



**ORDINARY COUNCIL MEETING
MINUTES
Table of Contents**

| | | |
|-------|--|----|
| 1. | DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS..... | 4 |
| 2. | DISCLAIMER | 4 |
| 3. | ANNOUNCEMENTS FROM THE PRESIDING MEMBER | 4 |
| 3.1 | Activities Report Mayor Best (<i>Note: Attached to the back of Agenda paper</i>)..... | 4 |
| 3.2 | Audio Recording of Council Meeting..... | 4 |
| 4. | ATTENDANCE..... | 5 |
| 4.1 | APOLOGIES | 5 |
| 4.2 | APPROVED LEAVE OF ABSENCE | 5 |
| 5. | DECLARATION OF INTEREST | 5 |
| 6. | PUBLIC QUESTION TIME..... | 5 |
| 6.1 | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 5 |
| 6.2 | PUBLIC QUESTION TIME: 27.5.2008..... | 5 |
| 6.2.1 | Mr Barrie Drake, 2 Scenic Crescent, South Perth..... | 6 |
| 6.2.2 | Mr Geoff Defrenne, 24 Kennard Street, Kensington..... | 7 |
| 7. | CONFIRMATION OF MINUTES / BRIEFINGS | 9 |
| 7.1 | MINUTES..... | 9 |
| 7.1.1 | Ordinary Council Meeting Held: 22.4.2008 | 9 |
| 7.1.2 | CEO Evaluation Committee Meeting Held: 6.5.2008..... | 9 |
| 7.2 | BRIEFINGS | 10 |
| 7.2.1 | Agenda Briefing - April 2008 Ordinary Council Meeting Held: 15.4.2008 | 10 |
| 7.2.2 | Concept Forum Capital Works Program Meeting Held: 29.4.2008..... | 10 |
| 7.2.3 | Concept Forum Network City-Canning Bridge Update Meeting Held: 6.5.2008..... | 10 |
| 7.2.4 | Concept Forum Town Planning Major Developments and Chinese Market Gardens Proposal - Meeting Held: 7.5.2008 | 10 |
| 7.2.5 | Concept Forum Library/Hall Upgrade Project: Meeting Held: 13.5.2008..... | 10 |
| 8. | PRESENTATIONS..... | 11 |
| 8.1 | PETITIONS - A formal process where members of the community present a written request to the Council | 11 |
| 8.1.1 | Petition dated 10 May 2008 from Mr Keith Fisher and 37 Signatures requesting Council “to abandon the proposed closure of Wooltana Street, Como”. | 11 |
| 8.2 | PRESENTATIONS - Formal or Informal Occasions where Awards or Gifts may be accepted by the Council on behalf of the Community. | 11 |
| 8.2.1 | Valerie Parker Exhibition “All Things Bright & Beautiful”..... | 11 |
| 8.2.2 | National Arts Council, Singapore | 11 |
| 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. | 12 |

MINUTES: ORDINARY COUNCIL MEETING: 27 MAY 2008

| | | | |
|--------|--|--------------------|----|
| 8.3.1. | Ms June Davis, 123/43 McNabb Loop, Como | Agenda Item 10.0.2 | 12 |
| 8.3.1. | Mr Greg Paterson representing Paterson Group Architects, 9 Havelock St, West Perth and Mr Mal Dempsey, 78 Mill Point Rd, South Perth | Agenda Item 10.3.1 | 12 |
| 8.4 | DELEGATES' REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to 9 May 2008 for inclusion in the Council Agenda | | 13 |
| 8.4.1. | Delegates Report - IPWEA State Conference 5 - 7 March 2008: Fremantle Esplanade Hotel | | 13 |
| 8.4.2. | Delegates Report - Perth Airport Municipalities Group Meeting Held 20 March 2008. | | 13 |
| 8.4.3. | Delegates Report - The Victoria Sustainable Conference Held 22 - 23 April 2008. | | 13 |
| 8.4.4. | Delegates Report - The Victoria Sustainable Conference Held 22 - 23 April 2008. | | 14 |
| 9. | METHOD OF DEALING WITH AGENDA BUSINESS | | 14 |
| 10. | REPORTS | | 15 |
| | <i>10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS</i> | | 15 |
| 10.0.1 | Membership - CEO Evaluation Committee (<i>Item 12.1 April 2008 Council Meeting</i>) | | 15 |
| 10.0.2 | Expressions of Interest for Ownership/Management Collier Park Village Hostel (<i>Item 10.0.2 April 2008 Council Meeting</i>) | | 17 |
| 10.0.3 | Community Visioning (<i>Item 10.0.7 February 2008 Council meeting refers</i>) | | 18 |
| | <i>10.1 GOAL 1: CUSTOMER FOCUS</i> | | 27 |
| | <i>10.2 GOAL 2: COMMUNITY ENRICHMENT</i> | | 27 |
| | <i>10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT</i> | | 27 |
| 10.3.1 | Proposed 4-Multiple Dwellings within a 4-Storey Building - Lot 29 (No. 93) South Perth Esplanade, South Perth | | 27 |
| 10.3.2 | Proposed Two Grouped Dwellings within a 4-Storey Building - Lot 3 (No. 5) Parker Street, South Perth | | 41 |
| 10.3.3 | Council position on Skillion Roofs for new dwellings in relation to compliance with Council Policy P370 "General Design Guidelines for Residential Development" | | 50 |
| | <i>10.4 GOAL 4: INFRASTRUCTURE</i> | | 52 |
| 10.4.1 | Tender for Supply and delivery of One Diesel Powered Front End Loader | | 52 |
| | <i>10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS</i> | | 55 |
| 10.5.1 | Applications for Planning Approval Determined Under Delegated Authority | | 55 |
| 10.5.2 | Use of the Common Seal | | 56 |
| 10.5.3 | Review of Deputations at Council Agenda Briefings, 'Work in Progress' Agenda available to the Public; and Consideration of Major Development Concept Forums being Open to the Public | | 57 |
| | <i>10.6 GOAL 6: FINANCIAL VIABILITY</i> | | 59 |
| 10.6.1 | Monthly Financial Management Accounts - April 2008 | | 59 |
| 10.6.2 | Monthly Statement of Funds, Investments and Debtors at 30 April 2008 | | 63 |
| 10.6.3 | Warrant of Payments Listing | | 66 |
| 10.6.4 | Capital Projects Review to 30 April 2008 | | 67 |
| 11. | APPLICATIONS FOR LEAVE OF ABSENCE | | 69 |
| 12. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | | 69 |
| 12.1 | WALGA - Notice of Motion for AGM | | 69 |

