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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
Wednesday 26 March 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 Activities Report Mayor Best (*Note: Attached to the back of Agenda paper*)

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
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Development and Community Services
Mr M J Kent	Director Financial and Information Services
Mr M Taylor	Acting Director Infrastructure Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Acting Manager Development Assessment
Mr N Kegie	Manager Community, Culture and Recreation (until 7.58pm)
Mr R Bercov	Strategic Urban Planning Adviser
Ms K Dravnieks	City Environment Coordinator
Mr S McLaughlin	Legal and Governance Officer
Ms R Mulcahy	City Communications Officer
Ms W Patterson	City Sustainability Coordinator
Ms J Jumayao	Research/Projects Officer
Mrs K Russell	Minute Secretary

Gallery Approximately 20 members of the public and 1 member of the press present

4.1 APOLOGIES

Cr B Hearne	Como Beach Ward
Cr S Doherty	Moresby Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr D Smith	Mill Point Ward
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5. DECLARATION OF INTEREST

The Mayor reported having received Declarations of Impartiality Interest from Crs Doherty, Ozsdolay and Trent in relation to Item 10.2.1 on the Agenda. He then read aloud the interest which appears in the Minutes before Item 10.2.1.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 26 February 2008 there were no questions taken on notice:

6.2 PUBLIC QUESTION TIME : 26.3.2008

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 7.08pm.

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

Summary of Question

Re No. 11 Heppingstone Street, with respect to the Order from the City to the owners of 11 Heppingstone Street, South Perth will the City forward me copies of all correspondence or will I be obliged to make a FOI application to get it?

Summary of Response

The Mayor said that the City maintains an open and accountable governance policy but that he would check that there is no legal obligation that prevents the City from providing copies of the correspondence referred to.

Summary of Question

There was an article about 11 Heppingstone Street in the March 18 edition of the Southern Gazette newspaper. In that article it is stated that the City of South Perth has resolved planning issues associated with 11 Heppingstone Street. Who have these issues been resolved with?

Summary of Response

The Mayor said that the City has resolved the matter in accordance with the Minister's wishes, however it is then up to the owners of the building to respond as they see fit.

Summary of Question

Has the City ever issued a demolition order on a property owner for failure to comply with a town planning scheme?

Summary of Response

The Mayor said, not to my knowledge. He then requested comment from the Director Development and Community Services. Mr Cope stated that the question was taken on notice.

Summary of Question

Do the property owners of 11 Heppingstone Street have a legal right to disregard the requirements of the Grant of Planning Consent? Have they paid special fees, etc to enable them to commit offences without prosecution?

Summary of Response

The Mayor responded that the Minister has made a determination in regard to certain aspects of the building and that instruction from the Minister needs to be followed.

The Chief Executive Officer further stated that no payment has been made in lieu of the building not complying with the Grant of Planning Consent.

Summary of Question

In a letter to myself dated 6 December 2000 from the City's lawyers, Minter Ellison, I was threatened with the following:

- (a) under the TPS5 it is an offence to erect or use a building unless planning consent has been granted by the City for the building and all conditions imposed on the planning consent are complied with. Further it is an offence to do anything in contravention of TPS5.
- (b) pursuant to TPS5 and the Town Planning and Development Act 1928 these offences each have a maximum penalty of \$50,000 and a daily penalty of a further \$5,000 for each and every day during which the offence continues.

Were the property owners of 11 Heppingstone Street threatened in writing the same way I was threatened in 2000 - ie required to comply with the Town Planning Scheme?

Summary of Response

The Mayor replied that this Council prides itself on being open and transparent. The Order served on the owners of 11 Heppingstone Street is for the Order to be complied with. He further stated that he could not comment on the past decision of the Council of the day.

Close of Public Question Time

There being no further questions the Mayor closed Public Question time at 7.15pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 CEO Evaluation Committee Meeting: 18 February 2008

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Ozsdolay

That the Minutes of the CEO Evaluation Committee Meeting Held 18 February 2008 be received.

CARRIED (10/0)

7.1.2 Audit & Governance Committee Meeting: 18 February 2008

COUNCIL DECISION ITEM 7.1.2

Moved Cr Grayden, Sec Cr Gleeson

That the Minutes of the Audit and Governance Committee Meeting Held 18 February 2008 be received.

CARRIED (10/0)

7.1.3 Ordinary Council Meeting 26 February 2008

COUNCIL DECISION ITEM 7.1.3

Moved Cr Trent, Sec Cr Burrows

That the Minutes of the Ordinary Council Meeting held 26 February 2008 be taken as read and confirmed as a true and correct record.

CARRIED (10/0)

7.1.4 CEO Evaluation Committee Meeting: 11 March 2008

COUNCIL DECISION ITEM 7.1.4

Moved Cr Best, Sec Cr Burrows

That the Minutes of the CEO Evaluation Committee Meeting Held 11 March 2008 be received.

CARRIED (10/0)

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 - February 2008 Ordinary Council Meeting Held: 19.2.2008

Officers of the City presented background information and answered questions on items identified from the February 2008 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum Capital Projects (Civic Hall / Library) Meeting Held: 4.3.2008

Officers of the City presented an update on the progress / consultation process relating to the proposal to upgrade the Civic Library and Hall. A consultant from Norman Disney & Young provided input on Environmental Sustainability Principles in relation to buildings.

Notes from the Agenda Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum Town Planning Major Developments Meeting Held: 5.3.2008

Officers of the City presented an overview on proposed projects relating to: A Four Storey Single House at No. 5 South Perth Esplanade and a Rezoning Proposal at No. 365 Canning Highway Como. Questions and points of clarification raised by Members were responded to by officers.

Notes from the Agenda Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum WALGA Presentation Meeting Held: 11.3.2008

Representatives from WALGA gave a presentation on the Systemic Sustainability Study "The Journey: Sustainability into the Future" and services offered by WALGA

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

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE
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Moved Cr Trent, Sec Cr Grayden

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 26 February 2008 be noted.

CARRIED (10/0)

8. PRESENTATIONS

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

8.2 PRESENTATIONS -	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
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8.1.1 Certificate of Recognition City of South Perth Fiesta

The Mayor presented a Certificate of Recognition to the Manager Community, Culture and Recreation and the 'Fiesta Team' in grateful appreciation of their exceptional hard work, organisation, dedication, and creative flair, both during Fiesta 2008 and in the months leading up to the events. He said the City of South Perth Fiesta includes events and activities for everyone in the South Perth community, providing an opportunity to connect and enjoy a great range of events in the surrounds of our beautiful City, and it would not be possible without the outstanding commitment and vision of the Fiesta Team. The Manager Community, Culture and Recreation responded on behalf of the 'Fiesta Team'.

8.1.2 Gift from Indonesian Consulate to celebrate Harmony Day

The Mayor presented a gift in the form of a plaque from the Indonesian Consulate to the City of South Perth in recognition of Harmony Day.

8.1.3 Gift in Recognition of Fiesta from CEO of Shanghai Arts Festival

The Mayor presented a gift of artwork and a book from the CEO of the Shanghai Arts Festival to the City of South Perth in recognition of the Fiesta.

8.1.4 Presentation of "History of Golfing WA"

The Mayor presented a book, authored by Phillip Pental and entitled "History of Golfing WA" to the City of South Perth from Frank Bryant, President of the Royal Perth Golf Club.

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.
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Note: Deputations in relation to Agenda Items 10.0.1, 10.4.1, 10.3.2, 10.3.4, 10.3.3 and 10.3.4 were heard at the March Council Agenda Briefing held on 18 March 2008.

Opening of Deputations

The Mayor opened Deputations at 7.30pm and advised that speakers would be permitted 10 minutes each to address the Members.

8.3.1. Mr Emidio Giardini, 6/12 Stone Street, South Perth Agenda Item 10.3.4

Mr Giardini spoke on the officer recommendation on the following points:

- issue pulled out of context - only encumbrance is plot ratio
- orderly and proper planning / prevents me from enjoyment of balcony
- approval given for café blinds/ not suitable for strong winds
- acknowledge enclosing balcony will increase plot ratio calculations
- proposal is only for a screen - should not be taken as anything more
- purpose of R Codes is to enable us to retain lifestyle
- history of building with the developer - now need to move on deal with proposal in its merit. Proposal been before SAT twice - now ask Council to re-consider and support
- design changes / creating a means to achieve an end
- ask Council support proposal

8.3.2. Mr Brett Jackson, (applicant Strata Co) South Perth Agenda Item 10.3.5

Mr Jackson commenced with a Declaration advising that he was the initial developer at 137 Melville Parade. He declared that currently he has no financial interest in the property as it now stands. Mr Jackson then spoke in support of the officer recommendation on the following:

- background on initial proposal - serviced apartment complex
- controls relating to occupancy
- history of lease / common booking agency
- 58 units considered as small as it can get and still be viable
- by-law as presented requires everyone must operate through common booking agency
- common booking agency keeps uniformity ensures complex will not become disjointed
- proposed by-law best way to operate - ask Council support proposal

Close of Deputations

The Mayor thanked the presenters for their comments and closed Deputations at 7.54pm

8.4 DELEGATES' REPORTS

Delegate's written reports to be submitted to the Minute Secretary prior to **7 March 2008** for inclusion in the Council Agenda.

8.4.1. Delegates Report - Perth Airport Noise Management Strategy Committee Meeting Held 21 February 2008.

A report from Cr Burrows summarising a meeting of the Perth Airport Noise Management Strategy Committee held 21 February 2008 as it relates to the City of South Perth is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegate's Report in relation to the Perth Airport Noise Management Strategy Committee Meeting Held 21 February 2008 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Grayden, Sec Cr Ozsdolay

That the Delegate's Report in relation to the Perth Airport Noise Management Strategy Committee Meeting Held 21 February 2008 be received.

CARRIED (10/0)

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 18 March 2008.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Grayden

That the officer recommendations in relation to Agenda Items 10.0.2, 10.0.4, 10.0.5, 10.2.1, 10.3.1, 10.3.3, 10.3.5, 10.4.1, 10.5.1, 10.5.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.7.1 be carried en bloc.

CARRIED (12/0)

Note: Manager Community, Culture and Recreation left the meeting at 7.48pm.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’. Lot 51 (No. 123) Melville Parade and (No. 3) Eric Street, Como. (Item 10.3.9 of December 2007 Council Meeting)

Location:	Lot 51 (No. 123) Melville Parade / (No. 3) Eric Street, Como
Applicant:	Plancheck
Lodgement Date:	12 September 2007
File Ref:	11.2007.467 ME3/123
Date:	6 March 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser; and Owen Hightower, Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

The City has received an application for a Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’ for Lot 51 (No. 123) Melville Parade / (No. 3) Eric Street, Como. The subject property currently houses two buildings, one of which is used as the Como Furniture Mart, and a second which is used as a Single House.

NOTE: At the Council Agenda Briefing held 18 March 2008 the owner of the site at No. 123 Melville Parade, Mr Andrew Dart made a Deputation, requesting that his application for the proposed ‘Change of Use’ be withdrawn from consideration at the March Council Meeting to allow him time to pursue other options that better fit the Preston Street Precinct.

COUNCIL DECISION ITEM 10.0.1

Note: Item 10.0.1 Withdrawn from consideration at the applicant’s request.

10.0.2 Reconsideration of Planning Refusal - Proposed Addition of Carport to Existing Single House. Lot 12 (No. 28) Jubilee Street, South Perth. (Item 10.3.12 of December 2007 Council Meeting)

Location:	Lot 12 (No. 28) Jubilee Street, South Perth
Applicant:	Abel Roofing / Greg Rowe and Associates
Lodgement Date:	2 October 2007
File Ref:	11.2007.505 JU1/28
Date:	4 March 2008
Author:	Lloyd Anderson, Planning Officer
Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

The City received an application for planning approval for a carport on Lot 12 (No. 28) Jubilee Street, South Perth in October 2007. The application was recommended for refusal and subsequently refused by Council at the December 2007 Council Meeting. An appeal was lodged with the State Administrative Tribunal (the ‘SAT’) in January 2008. At mediation held in February 2008, the City was invited by the SAT (DR 16 2008) to reconsider its decision, pursuant to s.31 of the State Administrative Tribunal Act after receiving a modified proposal. .

Revised plans submitted following the initial decision address a number of non-compliant issues being compliance with dimensions of car parking requirements under “*Town Planning Scheme No.6 (TPS6)*”, incorporation of half brick piers in accordance with “*Policy P370_T “General Design Guidelines for Residential Development (P370_T)*” and colours to match the existing, in accordance with Policy 370_T. In addition the proposal complies with the “*Residential Design Codes 2002 (R-Codes)*” requirements.

None the less the proposed carport conflicts with the requirements of P370_T in that the existing dwelling has space behind the setback line to accommodate car parking. Officers also considered “*Draft Policy P350 Residential Design Policy Manual*” - Policy 3 “*Car parking Access, Siting, and Design*” (P350) and consider that the application does not comply with the draft policy regarding street setbacks. Although the application does not comply with the requirements of either policy the purpose of the cities policies is to provide guidance in the application of the TPS6 and is not binding.

The streetscape of Jubilee Street in the officer’s opinion will not be adversely impacted by the proposed carport given:

- (a) The positioning tucked away in the corner of the street;
- (b) Abutting a boundary fence (exceeding a height of 1.8 metres); and
- (c) Considered an improvement to amenity and character of the street.

Even though the proposal does not meet the requirements of P370_T. The applicant’s revised plans meet with the requirements of TPS6 and the R-Codes. Accordingly, it is recommended that the application **be approved**.

Background

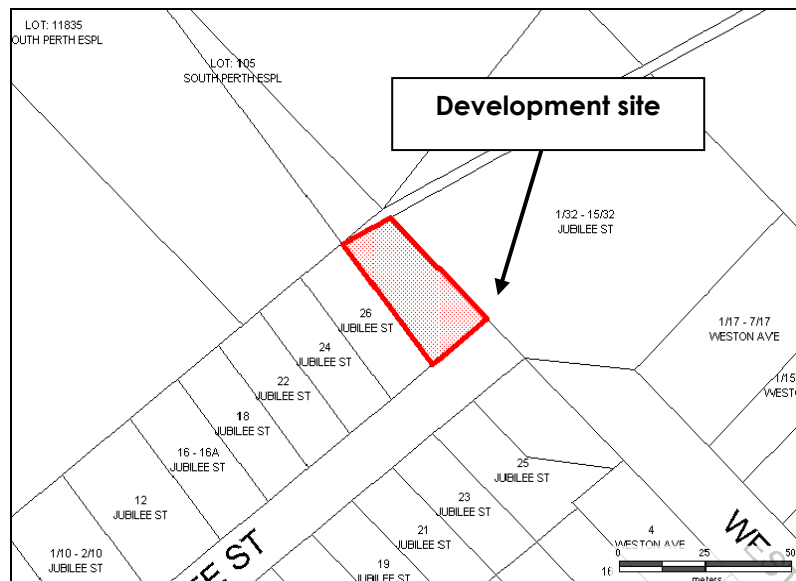
The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	731 sq. metres
Building height limit	10.5 metres
Development potential	Two or Three Grouped Dwellings
Maximum plot ratio	Not applicable

This report includes the following attachments:

- Attachment 10.0.2(a)** Plans of the proposed development.
- Attachment 10.0.2(b)** Letter from the applicant.

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:

“Matters previously considered by the Council

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

Comment

(a) Description of the proposal

With reference to the site plan, the application proposes construction of a carport to replace an existing structure which has been in existence since at least the year 2000. There are no records on file relating to the approval of this structure. None the less replacing this structure would be advantageous for the locality in terms of enhancing the visual amenity.

With reference to the elevation plan, the proposed carport will be a freestanding traditional gable structure.

In addition revised plans address a number of non-compliant issues and comprised the following modifications:

- Compliance with dimensions of Car Parking requirements under TPS6;
- Incorporation of half brick piers in accordance with Policy 370_T;
- Colours to match the existing in accordance with Policy 370_T.

Noting however that in addition to the existing carport with no record of approval, a garage exists situated behind the proposed carport. The dimensions of this garage are compliant with the requirements of TPS6 in relation to double garages and as such could still be utilised for this purpose.

Car parking forward of a 4.5 metre setback line are considered to obstruct a street verge or future footpath by the potential for an additional vehicle to park on the internal driveway. The City officers, in most cases, require any carport forward of a 4.5 metre setback line to be set back not more than 1.5 metres from the street alignment measured to the edge of the car bay which considers the street verge and any footpath.

None the less the proposed structure would improve the locality in terms of enhancing the visual amenity, not dominate the streetscape and replace an existing structure in need of repair.

(b) Policy P370_T “General Design Guidelines for Residential Development”

Policy P370_T states that:

*“In the case of existing dwellings which do have space behind the front setback line to accommodate car parking, the siting of carports within the front setback area will **not** be permitted **unless**:*

- (i) such siting is consistent with the established streetscape character attributable to the existence of other carports within the front setback area, in the section of the street in which the new carport is proposed to be located; and*
- (ii) the design and construction materials of the proposed carport are compatible with the existing dwelling.”*

The initial report in relation to point (i) above considered that the siting of a carport within the front setback area is not consistent with the predominant character of Jubilee Street, and the dwelling has on site parking provision behind the street setback line. Subsequent Council officer assessments of the character of the streetscape identified qualities such as a variety of building heights, setback and materials. None the less, officers are still of the opinion that the carport does not meet the predominate setback of buildings on Jubilee Street. The proposal does not meet the intent of policy P370_T.

Reasons for changing of recommendation relates to the location of the carport tucked away in the corner of the street and abutting boundary fence exceeding a height of 1.8 metres. Therefore it is considered an improvement to the amenity and character of the street and over the existing structure. In addition the design and construction materials of the revised plans in relation to Point (ii) are proposed to be compatible with the existing dwelling.

