest priced and recommended by officers to be the best value, it is considered that two aspects of their bid (fill disposal and sand supply) require more detailed assessment. This could result in a reduction in the overall price. It is therefore recommended that the Chief Executive Officer be delegated authority to negotiate with Downer EDi Works following acceptance of the tender but prior to awarding the contract to clarify pricing on these two aspects of their tender. This is allowed for under the Local Government (Functions and General) Regulations.

Future works associated with this project include the redevelopment and landscaping of the barbecues and shelters adjacent to the South Perth Esplanade car park, much of which will be demolished to construct the beaches. This is a major activity zone within the park and the current infrastructure is generally in poor condition. The landscaping and infrastructure component of the overall project will be the subject of a report to Council later in 2008.

In conclusion, this is a significant infrastructure project for the City and a key component of the SJMPFRP which will result in greatly improved access and amenity along the South Perth foreshore. The degree of financial support from the Swan River Trust is evidence of their support for the project.

Consultation

This project has required considerable consultation and input to date.

To develop the SJMPFRP plan to adoption by Council the following has occurred:

- Policy P103 *Communication and Consultation* was utilised to determine the most appropriate consultation process for this project.
- A Stakeholder Design Workshop was held in the early stages of development of the Esplanade Landscape Plan.
- The plan was reviewed by the Sir James Mitchell Park Community Advisory Group.
- An Elected Member's briefing was held to outline and discuss key features of the plan.
- A meeting was held with officers from the Swan River Trust to provide some preliminary feedback on the plans.
- The combined plan was advertised for community comment for a period of two months. This consisted of:
 - (a) Displays and information at the City's Libraries, Administration and Operations Centre.
 - (b) This included personal briefings from technical staff on request;
 - (c) Local newspaper advertising including media releases;
 - (d) Information on the City's website.
- An information evening was held during the comment period to provide an opportunity for the community to discuss the project with City officers.

Following Council adoption of the plan the following consultation was required and/or undertaken:

- Further liaison with Swan River Trust officers and their Board to achieve development approval for the project from the Minister for the Environment in January 2006;
- Receipt of a S18 "clearance" under the Aboriginal Heritage Act (1972) from the Minister of Indigenous Affairs in June 2006;
- A further briefing to Council of Sir James Mitchell Park projects in October 2006.

Tenders were advertised in accordance with the *Local Government Act (1995)*.

Policy and Legislative Implications

Section 3.57 of the Local Government Act 1995 (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

Policy P605 - *Purchasing & Invoice Approval*;
Policy P607 - *Tenders and Expressions of Interest*.

Regulation 20 of the Local Government (Functions and General) Regulations - *Variations of Requirement before entering into Contract* states:

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

Financial Implications

The City has received a \$510,000 grant for this project from the Swan River Trust under the *Riverbank* funding arrangement.

A funding model for this project has been developed by the Director Financial and Information Services and appears in a separate report (10.6.5) this month for consideration by Council.

Strategic Implications

This item is consistent with Goal 4 Infrastructure of the City's Strategic Plan 2004 - 2008, specifically Strategy 4.6: *Implement the approved Sir James Mitchell Park Foreshore Renovation and Landscape Masterplan*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1
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That....

- (a) the tender by Downer EDi Works Pty Ltd for the Construction of Beaches within Sir James Mitchell Park be accepted; and
(b) Council delegate the Chief Executive Officer authority to negotiate with Downer EDi Works Pty Ltd, prior to entering into a contract, to clarify aspects of their pricing for this project.

CARRIED EN BLOC RESOLUTION

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.
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Location:	City of South Perth
Applicant:	Council
File Ref:	Not applicable
Date:	1 February 2008
Author:	Rajiv Kapur, Acting Manager, Development Assessment
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 December 2007 and January 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

(b) exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City Officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of December 2007, twenty nine (29) development applications were determined under delegated authority, **Attachment 10.5.1(a)** refers.

During the month of January 2008, thirty eight (38) development applications were determined under delegated authority, **Attachment 10.5.1(b)** refers.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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That the report and **Attachments 10.5.1(a)** and **10.5.1(b)** relating to delegated determination of applications for planning approval during the months of December 2007 and January 2008, be received.

CARRIED EN BLOC RESOLUTION

10.5.2	Use of the Common Seal
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Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 4 February 2007
 Author: Sean McLaughlin, Legal and Governance Officer
 Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

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

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:

That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

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

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

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

Register

Extracts from the Register for the months of December 2007 and January 2008 appear below.

December 2007

Nature of document	Parties	Date Seal Affixed
Deed of Agreement to Enter CPV Lease	CoSP & Robert Strickland	10 December 2007
Registration of CPV Lease	CoSP & Robert Strickland	10 December 2007
CPV Lease	CoSP & Robert Strickland	10 December 2007
Deed of Agreement to Enter CPV Lease	CoSP & Florence Innes	10 December 2007
Registration of CPV Lease	CoSP & Florence Innes	10 December 2007
CPV Lease	CoSP & Florence Innes	10 December 2007
Deed of Agreement to Enter CPV Lease	CoSP & Roma Hitchcoe	10 December 2007
Registration of CPV Lease	CoSP & Roma Hitchcoe	10 December 2007
CPV Lease	CoSP & Roma Hitchcoe	10 December 2007

January 2008

Nature of document	Parties	Date Seal Affixed
Deed of Agreement to Enter CPV Lease	CoSP & Lynette French	8 January 2008
Registration of CPV Lease	CoSP & Lynette French	8 January 2008
CPV Lease	CoSP & Lynette French	8 January 2008
Deed of Agreement to Enter CPV Lease	CoSP & William & Judith Williams	8 January 2008
Registration of CPV Lease	CoSP & William & Judith Williams	8 January 2008
CPV Lease	CoSP & William & Judith Williams	8 January 2008
Deed of Variation CPV Hostel	CoSP & Nikkita Johnston	8 January 2008
Deed of Variation CPV Hostel	CoSP & Bryan & Muriel Northam	8 January 2008
Deed of Variation CPV Hostel	CoSP & Lynette French	8 January 2008
Deed of Variation CPV Hostel	CoSP & Mary Pearson	8 January 2008
Deed of Variation CPV Hostel	CoSP & William & Joan Davenport	8 January 2008
CPV Hostel Residency Agreement	CoSP & Marjorie Holwell	10 January 2008
CPV Hostel Residency Agreement	CoSP & Margaret Anderson	10 January 2008
Lease of Sea Scouts Hall - Salter Point	CoSP & Scout Association of Australia WA Branch	10 January 2008
Surrender of CPV Lease	CoSP & Helen Gregory	11 January 2008
Surrender of Easement - Angelo Street	CoSP & Jon Lawrance & Dabin PL	11 January 2008
Grant of Easement in Gross - Angelo Street	CoSP & Jon Lawrance & Dabin PL	11 January 2008
Premier's Australia Day Citizenship Award 2007	Mr Reginald Axford	26 January 2008
Premier's Australia Day Citizenship Award 2007	Moorditj Keila	26 January 2008
Deed of Agreement to Enter CPV Lease	CoSP & Sylvia Edbrooke	29 January 2008
Registration of CPV Lease	CoSP & Sylvia Edbrooke	29 January 2008
CPV Lease	CoSP & Sylvia Edbrooke	29 January 2008