MINUTES: ORDINARY COUNCIL MEETING: 27 MAY 2008

| | | |
|--------|---|----|
| 13. | QUESTIONS FROM MEMBERS WITHOUT NOTICE | 72 |
| 13.1. | RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE..... | 72 |
| 13.2 | QUESTIONS FROM MEMBERS WITHOUT NOTICE 27.5.2008 | 72 |
| 14. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING | 72 |
| 15. | MEETING CLOSED TO PUBLIC..... | 72 |
| 15.1 | Matters for which the Meeting May be Closed..... | 72 |
| 15.1.1 | Recommendations from CEO Evaluation Committee Meeting Held 6 May 2008 <i>CONFIDENTIAL Not to be Disclosed REPORT</i> | 73 |
| 15.2 | Public Reading of Resolutions that may be made Public. | 73 |
| 16. | CLOSURE | 73 |
| 17. | RECORD OF VOTING | 74 |



ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 27 May 2008 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm, welcomed everyone in attendance. He then paid respect to the Noongar people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to this land.

Demise of Phillip Pental

The Mayor advised of the passing away of Phillip Pental and made the following comments on Mr Pental's contribution to the City.

- Mr Pental was one of only 3 Freeman of the City, and was made an Hon Freeman on 26 January 2006
- Prior to entering Parliament he was a journalist and then a Press Secretary to Sir Charles Court. Mr Pental was a Member of Parliament for the City for more than 25 years and represented the City in a very effective manner
- Mr Pental was the inaugural Chairman for the South Perth Historical Society and Vice Chairman for the May Gibbs Trust

The Mayor further advised that Mr Pental had written several histories of the City of South Perth including Hands That Heal, History of the South Perth Hospital and most recently being the history of the Royal Perth Golf Club in 2004.

The Mayor extended condolences to Maxine and the Pental family in their time of grief.

A minute's silence was observed to reflect on the contribution made by Mr Pental to the community of South Perth.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.2 Audio Recording of Council Meeting

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

4. ATTENDANCE

Present:

Mayor J Best Chairman

Councillors:

| | |
|--------------|-----------------|
| B Hearne | Como Beach Ward |
| P Best | Como Beach Ward |
| T Burrows | Manning Ward |
| L P Ozsdolay | Manning Ward |
| C Cala | McDougall Ward |
| R Wells, JP | McDougall Ward |
| R Grayden | Mill Point Ward |
| D Smith | Mill Point Ward |
| S Doherty | Moresby Ward |
| Cr B Gleeson | Civic Ward |

Officers:

| | |
|-----------------|--|
| Mr M J Kent | Acting Chief Executive Officer |
| Mr S Cope | Director Development and Community Services |
| Mr M Taylor | Acting Director Infrastructure Services |
| Ms D Gray | Acting Director Financial and Information Services |
| Mr R Kapur | Acting Manager Development Assessment |
| Mr R Bercov | Strategic Urban Planning Adviser until 8.27 pm |
| Mr S McLaughlin | Legal and Governance Officer |
| Ms R Mulcahy | City Communications Officer |
| Mr N Kegie | Manager Community, Culture and Recreation |
| Mr M Stuart | Senior Planning Officer until 8.29 pm |
| Ms J Jumayao | Research/Projects Officer |
| Ms J Sethi | Minute Taking |

Gallery

There were 11 members of the public and 1 member of the press present

4.1 APOLOGIES

Mr C Frewing CEO - National Local Government Conference attendance

4.2 APPROVED LEAVE OF ABSENCE

| | |
|----------------|--------------|
| Cr K Trent RFD | Moresby Ward |
| Cr I Hasleby | Civic Ward |

5. DECLARATION OF INTEREST

Nil

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 22 April 2008 there were no questions taken on notice:

6.2 PUBLIC QUESTION TIME: 27.5.2008

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 the opened Public Question Time at 7:10 pm.

6.2.1 Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

I refer to the Grant of Planning Consent form which is issued by the City to land owners who make application for Planning Consent and Building licences. This form usually has a number of conditions on it which are to be complied with by the landowners who are developing the land.

Is it a legal requirement for the conditions on the Grant of Planning Consent to be complied with?

Summary of Response

The Director Development and Community Services stated it was.