(b) Draft Policy P350 “Residential Design Policy Manual”

Draft Policy P350 states:

- (iv) Where a carport is proposed to be sited within the front setback area of an existing dwelling and two existing roof covered parking bays complying with the minimum dimensions prescribed in TPS6 are already located behind a 4.5 metre street setback, or there is a practical location to provide such bays behind the 4.5 metre street setback;*
 - (A) neither of those existing parking bays is permitted to be converted to another use; and*
 - (B) a setback of less than 4.5 metres will not be permitted for the proposed carport, unless the focus area is characterised by at least one-third of the lots already having carports in the front setback area.*

Even though the policy is still in draft form the intent of the policy should still be observed. Stating (A) the use of the parking bays already permitted can not be converted to another use, as is the situation at hand. Point (B) states that one third of the lots would need to have carports in the front setback area which is not the case in Jubilee Street and therefore does not meet this requirement. A setback of less than 4.5 metres will not be permitted. Officers conclude that the objective of the policy has not been achieved. None the less the purpose of the policy is to guide and is a flexible instrument that can be altered and as such in this circumstance.

(c) **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 based on revised plans and additional assessments is considered to meet the following objective:

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

All other objectives of Clause 1.6 of TPS6 have been met.

(d) **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:

- (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.*

Noting the proposal does not comply with policy P370_T it does not meet with Point (f).

The application will improve the amenity of the locality point (i). The design is compatible with the existing (j) and the building is considered to meet the requirements of point (n) with the exception of the setback from the street.

All other objectives of Clause 7.5 of TPS6 have been met.

Consultation

As the rear of the development site abuts the management area of the Swan River Trust, it was necessary to refer the application to that organisation for consideration and comment. The Trust have advised that they have no objection to the proposal.

In accordance with the provisions of Policy P104 “Neighbour and Community Consultation in Town Planning Processes”, it was not necessary to undertake neighbour consultation with respect to the proposed development.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact in this area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Cities 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

Noting that a flat roof car parking structure already exists in the current location, the proposed pitched roof carport will have minimal impact in terms of sustainability.

Conclusion

The proposed development conflicts with the provisions of P370_T as the carport is proposed to be located within the street setback area and approved car parking already exists behind the prescribed street setback line. In addition, the carport is in conflict with Draft Policy P350.

The applicant’s revised plans meet with Town Planning Scheme No. 6 requirements and the R-Codes.

The proposed development based on a revised assessment will improve the visual amenity of the Jubilee Street streetscape and therefore it is recommended that the application be approved. Advice from the applicant confirms that the proposed colours will be consistent with the existing dwelling.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.2**

That...

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a carport located within the front setback area on Lot 12 (No. 28) Jubilee Street **be approved**, subject to:

(i) Standard Conditions

660 (validity of approval 24 months).

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

(ii) Specific Conditions

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

- (1) The gablet will be removed from the design of the roof and replaced with a pitched roof design of the existing dwelling;
- (2) The materials and external finishes of the proposed carport shall match those of the existing main dwelling with respect to roof colour. Details of the proposed finishes shall be provided with the working drawings, prior to the issuing of a building licence.

(iii) Standard Important Footnotes

647 (revised plans), 648 (not authorisation to commence construction), 650 (aggrieved by decision - State Appeals Tribunal review).

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

- (b) the State Administrative Tribunal be advised that the Council has set aside its previous decision and substituted the new decision set out in Part (a) above.

CARRIED EN BLOC RESOLUTION

10.0.3 Position Paper on the issue of the City Copying Development Application Plans and Providing those Copies to Neighbours (*Item 10.0.6 of February 2008 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
Lodgement Date:	26 February 2008
File Ref:	LP/801
Date:	5 March 2008
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

This position paper explores a range of options available to the Council with respect to the proposition that City officers should copy plans accompanying applications for planning approval, and provide those copies to members of the community on request. The options include not providing copies, providing copies of the full application if 'copyright issues' can be resolved, or providing copies of simplified 'outline' plans. This issue has been

debated several times by the Council and advice has been sought from various sources. Having regard to all of the options and advice discussed in this report, Recommendation (1) is that no further action be taken with respect to this issue. This is the Officers' preferred recommendation. However, should the Council decide to implement a new service generally along the lines suggested by Council Members, Recommendation (2) should be adopted. This alternative recommendation contains the details of a possible new practice.

Background

The City is currently undertaking a further review of Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. Policy P104 was adopted by the Council in July 2005. This policy contains detailed requirements relating to consultation to be undertaken for every kind of Planning proposal. Some Council Members have raised the suggestion that, prior to completion of the major review of Policy P104, plans accompanying development applications should be copied by the City for distribution to any interested members of the community who request them, and that the plans be published on the City's web site for public inspection. In this regard, at its February 2008 meeting, the Council resolved that:

"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".

Council Members have confirmed that the particular focus of the March report is to be the issue of providing copies of development plans to members of the community. Accordingly, this report provides discussion on relevant options for Council consideration.

The following attachments are included with this report:

Confidential Attachment 10.0.3 (a)	Legal advice from McLeods, dated 7 March 2008
Confidential Attachment 10.0.3 (b)	Legal advice from McLeods, dated 11 January 2008
Confidential Attachment 10.0.3 (c)	Legal advice from McLeods, dated 14 June 2005
Confidential Attachment 10.0.3 (d)	Legal advice from McLeods, dated 22 February 2005
Confidential Attachment 10.0.3 (e)	Legal advice from McLeods, dated 1 July 2004
Attachment 10.0.3 (f)	Extract of Notes of Concept Forum held 3 July 2007 containing legal advice from Kott Gunning
Attachment 10.0.3 (g)	Local Government Questionnaire responses - Belmont, Fremantle, Rockingham and Stirling

Comment

(a) City's current legislative framework

Clause 7.3 of the City's Town Planning Scheme No. 6 (TPS6), and Policy P104 'Neighbour and Community Consultation in Town Planning Processes', contain provisions with respect to advertising certain development applications for neighbours' comments.

(i) Town Planning Scheme No. 6

Under clause 7.3(1) of TPS6, a development application may be advertised by the City where:

- (A) the development involves a Discretionary Use with Consultation (i.e. a 'DC' use);
- (B) the Council has determined through planning policy (eg. Policy P104) or resolution that advertising of a particular development is required prior to determination; or
- (C) advertising is required by any other provision of TPS6.

Clause 7.3(2)(a) of TPS6 states that where the Council is required or decides to advertise a proposal for neighbours' comments, notice of the proposed development is to be "served on the owners and occupiers (neighbours) likely to be affected by the granting of planning approval". The form of Notice to be served on the neighbours is prescribed in Schedule 7 of TPS6. The service of Notice may also be by means of a sign or signs "displayed in a conspicuous position on the (development site) land". TPS6 contains no reference to copies of development plans being made available for distribution to interested members of the community. In this regard, McLeods advise that this does not prevent the City from providing paper copies of drawings and other relevant information without the prior amendment of clause 7.3 (**Confidential Attachment 10.0.3 (a)**).

(ii) **Policy P104 'Neighbour and Community Consultation in Town Planning Processes'**

The detailed procedures relating to the neighbour consultation process are contained in Policy P104. For each kind of planning application, Policy P104 stipulates the method, extent and duration of consultation required. For the current purpose of examining whether or not copies of applicants' plans should be provided for neighbours to retain, this report has been prepared on the basis that the geographic extent of consultation prescribed in Policy P104 is not being modified at the present time. The Policy contains no reference to copies of development plans being made available for distribution to interested members of the community, nor does it preclude that practice.

(b) **Consultation and advice obtained on this issue**

Advice has been sought on this matter and related issues from a variety of sources, as follows:

- (i) McLeods - letters dated 1 July 2004, 22 February 2005, 14 June 2005, 11 January 2008, 7 March 2008 and verbal advice at a Concept Forum on 14 June 2005. **Confidential Attachments 10.0.3 (a) to (e)**;
- (ii) Kott Gunning - verbal advice at a Concept Forum on 3 July 2007 **Attachment 10.0.3 (f)**;
- (iii) Certain Local Governments canvassed in a limited survey of relevant practices **Attachment 10.0.3 (g)**:

Local Government	Responded / Did not respond
City of Belmont	Responded
City of Canning	Did not respond
City of Fremantle	Responded
City of Melville	Did not respond
City of Rockingham	Responded
City of Stirling	Responded
Town of Victoria Park	Did not respond
Town of Vincent	Did not respond

- (iv) *'Local Governments and Copyright - A Practical Guide'*. Australian Copyright Council ©, March 2003.

Verbal advice has also been obtained from time to time from the City's Legal and Governance Officer on various aspects of the matter. For the purpose of this report, only advice in relation to the subject issue of this report is discussed here.

(c) **Current practices of other local governments**

In November 2007, the City canvassed the local governments listed above regarding certain practices employed by those Councils. The full responses of the local governments who completed the questionnaire are contained in **Attachment 10.0.3 (g)**.

In relation to the issue of giving copies of development application plans to the public, the information obtained from the four respondents is summarised as follows:

Questions	City of Belmont	City of Fremantle	City of Rockingham	City of Stirling
Display of development application plans and drawings on web site	No – copies of the plans cannot be distributed due to copyright laws and restrictions.	No	No - only major developments, and only if the plan is required to be advertised for public comment.	Just the address of major developments
Provision of paper copies of development applications and drawings to consulted neighbours	No – (see above explanation). Notwithstanding, in exceptional circumstances, the written consent of the applicant may be sought to release copies.	No	Yes, only if the plan is required to be advertised for public comment.	No
Has your Council obtained legal advice with respect to: (a) copyright (b) security and privacy (c) appropriate Planning practice ?	Yes – the City may copy plans for its in-house approval purposes but not for distribution to affected neighbours or members of the public as the license to copy plans does not extend beyond that which is essential in order for the plan to be assessed. The legal advice received pertains to copyright law.	N/A	No. It is understood that if the development application is to be advertised, then the plans will be used for this purpose only. The City has never had a situation where the applicant has objected to advertising based on copyright, security, etc.	N/A

With respect to the City of Rockingham’s response, it is noted that neither the City’s Town Planning Scheme No. 2 nor its Statement of Planning Policy No. 1.3 contain any specific provisions relating to the City copying plans or providing copies to members of the public. A search of the City of Rockingham web site has shown that only major proposals are placed on the web site, but that these utilize a considerable amount of computer memory which makes the facility very slow and awkward to access, even on the City of South Perth’s powerful network. No doubt this varies from one proposal to another. At the time of accessing the web site, only one development application was displayed, along with other major planning proposals initiated by State Government or the City itself.

(d) Viewing versus copying documents

Some Council Members have expressed a desire to provide copies of development application plans to neighbours in the form of either paper prints of the original plans supplied on request, or by placing electronic copies of the plans on the City’s web site, or both. The Australian Copyright Council advise that copyright issues are likely to arise if a document is either copied or displayed online. However, allowing an affected neighbour to view a set of plans submitted by an applicant, together with

other documents forming part of a development application, held at the City Offices as part of the normal planning approval assessment process, does not require permission from the copyright owner of those documents.

(e) Scope of this report

Within the balance of this report, unless a particular discussion relates to a specified situation, all discussions relate to the following:

- both paper photocopies of plans and electronic display of plans on the City's web site;
- both major developments which could be of interest to a wide sector of the local community and beyond, and small projects which would normally be advertised only to immediate neighbours; and
- applications which are to be determined at a Council meeting and those to be determined by an officer under delegated authority.

(f) Analysis of relevant options

The issue of whether or not to give copies of development application plans to neighbours and other members of the community, can be divided into three main options for Council consideration. These are set out below, together with a brief discussion on the benefits and disadvantages of each. The discussion draws on relevant statements in advice received from the sources referred to above.

Option 1: No change to current practice

At present, neither TPS6 nor Policy P104 make provision for the City to supply copies of development application plans to members of the community, either in paper or electronic form. Those neighbours deemed '*likely to be affected*' by a proposal (as reflected in Policy P104) are invited to view the documents at the City offices during a nominated consultation period.

Benefits: The most obvious benefits of this existing long-standing practice are:

- (i) There is virtually no risk of a claim against either the Council or City officers for copyright infringements or breaches of security arising from neighbours viewing plans held by the City at the City offices.
- (ii) The current arrangement of inviting neighbours to visit the relevant Planning Officer at the City offices to view the plans provides an opportunity for those neighbours to discuss the proposal and any concerns they might have, with the officer who is most familiar with the application.
- (iii) The current practice of not copying plans minimises cost and use of City resources. Consulted neighbours who wish to obtain a copy of the plans may personally approach the developer without involving the City, and plans may then be provided at the discretion of the developer in each case.
- (iv) The current practice appears to be acceptable to the majority of consulted neighbours. In terms of written submissions received by the City, the response rate of those neighbours who are consulted is very low, usually between 10% and 20% of those consulted, indicating that the majority of people consulted are satisfied that proposed development will not impact on their amenity significantly. To this extent, the current practice is satisfactory.

Disadvantages: The City is aware that some members of the community are taking a more active interest in the on-going development of their locality generally, even if they are not personally affected by proposed developments. The continuation of the current practice, while sensible in terms of the most effective Planning process, could result in some degree of disappointment by some people who are more active in their community and wish to be kept informed of everything that is proposed within their district.

Option 2: Provision of copies of plans to the public for permanent retention

This option involves the City copying development application plans and providing those copies to interested members of the community on request (only people who are consulted under the currently operative Policy P104). If this suggested new practice were to be limited to only those kinds of proposal classified as 'major developments' as referred to in Delegation DC 342, such applications would include the following:

- Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the local amenity.
- Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.
- Development of the kinds referred to above, comprising a mixture of non-residential and residential components.
- Development not of the kinds referred to above, but which, in the opinion of the delegated officer, is contentious or likely to be of significant community interest.

However, while major developments tend to be of general interest to a larger number of people, it is often the smaller projects which are of greatest personal concern to immediate neighbours. These could be any kinds of applications, including change of use, additions to buildings, small groups of dwellings, signs, and so on. For the purpose of this report, it is proposed that the process of copying plans for consulted neighbours could include all classes of proposed development, whether they are major developments or smaller proposals.

Benefits: The benefits of this facility are listed below:

- (i) The possible new practice of providing copies of development application plans for neighbours to retain, would provide better customer service and convenience. It would enable any person required to be consulted under Policy P104 to be better informed of the detail of developments for which an application for planning approval has been lodged for any site within the City. This, in turn, has the potential to result in more detailed and useful submissions from the neighbours.
- (ii) The public display of material on the web site is useful to some people who are unable to visit the Council office to view plans during the advertising period, either because of other commitments or because they might be out of Perth at the time.
- (iii) Having a personal copy of plans and other details would enable people to examine the proposal at leisure, and to refer to the documents when formulating their submissions.

Advice from Kott Gunning **Attachment 10.0.3(f)** appears to indicate that while it is technically a breach of copyright to copy development application plans and release them to members of the public, in their opinion it is unlikely that anyone would make a claim against the City for such a breach.

Disadvantages: McLeods have discussed this option in detail in their various advices, provided as **Confidential Attachments 10.0.3 (a) to (e)**. They appear to hold a different opinion to that provided by Kott Gunning with respect to the copyright problem and the risk to Council. Key concerns arising from their and the City's examination of the issue are summarised below:

- (i) Consulted members of the public who obtain a copy of development application plans might be tempted to rely solely on those plans to formulate their opinions and written submissions to the City, without gaining a clear understanding of the proposal by discussing it with City Planning Officers. At present, neighbours who are consulted on a particular project are invited and encouraged to visit the City offices to discuss the proposal with an officer who would point out various aspects of the application including those elements on which comment is sought, thus providing a better and clearer understanding of the proposal. While there might be a short-term convenience for a person to access plans by mail or from the City's web site, this could potentially remove a very important level of information and deny the person a vital layer of knowledge otherwise obtained from face-to-face discussions with a City officer.
- (ii) The copying of plans and providing those copies to members of the public raises the issue of a breach of copyright. McLeods' advice is that the Council should not support this practice or the risk attached to it, because the Council must perform its functions within the law, and copying development application plans would be improper if it results in a breach of copyright. The Council would then be exposed to the possibility of claims against the City for such breaches.
- (iii) In order to avoid the kinds of claims referred to in Disadvantage (ii) above, as an essential prerequisite, a comprehensive legal framework would need to be implemented, which would protect the Council and City officers from copyright and any other legal challenges and actions which might otherwise arise. The purpose of these legal procedures would be to enable the City to obtain the consent of the copyright owner for the City to provide copies of plans to consulted members of the public. In many cases it could be difficult to reliably identify the copyright owner in relation to development plans. The owner of the development site might or might not be the true copyright owner in respect of the development plans they have commissioned, or could mistakenly believe that they are. It is certainly possible that the project architect owns the copyright, rather than the client.
- (iv) If some copyright owners agree to their intellectual property (i.e. development application plans) being distributed to the public and others do not, it would be difficult for the City to achieve a consistent approach to the provision of information in relation to development applications. To date, the City has attempted to implement planning practices which are consistent, uniform and certain, for both developers and other members of the community.