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City's Standing Orders Local Law 2002 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</p>

That the report on the use of the 'Common Seal' for the month of December 2007 and January 2008 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Appointment of Deputy Delegates - South East Metropolitan Regional Council
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Location:	South Perth
Applicant:	Council
File Ref:	GR205/9
Date:	4 February 2008
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to clarify the situation regarding appointment of a Council Deputy Delegate to the South East Metropolitan Regional Council.[SEMRC].

Background

It has been traditional for Council to appoint a Deputy to the SEMRC when appointing Delegates to external organisations. This year was no exception and at the Special Council Meeting held on 23 October 2007 immediately following the Council elections held on 20 October, Council considered its Delegates to the SEMRC. At its meeting Council resolved at Item 3.4 to appoint Mayor Best and Cr Trent as Delegates with Cr Cala as the Deputy Delegate.

The SEMRC has now advised all Member Councils that legal advice has been obtained which indicates that the *Local Government Act* does not provide for appointment of Deputy Delegates to Regional Councils in the manner traditionally exercised in the past.

Comment

Legal advice obtained by the SEMRC is that only principal delegates can be appointed to represent a Member Council at Regional Council meetings. Alternative Delegates can be appointed in relation to specific instances where one of the principal Delegates has indicated an inability to attend meetings. The Department of Local Government is aware of the deficiency in the legislation and it is understood that the *Local Government Act* when next amended, will include an amendment to allow Councils to appoint a Delegate in the traditional manner.

In normal circumstances where a principal Delegate to a Regional Council is aware of an inability to attend a Regional Council meeting and a South Perth Council meeting occurs before a Regional Council Meeting, there is an opportunity for Council to appoint an alternative Delegate to represent the Council at the Regional Council Meeting. This action would be consistent with the existing provisions of the *Local Government Act* applicable to Regional Councils.

In most circumstances however, it is generally unlikely that a principal Delegate to a Regional Council is aware of an inability to attend in sufficient time to allow the South Perth Council to nominate an alternative [Deputy] Delegate to represent the Council.

It is considered important that at the South East Metropolitan Regional Council meetings, the City of South Perth is fully represented and this is particularly the case during 2008 when significant decisions will be made in relation to future waste management options and direction of the Regional Council. The issue becomes even more important during this time as it is quite likely that the Regional Council will call Special Council meetings [presumably at relatively short notice] in order to consider matters that require either urgent decision or special consideration outside of the normal meeting process.

Legal advice has been obtained and it is suggested that Council delegate authority to the CEO to appoint a Councillor to represent the City at a Regional Council meeting in the event that either of Council's two principal Delegates to the Regional Council are unable to attend and there is insufficient time for Council to approve the appointment of a member to represent the Council at a specific meeting.

If such a delegation was required to be exercised, the CEO would initially approach Cr Cala[or whoever is Council's preferred 'Deputy'] to represent Council at a Regional Council meeting as he has previously been nominated by Council as the Deputy Delegate to the Regional Council. The proposed delegation would also enable the CEO to appoint both Council representatives in the event that neither of the two principal delegates were able to attend a Regional Council meeting.

Consultation

Consultation has occurred with the CEO of the SEMRC and legal advice has been received from Woodhouse Legal Solicitors and Legal Consultants.

Policy and Legislative Implications

Proposed Delegation has a short life until such time that the *Local Government Act* is amended to appoint Deputy Delegates in the traditional manner. The delegation would only be exercised where there is insufficient time to obtain Council approval to nominate a Councillor to represent Council at a SEMRC Council meeting.

Financial Implications

There are no financial implications for the City of South Perth.

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.*

It is very important for Council to be fully represented at Regional Council meetings, particularly during the period that future waste management options are being considered.

Sustainability Implications

Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3
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That....

- (a) Council delegates to the Chief Executive Officer the ability to appoint a Council Member or Members to the South Eastern Metropolitan Regional Council where one or both of Council's principal Delegates is unable to attend a Regional Council meeting and there is insufficient time to obtain Council's approval to appoint an alternative member; and
- (b) the delegation ceases to apply when the *Local Government Act* is amended to permit Member Councils to appoint Deputy Delegates to Regional Councils and that such a decision has been made by the Council.

CARRIED EN BLOC RESOLUTION

10.5.4 LGMA National Conference and Business Expo
--

Location:	City of South Perth
Applicant:	Council
File Ref:	PE/501 and GR/601
Date:	14 January 2008
Author	Cliff Frewing, Chief Executive Officer

Summary

The LGMA National Congress and Business Expo will be held on the Gold Coast from 25 to 28 May 2008. The Mayor has approved for the CEO to attend the LGMA Conference in accordance with Council Policy and normal practice and the purpose of this report is to seek consent for interested Elected Members to also attend the conference. Either the Mayor or Deputy Mayor have previously attended this conference.

Background

The program has been received and a copy is included with the Agenda as **Attachment 10.5.4**.

The Congress theme will revolve around *The World is Local : Local Government ... No Boundaries*. The sessions revolve around the following themes:

- Sustainable Environment
- Community Wellbeing
- Executive Development

The LGMA National Conference is Australia's premier Local Government Conference and is attended by practitioners and Elected Members from all over the country, New Zealand and other parts of the world. This year's themes as detailed above are all very relevant and topical and are becoming increasingly important to the City. It is the view of the CEO that the City should be represented at the conference at officer level and Elected Member level.

In particular, the theme of "Sustainable Environment" is very relevant and includes addresses by Dr Tim Flannery, Scientist and Environmentalist on climate change. Other presentations on this topic include "The Sustainable City", "CitySmart", Sustainable City Initiative, Environmental Leadership and Local Sustainability. Obviously these topics are very relevant to the City.

Other presentations cover a wide range of Community wellbeing initiatives and executive development topics.

The conference presents an ideal opportunity to hear, over a few days, leading practices implemented by Local Government in Australia and New Zealand which can only benefit the City and represents excellent value for the City.

The concurrent session program will draw on the extensive experiences of many Local Government practitioners and will impart Best Practice knowledge to Delegates.

The Congress also provides the opportunity of meeting and sharing experiences with local government personnel - both appointed and elected from around Australia.