Summary of Question

Does the legal responsibility rest with the landowners to comply with the Grant of Planning Consent or is it up to the City to enforce it?

Summary of Response

The Director Development and Community Services stated the question was taken on notice.

Summary of Question

Did the City know that the lawyers for the owners of 11 Heppingstone Street, South Perth, Minter Ellison, have sent me two threatening letters; one by registered post which I had to collect from Angelo Street Post Office and the other by courier which I had to sign for? Mr Drake offered to make available copies of the correspondence in question to the City.

Summary of Response

The Mayor said "I am not aware that you received that correspondence from Minter Ellison".

The Mayor further stated that in the interests of open disclosure, it would be a good idea for Mr Drake to provide the City with a copy of the correspondence from Minter Ellison.

Summary of Question

Are Minter Ellison still the lawyers for the City of South Perth?

Summary of Response

Acting Chief Executive Officer advised that Minter Ellison are one of a number of lawyers on the City's panel. They were appointed after an exhaustive tender process.

Summary of Question

As the owners of 11 Heppingstone Street have been found by the SAT to have breached the conditions of the Planning Scheme and Minter Ellison are their lawyers, should they also be the City's lawyers?

Summary of Response

The Legal and Governance Officer said "not having seen the letters, I do not actually know what they say, however Minter Ellison are not acting for the City in relation to this matter".

Summary of Question

Condition (13) of the Grant of Panning Consent issued to the owners of 11 Heppingstone Street on 8 January 2001 stated “the finished floor level shall be no higher than 9.4 metres relative to the datum shown on the site plan”.

In a report dated 19 November 2002 by RM Surveyors (the City’s Surveyors at the time) it stated that the observed finished floor level was 13.51 metres with a datum of 3.01 metres, this leaves the finished floor level i.e. Level 4 to be 10.5 metres i.e. 1.1 metre higher than the 9.4 metres stated in Condition (13). Please explain this to the Elected Members, the gallery here and the ratepayers of the City of South Perth.

Summary of Response

The Mayor stated the question was taken on notice and a response would be provided as soon as possible.

6.2.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

I am concerned about the statement that the plot ratio based upon an area of 1608 square metres complies. I have great concern about the item in the report which states “in support of this method, the City of South Perth and Governance Officer has examined the situation with the following comments”.

Does the City use the same definition as in the 2002-R codes?

Summary of Response

The Mayor responded that it was a statutory requirement and the City used the same definition.

Summary of Question

Plot Ratio is the ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. Does the Council agree with this definition?

Summary of Response

The Mayor responded “Yes”.

Summary of Question

Development Site - “A lot within which development is proposed” Does the Council agree with this definition?

Summary of Response

The Director Development and Community Services responded “we have no problem with that statement”.

Summary of Question

Lot - “the parent ‘lot’ inclusive of common areas, on which the strata scheme relates as defined under the Town Planning and Development Act”. Does the Council agree with this definition?

Summary of Response

The Director Development and Community Services responded there was no dispute it came straight out of the R Codes.

Summary of Question

Town Planning and Development Act - "The Town Planning and Development Act has been replaced by the Planning and Development Act 2005". Does the Council agree this is correct?

Summary of Response

The Director Development and Community Services agreed.

Summary of Question

Does the title of No 93 South Perth Esplanade show approximately 1543 square metres?

Summary of Response

The Director Development and Community Services responded "it does".

Summary of Question

As the area of the lot is about 1543 square metres and the permitted plot ratio is 1:1, can the plot ratio area of this site exceed 1543 square metres?

Summary of Response

The Director Development and Community Services responded that the current application involved two lots and in the plot ratio calculations both lots had been included.

Summary of Question

If a part of the area of this particular lot is included, is the area of this additional lot been taken into account for the open space requirement?

Summary of Response

The Director Development and Community Services stated "my understanding is that the open space requirement has been calculated on the area of the privately owned lot and further that the Water Corporation lot is to be developed in the open space only".

Summary of Question

Once the Strata is issued, will these two lots be amalgamated?

Summary of Response

The Senior Planning Officer responded that at this point the issue of amalgamation does not need to be mentioned because of an easement. Councillors may be aware of a normal situation where the applicant owns the land and Water Corporation is given an easement to the lot.

Summary of Question

Earlier this year I was privileged to assess a major development proposed for Canning Highway. I was asked to do this by the developer. To my amazement I found that this building had been reviewed by the Design Advisory Group. Why, because this building was at least 60% over the maximum plot ratio. No amount of tweaking could make this building comply.

Up until recently the City has claimed the plot ratio area of 11 Heppingstone Street complied with the law.

Does the City know how to measure plot ratio area and how to correctly administer the law in respect to plot ratio area?

Summary of Response

The Mayor responded “yes of course we do”. The issue here is an unusual circumstance. We have a lot that has been straddled by a freehold title that is owned by the Water Corporation. The issue here is what is the ownership of the title and what is the ownership of the front half to the back half. Once we know that we will be able to calculate the plot ratio.

Summary of Question

Next month Council is having some budget sessions given that rents have increased considerably some by 50% and some by 100%. Therefore if the value of the dollar stays the same, the City will gain a big increase in Rates.

Will Council consider reducing the rate in the dollar so that the overall rate take be maintained within the inflation rate.

Summary of Response

The Mayor stated that equity is certainly something which this Council strives for but in your specific case and your specific question, asked the Acting CEO to provide a response.