- (v) In the case of copyright owners who do not agree to their plans being copied and distributed, the City would need to devise systems which would alert City officers to the fact that those applications may not be copied, to avoid the accidental copying of an application in response to a request. This would need to be carefully monitored.
- (vi) Granting of consent by the copyright owner cannot be made compulsory, but must be left to each individual. If the copyright owner is a company, there could be delays in obtaining the consent to release copies of the plans, resulting in unreasonable delays in processing the application or providing the copies to consulted members of the community with sufficient time for them to comment during the consultation period. Similar delays might also arise if the consent form is not provided or is left unsigned. To avoid such delays or uncertainty, the required consent (or refusal) of the copyright owner should be provided at the time of lodgement of the application. Without a clear indication by the copyright owner, the City would be left in an uncertain situation and could be held responsible for delays resulting from the uncertainty as to whether consent will be granted.
- (vii) Copying plans would create a resource burden for the City which would need to be factored into the City's budget and staffing allocations. Major developments are likely to involve large, bulky sets of drawings and have complex levels of information which might, or might not, be of interest to all consulted persons who request a copy. If the copying task proves to be onerous, the Council might need to consider employing another administrative support officer for the purpose, and in any event, should charge a fee for the copies.

The City currently requires applicants to submit three sets of drawings for every application. In order to remove the copying task from the City, applicants could be required to submit a larger number of full-sized copies of the plans, for the purpose of providing these to consulted members of the public who request a set to take home. However, without knowing how many people might request a copy, this could be extremely wasteful of paper and would be an unreasonable impost on the applicants.

As an alternative to this proposal, the City could require one A3 reduced-sized version of development plans to be provided with every application, as in the case of applications being referred to a Council meeting. While still involving staff resources in copying the plans, A3 sized drawings are more manageable than the large sheets which are used in the case of most major development applications. Such 'reduced' drawings would often not be to a measurable scale and could prevent the neighbour from measuring areas or distances.

- (viii) If the City undertakes to provide copies of development application plans to consulted members of the community to enable them to become better informed about a proposal, this would involve the City in the responsibility of ensuring that all plans copied and released to the public are accurate and accurately represent the developer's intentions. It is not unusual for plans to be modified during the early stages of the processing of an application, either to correct a minor non-compliance, or because the applicant wishes to further improve some aspect of the proposal. In such cases, the City could be responsible for providing copies of the modified plans to all those who received an earlier version.

- (ix) There could be a risk to the City if plans released to the public are subsequently used to assist anti-social people in perpetrating an offence, such as illegal entry or breach of copyright. In this regard, it would be most advisable for the City to obtain a signed indemnity statement from each person being provided with a copy of the plans, releasing the Council and City officers from any liability.
- (x) Administratively, the process of providing plans to consulted members of the community could be slow, cumbersome and inefficient, particularly if the process involved:
- numerous large sheets;
 - the requirement for the neighbour to sign an indemnity statement releasing the Council from any liability relating to illegal use of the plans;
 - a large number of requests for copies of plans - while it is impossible to estimate how many requests might be involved, the City regularly processes between 500 and 600 development applications each year, with a significant proportion involving neighbour consultation.
- (xi) The potential size of the task would need to be considered. During the year 2006-07, approximately 250 applications involved neighbour consultation to some extent, as required by the provisions of Policy P104. It is not known how many households were consulted during this process, but if **one person** were to request a copy of each proposal, this could amount to approximately one copying task for each working day of the year. An average application could consist of anywhere between 5 and 12 sheets. Major developments would comprise many large sheets.
- (xii) Issues specific to display on the web site:
In addition to the problems outlined above, the following issues would arise with the display of development plans on the City's web site:
- (A) The City does not have the capacity to scan large sheets. Applicants would need to provide an electronic version of the application plans for the City to display on the web site. The City would have no control over the (memory) size of documents provided for this purpose, but could attempt to reduce them to a manageable size, provided that this did not greatly affect the resolution and legibility of the documents.
- (B) The display of development application drawings on the City's web site could be self-defeating in that some applications involve a large number of large-sized drawings which would not be easily downloaded on a personal home computer. This could result in dissatisfaction by people who are trying to access the information, and lead to complaints regarding the City's practices.
- (C) Such a display would create a major responsibility for the City to maintain as regularly as would be necessary, in order to be useful to neighbours who might need to comment to the City within a short, finite period. This means that different neighbours could base their submissions on different versions of the plans. The usual consultation period for development applications is 14 days, and for some applications 21 days.

- (D) Some plans would need to be regularly updated and officers other than planning officers could be involved. The resource implications of this would need to be examined. The Manager, Information Services has advised that there are several elements of the City's web site that he intends to review during the next few months, as time permits. The display of development plans on the web site might involve the need for the creation of a dedicated site for the purpose. This would need to be properly assessed.
- (E) Publishing plans on the web site is a far wider form of consultation than ever contemplated in TPS6 or employed by most other Councils. Once the plans are displayed on the web site, the process is out of the City's hands and there is no record of who has accessed them. A disclaimer statement, such as that recommended for people who are provided with a paper copy, would not be possible.
- (F) The legal problems associated with the 'misuse' of plans has been discussed elsewhere in this report.
- (G) Emailing copies of the plans to customers who request them is not recommended, owing to similar legal problems as apply to the display of plans on the web site. Apart from these and any other considerations, the acceptable size of attachments to an email would strictly limit material that could be sent by this means.

With respect to the City's own projects, plans could be displayed on the web site for public information, provided that the copyright owner agrees to this.

Option 3: Provision of 'outline' plans - paper or electronic copies

This option would require the applicant to provide a specially-prepared version of the drawings specifically for release to the public. McLeods have raised this option in various of their advices. These 'outline' plans would necessarily contain less information than must be shown on the 'normal' plans submitted for assessment by the City. 'Outline' plans would show the external walls of the building/s; the location and extent of windows, balconies and doors in those walls; elevations; and any perspectives; but **would not show** the internal layout.

Benefits: The benefits of providing copies of an 'outline' plan would include the following:

- (i) An 'outline' plan would provide information to any interested person in relation to the location of buildings on the development site and some other aspects of the proposed development which could impact on amenity. The Council could require such information as building height, bulk, setbacks, materials and finishes, vehicular access; location and number of car parking bays; and location of outdoor living areas to be shown on such a drawing.
- (ii) Omitting 'sensitive' information, such as the location of particular rooms, would protect the privacy of future occupants of the proposed development. This could also assist in protecting the security of the building from illegal entry in the future.

- (iii) Because the 'outline' plan would be prepared specifically for release to the public, its release should not incur any risk to the City, or involve any conflict with copyright rules.

Disadvantages: Some of the disadvantages relating to this option are summarised below:

- (i) Providing incomplete information to neighbours who are invited to comment on the proposal due to possible amenity impacts, could be seen by those neighbours as being unhelpful. In order to assess the extent or impact of overlooking from windows in the proposed development, the neighbours need to have an understanding of the floor plan of the building. In order to obtain this information, the neighbours would still have to visit the City offices to view the original application plans.
- (ii) The requirement to prepare an 'outline' plan for the City to give to interested members of the public, could be an onerous imposition, having regard to the documentation applicants are already required to provide. In addition to detailed written descriptions of the proposal and the Applicant's Planning Assessment Check Sheet, and an Impact Assessment Report or a Traffic and Parking Study in the case of certain major developments, applications must already include many or all of the following drawings:
 - 3 copies of survey plan showing existing improvements and ground levels;
 - 3 copies of site plan of proposed development;
 - 3 copies of floor plans for every floor;
 - 3 copies of elevations for each main face of the building/s;
 - 3 copies of sections;
 - 3 copies of perspectives;
 - 1 set of shadow diagrams;
 - 1 set of cone of vision diagrams;
 - 1 set of Plot Ratio Plans and calculations;
 - 1 set of Open Space or Landscaping Plans and calculations;
 - 1 set of A3 sized plans, where an application is to be referred to a Council meeting for determination.

The outline plan would be added to this list of required material.

- (iii) The City might also need to require updated 'outline' plans if elements of the site planning of a proposal are changed, and then to provide those modified outline plans to any person who received an earlier version.
 - (iv) Copying outline plans could still have resource implications to the City, as described in Option 2.
- (g) **Amendment to TPS6 to provide for public distribution of copies of plans**
As previously stated, clause 7.3 (1) of TPS6 provides for advertising of development applications where:
- (i) the development involves a Discretionary Use with Consultation (i.e. a 'DC' use);
 - (ii) the Council has determined through planning policy or resolution that advertising of a development is required prior to determination; or
 - (iii) advertising is required by any provision of TPS6.

Clause 7.3 (2) makes provision for advertising of certain applications by means of either Notices being served on those owners and occupiers likely to be affected by the proposal, or by means of signs being placed on the development site. There is no reference to other forms of advertising, such as providing copies of the development application plans to any interested members of the community who are consulted by the City. The Schedule 7 Notice of Public Advertisement within TPS6 invites consulted persons to inspect details of the proposal at the Civic Centre offices during office hours. The Scheme does not imply that 'personal' copies of the plans will be given to neighbours or others.

Legal advice has been obtained as to whether or not the provisions of clause 7.3 would need to be broadened to accommodate this in the event that the Council decides to proceed with the concept of 'giving out' copies of plans. The advice is that in clause 7.3, the absence of reference to the practice does not prevent the Council from implementing the practice without the prior amendment of TPS6. Council could legitimately adopt the practice on the basis of a resolution passed at a Council meeting. However, as part of the review of Policy P104, the new procedure would need to be detailed in that document.

(h) Amendment to Policy P104 to provide for public release of plans

As previously stated, clause 7.3 (1) of TPS6 provides for advertising of development applications in certain cases. Policy P104 reflects and expands on these provisions. If TPS6 is to be amended, Policy P104 would similarly need amendment for reasons of consistency and clarity of process. This would be included in the current major review of the Policy. However, the Policy would not need immediate modification in order to provide for the new practice.

(i) Possible new process

In order to satisfy all of the concerns outlined in this report, the following parameters will need to be included within any new process which is to be implemented with the aim of providing greater customer service:

- (i) The City would need to implement a process to ensure that only 'copyright owner- approved' material is provided to a member of the public.
- (ii) The City would need to be protected against the misuse of information provided to a member of the public.
- (iii) A person wishing to obtain a copy of available material should visit the City offices to obtain the copy in person, and to sign an indemnity statement.
- (iv) No plans would be displayed on the City's web site or forwarded electronically.
- (v) The City would recover costs incurred in introducing this new procedure.

Consultation

As discussed in this report.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme and Policy P104 have been provided elsewhere in this report.

Financial Implications

If the facility of making copies of development application plans available to members of the public is implemented, the issue would have some financial impact, to the extent of:

- (a) the cost to the City of copying development application plans for members of the public;
- (b) the cost of constantly updating the display of proposals on the City's web site;
- (c) payment of a required new Planning Fee by the applicant; and
- (d) possible legal advice in the framing of relevant clauses and disclaimer statements.

In terms of cost recovery for the service of providing plans, it is suggested that a single 'flat-rate' charge of **\$10.00 apply to each copy request**. This charge would cover:

- administration costs - the time component of a Planning Officer in locating the particular application, sorting through the file to identify the appropriate sheets for copying, and the City's Cashier in processing the financial arrangements. It is noted that the City's Schedule of Fees and Charges currently contains a charge of \$38.50 per hour for supervised access to City building licence records and although the proposed charge has different components, it is considered that the proposed service is comparable; and
- photocopying costs - it is noted that the City's Schedule of Fees and Charges contains a charge of 20c per page for small photocopying tasks. This would be absorbed into the proposed overall charge and would not be additional to the suggested \$10.00 charge.

If supported by the Council, the new fee will need to be considered as part of the forthcoming review of the City's 2008-09 Budget. To avoid the confusion of changing the fee structure after implementation of the new service, the service of providing copies of plans to neighbours should be synchronised to coincide with the introduction of the new fee and would not be implemented until the new fee comes into effect from 1 July 2008.

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.

The proposal also relates to Goal 3 "Environmental Management", which is:

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

Conclusion

This report has described both the benefits and the disadvantages of the City copying development application plans and providing those copies to consulted neighbours when requested. When asked to consider the suggestion and provide comments to the City, McLeods commented as follows:

"I have some difficulty in understanding why a local government would seriously contemplate burdening itself and its development applicants with the responsibilities associated with a standard practice of releasing copy plans to the public. Such a practice would involve ... burdens for a local government which are not required or contemplated by the Local Government Act 1995..."

For my part, I have difficulty in seeing what more can reasonably be achieved by a local government in releasing plans to the public than would be achieved by allowing members of the public with an appropriate interest in the amenity-impact of a development to view the plans at the City's offices, and to take note of any details of special interest without copying them."

On balance, having regard to all of the issues raised in the report and the advice received from various sources, it is recommended that no further action be taken with respect to the suggestion of the City copying development application plans and providing those copies to consulted neighbours when requested. However, an alternative recommendation has also been provided and, if the Council wishes to pursue this proposal, the alternative recommendation should be adopted. The alternative recommendation is aimed at making the new practice work as effectively as possible, with minimal impact on the City's staff resources and no liability to Council or City Officers.

Sustainability Implications

The proposal to provide copies of development application plans to consulted members of the public on request, either by means of paper copies or by publishing the plans on the City's web site, has sustainable implications in relation to the following:

- Possible increased consumption of paper.
- Use of City resources - eg. staff time, equipment.
- Better spread of information, but possibly with the effect that consulted neighbours who do not obtain advice from City officers about the proposed development are not well enough informed to make useful comments on proposals.

RECOMMENDATIONS (1) AND (2).....ITEM 10.0.3
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1. OFFICER RECOMMENDATION

That having regard to the issues raised throughout this report, including the City's legal responsibilities, use of City resources, risk and financial implications, no further action be taken with respect to the suggested new practice of the City copying development application plans and providing those copies to consulted members of the community when requested.

OR

2. ALTERNATIVE RECOMMENDATION

That ...

(a) a new procedure be prepared which will enable the City to copy and dispense certain information relating to an as yet undetermined application for planning approval, to a member of the community who is consulted by the City pursuant to Policy P104 'Neighbour and Community Consultation in Town Planning Processes', on request. The new process is to include the following elements:

- (i) Plans made available if consultation required under Policy P104:
The practice of the City copying and dispensing descriptive drawings and other material relating to a current application for planning approval, will apply to all current applications for planning approval where neighbour or community consultation is required under Policy P104. The service is intended to assist affected neighbours and members of the community who have been invited to comment on the proposal pursuant to Policy P104, to better assess any amenity impacts of the proposal when deciding whether or not to provide written comments to the City.

- (ii) Copyright owner's rights and responsibilities:
 - (A) The City's copying and dispensing of descriptive drawings and other material relating to a current application for planning approval, will require the prior written consent of the copyright owner. For this purpose, a copyright consent form will be appended to the City's Schedule 6 Form of Application for Planning Approval. The form will require the copyright owner to signify either consent or refusal to the copying and dispensing of his/her documents to a member of the community. Neighbour consultation will not commence until the copyright consent form has been completed.
 - (B) The documents to which the copyright owner's consent applies is to be clearly identified on the respective documents.
 - (C) If the copyright owner does not provide written consent, copies of application documents will not be provided to a consulted member of the community to take away.
 - (D) The granting of consent by the copyright owner will be optional in every case.
 - (E) The application for planning approval will need to include a set of drawings on A3 sized sheets specifically for the purpose of being copied and provided to consulted neighbours.

- (iii) Consulted neighbour's rights and responsibilities:
 - (A) Irrespective of whether or not consulted neighbours are provided with copies of application documents to take away, all relevant documents may be viewed at the City offices by consulted neighbours.
 - (B) Any consulted person requesting a copy of available descriptive material relating to a current application for planning approval, will need to sign a liability statement, guaranteeing not to use the information for any purpose other than assistance in better assessing any amenity impacts of the proposal when deciding whether or not to provide written comments to the Council, and indemnifying the City against any future misuse of the information being provided.
 - (C) A person wishing to obtain a copy of the available documents must personally visit the Council office in order to obtain the copy and to sign the indemnity form. Only one set of paper copies will be provided per person. No electronic copies will be provided.
 - (D) As in the case of viewing documents at the Council offices, a person who wishes to request a copy of information to take away should make an appointment with the relevant Planning Officer prior to visiting the City offices.

- (iv) Register of Persons obtaining copy of application documents: The City is to maintain a register recording the name and contact details of each person who is provided with a copy of development application drawings.

- (v) Web site display: No development plans lodged by an applicant will be placed on the City’s web site.
 - (vi) Planning Fee: Consistent with the principles of cost recovery and administrative simplicity, a charge of \$10 will be levied for the provision of relevant information to any member of the community who obtains a copy of development application plans. This will include the cost of photocopying and be a uniform charge, irrespective of the number of sheets copied and provided.
- (b) within the Council’s 2008/2009 Budget, a new item shall be added to the ‘Other Administration Fees’ section of the City of South Perth – Fees & Charges Schedule 2008-09, as follows:

Fee Description	Conditions	Fee Basis	GST	Fees \$
Request for copy of descriptive drawings and other material relating to current applications for planning approval	Per request	Full	Inc	\$ 10.00

- (c) a new City Policy relating to the practice of providing copies of development application plans to neighbours, be prepared, based closely on the discussion and criteria contained in this report;
- (d) all procedural documents relating to the new copying and dispensing procedure are to be prepared ready for implementation on 1 July 2008;
- (e) when undertaking neighbour consultation under Policy P104, the standard letter sent to neighbours is to be modified to inform those neighbours of the opportunity to obtain a copy of certain application documents upon request to the City, as provided in the related City Policy;
- (f) notice of the City’s intended new practice is to be published in the ‘City Update’ column of the *Southern Gazette* newspaper twice prior to 1 July 2008, and twice shortly after implementation of the service; and
- (g) the practice of the City copying and dispensing descriptive drawings and other material relating to a current application for planning approval, be reviewed within twelve months to determine the impact on City resources.