Comment

The 2008 LGMA National Congress offers the opportunity to learn, hear, participate and communicate with colleagues within Local Government from around the country.. The congress also provides the opportunity of meeting and sharing experiences with local government personnel from around Australia. Council Member attendance is proposed. In normal circumstances, it would be appropriate for the Mayor and / or other Elected Members to attend this conference.

The National LGMA Conference is one of the pre-eminent Local Government conferences held in Australia on an annual basis. It is of benefit to senior Local Government professionals and Elected Members and all topics are of relevance to Local Government.

Consultation

Benefits of Elected Member attendance discussed with Mayor.

Policy and Legislative Implications

This item is submitted in accordance with Policy P513 "Travel".

Financial Implications

The total estimated cost of an Elected Member's attendance at the LGMA National Congress and Business Expo is approximately \$3 981 [excluding incidentals]. A breakdown of the cost is as follows:

Registration	\$1 485
Airfare [max cost]	\$1 460
Accommodation	\$1 036
Total	\$3 981

* Funding is available in the 2007/08 Budget.

Strategic Implications

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

Sustainability Implications

Nil - although a major part of the conference deals with sustainability issues.

OFFICER RECOMMENDATION ITEM 10.5.4

That Council approves the attendance of (Elected Member) at the 2008 LGMA National Conference and Business Expo on the Gold Coast from 25 to 28 May 2008 inclusive at an estimated cost of \$3 981.

NOMINATIONS

The Mayor called for nominations for Elected Members to attend the 2008 LGMA National Conference and Business Expo.

Cr Smith nominated Cr Doherty. Cr Doherty declined nomination.
Cr Gleeson nominated Cr Cala. Cr Cala declined nomination.

COUNCIL DECISION ITEM 10.5.4

There were no nominations from Elected Members wishing to attend the 2008 LGMA National Conference and Business Expo on the Gold Coast in May 2008.

Note: Acting Manager Development Assessment left the meeting at 9.43pm.

10.5.5 Review Honorarium Payable to Council's Design Advisory Consultants

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/4
Date:	21 January 2008
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to review the current honorarium paid to the Council's Design Advisory Consultant architects (DAC). The fee was last reviewed in 2004 and it is recommended that the payment per consultant per meeting attendance be increased from \$150 to \$180.

Background

The DAC comprise five architects who live or work within the City of South Perth. A panel of advisory architects has been established since 1962 and was the first of its kind in Perth. The DAC provide technical advice on development proposals submitted to the City specifically in relation to the operative Town Planning Scheme, Residential Design Codes (R-Codes) and any applicable policies. The current members have been providing excellent service for the past 20 years.

Comment

Policy P502: 'Appointment of Community Advisory Groups' sets out the Council's policy for the establishment and operation of such groups, however, it does not comment on the payment of an honorarium. Fees are usually not paid to members of Community Advisory Groups. However, the matter of the small honorarium paid to the Design Advisory Consultants is referred to the Council for reconsideration and review in line with previous practice.

Following the last three reviews, the honorarium was increased on each occasion, as listed below:

March 1998: increased to \$100;
March 2001: increased to \$120; and
March 2004: increased to \$150.

The quantum of the DAC honorarium remains relatively moderate. The DAC meet 12 times a year prior to each monthly meeting of the Council and consider a range of the more complex applications which are then determined either through delegated authority or at a Council meeting.

During 2007 the DAC provided advice on 86 development applications, 27 of which were referred to Council for a decision with the remaining 59 applications being determined by City Officers under delegated authority. The average duration of the DAC meetings is 3 hours.

Having regard to:

- the duration of each meeting;
- time lost from private practice;
- the complexity of design issues to be considered;
- additional advice and follow-up consultation requested from time to time between meetings, at no additional payment; and
- the continued benefit to the City gained from this professional expert advice which is given in a most accommodating manner;

it is suggested that a small increase in the honorarium from \$150 to \$180 per consultant per attendance, is warranted.

In addition, given that each serving member of the DAC has provided services for 20 years, it is suggested that a suitable function be held to recognise the contribution of members of this Committee.

Consultation

Relevant City officers at various levels in the development services department were consulted together with the Director Financial and Information Services.

Policy and Legislative Implications

The current and proposed practice does not contravene any Council Policy or State legislation.

Financial Implications

If the recommendation is supported by the Council, the total cost for a year would be \$10,800 or \$2,160 per DAC member (an increase of \$1800) on the assumption that all of the consultants attend every meeting. The amount can be accommodated within the current budget.

Strategic Implications

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

Sustainability Implications

This report addresses the City’s ongoing financial sustainability through the review of the honorarium paid to a critical resource.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.5
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That....

- (a) effective from 1 March 2008, the honorarium payable to the Design Advisory Consultants be increased to \$180.00 per meeting;
- (b) the level of fees payable to the Design Advisory Consultants be reviewed in 3 years; and
- (c) the Design Advisory Consultants be invited to attend a suitable function in recognition of their time and commitment to the City over the past 20 years.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - January 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 February 2008
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

Background

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

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

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

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

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

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month. This schedule reflects a reconciliation of movements between the 2007/2008 Adopted Budget and the 2007/2008 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The major components of the monthly management account summaries presented are:

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.6(A) and 10.6.6(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 January 2008 is \$29.83M which represents 102% of the \$29.34M year to date budget. Major factors contributing to this favourable variance include significantly better than anticipated investment revenue performance due to higher volumes of cash held and slightly higher investment rates and a better than expected rates revenue performance (due to the VGO advising new interim valuations since the rates strike). Higher parking infringement revenue after the Red Bull Event, higher RCS subsidies being earned at the Collier Park Hostel (although these come with an offsetting cost burden for carers) and some insurance recoveries also have had a favourable impact. The favourable variance in building license revenue due to unbudgeted building fees for the large development at 76 South Tce and the trade in of a vehicle that was delayed from June 2007 are addressed in the Q2 Budget Review in this agenda.

The Q2 Budget Review also includes the impact of the Financial Services team's very extensive review and investigation of old Trust Fund Deposits that have been held for the City for works funded in previous years but not recognised as revenue (many of the transactions occurring some 10 years ago). Most of these were migrated from a previous computer system. It has been a very resource hungry exercise to trace and identify the nature of these transactions. As a consequence of the review, the City has benefited from a \$228,000 windfall gain that is now applied towards the escalation in costs for the building project. The City's Trust Register is also in the most accurate and up to date state that it has ever been in.

Unfavourable variances that previously existed in relation to less than expected revenue from rubbish service levies and a slightly slower than anticipated start to the year at the golf course are correcting - but still exist . All relevant items are addressed in the Q2 Budget Review.