Summary of Response

The Acting Chief Executive Officer responded “we are modelling the GRVs just received from the Valuer General Office right across the City. A lower rate in the dollar will be applied to ensure that we achieve something that is both responsible, sustainable and equitable. There will of course always be some peculiarities in terms of increases or changes across the City we have always tried to be conscious of that. There are some peculiar circumstances where some properties will have a decrease in rates and some others will receive an increase. What I can say, this year is as I have done in the last three previous occasions that I have been responsible for the budget, we will do whatever we can to ensure that the maximum number of the City’s ratepayers are put in the most advantaged position.

Close of Public Question Time

There being no further questions the Mayor closed Public Question time at 7.30 pm.

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22.4.2008

COUNCIL DECISION ITEM 7.1.1

Moved Cr Hearne, Sec Cr Doherty

That the Minutes of the Ordinary Council Meeting held 22 April 2008 be taken as read and confirmed as a true and correct record.

CARRIED (11/0)

7.1.2 CEO Evaluation Committee Meeting Held: 6.5.2008

COUNCIL DECISION ITEM 7.1.2

Moved Cr Burrows, Sec Cr Hearne

That the Minutes of the CEO Evaluation Committee Meetings Held 6 May 2008 be received.

CARRIED (11/0)

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 - April 2008 Ordinary Council Meeting Held: 15.4.2008

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

7.2.2 Concept Forum Capital Works Program Meeting Held: 29.4.2008

Officers of the City presented an update on the Capital Works Program. Notes from the Concept Forum are included as **Attachment 7.2.2**.

7.2.3 Concept Forum Network City-Canning Bridge Update Meeting Held: 6.5.2008

Representatives from DPI and GHD provided an update on Network City-Canning Bridge. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Forum Town Planning Major Developments and Chinese Market Gardens Proposal - Meeting Held: 7.5.2008

Officers of the City provided an overview of proposed major development in Parker Street and responded to questions raised from Members. Representatives from the Historical Society and Rotary International presented a proposal on a 'Garden of Significance'. Notes from the Concept Briefing are included as **Attachment 7.2.4**.

7.2.5 Concept Forum Library/Hall Upgrade Project: Meeting Held: 13.5.2008

Peter Hunt Architects presented concept drawings in relation to the proposed Library/Hall Upgrade Project and responded to questions raised by Members. Notes from the Concept Briefing are included as **Attachment 7.2.5**.

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| COUNCIL DECISION ITEMS 7.2.1 TO 7.2.5 INCLUSIVE |
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Moved Cr Grayden Sec Cr Doherty

That the comments and attached Notes under Items 7.2.1 to 7.2.5 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 22 April 2008 be noted.

CARRIED (11/0)

8. PRESENTATIONS

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| 8.1 PETITIONS - | A formal process where members of the community present a written request to the Council |
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8.1.1 Petition dated 10 May 2008 from Mr Keith Fisher and 37 Signatures requesting Council “to abandon the proposed closure of Wooltana Street, Como”.

Text of petition reads:

Our view of the River and Canning Bridge from Wooltana Street is breath taking by day or night and is enjoyed by all who not only live on this Street but also by those using this Street to access nearby homes.

For many residents, our river views are already being impacted upon as more large homes are constructed along Roberts Street and therefore the view from Wooltana Street is something to be preserved for all and for ever. The Sale of this land for any type of development would negatively impact on this View and also the value of our properties.”

RECOMMENDATION

That the Petition dated 10 May from Mr Keith Fisher and 37 signatures requesting Council to abandon the proposed closure of Wooltana Street, Como and to landscape and maintain the land for the benefit of all local people be received and forwarded on to the City’s Infrastructure Services Directorate for investigation.

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| 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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8.2.1 Valerie Parker Exhibition “All Things Bright & Beautiful”

The Mayor advised of the Valerie Parker Exhibition held at the Heritage House Cultural Centre on 2 May 2008. The Mayor presented a painting from Valerie Parker which was donated to the Council.

The Mayor extended his thanks to Valerie for the painting.

8.2.2 National Arts Council, Singapore

The Mayor presented a 24 carat golden egg presented to the Council by Mr Lee Suan Hiang, Chief Executive Officer of the National Arts Council, Singapore. Mr Hiang was visiting Australia to attend the “Walk of Honour” that was created in Neil McDougall Park and for the launch of poems from Singapore and Australia entitled “Over There”. It was noted that this was only the second visit of Mr Hiang in 22 years when he decided it was important enough to visit Australia for the launch of “Poetry in the Park” where 12 of Australia’s most highly recognised poets works are featured.

The Mayor expressed his intention to accept the golden egg on behalf of Susan Marie, Manager, Library & Heritage Services and acknowledged the significant amount of work that Susan put into organising the event and gave recognition to Susan’s contribution in this regard.

The Mayor asked that the Acting Chief Executive convey to Susan Marie its sincere appreciation for the work she has done and is very pleased to accept the egg.

The Mayor stated that when refurbishment of the Library was completed, the egg could probably be placed in a prominent position so that everyone could see it and acknowledge what it represented.

| | |
|--------------------------|--|
| 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 10.0.2 and 10.3.2 were heard at the May Council Agenda Briefing held on 20 May 2008.

Opening of Deputations

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

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| 8.3.1. Ms June Davis, 123/43 McNabb Loop, Como Agenda Item 10.0.2 |
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Ms Davis referred to the Expression of Interest of Item 10.0.2 and acknowledged the concerns expressed at the Agenda Briefing held on 20 May 2008. Ms Davis referred to the City's responsiveness and specifically to the efforts of the CEO, Mr Cliff Frewing in producing the amended Expression of Interest.