OFFICER RECOMMENDATION

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

COUNCIL DECISION ITEM 10.0.3

Moved Cr Cala, Sec Cr Ozsdolay

That consideration of this matter be deferred, for no more than 3 months, to allow for further legal advice to be provided to a Council Member Briefing.

CARRIED (10/0)

Reason for Change

In relation to a number of issues raised Members requested further legal advice be provided prior to a determination being made.

10.0.4 Proposed Amendment No. 11 to Town Planning Scheme No. 6 - Variation from Prescribed Car Bay Dimensions (*Item 10.3.13 of December 2007 Council Meeting*)

Location: City of South Perth
Applicant: Council
File Ref: LP/209/11
Date: 4 March 2008
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Steve Cope, Director Development and Community Services

Summary

The purpose of the proposed Amendment No. 11 to Town Planning Scheme No. 6 (TPS6) is to introduce minor variations from the prescribed car bay width. The Amendment will bring TPS6 into conformity with the Residential Design Codes (R-Codes) and Australian Standard 2890.1 2004 (AS 2890).

This report has been prepared in response to a Council resolution adopted at the December 2007 meeting. The report outlines the background to the proposed Amendment and recommends that the procedure for implementing the Scheme Amendment be commenced.

Background

As referred to above, the proposed Amendment No. 11 relates to minor variations from the minimum car bay width prescribed in TPS6. These variations correspond with the car bay 'envelope' depicted in Fig. 5.2 of Australian Standard 2890.1 2004. This matter was the subject of a report from the Strategic Urban Planning Adviser to the December 2007 Council meeting. At that meeting, Council resolved to support the retention of this car bay envelope in the draft Policy 3 "Car Parking Access, Siting and Design" contained in the draft Residential Design Policy Manual. Council further resolved as follows:

-
- "(b) Council in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 in relation to the required minimum width of a car bay with side obstructions, to allow variations from the standard rectangular shape, based upon Figure 5.2 in Australian Standard AS2890.1.2004, while not allowing the width to be reduced below the currently prescribed 2.5 metres minimum other than for the forward-most 1.2 metres length of the bay, and while also maintaining the currently prescribed 5.5 metres minimum length;
 - (c) a Report on the Amendment containing the draft Amendment No. 11 to the City of South Perth Town Planning Scheme No. 6, be presented to the March 2008 Council meeting for consideration."

This report and the attachment hereto give effect to the above resolution. **Attachment 10.0.4** is the proposed Amendment No. 11 report to the Western Australian Planning Commission (WAPC) and formal resolutions which will be displayed during the statutory advertising period following Council's initiation of the amendment procedure.

In accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, the proposal is referred to Council for a decision to initiate the Scheme Amendment process and to adopt the draft Scheme Amendment contained in **Attachment 10.0.4**.

Comment

(a) Description of the Proposal

The proposal is described fully in **Attachment 10.0.4**.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal meets the following Scheme Objectives:

- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

Consultation

At this stage, no consultation has been undertaken. Community consultation is required and will be implemented following Council's endorsement of the draft Scheme Amendment and clearance by the EPA. An opportunity will then be provided to the community to comment on the proposal. This will involve a 42-day advertising period. During that consultation period, notices will be placed in the *Southern Gazette* newspaper and in the City's Libraries and Civic Centre.

Policy and Legislative Implications

The proposal will directly affect the No. 6 Town Planning Scheme, being a statutory amendment to that Scheme.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 11 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council adoption of decision to initiate Amendment No. 11 to TPS6	18 December 2007
Council adoption of draft Scheme Amendment No. 11 proposals for advertising purposes	25 March 2008
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	28 March 2008
Public advertising period of not less than 42 days	6 May 2008 to 20 June 2008
Council consideration of Report on Submissions in relation to Amendment No. 11 proposals	July 2008 Council meeting
Referral to the WAPC and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 11; • Three signed and sealed copies of Amendment No. 11 documents for final approval 	Early August 2008
Minister's final determination of Amendment No. 11 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Financial Implications

This issue has limited financial impact to the extent of the cost of advertising in the *Southern Gazette* newspaper and the *Government Gazette* upon finalisation.

Strategic Implications

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

Sustainability Implications

The proposed Scheme Amendment will have minimal impact in terms of sustainability however, it will promote slightly more efficient use of space for car parking on development sites, while not adversely affecting the functional operation of parking bays. To that extent, the Scheme Amendment will have beneficial sustainability implications.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4
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That

- (a) The Council of the City of South Perth, in pursuance of section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 for the purpose of permitting minor variations from the prescribed minimum car bay width.
- (b) The Report on the Amendment containing the draft Amendment No. 11 to the City of South Perth Town Planning Scheme No.6, **Attachment 10.0.4**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information.
- (c) Upon receiving clearance from the Environmental Protection Authority, Council proceed directly to advertising of the Scheme Amendment. in the following manner:
 - (i) Method:
 - Mail;
 - Newspaper (two issues);
 - Notices and documents in Civic Centre, Libraries, web site.
 - (ii) Extent:
 - Environmental Protection Authority;
 - (iii) Time period:
 - Not less than 42 days;
- (d) the following footnote shall be included by way of explanation of the proposed Scheme Amendment on any notice circulated concerning this Amendment No. 11:

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

CARRIED EN BLOC RESOLUTION

10.0.5 Proposed Policy P371 ‘Design Advisory Consultants’ (<i>Item 9.5.4 of 24 May 2005 Council Meeting</i>)

Location:	City of South Perth
Applicant:	Council
Lodgement Date:	N/A
File Ref:	LP/801
Date:	12 March 2008
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

A new Policy P371 'Design Advisory Consultants' is presented for the Council's consideration and adoption. It is recommended that the Policy be adopted and implemented forthwith.

Background

In May 2005, as part of its consideration of Policy P502 relating to Community Advisory Groups, the Council resolved as follows:

- “(a) ...
- (b) *the reappointment of the DAC group be deferred until such time as a policy is developed and in the meantime the current membership of the DAC group stands;*
- (c) ...”

The Policy that was called for at that time is now presented for consideration.

Attachment 10.0.5 to this report contains the draft Policy P371 'Design Advisory Consultants'.

Comments

The City has operated a Design Advisory Consultants group since the early 1960s. It is believed to be the first such group in Western Australian local governments. A policy formerly existed for the selection of members and for the operation of the group; however, that policy was rescinded some years ago and has not so far been replaced. The proposed Policy P371 will provide the rationale for such a group, outline the functions of the group, and contain procedural and administrative guidelines for the operation of the group.

When Policy P371 has been adopted, it will become operational immediately. This will enable the review of the current membership of the group to be implemented. The members currently appointed have been performing this important role for over 20 years, and have given excellent support to the City's development assessment procedure. The Policy contains procedural steps to be followed in the process of reviewing membership and appointing or reappointing architects to the group.

Consultation

The Legal and Governance Officer has been consulted in the preparation of this Policy. Similar Policies from other local governments have also been referred to.

The proposed Policy is not a 'Planning Policy' under the terms of clause 9.6 of Town Planning Scheme No. 6 and therefore, does not require community consultation. It is merely an administrative and procedural policy which does not need any external referral.

Policy and Legislative Implications

When adopted by the Council, Policy P371 will form part of the City's policy and legislative framework.

Financial Implications

The issue has some impact on this particular area, to the extent of fees payable to members of the group. This has been the situation for many years, and it is expected that the financial implications will be no greater than previously. The nominal fee payable to members of the group was reviewed recently by the Council.

Strategic Implications

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

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

The proposed Policy P371 also relates to Goal 5 “Organisational Effectiveness”, which is expressed as follows:

To be a professional, effective and efficient organisation.

Sustainability Implications

The long existence of the Design Advisory Consultants group within the City has proved the effectiveness of the group. The City obtains valuable support and guidance on the sustainability of proposed developments which contribute to the ‘built environment’, through the expertise of the member architects who advise the Council and City Officers. The Design Advisory Consultants provide advice in relation to all manner of design, sustainability and heritage issues, as well as providing useful comments on City Policies from time to time.

Conclusion

The Council has requested a policy to provide ongoing guidance and consistency in the practices relating to the Design Advisory Constants group. The attached Policy provides this guidance. It is considered that the attached document is in a form suitable for immediate adoption and implementation.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5
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That ...

- (a) Policy P371 ‘Design Advisory Consultants’ be adopted;
- (b) the current membership of the Design Advisory Consultants group be reviewed and as part of the review process, expressions of interest be sought for six positions pursuant to Policy P371; and
- (c) the present members of the Design Advisory Consultants group be invited to renominate for membership, for consideration along with any other interested architects.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS
Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

DECLARATION OF INTEREST : CRS DOHERTY, OZSDOLAY & TRENT ITEM 10.2.1

(Note: same Declaration for all three Councillors)

“As I am a Board Member of Southcare who is in a Community Partnership Agreement with the City the subject of a report at Item 10.2.1 on the Agenda for the March 2008 Ordinary Council Meeting, I wish to declare an ‘Impartiality Interest’ in accordance with Regulation 11 of the Local Government Act (Rules of Conduct Regulations 2007).”

Note: Crs Ozsdolay and Trent remained in the Council Chamber. Cr Doherty had extended her apologies and was not in attendance at the meeting.

10.2.1 Southcare Community Partnership

Location:	City of South Perth
Applicant:	Council
File Ref:	GS/103
Date:	9 March 2008
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

This report recommends that the existing Community Partnership between the City and Southcare Incorporated be amended to include support from the City for the Moorditj Keila Aboriginal Family Support program.

Background

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

The goals of the Community Partnerships program are to:

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

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

In 2004 a Community Partnership was established between the City and Southcare Incorporated. The most significant aspect of the agreement is the level of funding that the City provides to Southcare to assist it to deliver programs to groups disadvantaged in the community. In the 2007/08 financial year the City is providing \$65,000 to Southcare under the Community Partnerships program.

Since 2006 the City has been working with the Aboriginal Family support group Moorditj Keila. This group is not incorporated and operates with assistance from Southcare Incorporated. Moorditj Keila has initiated a range of activities such as a breakfast club, sporting activities for children, a women's support group and a men's support group. These along with other initiatives are proving to be of great benefit to Aboriginal families in the City.

In December 2007 Council endorsed an officer recommendation that the City enter into a Community Partnership with Moorditj Keila. The main aspects of that agreement were \$5,500 in direct funding and the use at 'no charge' of Manning Hall as a base for the group to conduct its programs. As the group is not incorporated it is necessary that an auspice body 'sponsor' the agreement and take on the associated legal and governance responsibilities. An alternate arrangement that was considered and dismissed at the time was for Southcare to take on the activities of Moorditj Keila as part of Southcare's ongoing range of programs thereby negating the need for an auspice arrangement.

The rationale behind the decision to pursue the auspice arrangement was the desire by Moorditj Keila and Southcare for the two organisations to work independently to each other in order to assist Moorditj Keila to develop into an independent community group in its own right.

Since the December 2007 Council decision to develop a Community Partnership Agreement with Moorditj Keila officers have been working with representatives from both groups to finalise the agreement, however on 22 February 2008 Southcare advised City officers that Moorditj Keila's lack of entity status has created a number of issues that have proved difficult to overcome. Consequently, Southcare wishes to amend its current partnership agreement. The amendment would enable City funds intended for Moorditj Keila to be directly received by Southcare. This would remove the necessity for two separate Community Partnership Agreements and allow Moorditj Keila to continue to operate as a program of Southcare. Moorditj Keila has been involved in discussion on this matter and is supportive of the course of action proposed by Southcare.

Comment

Although both Southcare and Moorditj Kiela had initially desired to work independently from each other, albeit under an auspice arrangement, there are a number of advantages in the course of action proposed. These include clarification of legal and governance responsibilities and allowing the Moorditj Keila program to operate under the Southcare structure thereby reducing associated administrative and compliance requirements. It is most likely that the Moorditj Kiela program will operate more effectively under the proposed arrangement and will provide better support to the community without the added responsibilities associated with being an independent incorporated group. The rationalising of resources through this type of arrangement is being seen as a more efficient way for 'not for profit' groups to operate in the community. Recent local examples where this has occurred include the integration of the Rainbow Project as part of Uniting Care West and the integration of the VIP Plus program as part of Communicare.

A draft amended Community Partnership Agreement that incorporates support for the Moorditj Keila program has been developed as per **Attachment 10.2.1**.

Consultation

City officers have consulted extensively with representatives from Moorditj Keila and Southcare on this matter.

Policy and Legislative Implications

Communication and Consultation Policy P202 *Funding Assistance*

Financial Implications

There are no financial implications in addition to those already endorsed by Council regarding support for Southcare and Moorditj Keila.

Strategic Implications

This report relates to Goal 2 of the City's Strategic Plan 2004 - 2008: ***To foster a strong sense of community and a prosperous business environment***

and in particular:

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

Sustainability Implications

Utilising the resources of Southcare to provide support for the Moorditj Keila program rather than developing a new governance and administrative structure is a positive way of addressing organisational sustainability in the community.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
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That Council endorse an *amended* Community Partnership agreement that incorporates support for the Moorditj Keila Aboriginal Family support program, as outlined in **Attachment 10.2.1**

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed Three Aged or Dependent Persons’ Dwellings. Lot 4 (No. 25) Wooltana Street, Como.
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Location:	Lot 4 (No. 25) Wooltana Street, South Perth
Applicant:	Department for Housing and Works
Lodgement Date:	13 February 2008
File Ref:	WO1/25
Date:	3 March 2008
Author:	Owen Hightower, Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

An application for planning approval has been received for three aged persons’ dwellings upon Lot 4 (No. 25) Wooltana Street, South Perth. The application is made pursuant of the *Planning and Development Act 2005* as the proposal is defined as ‘Public Works’ under the *Public Works Act 1902*. Therefore, the proposal does not require planning approval from the City. The decision will be determined by the Western Australian Planning Commission. The applicants however are required to consult with the City under the *Planning and Development Act 2005*.

The applicants wish to attain a density bonus provided for under the Residential Design Codes of Western Australia (the ‘R-Codes’) by providing aged persons’ dwellings. To achieve the density bonus, developments are required to provide a minimum of five (5) dwellings.

As the proposal only incorporates three, the discretion of Council in approving the development would normally be required. Therefore, the proposal has been put to Council for endorsement based on a shortage of aged person’s dwellings in the City.

Background

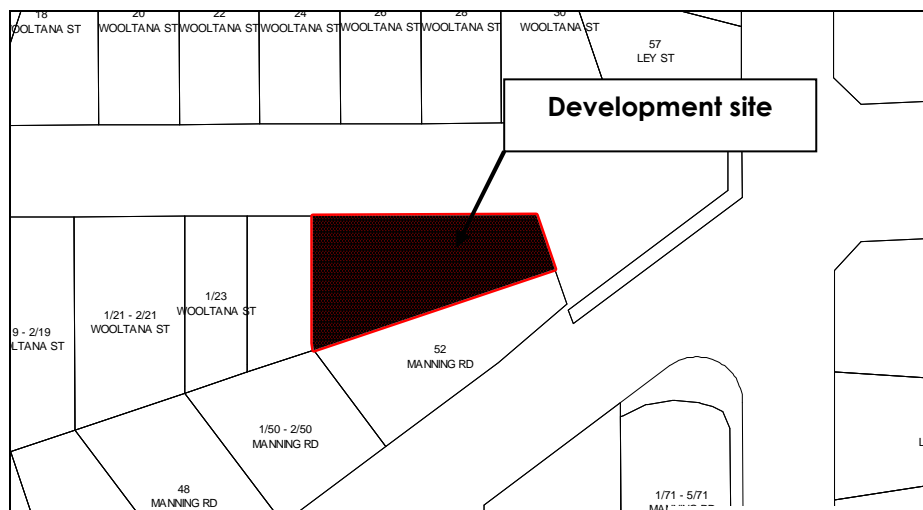
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1,078 sq. metres
Building height limit	7.0 metres
Development potential	Two Dwellings - Three Aged Persons Dwellings
Maximum plot ratio	Not application

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Plans of the proposal.
Attachment 10.3.1(b) Supporting letter from the Department for Housing and Works dated 11 February 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:

The exercise of a discretionary power

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

Comment

(a) Description of the proposal

The proposal incorporates three single storey aged persons' dwellings refer **Confidential Attachment 10.3.1(a)**. The development complies with all development requirements with respect the R-Codes and the requirements to obtain the density bonus for aged care persons except for the provision of 5 Aged Care Dwellings. The performance criteria of the R-Codes and the City's Draft Aged Persons' Dwellings' Planning Policy will be considered in relation to this variation.

(b) Performance criteria

The performance criteria for aged or dependent persons' dwellings are addressed below:

The dwellings being fitted to comply with the Australian Standards for dependent persons' dwellings

A condition recommending the dwellings be fitted to comply that the developments be fitted out in accordance with Australian Standard AS.4299 (Adaptable Housing).

The location of the site in relation to public transport and convenience shopping

The applicant's supporting letter addresses the above criteria at **Attachment 10.3.1(b)**.

The topography of the locality in which the site is located

Based on the levels provided on the site plans, it is clear the land is relatively flat, appropriate for aged persons.

The demand for aged or dependent persons' accommodation

The applicant's supporting letter addresses the above criteria at **Attachment 10.3.1(b)**.

(c) Policy 11 of the City of South Perth Draft Residential Design Policy Manual "Aged or Dependent Persons' Dwellings"

The draft policy outlines that a minimum of three aged persons' dwellings should be incorporated in any aged persons' development and therefore the proposal is acceptable under the policy.

The proposal also meets with all other requirements under the draft policy.