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

Operating Expenditure to 31 January 2008 is \$18.48M which represents 99% of the year to date budget of \$18.56M. Operating Expenditure to date is around 1% favourable in the Administration area, on budget in the Infrastructure Services area and 7% under for the golf course. There are however a number of over and under budget line items within this balanced result.

Most of the favourable variances in the administration areas relate to budgeted (but vacant) staff positions, although other factors such as savings on bank fees are also significant contributors. Offsetting these is a significant escalation in cleaning costs for all City buildings and facilities (currently under investigation) and a significant unfavourable variance in waste management costs after the SEMRC facility at Canning Vale levied both a retrospective tipping fee and increased ongoing tonnage tipping rates above the levels indicated to the City at the time that our waste budget and rubbish service charges for 2007/2008 were established. Favourable variances in the Infrastructure area that were of a timing nature earlier in the year for operational and maintenance activities are now reversing as the various programs are rolled out. Golf Course expenditure is favourable largely due to vacant staff positions and a timing difference for the consultant looking at leasing options for the course.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 5.6% under the budget allocation for the 213.4 FTE positions approved by Council in the budget process - after agency staff invoices were received at month end.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**. Relevant items were addressed in the Q2 Budget Review and will continue to be monitored in the third quarter - so that we continue to exercise dynamic treasury management and respond to emerging opportunities and changing circumstances.

Capital Revenue is disclosed as \$0.94M at 31 January against a budget of \$0.68M. The lease premiums and refurbishment levies from newly occupied units at the Collier Park Village represent the majority of this difference as the number of units turned over is well ahead of expectations (it was behind predictions for the second half of last year - but as this relates largely to the frailty of residents it is very difficult to model accurately). This, combined with a small unbudgeted road grant contributes to the favourable variance at reporting date. Relevant matters were considered in the Q2 Budget Review.

Capital Expenditure at 31 January 2008 is \$3.92M against a year to date budget of \$5.62M (representing 70% of the year to date budget). Overall, the City has now completed around 20% of the full year capital program including the carry forward works - or 26% of the full capital program excluding the UGP project. A detailed report on the progress of the capital works program is presented as Item 10.6.6 in the Council agenda.

Agenda report 10.6.5 (Q2 Budget Review) identifies several larger projects that can not be undertaken in the current year and recommends that the funds associated with these works be quarantined in Reserves in readiness for their construction next year. Agenda item 10.6.7 proposes a strategy to more effectively manage the size of the capital works program in future years.

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

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	85,000	45,044	53%	3,195,000
Financial & Info Services	167,000	154,088	92%	360,000
Planning & Community Services	364,835	316,756	87%	1,617,500
Infrastructure Services	4,882,250	3,351,783	68%	9,069,060
Golf Course	125,000	54,163	43%	
Underground Power	0	840	-	4,800,000
Total	5,624,085	3,922,674	70%	19,415,038

Capital Expenditure relating to the former Corporate & Community Services directorate was re-classified among the other directorates in line with the revised organisational structure during the Christmas break and is now being reported under the new format.

Almost all of the variance in the CEO area relates to unspent Council Members Discretionary Ward Funds (including carry forward funds from 2006/2007). The Director Financial & Information Services has now contacted Council Members to clarify intentions in relation to the ward funding allocations and the agreed initiatives being progressed. Details on the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this agenda.

The attachments to this report also include a Rate Setting Statement (required under Regulation 34 of the Local Government Financial Management Regulations). As advised in the director's report to the last Audit & Governance Committee, this schedule is only relevant or meaningful at the date that rates are struck - hence it is provided monthly simply to achieve statutory compliance.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

Strategic Implications

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

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received.
- (d) the Rate Setting Statement provided as **Attachment 10.6.1 (7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2008
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 February 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. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Significant holdings of money market instruments are involved so an analysis of cash holdings showing the relative levels of investment with each financial institution is provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and

effectiveness with which the delegations are being exercised. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections.

Comment

(a) Cash Holdings

Total funds at month end of \$35.32M compare very favourably to \$31.88M at the equivalent stage of last year. Around 65% of the difference relates to higher holdings of cash backed reserves whilst the remainder is due to funds associated with capital works funding being held as investments until needed later in the year. The strong free cash position is also impacted by excellent rates collections to date - with collections still 0.25% ahead of last year's best ever result. Our customer friendly payment methods, prompt and pro-active debt collection actions and the Rates Early Payment Incentive Prize have all contributed positively to this very pleasing result.

The net Municipal cash position is improved relative to January 2007 by around \$1.1M with monies brought into the year (and our subsequent cash collections) being invested in secure financial instruments to generate interest until those monies are required to fund operations / projects later in the year. Astute selection of appropriate financial investments means that the City does not have any exposure to higher risk investment instruments such as CDOs (the sub prime mortgage market).

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$15.85M (compared to \$14.70M in 2006/2007). **Attachment 10.6.2(1)**.

Considering future cash demands for capital and operating expenditure for the remainder of the year, and likely cash inflows (as budgeted) during the same period, the City currently anticipates finishing the year ahead of the budgeted cash position (after allowing for quarantined / committed funds for carry forward works). This will be re-assessed on an ongoing basis throughout the remainder of the year as it is a fundamental input to the budget process.

(b) Investments

Total investment in short term money market instruments at month end is \$35.07M compared to \$31.66M last year. As discussed above, the difference relates to good cash collections, higher reserve cash holdings and delayed outflows for capital projects.

Invested funds are responsibly spread across various approved financial institutions to diversify risk as shown in **Attachment 10.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$1.29M - significantly up from \$1.10M at this time last year. This is attributable to higher cash holdings and timely, effective treasury management.

The average rate of return for the year to date is 6.89% with the anticipated yield on investments yet to mature currently at 6.88%. This reflects careful selection of investments to meet our immediate cash needs. During the year it is necessary to balance between short and longer term investments - to ensure that we can responsibly meet our cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income.

(c) **Major Debtor Classifications**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of January 2008 (after the due dates for the third rates instalment) represent 89.2% of total rates levied compared to 89.0% at the equivalent stage of the previous year. This suggests that collections to date remain strong - being 0.25% in advance of last year's best ever result. It continues to provide evidence that the rating and communication strategies used for the 2007/2008 rates strike have again established a good foundation for successful rates collections this year.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the early payment incentive scheme (generously sponsored by local businesses) supported by timely and efficient follow up actions by the City's Rates Officer in relation to outstanding debts, have also had a very positive impact on rates collections.

General debtors stand at \$1.09M at 31 January 2008 compared to \$1.20M at the same time last year. The majority of the difference is attributable to a lesser amount of GST Refundable from the ATO and less Balance Date Debtors adjustments.