Ms Davis thanked the Mayor and the CEO for accepting her late deputation and for a favourable consideration to the matter.

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| 8.3.1. Mr Greg Paterson representing Paterson Group Architects, 9 Havelock St, West Perth and Mr Mal Dempsey, 78 Mill Point Rd, South Perth Agenda Item 10.3.1 |
|---|

Mr Paterson spoke for the officer recommendation on the following points:

- in support of recommendation;
- discussed item (f) boundary wall west which will comply with city requirements as discussed with planning officers;
- discussed the position of the services cabinet; and
- copper roof

Cr Gleeson enquired if Mr Paterson was aware of the amended motion and asked if he could comment on the amended motion.

Mr Paterson stated whilst he did not decline to comment on the amended motion, he felt he was not the appropriate person and someone more familiar with the issue could speak and requested that Mr Mal Dempsey read the amended motion and comment accordingly.

Mr Dempsey addressed the Council and outlined the following:

- Easement to be lodged on a strata. No problem with registering the easement
- Good win-win outcome that maintained a good relationship with Water Corporation.
- Titles will be issued as soon as possible.
- Water Corporation have signed a joint application for 1638 sqm lot for development approval

Mr Dempsey indicated that he was totally happy with the amended motion.

Cr Smith stated that whilst he had no problem with the easement and access for the water supply, he was concerned that by including the land owned and which will continue to be owned by whatever agreement, the water supply being incorporated into the land owned by the developers through the amalgamated lot, predicates to the plot ratio.

Cr Smith further advised of his intention to move a motion by deferring this item by a month to allow Council to seek further legal advice as to the legality of including privately owned land into the developed area. Cr Smith enquired if the owner of the lot site who wishes to develop incorporating the land, if it could be amalgamated to provide the extra area which then predicates to the extra plot ratio.

POINT OF ORDER

Cr Gleeson stated that “we are here to ask the question of the proponent not to debate with him”. Cr Smith is now debating and that’s not fair.

POINT OF CLARIFICATION

The Mayor responded “Councillor I think what Cr Smith is asking is that who owns that land in the middle”.

The Mayor clarified that the Water Corporation holds the land freehold.

Close of Deputations

The Mayor thanked the presenters for their comments and closed Deputations at 7:55 pm

8.4 DELEGATES’ REPORTS

Delegate’s written reports to be submitted to the Minute Secretary prior to **9 May 2008** for inclusion in the Council Agenda.

8.4.1. Delegates Report - IPWEA State Conference 5 - 7 March 2008: Fremantle Esplanade Hotel

A report from Cr Trent summarising his attendance at the IPWEA State Conference at the Fremantle Esplanade Hotel between 5 - 7 March 2008 is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegate’s Report in relation to Cr Trent’s attendance at the IPWEA State Conference held at the Fremantle Esplanade Hotel between 5 - 7 March 2008 be received.

8.4.2. Delegates Report - Perth Airport Municipalities Group Meeting Held 20 March 2008.

Cr Hasleby reported his attendance, together with that of Cr Burrows, at the PAMG Ordinary General Meeting held at Jandakot on 20 March 2008. The Minutes of the meeting are available at **Attachment 8.4.2.**

RECOMMENDATION

That the Minutes of the Perth Airport Municipalities Group Meeting held on 20 March 2008 be received.

8.4.3. Delegates Report - The Victoria Sustainable Conference Held 22 - 23 April 2008.

A report from Cr Gleeson summarising his attendance at the Victoria Sustainable Conference held at Federation Square, Melbourne between 22 and 23 April 2008 is at **Attachment 8.4.3.**

RECOMMENDATION

That the Delegate’s Report in relation to the Victoria Sustainable Conference held at Federation Square, Melbourne between 22 and 23 April 2008 be received.

8.4.4. Delegates Report - The Victoria Sustainable Conference Held 22 - 23 April 2008.

A report from Cr P Best summarising his attendance at the Victoria Sustainable Conference held at Federation Square, Melbourne between 22 and 23 April 2008 is at **Attachment 8.4.4.**

RECOMMENDATION

That the Delegate's Report in relation to the Victoria Sustainable Conference held at Federation Square, Melbourne between 22 and 23 April 2008 be received.

Cr Gleeson commented on Item 8.4.3 and commended the City's Sustainable Coordinator, Wendy Patterson in maintaining sustainability and stated "she certainly knows her stuff".

Cr Gleeson thanked Councillors who supported his attendance at the conference and supported Wendy Patterson for being a member of this Council.

The Acting Chief Executive Officer agreed to convey Cr Gleeson's appreciation to Wendy Patterson.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 20 May 2008.

The Acting Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hearne, Sec Cr Gleeson

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.3.2, 10.3.3, 10.4.1, 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2, 10.6.3 and 10.6.4

CARRIED EN BLOC RESOLUTION

Note: Item 15.1.1

The Mayor drew Councillors attention to Item 10.0.1 and indicated that as per the requirement of the officer recommendation, this item was carried unanimously ie "absolute majority".

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

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| 10.0.1 Membership - CEO Evaluation Committee (<i>Item 12.1 April 2008 Council Meeting</i>) |
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|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 2 May 2008 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The purpose of this report is to consider the membership of the CEO Evaluation Committee.