(d) Clause 7.8: Discretionary power to approve variation from TPS6 provisions

Under Clause 7.8 of TPS6, the Council may approve a development which does not comply with prescribed setbacks, subject to such conditions as the Council thinks fit. This provision may only be exercised if the Council is satisfied that:

- (i) such approval would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (ii) the non-compliance will not have any adverse effect on the site in question, the precinct, or the likely future development of the precinct; and
- (iii) the proposed development meets relevant Scheme objectives.

(e) Clause 1.6 of TPS6: Scheme Objectives

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) *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;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (o) *the cultural significance of any place or area affected by the development;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (u) *whether adequate provision has been made for access by disabled persons.*

Consultation

Neighbour consultation was not undertaken in this instance as it was not required under Policy P104 “Neighbour and Community Consultation in Town Planning Processes”.

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

There are no financial implications in regards to this proposal.

Strategic Implications

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

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

Sustainability Implications

This application is seen to have a positive impact on sustainability in terms of catering to the social demand for aged or dependent persons’ dwellings. Its proposed location close to essential services and infrastructure is seen as an asset.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives. It is therefore recommended the City support the application and recommend the Western Australian Planning Commission approve the application.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the *Planning and Development Act 2005*, that the City of South Perth recommend to the Western Australian Planning Commission that the application for Three Aged Persons' Dwellings on Lot 4 (No. 25) Street **is supported**, subject to the following:

(a) Standard Conditions

300 (ADP dwellings), 301 (Notification on the Title), 377 (clothes drying), 390 (proposed crossovers), 416 (street trees), 427 (proposed colours and materials), 455 (proposed fences), 456 (existing fences), 470 (retaining walls), 625 (visual truncation).

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

(b) Standard Advice Notes

646 (landscaping), 646a (brick fences), 648 (building licence).

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

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Two Storey Single House. Lot 28 (No. 26) Canavan Crescent, Manning.

Location: Lot 28 (No. 26) Canavan Crescent, Manning
 Applicant: Brendan and Danielle Hurrell
 Lodgement Date: 14 January 2008
 File Ref: 11.2008.15CA5/L28
 Date: 3 March 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

The subject application for planning approval relates to a proposed Two Storey Single House on Lot 28 (No. 26) Canavan Crescent, Manning. Council's determination is sought in relation to streetscape compatibility with the existing development within the focus area on both streets in terms of roof form and compliance with the provisions of Council Policy P370_T "General Design Guidelines for Residential Development". The proposed complies with all other requirements of the No. 6 Town Planning Scheme (TPS6) and Residential Design Codes (R-Codes). Since the proposed development does not comply with Council Policy P370_T "General Design Guidelines for Residential Development" requirements, the officer report recommends that this aspect of the proposal be not supported.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	589 sq. metres
Building height limit	7.0 metres
Development potential	One (1) Single House
Maximum plot ratio	Not applicable

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

The site is adjoined by residential zoned land and has street frontage to Canavan Crescent. 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:

The exercise of a discretionary power

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

Comment

(a) Description of the proposal

The proposed development is a Two Storey Single House. It is broadly characterised as a early 21st century modern house with:

- Skillion roof;
- Walls made of rectilinear geometric shapes; and
- Roof materials - Colorbond.

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 variation to Council Policy P370_T “General Design Guidelines for Residential Development” (P370_T). In respect of this variation, it is recommended that the applicant’s drawings be amended to achieve compliance with normal requirements.

(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 Storey Single Houses
- Roof form - multiple pitch with gables or hips
- Roof materials - tiled.

The proposal is not in keeping with the dominant characteristics of the focus area in terms of its double skillion roof design. The form and shape of the proposed single house differs from existing houses within the focus area, as it displays triangular and skillion elements within its design.

Existing dwellings have quite different characteristics due to the incorporation of pitched roofs within their design.

As a result of the wall height, roof design, square and triangular elements of the proposed house, the building is significantly different 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. It is recommended that the skillion roof be modified to pitch roof for the house.

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

The proposed dwelling has few features or characteristics in keeping 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.

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

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

- (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 (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 favourably received by the consultants. Their more specific comments are summarised below:

"The architects observed that the proposed skillion roofs formed a simple composition that works well for the dwelling. The architects also saw it as a welcoming change from the existing traditional roof pitches on the surrounding houses."

(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 boundary wall. The owner of the property at 24 Canavan Crescent was invited to inspect the application and to submit comments during a 14-day period. 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 proposed development has been designed keeping in mind the sustainability design principles. The proposal maximises solar access to habitable rooms and private outdoor spaces. By virtue of north-south orientation of the lot, the development also allows solar access to the adjoining properties.

Conclusion

The proposal will have potentially adverse visual amenity impact on adjoining residential neighbours, and does not meet all of the relevant Scheme objectives. It is recommended that the skillion roof be modified to a pitched roof.

OFFICER RECOMMENDATION ITEM 10.3.2

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Two Storey Single House on Lot 28 (No. 26) Canavan Crescent, Manning **be approved**, subject to:

(a) **Standard Conditions**

340 (boundary wall), 377 (clothes drying), 390 (crossover), 416 (street trees), 427 (design), 455 (fencing), 456 (fencing), 457 (fencing), 470 (filling and retaining), 471 (filling and retaining), 625 (visual truncations), 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:**

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

- Having regard to the City's Policy 370_T "General Design Guidelines for Residential Development", the proposed skillion roof be modified to incorporate pitched roof demonstrating compatibility to the existing streetscape.

(c) **Standard Important Footnotes**

646 (landscape), 647 (revised plans), 648 (not an authorisation to commence construction), 650 (aggrieved by decision - State Appeals Tribunal review).

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

MOTION

Cr Grayden moved the officer recommendation. Sec Cr Trent

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Grayden opening for the Motion

- City has a policy P370_T to preserve streetscape character
- officers have assessed the application having regard to that policy
- heard Deputation not to adopt officer recommendation
- argument that 50's style houses in the area will be knocked down / developed
- cost to applicant to modify design / already gone to an architect to get a design that does not comply
- problem is that the new house somehow becomes the 'benchmark' for the next house
- to disregard policy to accommodate Deputation we will end up with no continuity of streetscape design
- a number of Councillors stood for election on maintaining character/streetscape of the City
- to disregard policy puts officers in a difficult situation - no reason not to comply with policy
- support officer recommendation

Cr Trent

Nothing further to add, seconded Motion for purpose of Debate.

AMENDMENT

Moved Cr Cala, Sec Cr Ozsdolay

That the officer recommendation be amended by the deletion of the following Specific Condition (b) and part (c) being renumbered accordingly:

(b) Specific Conditions:

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

- Having regard to the City's Policy 370_T "General Design Guidelines for Residential Development", the proposed skillion roof be modified to incorporate pitched roof demonstrating compatibility to the existing streetscape.

Cr Cala opening for the Amendment

- specific Condition (b) be deleted - believe it is not in conflict with Policy P370_T "General Guidelines for Residential Development"
- believe proposal will not have a detrimental impact on the visual amenity of adjoining residences or on the streetscape character of Canavan Crescent
- skillion roof, is a pitched roof - a single pitch or mono pitch, as opposed to a double or multiple pitch
- proposed dwelling has been given generally a 7.5 deg roof pitch, which is distinctive from a flat roof that could be in the order of 1 to 2 degrees
- if the front part of the house had been designed to have the skillion addressing the street; with its slope towards the street, the matter would not have even come to Council for determination - it would have technically complied with the Policy
- existing houses in the focus area are made up of houses with either a hip or gable tile or metal roof - triangular form of the gables created by the proposed stepped skillions, are in keeping with the roof geometry of the neighbouring houses
- the narrowness of the lot has meant a two storey solution has been necessary to satisfy modern expectations.
- if Policy is interpreted to require double or multiple pitching, the effect would be to create a narrower unattractive roof geometry which will be out of proportion to the surrounding dwellings - thus defeating the objectives of Policy 370_T - solution provides as the City's Design Advisory Consultants are quoted in the report as saying "proposed skillion roof forms a simple composition that works well for the dwelling"

Cr Ozsdolay for the Amendment

- support Cr Cala's comments relating to pitch
- support comments of DAC
- policy is there because we do not want a 'hotch potch' of developments
- policy allows Council to look at an application on its merits
- believe this proposal is such a case as it will enhance amenity of street
- if we actually went for a double pitch we would be going backwards
- support amendment

Cr Wells for the Amendment

- do not believe proposal conflicts with area
- DAC architects see it as a 'welcoming change'
- support amendment

The Mayor put the Amendment

CARRIED (9/1)

Cr Grayden against the Amended Motion

- concern that the amended Motion requires us to make a subjective assessment on a particular design fitting in with the streetscape
- main problem is our assessment of what is an 'appropriate design'
- do not want to put myself in the position of going against Council policy
- against the amended Motion

COUNCIL DECISION ITEM 10.3.2

Mayor put the Amended 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 a Two Storey Single House on Lot 28 (No. 26) Canavan Crescent, Manning **be approved**, subject to:

(a) Standard Conditions

340 (boundary wall), 377 (clothes drying), 390 (crossover), 416 (street trees), 427 (design), 455 (fencing), 456 (fencing), 457 (fencing), 470 (filling and retaining), 471 (filling and retaining), 625 (visual truncations), 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) Standard Important Footnotes

646 (landscape), 647 (revised plans), 648 (not an authorisation to commence construction), 650 (aggrieved by decision - State Appeals Tribunal review).

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

CARRIED (9/1)

Reason for Change

Council was of the opinion that the proposed dwelling is not in conflict with Policy 370_T "General Guidelines for Residential Development" as it will not have a detrimental impact on the visual amenity on adjoining residences or on the streetscape character of Canavan Crescent

10.3.3 Proposed Four Storey Single House. Lot 17 (No. 5) South Perth Esplanade, South Perth.

Location: Lot 16 (No. 5) South Perth Esplanade, South Perth
Applicant: Boughton Architecture
Lodgement Date: 18 January 2008
File Ref: 11.2008.21 SO1/5
Date: 4 March 2008
Author: Owen Hightower, Planning Officer
Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

The City received an application for planning approval for a Four Storey Single House located upon Lot 16 (No. 5) South Perth Esplanade, South Perth. As the proposal is for a 'Single House', plot ratio prescribed under the Residential Design Codes of Western Australia is reduced from 1.0 (permitted for a Multiple Dwelling) to 0.65.

Having regard to the stated aims and purpose of the City of South Perth Town Planning Scheme No. 6 (the ‘Scheme’) and Residential Design Codes of Western Australia (the ‘R-Codes’) it is recommended Council approve the application subject to standard conditions.

Background

The development site details are as follows:

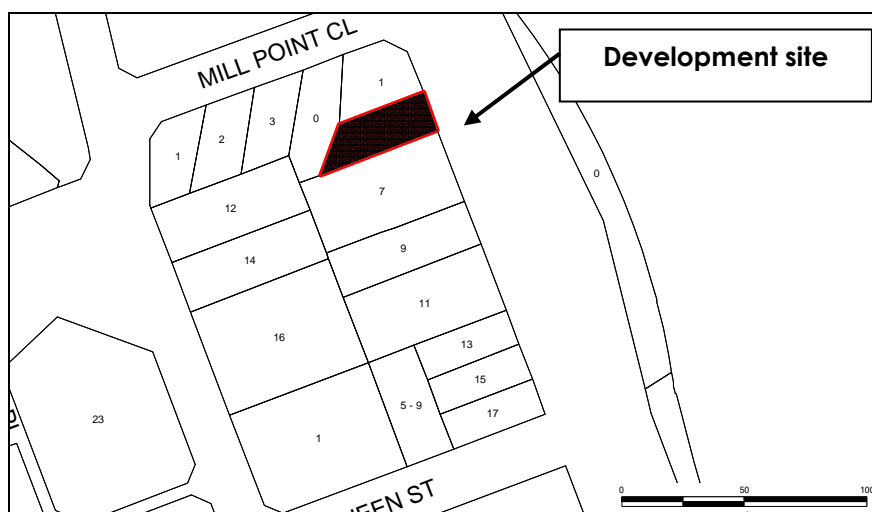
Zoning	Residential
Density coding	R80
Lot area	728 sq. metres
Building height limit	13 metres
Development potential	5 Multiple Dwellings
Maximum plot ratio	1.0 for a Multiple Dwelling or 0.65 for a Grouped Dwelling or Single House

This report includes the following attachments:

Confidential Attachment 10.3.3(a) Plans of the proposal.

Attachment 10.3.3 (b) Applicant’s supporting letter dated 26 February 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:

2. Large scale development proposals

(ii) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term ‘height’. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

Note: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.

Comment

(a) Description of the proposal

The applicant has proposed to demolish the existing Three Storey Single House on the subject site and construct a new Four Storey Single House of a contemporary design [refer **Confidential Attachment 10.3.3(a)**].

(b) Building height

The proposal complies with the height limit of 13 metres when measured from 2.3 metres AHD as required under the Scheme.

- (c) **Finished floor levels**
The proposed finished floor levels is 1.770 AHD which complies with the minimum finished floor levels permitted under the Scheme. The proposed FFL also achieves equal cutting and filling.
- (d) **Open space**
The amount of open space provided is 61%. A Single House is only permitted to provide 45% open space, however as a Multiple Dwelling would be required to provide 60% open space, the applicants have provided open space accordingly.
- (e) **Boundary walls**
The proposal incorporates a large boundary wall along the southern boundary, adjoining 7 South Perth Esplanade. The wall will have no detrimental impact on the adjoining property or the streetscape and therefore complies with the City's Boundary Wall's Planning Policy.
- (f) **Setbacks**
Some minor setback variations of up to 0.5m are proposed on the southern side of the proposed development. Taking into account the performance criteria for setbacks, which includes ventilation, lighting and bulk of the proposal, it is considered that the variations are permissible. There are no proposed setback variations on the northern side of the proposal.
- (g) **Multiple Dwelling to Single House - Comparing provisions at a density of R80**
Under the provisions of the R-Codes, a Multiple Dwelling developed at a density of R80 has a permitted plot ratio of 1.0 and a open space requirement of 60%. At the same density, a Single House has a permitted plot ratio of 0.65 and open space requirement of 45%.

Discussions undertaken with Senior Officers from the Department for Planning and Infrastructure (the 'DPI'), including a member of the R-Codes Review Committee, outlined that the above provision seemed to be an anomaly and there was no apparent justification for the significant reduction in plot ratio when proposing a Single House or Grouped Dwelling compared to a Multiple Dwelling. The DPI officer further supported the City's Planning Services' opinion that a Single House with a plot ratio of 1.0 be permitted provided that it complied with all the requirements pertaining to a Multiple Dwelling at an R80 density. The current proposal meets all these requirements.

Further justification supporting the above will be provided in the report based on the explanatory text of the R-Codes and the objectives of the Scheme.

- (h) **Plot ratio**
The explanatory text of the R-Codes describes plot ratio as an '*indirect form of density control, although it is a relatively effective means of controlling building bulk, which is its main purpose in the Codes*'(page 41 of the R-Codes).

Based on the above, plot ratio is applied to effectively control the impact of bulk of a development on the amenity of the surrounding community and the streetscape.

The permitted level of bulk of the proposed Single House (controlled through plot ratio) is significantly restricted in comparison to a Multiple Dwelling at the same density. As outlined in the applicants supporting letter, refer **Attachment 10.3.3(b)**, it is fair to assume that a Single House with a plot ratio of 1.0 would have no greater impact through scale and bulk than a Multiple Dwelling that is required to comply with the same height, setback and open space requirements.

Essentially, a building, almost exactly the same size and scale as what is proposed would be deemed to comply with all the provisions of the R-Codes if it incorporated two dwellings rather than one. The impact would be no different from the current proposal.

It therefore is considered illogical to refuse the proposal based on the building have too great an impact as a result of bulk due to it being 'over' in plot ratio area.

The Department for Planning and Infrastructure acknowledges that it is not logical to so restrict the plot ratio area of a Single House in the present circumstances when a Multiple Dwelling development on the same site is permitted to have a plot ratio floor area which is some 35% larger. DPI's position is borne out by the intended removal of the restrictive plot ratio control applicable to Single Houses in the areas with high density coding. In this regard, the City has received the following written advice from a DPI officer involved with the current review of the R-Codes.

"I wish to advise of the following change made to the 2008 R-Codes following our discussion a few weeks ago and relevant to your email below. The WAPC has resolved to delete the plot ratio of 0.65 in R60 areas as contained in the current R-Codes. Thus, single houses and grouped dwellings will only have a plot ratio limitation in areas zoned R-IC.

I trust this addresses your query below. Note however that this change will only be effective following the gazettal of the 2008 R-Codes which is expected to take place on 29 April (this date is subject to change)."

(i) Objectives and considerations of the Scheme and R-Codes

In considering the proposal, Council must consider '*all aspects of design of any proposed development, including but not limited to height, bulk, orientation, construction materials and general appearance*' and '*the extent to which the building is in visual harmony with neighbouring existing buildings ... in terms of scale, form or shape, rhythm ...*' [C1 7.5(j) and (n)].

The proposal is clearly consistent with the bulk, scale and height of existing buildings within the focus area and also buildings recently approved and currently under construction along South Perth Esplanade.

The proposed development differs to the predominant existing density and housing type within the focus area. Therefore the proposal will '*Facilitate a diversity of dwelling styles and densities*' [C1.6(2)(c)].

The R-Codes include the following primary objective:

To provide for a full range of housing types and densities that meet all the needs of all people [Section 2.1.1(i)].

In this instance, the owner appears to be penalised for wishing to develop a housing type which they consider to meet their needs. The plot ratio provisions in this instance are a disincentive to provide housing that suits the owner’s needs. This is contrary to the primary objectives of the R-Codes.