Consultation

This financial report is prepared to provide evidence of the soundness of financial management being employed whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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
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That Council receives the 31 January 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 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 February 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 December 2007 and 31 January 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 from either the Municipal Fund or the Trust Fund and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan - *'To provide responsible and sustainable management of the City'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 Warrant of Payments for the months of December 2007 and January 2008 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Statutory Financial Statements for Quarter ended 31 December 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 February 2008
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

In accordance with statutory requirements, an Income Statement is provided for the period ended 31 December 2007. Revenues and expenditures are disclosed by the local government programs specified in Schedule 1 of the Local Government Financial Management Regulations (1996) and presented by nature and type classification. Statutory schedules comparing actual performance to budget for the period in relation to Rating and General Purpose Revenue are also provided.

Background

The Local Government (Financial Management) Regulations 1996 require the City to produce financial statements in the specified statutory format and to submit those statements to Council for adoption. The statutory Income Statement emphasises the City's operations classified by the programs specified in the Schedule to the Local Government Financial Management Regulations - rather than focussing on capital expenditures.

Although the monthly management accounts presented in departmental format are believed to be the most effective mechanism for the City's Administration and Council in monitoring financial progress against the budget; the highly summarised, program-classified statutory Income Statement is mandated by the legislation because it is required by the Australian Bureau of Statistics and Grants Commission - who are able to derive some comparisons on a broadly aggregated basis despite the limited validity or integrity of comparisons made on an individual basis.

The statutory (AAS 27) format Income Statement is to be accompanied by a Schedule of General Purpose Revenue and supported by a supplementary Schedule of Rating Information for the corresponding period. Although not mandated by the legislation, a Statement of Financial Position as at the end of the period is also included to provide a more complete and accountable set of financial reports.

Comment

Total AAS 27 classified Operating Revenue for the period of \$29.92M compares favourably with the year to date budget of \$29.28M. This represents 102% of the year to date budget. Analysing the Operating Revenues by nature and type, the significant favourable variances are in Rates (advice from the Valuer General's Office of new GRVs resulting in a high level of interim rates activity in the first half) and Fees and Charges (Housing program) which relates to the much higher than expected turnover of units at the Collier Park Village. Grants and Subsidies are slightly above budget due to higher RCS subsidies at the CPH. Interest Revenue (as discussed in Agenda Item 10.6.2) continues to be well ahead of expectations due to good investment performance.

The principal variances disclosed by program are the favourable variances in the General Purpose Funding and Housing programs. General Purpose Funding is favourably impacted by rates and the extra interest revenue generated from excellent investment performance (refer Agenda Item 10.6.2). Governance reflects a significant favourable variance due to the windfall gain from the extensive review of old Trust Fund Deposits that has been conducted by the financial services team in recent months. A significant favourable variance in the

Housing Program is due to the higher turnover of units at Collier Park Village. Revenue in the Community Amenities program is below budget expectations due to a shortfall on expected billing for rubbish service charges. Although this has been partially addressed in December, further investigation and remedial action is being undertaken by the administration throughout January and February.

The remainder of programs are close to budget expectations for the year to date in when analysed in aggregate. Individual significant variances are separately identified and addressed by either appropriate management action or by the items being included in the Q2 Budget Review.

Operating Expenditure classified according to AAS 27 principles to 31 December 2007 totals \$16.44M and compares favourably to a year to date Budget of \$17.15M. Analysing those Operating Expenditure items by nature and type, Employee Cost are 5.4% under budget (as expected due to the vacant positions). Materials & Contracts are also 6% under budget for the year to date - although this is expected to correct further in later months. Utilities & Insurances are within 1% of budget. Interest expense is moderately under budget and carrying amount of assets sold (a non cash item) is slightly over budget due to a timing difference.

Most programs have small variances with the more significant being in the Governance, Law and Order, Recreation and Culture and Transport programs. The favourable variance in the Governance and Law & Order programs relate mostly to vacant staff positions.

Timing differences on parks and building maintenance expenditure activities and golf course maintenance (which are expected to correct later in the year) have all impacted favourably on the Recreation and Culture program. The Transport program is also favourably impacted by timing differences in the delivery of maintenance works - although these should continue to correct later in the year. Relevant items are being addressed by management action or are included in the Q2 Budget Review.

The Schedule of Rating Information shows that as at 31 December 2007, the City had levied some \$19.40M in residential and commercial rates compared to a budget of \$19.37M. As noted above, the Valuer General's Office has had a backlog of revised GRVs for properties within the City - leading to a higher than previously modelled rates strike and higher interim rates growth for the year to date.

Salaries were around 5.4% below budget expectations to December 2007 but this is distorted by some timing differences with budgets phased ahead of actual expenditures in the Rangers area. There are currently a number of vacancies that are being filled in the Parks, Golf Course, Engineering, Finance, Information Technology, Library and Community, Culture & Recreation areas that are being recruited for.

The Statement of Financial Position provides a comparison of asset and liability categories at

31 December 2007 and at an equivalent time in the 2006/2007 financial year. Current Assets stand at \$40.30M as at 31 December 2007 compared to \$37.67M in December 2006. The major aspects of this change are the much higher level of investment funds resulting from quarantined cash backed reserves - plus funds held for significant construction projects later in the year. Cash backed reserves are approx \$2M higher than at the equivalent time last year and Municipal funds around \$0.7M higher. Pleasingly, Receivables are lower than at December 2006 with Rates collections to date being excellent - and ahead of last year's result to date.

Non Current Assets of \$182.32M compare with \$173.38 at December 2006. This increase reflects the higher valuation of infrastructure assets after these classes of asset were re-valued at 30 June 2007. Non current receivables relating to self supporting loans have reduced relative to last year.

Current Liabilities are disclosed as \$4.67M compared to a balance of \$5.54M at 31 December 2006. The principal reason for this is the significantly lower value of creditor invoices outstanding from suppliers at balance date - thanks to a concerted effort to get all invoices processed in a very timely manner for the end of the quarter. Employee entitlements accrued and cash backed in accordance with statutory requirements are also some \$0.15M lower than at the equivalent time last year.

Non-Current Liabilities stand at \$25.13M at 31 December 2007 compared with \$24.93M last year. This is distorted by a much higher (an additional \$0.7M) holding of refundable monies for the leaseholder liability at the Collier Park Complex this year because of the leasing of a number of previously vacated units at the village. City borrowings undertaken as part of the overall funding package are \$0.3M lower than at the same time last financial year whilst non current Trust Funds have also been reduced by \$0.3M relative to last year.

Consultation

As this is a comparative financial information report primarily intended to provide management information to Council in addition to discharging statutory obligations, community consultation is not a relevant consideration in this matter.