Background

The CEO Evaluation Committee oversees the quarterly review of the CEO's performance and conducts annual performance reviews. The functions of the CEO Evaluation Committee are to:

- (i) review and ratify agreed performance areas;
- (ii) establish timelines for quarterly review periods;
- (iii) establish timelines for achievement of Performance Focus Areas;
- (iv) conduct first quarterly Evaluation Committee meetings;
- (v) conduct Annual Performance Reviews;
- (vi) review the remuneration package of the CEO;
- (vii) discuss performance issues with the CEO; and
- (viii) make recommendations and establish outcomes.

At the April 2008 Council meeting the following Notice of Motion was adopted:

That in order to alleviate the problem of having to re-schedule meetings of the CEO Evaluation Committee due to the lack of a quorum that Council restructures the membership of the CEO Evaluation Committee.

A copy of the relevant page of the Minutes is at **Attachment 10.0.1**.

The Notice of Motion was the result of the difficulty of arranging several CEO Evaluation Committee Meetings in April when three Members were on Leave of Absence. Whilst the meeting could have been held (as the quorum was 3 with 6 Member Committee) it was believed that a Committee with Deputy Members would be beneficial.

Comment

The intent of the April 2008 Council resolution is to consider options that would increase the number of Members present when holding meetings. Such options could include increasing the number of members of the CEO Evaluation Committee or the appointment of Deputy Members.

The following are the current members of the CEO Evaluation Committee:

The Special Council Meeting held on 23 October 2007 adopted the membership of the Committee (Item 3.3(b) refers) as follows

- Mayor Best
- Cr Wells McDougall Ward
- Cr Doherty Moresby Ward

- Cr Burrows Manning Ward
- Cr Hasleby Civic Ward
- Cr Smith Mill Point Ward

Obviously, there are numerous alternatives available when considering restructuring a committee, including rescinding the October 2007 resolution and calling for fresh nominations. However, a simple solution is to restructure Committee to ensure that each Ward is represented.

Currently 5 of the 6 Wards are represented. There is no representation from the Como Beach Ward. It is therefore recommended that a Member from Como Beach Ward be appointed resulting in representation from each Ward and that in the event that any Member appointed is unable to attend then the other Ward Member becomes the Deputy.

Consultation

Notice of Motion adopted at April 2008 Council meeting.

Policy and Legislative Implications

The *Local Government Act* does not specifically provide for the appointment of Deputy Members (an issue recently highlighted with respect to appointment of Deputy Members for Regional Councils). The legislation relies on a definition contained in the *Interpretation Act* which makes reference to Deputy Members. The City's Standing Orders Local Law does not make reference to appointment of Deputy Members.

Financial Implications

There are no cost implications.

Strategic Implications

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

Sustainability Implications

This report addresses the City's ongoing sustainability through the review of the Membership of the CEO Evaluation Committee.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1 |
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That....

- (a) Council appoint a Councillor from the Como Beach Ward as a Member of the CEO Evaluation Committee; and
- (b) the Ward Member not currently a member of the CEO Evaluation Committee be authorised to act as Deputy in the event that the Ward Member, who is a Committee Member, is unable to attend any meeting.

CARRIED EN BLOC RESOLUTION
BY ABSOLUTE MAJORITY

10.0.2 Expressions of Interest for Ownership/Management Collier Park Village Hostel *(Item 10.0.2 April 2008 Council Meeting)*

Location: City of South Perth
Applicant: Council
File Ref: CS/501/4
Date: 2 May 2008
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to seek Council endorsement of a 'brief' calling for 'expressions of interest' for the ownership / management of the Collier Park Village Hostel.

Background

The operations of the Collier Park Hostel have been under review for some time and have been the subject of both internal and consultants' reports. Following the decision made by Council in 2006 to retain ownership/management of the Collier Park Hostel in May 2007, as a result of a Notice of Motion, Council resolved ... *That a Strategic Plan be prepared for the Collier Park Village to provide the City with a means to identify present and future opportunities.*

To further progress the **May 2007** Council resolution a report was presented to the **December 2007** meeting where Council resolved as follows:

That....

- (b) representatives from MeathCare and Settlers Lifestyle Villages be invited to address Council at a briefing on their philosophy towards aged health care and independent living; and*
- (c) following the presentations referred to in part (b) above, a further Future Directions Workshop be held in February 2008 and representatives of the Collier Park Village be invited to participate in the discussions.*

Comment

In response to the **December 2007** Council resolution, presentations were arranged by MeathCare and Settlers Lifestyle Villages at a Council Member Briefing held on 6 February 2008. Following the Briefing a *Future Directions Workshop* was held and the following outcome decided upon:

That the CEO would review and summarise the subject matter and present an 'Options Paper' to Councillors for further consideration as soon as possible.

In response to the February 2008 Briefing a further report was presented to the April 2008 Council meeting where it was resolved:

That a Brief be prepared inviting "not for profit" organisations to lodge Expressions of Interest for the ownership / management of the Collier Park Village Hostel.

A *draft* Brief has been prepared and attached at **Attachment 10.0.2** for Council endorsement prior to it being advertised seeking 'expressions of interest'

Consultation

Consultants advice has been sought on previous occasions, the most recent of which was a comprehensive report prepared by Southern Cross Homes which was considered by Council in October 2006.

Other consultants have been engaged to improve operational and financial efficiencies and internal reviews have been conducted.