Consultation

(a) Design Advisory Consultants’ comments

The design of the proposal was considered by the City’s Design Advisory Consultants at their meeting held on 19 February 2008. The architects outlined the proposed built form will be compatible to the existing streetscape character the architects appreciated the building design and termed it as a ‘classic looking building’.

This provides further support for the proposal that it is consistent with the surrounding scale of building and will positively contribute to the existing streetscape.

(b) Neighbour consultation

The application was referred to surrounding landowners in accordance with the Planning Policy P104 “Neighbour and Community Consultation in Town Planning”. During the consultation period two submission were received. The comments have been summarised below.

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

Submitter’s Comment	Officer Response
1. Single Houses have a maximum height limit of three storeys and a fourth should not be permitted. 2. A number of setback variations and the locations of windows form the adjoining property will encroach on the privacy to the north. 3. The properties will share a common wall which will further encroach on privacy.	1. The permitted height limit under the Scheme is 13 metres. The proposed development complies with this height limit. 2. There is some minor setback variations however the proposal complies with the performance criteria. The objectors’ comments seem related to encroachment of privacy rather than the variations themselves. The City and the applicant have ensured that privacy to adjoining properties is protected through adequate screening. The potential overlooking remaining to adjoining properties is restricted to areas that are wholly visible from the street which is a permissible under the R-Codes. 3. No common wall will be shared between the proposal and the adjoining property to the North, to which this objection applies. The comment is NOTED .
That the city ensure that the proposal complies with the provisions of the R-Codes and the City’s Scheme	Council officers consider that the proposal complies with all provisions of the Scheme and the R-Codes with exception to plot ratio. Based on justification provided in this report, it is considerer that this variation is acceptable. The comment is NOTED .

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

Should the application be refused, the applicants could appeal the decision at the State Administrative Tribunal.

Strategic Implications

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

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

Conclusion

The proposed development complies with the provisions of the City’s Scheme, relevant Planning Policies and the R-Codes with the exception of plot ratio. The development will have a plot ratio 35% greater than what may be permitted for a Single House at a density of R80.

Taking into account that a building of the same height, scale, bulk and setbacks could be constructed if it incorporated two dwellings rather than one it is recommended that in the interests of orderly and proper planning the application be approved. This recommendation is further validated by the intended deletion of the current 0.65 plot ratio restriction applicable to Single Houses from the revised R-Codes which will come into operation very soon.

Additionally, the proposal complies with the broader objectives of the Scheme and R-Codes. It will contribute to providing a diversity in dwelling types, enhance the existing streetscape and maintain the amenity of the surrounding community.

Sustainability Implications

This application has not been assessed against the relevant sustainability provisions.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Four Storey Single House on Lot 16 (No. 5) South Perth Esplanade, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (surface of boundary wall), 375 (clothes drying facilities), 390 (crossover), 393 (remove existing crossover), 455 (boundary fencing), 456 (existing fencing), 470 (retaining), 628 (front fence truncation), 660 (approval validity).

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

(b) **Standard Advice Notes**

646 (landscaping), 646a (front fence requires building licence), 648 (building licence approval required), 649a (minor variations), 651 (appeal rights).

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

CARRIED EN BLOC RESOLUTION

10.3.4 Reconsideration of a Refusal to Enclose a Balcony for a Multiple Dwelling. Lot 9 (No. 6/12) Stone Street, South Perth.

Location: Lot 9 (No.6/12) Stone Street, South Perth
 Applicant: Emidio Giardini
 Lodgement Date: 5 November 2007
 File Ref: 11.2007.581 ST3/12
 Date: 4 March 2008
 Author: Rod Bercov, Strategic Urban Planning Adviser
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

The City received an application for planning approval for the enclosure of a portion of a balcony for Unit 6 No. 12 Stone Street, South Perth in November 2007. The application was subsequently refused under delegated authority. An appeal was lodged with the State Administrative Tribunal (the ‘SAT’) in January 2008. At a directions hearing, held 26 February 2008, the City received direction from the SAT to reconsider the application.

The ‘enclosure’ will increase the total plot ratio area of the development site and this will further increase the conflict with the maximum plot ratio prescribed by the R-Codes. In this regard, the proposal is contrary to orderly and proper planning and therefore it is recommended Council **not** approve the application.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	2718 sq. metres
Building height limit	28 metres
Maximum plot ratio	1.25

This report includes plans of the proposal referred as *Confidential Attachment 10.3.4*.

The location of the development site is shown below:



In accordance with the direction received from the SAT, the proposal is referred to the Council meeting for consideration.

Comments

(a) History

Council resolved at its April 2007 Ordinary Council meeting to endorse the issuing of Strata Title Certificates for the subject property. The resolution included the following advice note:

The applicants be further advised that, having regard to the identified issue relating to plot ratio, the building could not be modified at any future date in a manner which would cause an increase in the plot ratio floor area. In particular, additional enclosure of balconies is not permitted.

The City received an application for planning approval to enclose a portion of a balcony at the subject site on 5 November 2007. Based on the direction provided by the above resolution, the proposal was refused under delegated authority.

(b) Site description and context

Planning approval was obtained on the subject site for 26 Multiple dwellings in 2003. The development incorporates a portion of a balcony on each floor oriented in a south-easterly direction. A small opening is located at the eastern end with a significantly larger opening at the western end of the balcony. Two large walls running the length of this portion of the balcony are located on the northern and southern side. The above area is highlighted on one of the plans in **Confidential Attachment 10.3.4**.

Perth's prevailing winds run in a south-westerly direction during the summer months. The design of the above-mentioned balcony area and the direction of Perth's prevailing winds combine to develop a 'wind tunnel'. Prevailing winds hit the building from the east and are 'funnelled' into the highlighted balcony area. The building design creates a suction effect where the wind is accelerated as it travels through the balcony.

(c) Description of the proposal

The proposal incorporates the addition of a frameless sliding bi-fold partition consisting of clear glass across the eastern opening of the balcony area (refer **Confidential Attachment 10.3.4**). The applicant has outlined the partition is required to prevent the 'wind tunnel' effect from occurring. Further, the applicant says that the glass partition would only be closed during periods when it would be required to ensure this portion of balcony can be used. This would ensure that the balcony area would be usable year round rather than for limited periods of the year and limited times of the day.

This concern has been raised numerous times by residents of the subject development in an attempt to alleviate the issue. To date, no solution has been developed that would prevent the 'wind tunnel' effect from occurring without impacting on plot ratio.

(d) Plot ratio

The definition of 'Plot Ratio' excludes '*... balconies and verandahs open on at least two sides*'.

The portion of the balcony under consideration is presently open on two sides and therefore excluded from 'plot ratio'. The addition of the sliding glass bi-fold partition would result in a portion of balcony being enclosed on more than two sides. Therefore, the area highlighted in **Confidential Attachment 10.3.4**, being 38.5 sq. metres would be included in the total plot ratio area of the development.

The R-Codes specify a maximum plot ratio of 1.25 for a density of R100. It is acknowledged that previous planning approvals granted by the City have resulted in the site having a plot ratio well in excess of this figure.

The R-Codes do not specify performance criteria for plot ratio, however discretion can be exercised provided that Council has due regard to the '*stated purpose and aims of the Scheme*', '*the explanatory text of the Codes that corresponds to the relevant provision*' and '*orderly and proper planning*' (section 2.3.4(2) of the R-Codes).

If Council is satisfied with the applicant's proposal after having properly considered the matters referred to above, the Council could approve the application.

(e) **Scheme objectives**

Primary objectives of the Scheme include the following:

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

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

Presently, the design of the building is resulting in a detrimental impact on the residents of the building by restricting the use of the outdoor living areas for the occupiers. The proposal is an effective solution to address the concerns of occupiers of the 12 Stone Street development. It will clearly safeguard the amenity for surrounding residents by ensuring the 'bulk' impact of the development would not be increased whilst enhancing the amenity for the residents of the building, through ensuring they are able to use their allocated outdoor areas.

While the officer's recommendation is that the delegated refusal be reaffirmed, if the SAT should decide to approve the application, to ensure that the proposed partition should not be visible from the street, its alignment should be moved approximately 1.5m further east, to the alignment of the forwardmost pier.

(f) **Explanatory text of the R-Codes**

Section 3.1 of the R-Codes deals with housing density. Within this section of the Codes, the following explanation is provided (Page 41) in relation to plot ratio, which is closely linked to housing density:

'A secondary control of density or intensity of development occurs in higher density codes in the form of a plot ratio, or floor area, control. Plot ratio is an indirect form of density control, although it is a relatively effective means of controlling building bulk, which is its main purpose in the Codes.'

At the time of the initial application for 26 Multiple Dwellings, regulating the maximum permissible floor area by means of plot ratio control contributed to the control of the scale and bulk of the development. The proposed enclosure of one balcony will not alter the manner in which the building presents to the street and would not be readily noticeable to pedestrians due to the minor scale of the enclosure in comparison to the overall bulk of the existing building. Furthermore, any future applications of a similar nature, would not increase the visual impact of the building on streetscape as the proposed glass partition will not increase building bulk.

Having regard to the preceding comments, it is readily apparent that the addition of one glass partition as requested by the current applicant, or 26 similar partitions if other apartment owners desire the same weather protection, will have no effect on the streetscape, the bulk of the building or the amenity of the locality, even though the actual plot ratio of the building would increase.

(g) Orderly and proper planning

When considering every application for planning approval, “orderly and proper planning” is a matter which must be properly considered by the Council. This is a matter listed in Clause 7.5(b) of TPS6 as requiring due and proper consideration when Council is dealing with any application for planning approval. In pursuance of orderly and proper planning, the Council needs to adopt a consistent approach to the application of statutory provisions of the Scheme and the R-Codes. Plot ratio is a site control which has been applied in a consistent manner for the past 40 years or longer. While discretion can be exercised by the Council to permit the prescribed plot ratio area to be exceeded, in the interests of orderly and proper planning and consistent decision-making, this discretionary power must be exercised with extreme caution. Unless a particular proposal is unique and unlikely to lead to other applications for a similar concession, it is not advisable to support a conflict with the maximum prescribed plot ratio. In the present instance, the case for not approving the current application due to the plot ratio conflict, is even more compelling due to the existing building already exceeding the prescribed limit.

The further excess of plot ratio area which would be brought about by approval of the current proposal, would be exacerbated if the current application leads to the submission of other similar applications from other apartment owners. This outcome would not be in the interests of orderly and proper planning.

In light of the preceding comments, notwithstanding the fact that the proposed partition would not have an adverse amenity impact, the current application should not be approved. Such an approval would represent a distortion of the manner in which plot ratio control is intended to be exercised based upon the definition of this term in the R-Codes. If the enclosure of the balconies had been shown on the originally submitted drawings, thus requiring inclusion in plot ratio calculations, it would have been necessary to reduce the floor area of the building elsewhere.

Consultation

No consultation was undertaken as it was not required under the Policy P104 ‘‘Neighbour and Community Consultation in Town Planning Processes’’.

Policy and Legislative Implications

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

Financial Implications

Should the City refuse the application a hearing at the State Administrative Tribunal will be required. The City will be required to engage a suitably qualified planning consultant to present the City’s case.

Strategic Implications

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

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

Conclusion

It is acknowledged that the proposal would result in the balcony not being open on two sides. Under the definition of plot ratio the highlighted area would constitute plot ratio area and result in the total plot ratio of the subject site being increased. However, the proposal will not contribute to the bulk of the building and therefore the increase in plot ratio area will not have any impact on the surrounding area, particularly if the partition is further recessed as suggested in the report. Therefore, if Council has no other concerns about the applicant's proposal, the Council could exercise its discretion to approve the application.

Should the application be approved, it may provide a basis for further applications of a similar nature to be submitted by other apartment owners within the same building. In its own right the current proposal would not be consistent with the principles of ordering and proper planning in that plot ratio control is not being exercised in the intended manner. Further, as the proposal would signal acceptance of such partitions for all balconies, this is another reason why the current proposal would not represent orderly and proper planning .

The application provides a solution that will enhance the amenity of the subject site without impacting on the surrounding residents. While acknowledging this, having regard to the preceding comments relating to orderly and proper planning, the current proposal should not be supported. This approach is consistent with the advice conveyed in Council's April 2007 resolution referred to above, which alerted the developer and purchasers of the apartments to Council's opposition to future balcony enclosures.

Sustainability Implications

The proposed development will have minimal impact in terms of sustainability.

OFFICER RECOMMENDATION ITEM 10.3.4

That....

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for enclosure of a balcony appurtenant to Unit 6 on Lot 9 (No. 12) Stone Street, South Perth, **be refused** for the following reasons:
 - (i) Non-compliance with the maximum permissible plot ratio allowance prescribed by the Residential Design Codes of Western Australia. The additions will result in the development further exceeding the maximum plot ratio prescribed under the Residential Design Codes of Western Australia for the subject property.
 - (ii) Approval of the current application would not be consistent with the principles of orderly and proper planning as it would represent support for plot ratio area further exceeding the intended maximum as prescribed by the R-Codes, and could lead to further excess plot ratio area if other apartment owners in the same building are encouraged to submit similar applications.
- (b) the State Administrative Tribunal be advised that the Council has reconsidered the delegated officer's decision and has affirmed that decision.

DEBATE ITEM 10.3.4

Note: Because of the history of this issue, the interest shown by the owners and that this matter has been referred to SAT , the debate has been included in the Minutes which can also be referred to SAT for its consideration.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Cala

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- heard the Deputation
- proposal to enclose/modify balcony increases plot ratio - plot ratio already over
- for this reason happy to move for refusal
- support officer recommendation

Cr Cala for the Motion

- looking at proposal as a 'fresh' application - not based on history of development
- past history of development does not come into it - determination guided by R Codes
- refer page 54 of report in Agenda paper - definition of 'Plot Ratio' excludes '*... balconies and verandahs open on at least two sides*'. *The portion of the balcony under consideration is presently open on two sides and therefore excluded from 'plot ratio'. The addition of the sliding glass bi-fold partition would result in a portion of balcony being enclosed on more than two sides*
- to include glass or similar we are putting another side to it and it needs to be included in the plot ratio calculations
- to approve this we would be obliged to do the same for every balcony in South Perth
- balconies look good but are not very practical
- there are other ways to battle the wind such as low level partitions which will still allow the plot ratio to be maintained
- do not believe our professional integrity allows us to support this proposal
- cannot give this concession to partially enclose the balcony
- the moment we allow this proposal to occur we are increasing the plot ratio of the building which technically we cannot do
- support the officer recommendation.

Cr Gleeson point of clarification - was the development at 12 Stone Street, as approved by the Council of the day, built as approved?

Director Development and Community Services - responded that Planning Approval was given for the plot ratio as mentioned.

Mayor Best point of clarification - in terms of the Strata Certificate issued - were any conditions placed on the building at the time?

Director Development and Community Services - said that no condition was placed on the Strata Certificate, however, a Council resolution passed at the time stated that Council would not support the plot ratio floor area being increased for this development at any time in the future.

Cr Gleeson against the Motion

- on Council at the time this debate festered - went on for months
- heard Deputation - as stated, not applicant's fault - bought his unit after development completed
- applicant wants to enjoy amenity of his balcony when severe breezes blow
- refer to recent renovations of Council Chamber - in particular sliding partitions making it a 'multi purpose' area - applicant is wanting a similar situation ie a mobile sliding panel
- to increase plot ratio area needs to be permanent / bricked in
- applicant seeks approval for something that is mobile - not a solid structure
- support proposal for enclosure for applicant to be able to enjoy his amenity
- against officer recommendation.

Statement Mayor Best

Mayor Best read aloud from an independent Consultant's report dated 23 April 2007, commissioned by Council with the instruction that an investigation of the plot ratio of the 'built' building at 12 Stone Street, South Perth be carried out. The outcome of the investigation was the building exceeded the approved plot ratio. The Mayor stated he did not want developers including extra big balconies into developments which resulted in neighbours losing their ability to enjoy their amenity. He said he believed it was important that Council is consistent in its decisions. He further advised of concerns he raised in April 2007 when he attended the sale of the building at 12 Stone Street and was told by Ms Prosser, of Swan River Real Estate.... "*we have a problem with the local Council in relation to a plot ratio issue so we are looking at installing screens on the balconies after the approvals have been cleared*"

The Mayor said he was personally sorry that the applicant was in this current position, however he believed the issue is with the developer and not with Council and that it was important Council maintains the integrity of its planning controls.

Cr Gleeson point of clarification - is Ms Prosser an agent or a developer?

Mayor Best responded that Ms Prosser was a Director of Swan River Real Estate and was representing the developer.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION 10.3.4</p>
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The Mayor put the Motion

That....

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for enclosure of a balcony appurtenant to Unit 6 on Lot 9 (No. 12) Stone Street, South Perth, **be refused** for the following reasons:
- (i) Non-compliance with the maximum permissible plot ratio allowance prescribed by the Residential Design Codes of Western Australia. The additions will result in the development further exceeding the maximum plot ratio prescribed under the Residential Design Codes of Western Australia for the subject property.
 - (ii) Approval of the current application would not be consistent with the principles of orderly and proper planning as it would represent support for plot ratio area further exceeding the intended maximum as prescribed by the R-Codes, and could lead to further excess plot ratio area if other apartment owners in the same building are encouraged to submit similar applications.
- (b) the State Administrative Tribunal be advised that the Council has reconsidered the delegated officer's decision and has affirmed that decision.