Policy and Legislative Implications

Actions to be taken are in accordance with Section 6.4 of the *Local Government Act* and the *Local Government Financial Management Regulations*.

Financial Implications

The attachments to this report compare actual financial activity to the year to date budget for those revenue and expenditure items.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That Council receive the statutory Financial Statements for the period ending 31 December 2007 comprising:

- Income Statement **Attachment 10.6.4(1)(A) and 10.6.4(1)(B)**
- Schedule of General Purpose Funding **Attachment 10.6.4(2)**
- Schedule of Rating Information **Attachment 10.6.4(3)**
- Statement of Financial Position **Attachment 10.6.4(4)(A)**
- Statement of Change in Equity **Attachment 10.6.4(4)(B)**

CARRIED EN BLOC RESOLUTION

10.6.5 Budget Review for the Quarter ended 31 December 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 1 February 2008
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A review the 2007/2008 Adopted Budget for the period to 31 December 2007 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

- those that increase the Budget Closing Position
(new funding opportunities or savings on operational costs)
- those that decrease the Budget Closing Position
(reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review will be required to be forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in assessing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that simply reflect a timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is presented in three parts :

- Amendments resulting from normal operations in the quarter under review **Attachment 10.6.5(1)**

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 10.6.5(2).**

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Strategic Financial Plan (SFP), they may be returned to a Reserve for use in a future year. There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation **Attachment 10.6.5(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2007.

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available.

This section also includes amendments to “Non-Cash” items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City’s cash resources.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Compliance with the statutory requirement to conduct a half yearly budget review and to forward the results of that review to the Department of Local Government is achieved through the presentation of this report to Council.

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a change of (\$231,000) to the projected 2007/2008 Budget Closing Position. The budget closing position is now calculated in accordance with the Department of Local Government’s guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The changes recommended in the Q2 Budget Review will result in the (estimated) 2007/2008 Closing Position being adjusted to \$43,353 (down from the revised Opening Position of \$255,853)

The impact of the proposed amendments in this Q2 Budget Review report on the financial arrangements of each of the City’s directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments).

Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2006/2007 year end accounts in September 2007.

TABLE 1 : (Q2 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	16,000	(60,000)	(44,000)
Financial and Information Services	331,000	(116,000)	215,000
Planning and Community Services	28,000	(37,000)	(9,000)
Infrastructure Services	990,500	(1,115,000)	(124,500)
Accruals (UGP) and Opening Position	0	(250,000)	(250,000)
Total	1,365,500	(1,578,000)	(212,500)

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2007/2008 BUDGET ADJUSTMENTS)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	37,500	(60,000)	(22,500)
Financial and Information Services	546,000	(226,000)	320,000
Planning and Community Services	55,500	(69,500)	(14,000)
Infrastructure Services	1,047,500	(1,242,000)	(194,500)
Accrual and Opening Position	150,312	(250,000)	(99,688)
Total change in Adopted Budget	1,836,812	1,847,500	(10,688)

Capital Projects

Monies relating to certain capital construction projects that are unlikely to be expended in the current financial year after allowing for the completion of consultation, design and tendering phases of the projects (such as the library / hall refurbishment and the CPV / CPH capital initiative) are now planned to be quarantined in specific purpose cash-backed Reserves until they are used in the 2008/2009 year. The City also recognises the impact of the industry wide lack of availability of contractors and technical staff in delivering capital projects and has opted to responsibly defer some projects to later years. By quarantining the associated funds in Reserves until required, the necessity to impose on future ratepayers for these projects is avoided. These monies retain their original character and must still be used for the nominated projects - they are simply quarantined until required in future. This is considered to be a more responsible and prudent strategy than leaving the funds unspent in the current budget and then having to deal with them as carry forward works at year end.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City's financial resources'*.

Sustainability Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.5**

That

(a) following the detailed review of financial performance for the period ending 31 December 2007, the budget estimates for Revenue and Expenditure for the 2007/2008 Financial Year, (adopted by Council on 10 July 2007 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the February 2007 Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.5(1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.5(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.5(3)**.

(b) The half yearly Budget Review is forwarded to the Department of Local Government for their review in accordance with statutory obligations.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.6.6 Capital Projects Review to 31 December 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 1 February 2008
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 December 2007. Officer comment is made only on the significant identified variances as at the reporting date.

Background

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

Comment

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also effected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the Capital Program represents 66% of the year to date target - and 17% of the (revised) full year's budget. Excluding the anticipated City contribution to the UGP project, which will be delivered entirely by external parties with the City merely meeting cash calls at the appropriate time, completed works to date represent 23% of the City's part of the program.

The Executive Management Team has acknowledged the challenge of delivering the remaining capital program given the significant impact of contractor and staff resource shortages associated with the current economic boom. It also recognises the impact of community consultation on project delivery timelines and the difficulties in obtaining complete bids for small capital projects. It is therefore closely monitoring and reviewing the capital program with operational managers on an ongoing basis. These actions have included seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility as well as quarantining some monies back to cash reserves until the monies are ready to be used on the particular projects.

The Director Financial & Information Services in conjunction with the Manager Engineering Infrastructure has also conducted an extensive half yearly review of all capital works in the roadworks, drainage and traffic management categories to identify any project savings that can be offset to address other cost over-runs on projects where increased scope or technical challenges have necessitated a larger project budget than was initially provided. This collaborative exercise has resulted in a very successful and cost neutral re-allocation of capital works funds to cover that part of the capital program without further impost on the City's ratepayers.

Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this Agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.6 (1)** and **Attachment 10.6.6 (2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

Consultation

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

Policy and Legislative Implications

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City's financial resources'*.

Sustainability Implications

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the pro-active identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2007, as per **Attachments 10.6.6(1)** and **10.6.6(2)**, be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Strategic Financial Management - Creation of New Cash Reserves
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	1 February 2008
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report presents a proposal to supplement the City's already sophisticated strategic financial management processes. It proposes a new initiative designed to address the challenge of responsibly funding and delivering significant capital works programs in the current difficult economic climate. It offers a prudent and financially sustainable strategy to effectively address these challenges whilst managing our limited financial resources in a manner that provides a best value outcome for our community.

Background

It is important that all responsible local governments supplement the delivery of their ongoing services and community programs with capital works programs that effectively discharge their responsibility to exercise effective stewardship over their community assets (roads, paths, drains, parks, buildings etc). The City of South Perth has achieved this outcome by developing sound asset management plans supported by a structured forward financial planning process for these commitments via its Strategic Financial Plan (SFP) - and the articulation between the SFP and the Annual Budget.

However, identifying and generating the necessary funding is only one element of the process of delivering the capital program. It is also important to actually deliver the works that are proposed and to effectively manage the community expectations associated with those works. Analysis of the financial performance of most local governments reveals that this aspect of the capital works obligation has proven problematic to many local governments - including South Perth.