Representatives from the Collier Park Residents Committee participated in the previous 'Future Directions Workshop' in August 2007 and the Interviews Workshop conducted in February 2008. It is again recommended that representatives be involved in any future decisions on this topic.

Policy and Legislative Implications

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

Resolution of the Hostel operation (subject to the option chosen), may facilitate expansion of the Collier Park Village to be reviewed without encumbrance of Hostel building footprint.

Financial Implications

Operational costs of the Collier Park Hostel have traditionally exceeded operational revenue. Recent financial results are as follows:

| | Operating Revenue \$ | Operating Expenditure (Excluding Non cash) \$ | Operating Loss \$ | Capital \$ |
|-----------|-------------------------|---|----------------------|---------------|
| 2004/2005 | 1,058,549 | 1,130,047 | 71,498 + | 99,931 |
| 2005/2006 | 1,153,020 | 1,235,423 | 82,403 + | 53,452 |
| 2006/2007 | 1,261,558 | 1,366,439 | 104,881 + | 34,472 |
| 2007/2008 | Estimate 1,297,900 | 1,361,780 | 63,890 + | 62,017 |

Strategic Implications

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

Sustainability Implications

The Collier Park Hostel is not sustainable from a financial point of view. Whilst it can be regarded as a service provided to ratepayers the residents do not pay rates. The high level of subsidisation is a possible cause for concern (approximately \$3,750 per Hostel resident).

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2

That the Brief inviting “not for profit” organisations to lodge Expressions of Interest for the ownership / management of the Collier Park Village Hostel be endorsed.

CARRIED EN BLOC RESOLUTION

10.0.3 Community Visioning *(Item 10.0.7 February 2008 Council meeting refers)*

Location: City of South Perth
 Applicant: Council
 File Ref: tbc
 Date: 8 May 2008
 Authors: Helen Doran-Wu, Community Development Coordinator
 Neil Kegie, Manager Community Culture and Recreation
 Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consolidate the information gathered to date regarding the implications of the City conducting a Visioning process and to recommend that the City embarks on such a process.

Background

Council adopted a Notice of Motion at the September 2007 meeting as follows;

COUNCIL DECISION ITEM 12.1

That....

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

A report was subsequently considered at the February 2008 council meeting that presented background information on the Visioning process and how it could apply to the City of South Perth (**Attachment 10.0.3a refers**). At that meeting council resolved;

COUNCIL DECISION ITEM 10.0.7

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

Comment

Workshop

On 8 April 2008 a councillor workshop was held to consider the implications of the City undertaking a Visioning project. The agenda for the workshop, which was facilitated by Tim Muirhead of CSD Network, covered;

- An Overview of Visioning (Tim Muirhead)
- Experiences of 4 other Local Governments that have undertaken Visioning (Helen Doran-Wu, Community Development Coordinator, City of South Perth)
- Discussion of five key points;
 1. What are we visioning? What would you like the ‘outcome’ to look like?
 2. What time frame are we visioning for? (5 years? 10? 20?)
 3. What benefits would you like to see a South Perth Visioning Process achieve?
 4. What dangers will the South Perth Visioning process need to avoid?
 5. Where to from here

A key area highlighted by the facilitator was the question ‘Why do it (visioning)?’ This is a different question from, but related to, ‘What are the benefits that you would like to achieve?’ For the purposes of this exercise these were regarded as similar. Tim Muirhead emphasised that the key reasons to do the visioning were:

- ✓ Engagement and belonging
- ✓ Direction and Leadership
- ✓ Partnership – ‘us together’

✓ 'Creative Tension'

Full notes from the workshop are included in this agenda (**Attachment 10.0.3b refers**) with a summary of the key points outlined below for convenience.

1. What are we visioning? What would you like the 'outcome' to look like?:

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|---|
| <p>Summary All responses felt that the community visioning should focus on 'higher/broader level' community aspirations.</p> <p>Specific implications of this include:</p> <ul style="list-style-type: none">✓ The 'Vision' that emerges would be relevant to all organisations working in the municipality, and spheres of government. It is not just a vision for Council. It is a vision for our community, and all those who serve it.✓ The process of visioning should, itself, create more vibrant sense of community, engagement and belonging✓ The visioning would not replace the need for consultation on detailed aspects of Council's work, such as the Strategic Plan or the Town Planning Scheme Review.✓ These more detailed plans, however, will be influenced and guided by the vision in future years.✓ On a specific matter, reviews of these more detailed documents should not be slowed by the Community Visioning process. They should stay with their existing timetables. |
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2. What time frame are we visioning for? (5 years? 10? 20?)

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| <ul style="list-style-type: none">✓ Although there was a range of opinion on this question, the consensus (ie position that all were happy to accept) was that 20 years was the most appropriate 'window' for community visioning.✓ It was felt that the Visioning process should be kept alive by a rolling review of the Vision – say every 4 – 5 years. |
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3. What benefits would you like to see a South Perth Visioning Process achieve?

| |
|---|
| <p>We will need to design the process to maximise:</p> <p>Council and Community moving forward together (or....government of the people, for the people, by the people).</p> <ul style="list-style-type: none">✓ The Visioning process should be conducted in such a way that Council is able to build a stronger, more robust and more confident relationship with it's constituents, thus fostering stronger, more participative local democracy. <p>Stronger community</p> <ul style="list-style-type: none">✓ The visioning process should be conducted in such a way that it fosters a stronger sense of community, belonging, unity and connectedness. <p>Clear direction</p> <ul style="list-style-type: none">✓ The visioning process should be conducted in such a way that it creates a clear and relevant sense of direction for Council and all other stakeholders. |
|---|