CARRIED (8/2)

Note: Cr Gleeson left the Council Chamber at 8.38pm and returned at 8.42pm

10.3.5 Proposed Modification of Planning Approval Requirements. Lot 89 (No. 137) Melville Parade, Como.

Location: Lot 89 (No. 137) Melville Parade, Como
 Applicant: Strata Company of 137 Melville Parade, Como
 Lodgement Date: 27 July 2007
 File Ref: ME3/137
 Date: 5 March 2008
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

In October 1993, Council granted planning approval for a 58 suite hotel development at the above address, subject to a number of conditions. One condition being that a notification is placed on the title advising that the units can not be occupied, by the same person, for more the six months in any 12 month period. A request has been made by the Strata Company to enforce the occupation restriction by way of a by-law instead of the current condition of the planning approval that requires a Section 6 endorsement on the Strata Plan. The proposed change does not alter the purpose or intent of the control placed by the City. The recommendation is to support the Strata Company’s request. Legal advice has been received from Council’s solicitors, which support the recommendation.

Background

The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Density coding	R80
Lot area	6,059 sq. metres
Building height limit	7.0 metres
Development potential	48 Multiple Dwellings
Maximum Plot ratio	1.0 or 6059 sq. metres

This report includes the following attachments:

- Attachment 10.3.5(a)** Letter from Strata Company Chairperson dated 27 July 2007.
- Attachment 10.3.5(b)** Proposed amendment to the wording of *by-law*.

The location of the development site is shown below:



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

1. ***Specified uses***
 - (vi) *Tourist accommodation.*

Comment

The subject site is currently developed with the Broadwater Apartments. Planning consent was granted by the City of South Perth on 14 October 1993 for a “Private Hotel Resort Development”. The planning approval for this development included a number of conditions relating to restriction of occupancy, including a condition which stated that:

*Any Strata Plan submitted to the Council for approval in connection with the Land shall be endorsed under Section 6 of the Strata Titles Act with the Restriction as to use as follows:
“No person shall occupy any lot at any time comprising this Strata Plan for more than a total of six months in aggregate during any twelve month period.”*

The correspondence received from the Strata Company’s Chairperson identified several concerns with respect to the Section 6 notification, and it is the Strata Company’s desire to have the Section 6 restriction removed. Refer to **Attachment 10.3.5(a)**.

It is understood that non-compliance with the Section 6 endorsement carries a harsher penalty than non-compliance with the Strata By-law; however, the proposed wording of the amendment to be made to the by-law actually provides active enforcement of the restriction. The proprietors of the respective lots will be required to use a common booking agency which will provide an audited report for each financial year to the Strata Company and the City that confirms compliance with the occupation restriction. Compliance with the current endorsement would require the City to actively pursue compliance and it would be almost impossible to prove who was living in the 58 suites on a daily basis.

The City of South Perth is protected from the proposed inclusion of the by-law, as it is being adopted in accordance with Section 42(2d) of the Strata Titles Act. The City’s consent will be required prior to its removal from the by-laws. The proposed amendment requires the consent of the Council.

Policy and Legislative Implications

Comments in relation to these implications have been provided elsewhere in this report.

Financial Implications

The Strata By-law amendment and removal of the Section 6 endorsement is to be at the full expense of the Strata Company.

Strategic Implications

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

Sustainability Implications

The proposal will have no impact in terms of sustainability.

Conclusion

It is recommended that the Strata Company's proposal to enforce the occupation restriction by way of a by-law be supported in substitution of the current condition of the planning approval that requires a Section 6 endorsement on the Strata Plan as it does not alter the purpose or intent of the control placed by the City. Once the City has received confirmation that the by-law has been amended to include the wording of **Attachment 10.3.5(b)**, the City should be allowed to remove the requirement for Section 6 endorsement.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5
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That the City of South Perth agrees to remove the Section 6 endorsement from the Strata Plan of Lot 89 (No. 137) Melville Parade, Como (Strata Plan 25141) subject to Schedule 2 of the Strata By-law being amended, in accordance with Section 42(2d) of the *Strata Titles Act* to include the wording of **Attachment 10.3.5(b)**.

CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Old Mill Theatre Masonry Restoration and Tuck Pointing - Review of Tender Submissions

Location:	Old Mill Theatre
Applicant:	Council
File Ref:	Tender 1/2008
Date:	10 March 2008
Author:	Gil Masters, Buildings and Assets Coordinator
Reporting Officer:	Mark Taylor Acting Director Infrastructure Services

Summary

Tenders have been received for Masonry Restoration and Tuck Pointing of the Old Mill Theatre (Tender 1/2008). This report outlines the assessment process and recommends the tender submitted by Federation Tuck Pointing (WA) Pty Ltd for the lump sum amount of \$162,543 plus GST be accepted.

Background

The restoration work for the Old Mill Theatre contained within the 2007/08 Capital Works program is the last significant project for this building. A Conservation Plan has previously been prepared for the building and adopted by the Heritage Council. The plan details the work required to renovate the building to ensure it is restored to its original condition. The City has been working closely with Conservation Architect Gary Lawrence to achieve this aim.

The City in conjunction with the Old Mill Theatre Inc. have already completed a number of projects as part of the restoration of the building and to ensure it meets contemporary structural and safety standards. This includes:

- Internal refurbishment, including new tiered seating, an amenity area and toilets;
- Internal fire safety upgrade;
- A new roof;
- Removal of the external wall coating (first stage of wall restoration) applied in the 1980's and removal of bricks to repair a serious rising damp problem.

The current restoration work involves the installation of a damp proof course, stabilisation of the brickwork and tuck pointing of the external walls. Only the original external walls of the building will be tuck pointed as this is a requirement of the Conservation Plan. A red oxide coating will be applied to the newer walls constructed to match the tuck pointed walls in colour. This work will ideally be implemented following completion of the tuck pointing.

Comment

Masonry restoration and tuck pointing is highly specialised work. The Old Mill Theatre is a very important building, listed on the City’s Municipal Heritage Inventory and the State Heritage Inventory. As a result, the City called for Expressions of Interest (EOI) submissions from interested parties to carry out this work in January 2008. The aim the EOI process was to ensure only the best equipped contractors for this type of project, were short listed and then invited to tender. The EOI process resulted in four companies being short listed.

Tenders were invited from the four companies on Monday 4 February 2008 and closed at 12.00 noon on Wednesday 20 February 2008. At the close of tenders each of the four invited companies provided a submission however one was immediately ruled out due to non-compliance. The prices submitted are listed below.

Tenderer	Tendered Price (ex GST)
Federation Tuck Pointing	\$153,127
Garry Barrow	\$140,177
Comco Tuck Pointing	\$86,130
M J Finn & Son	Did not submit a conforming tender

The City has utilised the services of Garry Lawrence to assist with the review and assessment of tenders. After the initial compliance assessment only two tenders were short listed for further consideration (Garry Barrow and Federation Tuck Pointing).

At this stage of the tender evaluation process several methodologies and minor additional works discussed in each submission required clarification and pricing. The short listed tenderers were each provided the same questions and requested to price the minor additional works and clarify their methodology. Revised prices were subsequently received and are listed below:

Tenderer	Revised Price (ex GST)
Federation Tuck Pointing	\$162,543
Garry Barrow	\$171,638

A qualitative evaluation of tenders was then completed based on the following criteria (as listed in the request for tender (RFT)):

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects/supply similar goods	25%
2. Skills and experience of key personnel	20%
3. Respondents resources	15%
4. A demonstrated understanding of the required tasks	40%
Total	100%

The evaluation process has resulted in the following scores:

Federation Tuck pointing	Garry Barrow
8.0	7.5

Analysis of the tenders against the assessment criteria show that the tender submitted by Federation Tuck pointing to be the best priced and best value for the City and is therefore recommended for acceptance by Council. The Tender Assessment Report is provided and details the process followed ***Confidential Attachment 10.4.1 refers.***

Completion of the external walls masonry restoration and tuck pointing concludes most of the major works required to complete the restoration of the building. A small amount of work remains outstanding. This includes:

- Detailing and painting of the windows, doors and sills;
- Re-construction of the roof venting;
- Application of a red oxide finish on the non-tuck pointed walls and rendered surfaces;
- Construction of awnings over the stage door and main entrance;
- Application of trim mouldings.

The remaining work has been roughly estimated to cost \$50,000, but requires a more detailed estimation. A more accurate figure will be included in the draft 2008/09 Infrastructure Capital Works program for Council consideration.

Council and the Old Mill Theatre Inc. should be proud of their achievement with this most significant building. Works have largely been funded from municipal sources and the Old Mill Theatre Inc. without external support, despite several heritage grant applications. When completed, the Old Mill Theatre will be an important icon in the City's heritage precinct for many years to come.

Consultation

This project has required considerable consultation and input to date. This includes:

- Acknowledgement of the Conservation Plan and its recommendations;
- Approval from the Heritage Council on the methodology and process's for the restoration work.

Public tenders were advertised in accordance with the *Local Government Act (1995)*.

Clarification was sought and received from staff at Local Government Total Purchasing Solutions Tender Bureau Service regarding the clarification process taken following the initial prices being received.

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*.

Financial Implications

The City has allocated \$150,000 in 2007/08 Capital Works budget to implement this project. The preferred tendered price exceeds the budget allocation by nearly \$13,000. It is proposed to cover the short fall by recommending the reallocation of funds from another budget which will not be fully expended. This is listed in the funding model below.

Strategic Implications

This item is consistent with Strategy 4.1 of Goal 4 “Infrastructure” of the City’s Strategic Plan. *To sustainably manage, enhance and maintain the City’s infrastructure assets*

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.4.1**

That....

- (a) the tender submitted by Federation Tuck Pointing (WA) Pty Ltd for Masonry Restoration and Tuck Pointing works at the Old Mill Theatre for the lump sum amount of \$162,543 plus GST be accepted;
- (b) due to a budget shortfall, an additional budget of \$13,000 be reallocated; and
- (c) in order to fund part (a) above the Budget be amended as follows:

A/C No.	Details	Current Budget	Revised Budget	Adjustment to Surplus
8095.6500.30	Old Mill theatre	\$150,000	\$163,000	\$13,000
6176.2500.30	GreenPlan Implementation	\$35,000	\$22,000	(\$13,000)

CARRIED EN BLOC RESOLUTION
and By Required Absolute Majority

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
 Applicant: Council
 Date: 3 March 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 February 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 February 2008, thirty (30) development applications were determined under delegated authority [**Attachment 10.5.1** refers].

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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That the report and **Attachments 10.5.1** relating to delegated determination of applications for planning approval during the months of February 2008, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	7 March 2007
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

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

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:

That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

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

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

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

Register

Extracts from the Register for the month of February 2008 appear below.

February 2008

Nature of document	Parties	Date Seal Affixed
S. 70A Certificate [TLA]	CoSP & Mary-Anne Blades & Adrian George Brustur	4 February 2008
Agreement for Underground Power Program - Como East	CoSP & Minister for Energy and Western Power	6 February 2008
Licence	CoSP and Ravem PL T/as Extreme Ski	8 February 2008
Lease	CoSP and South Perth Lawn Tennis Club	8 February 2008
Transfer of Land - 213-215 Mill Point Road	Cosp and Bertucci	15 February 2008
Deed of Agreement to Enter CPV Lease	CoSP and Alan & Helen Shores	15 February 2008
Registration of CPV Lease	CoSP and Alan & Helen Shores	15 February 2008
CPV Lease	CoSP and Alan & Helen Shores	15 February 2008
Deed of Variation CPV Hostel	CoSP and Dorothy Davis	15 February 2008
Surrender of CPV Lease	CoSP and Margaret Anderson	18 February 2008
Deed of Agreement to Enter CPV Lease	CoSP and Donald Barnes	25 February 2008
Registration of CPV Lease	CoSP and Donald Barnes	25 February 2008
CPV Lease	CoSP and Donald Barnes	25 February 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 February 2008 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Future Planning for the Swan and Canning Rivers

Location: City of South Perth
Applicant: Council
File Ref: GR/303/1
Date: 7 March 2008
Author & Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to nominate a Delegate to represent Council on an Advisory Committee to be established by the Swan River Trust.

Background

The General Manager Swan River Trust has written to the City advising that the Trust is entering into a new phase of planning for the future management of the Swan/Canning Rivers.

Under the *Swan and Canning Rivers Management Act 2006*, the Swan River Trust must prepare a River Protection Strategy and Management Program for the newly-created Riverpark, that is, the rivers and foreshore areas.

One of the principal objectives of the Committee is to identify ecological and community benefits and establish amenity targets for the Trust to aspire to.

The Trust is establishing an Advisory Committee, comprised of a core Executive Committee of Trust Board Members and an expanded Full Committee, which would include representation of relevant State and Local Governments, and key stakeholders.

The Committee would be tasked with delivering a draft strategy by March 2009. After that time, the Trust envisages the committee could evolve into an advisory committee for ongoing management of the Swan Canning Riverpark.

Comment

Up until the time of adoption of the strategy next year, the Trust is looking for Elected Member representation to assist it in developing the Strategy and Management Program. When the project goes into the management phase, it is anticipated that the Trust will be seeking technical representation in the form of local government employee representation on the Committee. It is envisaged that the Advisory Committee would at least meet on a quarterly basis on a Monday at 2.00 pm and the meeting is anticipated to last two hours. No sitting fees are involved. One nomination is required from the City of South Perth.

Elected Members have been advised of the nomination process and one 'expression of interest' has been received from Mayor James Best.

Consultation

Council decision required to nominate Members to external groups/boards/committees. An election is required if more than one nomination is received.

Policy Implications

Policy P514 "Delegates from Council".

Financial Implications

Minor representation costs possible.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.5.3

That Council nominate (Council Member) as the Delegate to the Swan River Trust’s Advisory Committee for the Future Planning for the Swan and Canning Rivers. In the event that no Elected Member is nominated, the CEO be authorised to nominate an officer to be a member of the Advisory Committee.

BALLOT: DELEGATE TO SWAN RIVER TRUST ADVISORY COMMITTEE

Nominations, including background information, were received from Mayor Best and Cr Burrows in support of the Delegate position to the Swan River Trust’s Advisory Committee for the “Future Planning for the Swan and Canning Rivers”. Copies were circulated to Council Members at the commencement of the meeting.

As there were two nominations a Ballot was conducted to elect the position of Delegate.

The Chief Executive Officer distributed, then collected and counted the ballot papers.

The Chief Executive Officer announced that as a result of the ballot that Cr Travis Burrows was elected as Delegate to the Swan River Trust’s Advisory Committee for the “Future Planning for the Swan and Canning Rivers”.

COUNCIL DECISION ITEM 10.5.3

That Council nominate Cr Travis Burrows as the Delegate to the Swan River Trust’s Advisory Committee for the Future Planning for the Swan and Canning Rivers.

CARRIED (6/4)

10.5.4 Community Advisory Groups - Annual Review

Location:	City of South Perth
Applicant:	Council
File Ref:	N/A
Date:	7 March 2008
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is to review the current “Appointment of Community Advisory Groups” Policy P502 which addresses the establishment and operation of the Community Advisory Groups.

COUNCIL DECISION ITEM 10.5.4

Note: Report withdrawn by Council Officers and will be presented to the April Council meeting.

**10.5.5 Local Government Sustainable Development Conference - Melbourne
Victoria, April 2008**

Location: Melbourne Victoria
Applicant: Council
Date: 7 March 2008
File Ref: HR/ST/3
Author/Reporting Officer: Mark Taylor, A/Director Infrastructure Services

Summary

The purpose of this report is to give consideration to Councillor attendance at the “Victorian Sustainable Development Conference 2008” to be held at Zinc, Federation Square, Melbourne on 22-23 April 2008.

Background

The City has received notification of a sustainable development conference to be held in Melbourne in April. The Conference, which is being held at Zinc, Federation Square, Melbourne on 22-23 April will bring together key Victorian Government ministers, industry leaders, local government, scientists, conservationists and others to discuss the current and future directions and frameworks for sustainability in Victoria, and will review how it will affect Victorian local government, business and the community.

Comment

Over 30 experts and leaders in sustainability will address the conference, including: Hon. Gavin Jennings MLC, Minister for Environment and Climate Change; Hon. Peter Batchelor MP, Minister for Energy and Resources; Dr Ian McPhail, Commissioner for Environmental Sustainability; Dr Wendy Craik, Director, Murray-Darling Basin Commission Timothy Piper, Director, AiGroup; Kelly O'Shanassy, Chief Executive Officer, Environment Victoria; Rob Hogarth, Partner, KPMG; Phil Harrington, Principal Consultant, Climate Change & Sustainable Development, Pitt & Sherry.

It will provide an opportunity to examine progress towards sustainable objectives in a range of key areas such as:

- Water
- Energy efficiency
- Climate change response
- Waste and resource recovery
- Planning and urban design

The Conference will also feature best practice case studies in sustainable development, including creating a sustainable workplace, addressing challenges of sustainability, and provide advice for how state and local government and business can achieve their sustainable development goals in a cost-effective manner.

Further details of the conference program can be found in **Attachment 10.5.5** and is also accessible on the following website:

<http://www.halledit.com.au/conferences/sustainability/2008>

Councillor Bill Gleeson has indicated his interest in attending this conference.

Consultation

The Chief Executive Officer recommends Councillor attendance because of the growing community interest in sustainability and the City's efforts to meet that interest. The City has adopted a Sustainability Strategy and Management System and it is important that Councillors are kept up to date with the current issues facing Local Government. The Victorian Sustainable Development Conference 2008 appears to provide a very good forum for this.

Policy and Legislative Implications

Council Policy P513 requires that:

A Council Member must obtain the approval of Council (by way of resolution) before travelling in the course of his or her duties:

- (a) outside Western Australia;
- (b) by plane within Western Australia; or,
- (c) to a conference or other scheduled event that will keep the Council member away from the City for three or more days.

Financial Implications

The total estimated cost of Elected Member attendance including registration, airfares, accommodation and meals is approximately \$2,000 (Note: this cost is based on economy airfares).