It has been well documented that the delivery of capital programs proposed by local governments had been significantly impacted in recent times by contractor availability and staff resource shortages associated with the current economic boom - as well as the impact of community consultation on project delivery timelines. This has been further compounded by the difficulty of obtaining competitive quotations for small capital works projects. Many local governments are currently being affected by these issues - as reflected in the rapid

escalation in recent times of the value of works that remain incomplete and are carried forward at year end. Carry forward works accumulate on top of the current year's capital program and, if not concluded early in the financial year, have the capacity to further exacerbate the problem of delivering the planned programs.

It is important therefore, to have a responsible and effective strategy to meet this challenge in a way that avoids wild fluctuations in the value of capital works programs from year to year - and also avoids the inevitable rate spikes that penalise ratepayers in some years whilst seeking an inadequate contribution from ratepayers in other years.

Comment

Excellence in financial management requires an organisation wide view to be taken of the local government's financial performance - along with timely identification of the challenges that are impacting adversely on that performance. Awareness of contemporary practices and ideas on financial management is also crucial. A critical assessment of the current situation at South Perth reveals that the current and proposed funding levels would appear responsible and appropriate (as verified by the recent Access Economics assessment of the City's financial sustainability). These levels should, therefore, be maintained to ensure that the necessary funds are available when required. However, for the reasons noted in the Background section of this report, it has not been possible in recent years to fully expend the funding provided - despite the best efforts of the staff members involved in delivering the program. This has resulted in an increasing level of Carry Forward Works across the organisation in recent years.

An appropriate strategy to address this situation would be to create a series of new cash-backed Reserve Funds to be utilised by the Director Financial & Information Services in 'smoothing' the size of the capital works program each year - and responsibly funding identified future capital initiatives. Each new cash backed Reserve would be established in accordance with the relevant legislative provisions and would have a clearly articulated purpose for the funds contained in the Reserves.

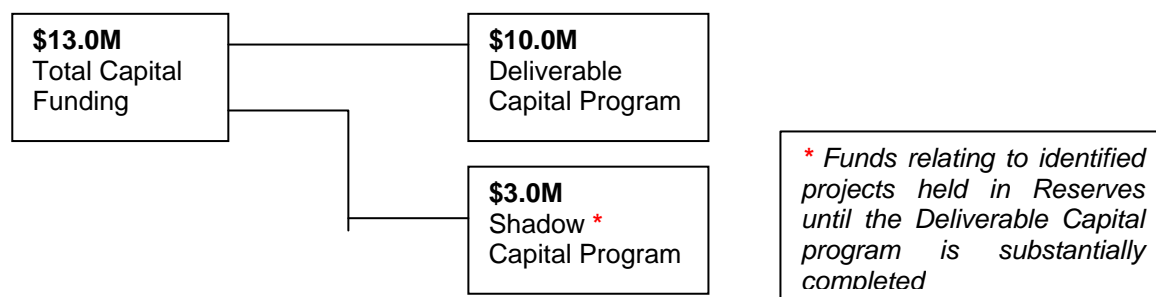
The suggested new Reserve Funds would be:

Reserve Name	Reserve Purpose
Future Building Works Reserve	To accumulate funds for identified future building works on Civic & Community buildings
Future Transport Projects Reserve	To accumulate funds for identified future road & path works.
Future Streetscape Works Reserve	To accumulate funds for identified future streetscape works
Future Parks Works Reserve	To accumulate funds for identified significant future park development / upgrade works

Funding movements to or from the Reserves would be at the discretion of the Director Financial & Information Services as currently occurs with other existing cash reserves - but all of the cash movements would of course be reported to Council through regular Budget Reviews or the adoption of the Annual Budget.

The operation of these Reserves would be as shown diagrammatically below:

Assume that the City proposes to fund an \$11.0M Capital Program plus a further \$2.0M Carried Forward from the previous year - representing a Total Capital Funding Provided of \$13.0M.



As presently occurs, each year a Total Capital Works Program would be approved by Council. However, only a proportion of the funding raised in the budget for Capital Works would be listed as the current year's Capital Program (being equivalent to the likely value of works to be completed on the ground - based on accurate financial modelling projections developed from prior year performance and taking into account required approvals, consultation and tendering periods). The remainder, representing the difference between the Total Capital Funding Provided and the Current Year Deliverable Capital Program would become a 'Shadow Capital Works Program' and would be quarantined in the specific Cash Reserve Funds. After an acceptable portion of the current year program had been delivered, and when all of the preliminary activities such as consultation, design and specification were done, funds for identified projects in the 'Shadow Capital Program' could be returned from the Reserve to the Municipal Fund to finance the actual construction works as and when needed.

Such an approach (using cash backed Reserves as savings plans for future projects) is in fact consistent with the recommendations of the WALGA SSS Expert Taskforce into Local Government Financial Sustainability. It is also aligned with the philosophy underlying the WAAMI asset management initiative and it follows a similar theme to the concept of a 'futures fund' presented at the November Council meeting.

Consultation

This matter has been carefully considered by the Financial Services Team from a practical and technical perspective and also by members of the City's executive. It is now brought to Council for their consideration. Arguably, the Director Financial & Information Services may have the technical capacity to implement the suggested strategy administratively, however, it is considered much more appropriate to initiate the process collaboratively with Council thus ensuring a clear and shared understanding of the rationale for this important action.

Policy and Legislative Implications

Consistent with contemporary thinking on responsible financial management, relevant professional practices and current industry research. The process for the creation of the new cash backed Reserves is also consistent with the legislative requirements of the Local Government Financial Management Regulations..

Financial Implications

The tabling of this report presents a strategy to enhance the current strategic financial management process. Whilst the financial impact is not able to be quantified, it is expected that it should result in more effective and responsible utilisation of our available financial resources.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City’s Strategic Plan Goal 6 - *‘To provide responsible and sustainable management of the City’ financial resources’*.

Sustainability Implications

This report recognises the important contribution that responsible and sustainable financial management practices make towards ensuring a local government’s sustainability. It particularly emphasises the need to take a longer term focus towards financial sustainability to ensure that the City has the capacity to actually deliver against the decisions and strategies that are developed to deliver the City’s services and programs. Sustainable forward financial planning, including the responsible creation and use of cash backed reserves, is an essential component of such a financial discipline.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7

That Council endorses the creation of the following Reserve Funds:

Reserve Name	Reserve Purpose
Future Building Works Reserve	To accumulate funds for identified future building works on Civic & Community buildings
Future Transport Projects Reserve	To accumulate funds for identified future road & path works.
Future Streetscape Works Reserve	To accumulate funds for identified future streetscape works
Future Parks Works Reserve	To accumulate funds for identified significant future park development / upgrade works

CARRIED EN BLOC RESOLUTION

Note: Manager Human Resources joined the meeting at 9.44pm

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence : Cr Smith 13.3.2008 - 8.4.2008

Moved Cr Trent, Sec Cr Grayden

That Cr Smith be granted leave of absence from any meetings held between 13 March and 8 April 2008 inclusive.

CARRIED (12/0)

11.2 Request for Leave of Absence : Mayor Best 13.3.2008 - 18.3.2008

Moved Cr Hearne, Sec Cr Ozsdolay

That Mayor Best be granted leave of absence from any meetings held between 13 March and 18 March 2008 inclusive.

CARRIED (12/0)

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 26.2.2008

13.1 Information Circulated Via Email...Cr Gleeson

Summary of Question

Are you aware of the large number of emails - received since December - most of which are duplicates - some addressed to the Mayor - and passed on for information - a lot of which are not needed. Would like the number of emails circulated reduced.

Summary of Response

The Mayor responded that it was very much a 'balancing act' in getting the right information out to Council Members in relation to decision-making vs education information. He confirmed the comments made were 'taken on board' and that he would certainly try and reduce any duplications of information, however believed that dialogue is important to aid the decision-making process.

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 as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that an item of 'New Business of an Urgent Nature' had been received relating to Member Attendance at the Planning Institute of Australia 2008 National Congress and is the subject of a late report.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 14

Moved Cr Hearne, Sec Cr Trent

That the item of new business be introduced for discussion and determination.

CARRIED (12/0)

14.1 Planning Institute of Australia - National Congress 2008 to be held in Sydney from 13 - 16 April 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	N/A
Date:	26 February 2008
Author/Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

To give consideration to Council Member attendance at the Planning Institute of Australia National Congress to be held in Sydney from 13 to 16 April 2008.

Background

The Planning Institute of Australia Congress is the peak professional conference for Urban and Regional Planning in Australia, is attended by over 600 delegates from throughout Australia and includes participants from State and Local Government and private sector.

Comment

The CEO has authority to approve the attendance of relevant staff at the Congress. The Director, Development and Community Services is awaiting advice from the Department of Industry and Resources as to the proposed technology precincts study tour prior to considering attending the PIA Congress. It is considered that Council Member attendance would also be appropriate. This year the Congress theme focuses on the issue of 'A Climate for Change - Things are Hotting Up' and deals with a number of key themes including:

- Climate change - Environmental, Economic and Social implications;
- Housing Affordability and Managing Growth;
- Demographic and Intergenerational Shifts;
- Creating Sustainable Places;
- Urban Design and Renewal;
- A Climate for Change - International Perspectives;
- Generation Gaps and Boomer Pressures

A copy of the conference program is included as **Attachment 14.1**

Given the importance of sustainability and the extent of decision making by Council on topics related to this area, it is recommended that the conference would be highly beneficial to an interested Council Member. Expressions of Interest to attend the Congress were sought from Elected Members via the Bulletin on 22 February 2008. Cr Doherty has expressed an interest in representing the City at this conference and her submission is contained at **Attachment 14.1(a)**.

Consultation

Not applicable.

Policy and Legislative Implications

Approval of officer attendance by the CEO is consistent with Policy P513. Council Member attendance is considered appropriate - but requires Council approval.

Financial Implications

The total estimated cost of Council Member attendance including registration, airfares, accommodation and meals is \$3,106 (Note: this cost is based on economy airfare). Funding for Council Member attendance can be comfortably accommodated within the current budget.

Strategic Implications

City Planning is a high profile area of the City's operations and it is considered important that Council Members be provided with the opportunity to participate in this type of peak Congress. It is anticipated that knowledge gained from attendance at the Congress will assist Council in dealing with the relationship between planning issues and the following Strategic Goal areas:

- Goal 2: Community Enrichment
'To foster a strong sense of community and a prosperous business environment'
- Goal 3: Environmental Management
'To sustainably manage, enhance and maintain the City's unique natural and built environment'.
- Goal 4: Infrastructure
To sustainably manage, enhance and maintain the City's Infrastructure assets.

OFFICER RECOMMENDATION ITEM 14.1

That Council approve the attendance of the following Council Member(s) at the Planning Institute of Australia National Congress to be held in Sydney from 13 April to 16 April 2008 at an estimated cost of \$3,106 per person.

NOMINATIONS

The Chief Executive Officer advised that Cr Doherty had presented a Business Case in support of her attendance at the Planning Institute of Australia National Congress.

The Mayor then called for Nominations to attend the conference.

Cr Hearne nominated Cr Doherty. Cr Doherty accepted. There were no further nominations.

COUNCIL DECISION ITEM 14.1

That Council approve the attendance of Cr Doherty at the Planning Institute of Australia National Congress to be held in Sydney from 13 April to 16 April 2008 at an estimated cost of \$3,106 per person.

CARRIED (12/0)

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Note: The Mayor sought an indication from Members as to whether they wished to further discuss *Confidential* Item 15.1.1. As there was no debate proposed by Members the meeting was not closed to the public at 9.53pm.

**15.1.1 Recommendations from CEO Evaluation Committee Meeting 18.2.2008
*CONFIDENTIAL Not to be Disclosed REPORT***

Location: City of South Perth
Applicant: Council
Date: 15 February 2008
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

Note: ***Confidential*** Report circulated separately.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 15.1.1**

Moved Cr Hasleby, Sec Cr Doherty

That Council adopt the following Recommendation of the CEO Evaluation Committee Meeting of 18 February 2008:

That...

- (a) the process and time line, developed in consultation with Kellahan Saunders and the CEO, for the CEO Performance Review for 2007/2008 period be endorsed;
- (b) the process and timelines for selection of an HR Consultant to undertake the development of CEO KPI's for the 2008/2009 review period be endorsed and the recommended Model be submitted to Council;
- (c) the scope of the project for the HR Consultants be finalised and include review and/or redevelopment of the assessment method for the 2008/2009 CEO Performance Review period as follows:
 - (i) invite the seven (7) 'shortlisted' HR Consultants to express an interest in the project and provide quotations; and
 - (ii) each Consultant be requested to provide a full description of the service to be provided, quotations and cite not less than three (3) recent referees, by no later than Friday 7 March 2008;
- (d) a budget for the CEO Evaluation Review be determined and agreed by Council; and
- (e) the CEO' Progress Report on the 2007/2008 KPI's be received.

CARRIED (10/2)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the public gallery the Minute Secretary read aloud the Council decision for Item 15.1.1.

16. CLOSURE

The Mayor thanked everyone for their attendance and contribution and closed the meeting at 9.59pm.

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 26 March 2008

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.