Funding for Elected Member attendance can be accommodated within the current budget.

Strategic Implications

It is important that Elected Members be provided with the opportunity to participate in National Conferences to keep abreast of emerging trends and best practices.

This report is consistent with Goal 5 "Organisational Effectiveness" of the City's Strategic Plan: *To be a professional, effective and efficient organisation* and compliments the areas relating to Goal 2 "Community Enrichment" and Goal 3 "Environmental Management" of the Strategic Plan.

OFFICER RECOMMENDATION ITEM 10.5.5

That Council approve the attendance of the following Elected Member(s) at the "Victorian Sustainable Development Conference 2008" to be held at Zinc, Federation Square, Melbourne on 22-23 April 2008 at an estimated cost of \$2,000 per person.

BUSINESS CASE

Both Cr Best and Cr Gleeson provided a Business Case in support of their attendance at the "Victorian Sustainable Development Conference 2008". Copies were circulated to Council Members at the commencement of the meeting.

MOTION

Moved Cr Hasleby, Sec Cr Trent

That Council approve the attendance of Crs Best and Gleeson at the "Victorian Sustainable Development Conference 2008" to be held at Zinc, Federation Square, Melbourne on 22-23 April 2008 at an estimated cost of \$2,000 per person.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent for the Motion

- have read conference program
- would be beneficial if Cr Best could attend one session and Cr Gleeson another
- bring the information back for benefit of Council Members
- support both Councillors attending conference

Cr Cala against the Motion

- believe we have to be mindful of ratpayer's funds
- are we going to get more out of two people attending?
- have to be seen to be prudent with finances
- against sending two Council Members

Cr Ozsdolay for the Motion

- acknowledge Cr Cala's comments
- sustainability is an important topic
- would have a problem supporting multiple names in other areas but believe this is an important issue
- have read business case from Cr Gleeson - acknowledge his commitment
- Cr Best has impressed me with his business case
- believe on this occasion Council would get value for money in sending two Members.

COUNCIL DECISION ITEM 10.5.5

The Mayor put the Motion

That Council approve the attendance of Cr Pete Best and Cr Bill Gleeson at the "Victorian Sustainable Development Conference 2008" to be held at Zinc, Federation Square, Melbourne on 22-23 April 2008 at an estimated cost of \$2,000 per person.

CARRIED (8/2)

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - February 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 March 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 10.6.1(6)(A) and 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1 (7)**

Operating Revenue to 29 February 2008 is \$30.93M which represents 101% of the \$30.68M 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 higher investment rates on offer - as well as 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 and Skyshow, 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 monthly favourable variance in building license revenue was due to unbudgeted building fees for the large development at 93 South Perth Esplanade. The City also received grant funds for the Poetry Park project and Skyshow that have not yet been included in the budget.

Investment performance and the trade in of a vehicle that was delayed from June 2007 were addressed in the Q2 Budget Review and adjusted in February. Other adjustments following the Q2 Budget Review include the impact of the review of old Trust Fund Deposits.

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. The City has also received revenue for the amenity value of street trees that have had to be removed in this period.

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 29 February 2008 is \$21.12M which represents 100% of the year to date budget of \$21.06M. Operating Expenditure to date is around 1% favourable in the Administration area, 2% over budget in the Infrastructure Services area and 5% 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 and non planning legal advice 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 SMRC 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 have now reversed as the various programs are rolled out - particularly drainage, bus shelter and park maintenance. 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 that were addressed in the Q2 Budget Review have been adjusted in February - 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 \$1.51M at 29 February against a budget of \$1.39M. 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.

Capital Expenditure at 29 February 2008 is \$5.33M against a year to date budget of \$6.74M (representing 79% of the year to date budget). Overall, the City has now completed around 29% of the full year capital program including the carry forward works (although this is distorted by the UGP Project. Excluding the UGP project, which is outside the City's control, we have now completed around 47% of the full capital program. A detailed report on the progress of the capital works program is presented bi monthly as Item 10.6.4 in the Council agenda.

A summary of the progress of the revised capital program (including the carry forward works approved by Council at the August meeting) by directorate is provided below. These numbers reflect the revised capital program after the Q2 Budget Review adjustments:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	85,000	46,660	55%	195,000
Financial & Info Services	191,500	166,316	87%	360,000
Planning & Community Services	414,835	348,408	84%	1,167,500
Infrastructure Services	5,094,750	3,838,535	75%	9,290,560
Golf Course	140,000	119,143	85%	373,478
Underground Power	812,500	812,710	100%	7,115,000
Total	6,738,585	5,331,772	79%	18,501,538

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 and 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.; and
- (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 29 February 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 March 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 also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which the delegations are being exercised. 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 \$33.90M 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 0.40% 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 February 2007 by around \$1.3M 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 \$13.32M (compared to \$14.57M 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 money market instruments at month end is \$33.32M compared to \$30.57M at the same time last year. As discussed above, the difference relates to good cash collections, higher reserve cash holdings and delayed outflows for capital projects.

The portfolio currently comprises at-call cash, term deposits, bank bills and floating rate notes. Analysis of the composition of the investment portfolio shows that approximately 80% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities. This ensures credit quality and is in accordance with Policy P603 and Dept of Local Government Operational guidelines. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of rising interest rates as it allows greater flexibility to respond to future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Interest revenues (received and accrued) for the year to date total \$1.52M - significantly up from \$1.26M at this time last year. This result is attributable to higher cash holdings, rising interest rates and timely, effective treasury management. During the year it is necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date is 6.97% with the anticipated yield on investments yet to mature currently at 7.41%. This reflects careful selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs (which make up less than 4% of the portfolio) have been providing a return of 6.50% since November 2007.

(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 February 2008 (after the due dates for the third rates instalment) represent 91.5% of total rates levied compared to 91.1% at the equivalent stage of the previous year. This suggests that collections to date remain strong - being 0.40% in advance of last year's best ever collection 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 \$1.85M at 29 February 2008 compared to \$1.13M at the same time last year. However, this 'difference' is entirely attributable to three factors - the accrual of a \$0.54M grant from the Swan River Trust, accrual of grants relating to skyshow and a larger amount of GST Refundable from the ATO. These are all entirely collectible debts and represent only a timing difference.

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, 28 and 49 are also relevant to this report as is The DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability 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 29 February 2008 Statement of Funds, Investment and 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 March 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 February 2008 and 29 February 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 month of February 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 Capital Projects Review to 29 February 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	18 January 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 29 February 2008. 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 (revised) Capital Program represents 79% of the year to date target - and 28% of the (revised) full year's budget. However, 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 47% of the City's part of the full year 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.

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 10.6.4 (1)** and **Attachment 10.6.4 (2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

Consultation

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

Policy and Legislative Implications

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

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 10.6.4
--

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 29 February 2008, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Policy P603 - Investment of Surplus Funds

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 March 2008
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report presents a revised Investment Policy for the consideration of Council.

Background

For several years, the City has had in place a solid and reliable policy detailing the essential elements of the process for (and suitability of), investments in which the City may choose to deploy funds that are surplus to its immediate cash-flow needs. The recent global credit crisis and some injudicious, or at least uninformed investment decisions, by some public sector bodies (including a number of other local governments) has resulted in the loss of some of those invested public monies. In particular, investment in Collateralised Debt Obligations (CDOs), which are highly complex and potentially volatile financial instruments, has led to some high profile public cash losses through exposure to the US Sub Prime Mortgage Market.

As a consequence, political pressure has been brought to bear at a state level to ensure that local governments are better informed about investment matters, more aware of the risk implications of the decisions made and have in place policies to effectively manage both investment funds and investment risks - whilst presenting an accountable reporting of the financial instruments themselves.

In response, the Department of Local Government (in association with WA Treasury) has now prepared an operational guideline to assist local governments in managing their investment portfolios.

Comment

As the City's investments are public funds, and are earmarked for delivery of services or projects in the future, there is clearly a requirement to ensure that prudent and responsible practices are applied in dealing with those monies.

The City's investment practices are articulated in Policy P603 - Investment of Surplus Funds. A comparison between the principles embraced in the current policy and those suggested by the Department of Local Government guideline shows that the City's current policy has addressed all of the relevant risk, fiduciary and accountability principles. However, it is possible to enhance the City's policy by duplicating the structure of the guideline to provide greater clarity and understandability of the principles governing these investment activities.

In addition to taking a proactive and responsible approach to reviewing and strengthening its investment policy, the City is also demonstrating leadership to its peers by embracing and reflecting the industry guidelines in its revised policy.

Consultation

Consultation has occurred between the City and officers of the Department of Local Government on this matter.

Policy and Legislative Implications

The revised policy is consistent with the Local Government Act Section 6.14, Trustees Act 1962 (Part III), Local Government Financial Management Regulations 19, 28 & 49, Australian Accounting Standards and Department of Local Government Operational Guideline No 19.

Financial Implications

Investment Policy P603, **Attachment 10.6.5**, promotes prudent and responsible use of financial resources, accountable resource use and ensures that cash assets are adequately safe-guarded against loss of capital – whilst achieving a suitable rate of return having regard to operational and strategic cash flow needs.

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 safeguard and effectively manage cash resources to meet operational needs whilst taking advantage of prudent revenue generating opportunities.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5
--

That Policy P603 - Investment of Surplus Funds, **Attachment 10.6.5**, be adopted.

CARRIED EN BLOC RESOLUTION

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

10.7.1 Audit and Governance Committee Recommendation - Meeting held 18 February 2008

Location: City of South Perth
Applicant: Council
File Ref: GO/108
Date: 13 March 2008
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 18 February 2008.

Background

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve the City's corporate governance framework. As the Committee does not have delegated authority it may only make recommendations to Council.

The Minutes of the Committee meeting held on 18 February 2008 are at **Attachment 10.7.1**. The background to the Committee's recommendations, which incorporate the officers' report, are set out in the Minutes.

The following items were considered by the Committee:

- (a) **Compliance Audit Return 2007;**
- (b) **Review of Delegations; and**
- (c) **Review of Policies.**

Comment

- (a) **Compliance Audit Return 2007** (*Item 5.1 Audit & Governance Committee*)

Officer/Committee Recommendation

That the Committee review the 2007 Compliance Audit Return and recommend to Council that it resolve to adopt the Return at its ordinary March 2008 meeting so as to enable it to be submitted to the Department of Local Government and Regional Development.

Comment

The Committee having reviewed the Return, recommends that Council adopt it. A copy of the Return is at **Attachment 10.7.1(a)**

- (b) **Review of Delegations** (*Item 5.2 Audit & Governance Committee*)

Officer/Committee Recommendation

That the Committee having reviewed the revised delegations recommends to Council that it adopt the revised delegations at **Attachment 10.7.1(b)**.

The revised delegations are as follows:

DC342	Town Planning Scheme No.6;
DC343	Issue of Building Licences;
DC345	Administration of Building Controls within the City;
DC346	Authority to Issue Strata Title Certificates;
DC443	Partial Closure of a Thoroughfare for Repair or Maintenance;
DC538	Appointment of Authorised Officers;
DC539	Administer the City's Local Laws; and
DC545	Appointment of Acting CEO.

Comment

The Committee having reviewed the revised delegations, recommends that Council adopt them. A copy of the delegations is at **Attachment 10.7.1(b)**.

(c) **Policy Review** (*Item 5.3 Audit & Governance Committee*)

Committee Recommendation

The Committee recommends to Council that:

- (a) it be noted that the following policies have been reviewed and 'no change' is recommended:
- P103 - Communication and Consultation
 - P140 - Complaints
 - P210 - Honorary Freeman of the City
 - P245 - Commemoration
 - P501 - Use of Council Facilities
 - P502 - Community Advisory Groups
 - P503 - Local Government Resource Sharing
 - P504 - Australian Business Excellence Framework
 - P505 - Equal Employment Opportunity
 - P506 - Elimination of Harassment in the Workplace
 - P507 - Employee Separation Payments
 - P508 - Injured Workers Rehabilitation
 - P509 - Occupational Safety & Health
 - P514 - Delegates from Council
 - P515 - Governance Framework
 - P516 - Agenda Briefings, Concept Forums and Workshops
 - P518 - Management of Corporate Records
 - P520 - Employee Recognition
- (b) policies P511-Member Entitlements and P513-Travel be withdrawn for further review;
- (c) revised policies as set out in **Attachment 10.7.1(c)**:
- P205 Use of City Facilities and Reserves
 - P301 Sustainable Procurement (Environmentally Responsible Purchasing)
 - P302 Energy Conservation
 - P312 Shade Structures;
 - P404 Street Verges; and

new policies as set out in **Attachment 10.7.1.(d)**

- P320 - Sustainability
- P321 - Environmentally Sustainable Design for City Buildings

be adopted; and

(d) policy P206 Use of City Reserves be deleted.

Comment

Following discussion, the Committee recommended that policies:

P511 Member Entitlements; and

P513 Travel

be withdrawn for further review; and consideration be given to re-naming P513 to more comprehensively describe its function. These policies will be presented to the next meeting of the Audit and Governance Committee together with the remainder of policies due for review.

Consultation

N/A

Policy and Legislative Implications

The report accurately records the policy and legislative implications of the matters contained therein.

Financial Implications

Nil

Strategic Implications

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

Sustainability Implications

Nil

OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL DECISION ITEM 10.7.1
--

That Council adopt the following recommendations of the Audit and Governance Committee meeting held on 18 February 2008:

- (a) **Compliance Audit Return 2007** (*Item 5.1 Audit & Governance Committee*)
That the Committee having reviewed the Compliance Audit Return 2007, **Attachment 10.7.1(a)**, Council resolves to adopt the Return so as to enable it to be submitted to the Department of Local Government and Regional Development.
- (b) **Review of Delegations** (*Item 5.2 Audit & Governance Committee*)
That the following revised Delegations, **Attachment 10.7.1(b)**, be adopted;
- | | |
|-------|--|
| DC342 | Town Planning Scheme No.6; |
| DC343 | Issue of Building Licences; |
| DC345 | Administration of Building Controls within the City; |
| DC346 | Authority to Issue Strata Title Certificates; |
| DC443 | Partial Closure of a Thoroughfare for Repair or Maintenance; |
| DC538 | Appointment of Authorised Officers; |
| DC539 | Administer the City's Local Laws; and |
| DC545 | Appointment of Acting CEO. |

(c) **Review of Policies** (*Item 5.3 Audit & Governance Committee*)

Council receives the Review and resolves that:

(i) it be noted that the following policies have been reviewed and 'no change' is recommended:

- P103 - Communication and Consultation
- P140 - Complaints
- P210 - Honorary Freeman of the City
- P245 - Commemoration
- P501 - Use of Council Facilities
- P502 - Community Advisory Groups
- P503 - Local Government Resource Sharing
- P504 - Australian Business Excellence Framework
- P505 - Equal Employment Opportunity
- P506 - Elimination of Harassment in the Workplace
- P507 - Employee Separation Payments
- P508 - Injured Workers Rehabilitation
- P509 - Occupational Safety & Health
- P514 - Delegates from Council
- P515 - Governance Framework
- P516 - Agenda Briefings, Concept Forums and Workshops
- P518 - Management of Corporate Records
- P520 - Employee Recognition

(ii) revised policies set out in Attachment 10.7.1(c):

- P205 Use of City Facilities and Reserves
- P301 Sustainable Procurement (Environmentally Responsible Purchasing)
- P302 Energy Conservation
- P312 Shade Structures;
- P404 Street Verges; and

new policies set out in Attachment 10.7.1(d):

- P320 - Sustainability;
- P321 - Environmentally Sustainable Design for City Buildings

be adopted; and

(iii) policy P206 Use of City Reserves be deleted.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence : Mayor Best 13.4.2008 - 17.4.2008

Moved Cr Trent, Sec Cr Burrows

That Mayor Best be granted leave of absence from any meetings held between 13 and 17 April 2008 inclusive.

CARRIED (10/0)

11.2 Request for Leave of Absence : Cr Trent 23.5.2008 - 27.5.2008

Moved Cr Ozsdolay, Sec Cr Burrows

That Cr Trent be granted leave of absence from any meetings held between 23 and 27 May and 2008 inclusive.

CARRIED (10/0)

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
At the Council meeting held 26 February 2008 there were no questions taken on notice.

13.2. QUESTIONS FROM MEMBERS WITHOUT NOTICE 25.3.2008
Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

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 8.55pm.

<p>15.1.1 Recommendations from CEO Evaluation Committee Meeting 11.3.2008 <i>CONFIDENTIAL Not to be Disclosed REPORT</i></p>
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Location:	City of South Perth
Applicant:	Council
Date:	12 March 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.

Summary

The purpose of this report is to consider recommendations arising from the CEO Evaluation Committee meeting held 11 March 2008 in relation to progress of the CEO performance review which require a Council decision.

Note: *Confidential* report circulated separately.

**COMMITTEE RECOMMENDATION AND
COUNCIL DECISION ITEM 15.1.1**

Moved Cr Hasleby, Sec Cr Trent

That Council adopt the following Recommendation of the CEO Evaluation Committee Meeting of 11 March 2008:

That....

- (a) the one (1) proposal submitted by Kellahan Saunders for the development of CEO KPI's and subsequent assessment for the 2008/2009 review period be received and retained for assessment by the Committee;
- (b) the recommended shortlist of HR consultants, which includes the existing consultants that have indicated an interest, be accepted and the **new** 'shortlist' of consultants be recommended to Council to call for expressions of interest; and
- (b) the new process and timelines for selection of HR Consultant to undertake the development of CEO KPI's for the 2008/2009 review period be reviewed and recommended for endorsement by Council.

CARRIED (10/0)

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 9.05pm.

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 22 April 2008

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.