4. What dangers will the South Perth Visioning process need to avoid?

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|---|
| <ul style="list-style-type: none">✓ The visioning process should ensure that all perspectives are heard and given equal weight. To ensure that more than just the 'squeaky wheels' are heard it will need to be designed in ways that draw out the quieter, less powerful voices. |
|---|

- ✓ *The visioning process should ensure that the vision stays connected to reality. While it must give an exciting enough vision to draw us forward, it must not be so vague or radical that it becomes un-achievable or meaningless.*
- ✓ *The visioning process should be supported by genuine commitment and resources. If we spend too little on it, or place too little value on it, we risk wasting what we do commit in a 'tokenistic' process that leaves everyone feeling cynical.*

5. Where to from here?

The general outline of the key stages were shown as:

Stage 1 – Establish what we know (internal process)

Stage 2 – What issues community have raised (with a Community Reference Group)

Stage 3 – Collaborate to create the Vision (Broad community engagement)

Stage 4 – Translate Vision to concrete strategies (with the Community Reference Group)

Stage 5 – Ongoing implementation, reporting and collaboration

- ✓ *As an interim step, there was general endorsement of this process, pending a more specific proposal.*

Additional comment

Relationship to key strategic documents

The role of the Visioning as compared to the full review of the City's strategic documents ie. the Strategic Plan 2004-8, Connected Community Plan 2005-8 and Sustainability Strategy Action Plan 2006-8, was discussed at the workshop. It was felt that the Visioning should not replace the review and in-depth consultation on the strategic documents and plans.

It was considered that an internal review of the various plans could be undertaken to ensure the currency of the documents. The review would ensure that the plans were in line with the City's Strategic Financial Plan which is also currently being reviewed. Once the Visioning was completed the documents would be reviewed again and the outcomes of the visioning would be incorporated where appropriate.

Relationship to the district TPS6

In the workshop the relationship to the district TPS6 was also discussed. As with the strategic documents, the visioning is considered to be an important consultation process that will inform the process of reviewing the district TPS6. However, as outlined in the February 2008 meeting report the visioning will have a different relationship to the district TPS6 and should be considered a separate exercise for a number of reasons: These include:-

- A review of a TPS is a statutory process which must be conducted in a particular format;
- A review of a TPS will take several years - even with the best intentions;
- A review of a TPS is subject to State Government involvement and agreement;
- Many parts of the City are currently being reviewed (or about to be reviewed), including:
 - South Perth Railway Station (incorporating Civic Triangle) precinct
 - Canning Bridge precinct
 - Bentley Technology Park precinct
 - Karawara Greenways precinct
 - Waterford triangle

- All policies contained in the City Residential Design Manual (assuming policies approved for public comment at the February Council meeting) will be the subject of imminent public advertising for comment.

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

Workshop conclusions: Summary

As a result of the discussion about the various relationships described above and the necessity for the vision to be applicable across all spheres of the City and the community, it was acknowledged that the vision should be focused on a 'higher/broader level' of community aspirations. It was felt that a twenty year time frame for the visioning was both practical and inspirational. Therefore the scope of the project should be developed such that a broad vision could be discussed with the community in a meaningful way and outcomes fed back to the Council.

In order to keep the scope of the project to a manageable level, officers highlighted that consultation can be incorporated into existing initiatives and already established community networks. Such initiatives include, but are not limited to, Fiesta activities, community and civic events, community art projects, School Principals' function, Sustainability, Travelsmart and other advisory groups, South Perth and Victoria Park Youth Services group, Local Chambers meetings, Partnership meetings with Southcare Incorporated, local service organisations, Perth Zoo and Millennium Kids. However, the need to conduct specific Visioning focused events/workshops is acknowledged.

Therefore, the overall consensus at the workshop was that a visioning project, following the outline of the Oregon Model, but subject to review of the financial implications should be conducted by the City. Further, the main outcome of the visioning should be a document that describes the broad level of community aspirations over a 20 year time period. **The Vision developed will guide, subject to ongoing consultation, the development of strategic documents and projects over the next 20 year period.**

The Visioning project: the way forward

At the elected member workshop, it was identified that the next stage in the process was to present a report to Council with a recommendation for approval to conduct the visioning project. The report would summarise the scope and timeline of the project and identify any financial implications. This is outlined below.

Scope

The visioning project is essentially a means of consulting with the community and ensuring that outcomes are fed into the Council's strategic planning mechanisms. A diagrammatic representation of the proposed process is included with these agenda papers (**Attachment 10.0.3c refers**) This chart outlines the internal and external movement of consultation and review that will occur over the life of the project. The City already utilises consultation and review processes to develop and conduct projects. The Visioning, however, aims to add a longer term perspective to inform these processes. Further, the scope of the Visioning is designed to maximise community participation in setting aspirations for the City of South Perth Community.

Therefore, the scope of the Vision project is based on a combination of the Oregon Model described in the report to Council February 2008, the outcomes of the workshop held in April 2008 and utilising existing initiatives and networks.

It is envisaged that City officers will coordinate the visioning project, utilising existing resources as well as addition resources as outlined in this report rather than contracting an external organisation to take carriage of the project. It is anticipated however, that facilitators/consultants would be contracted to undertake discrete elements of the project such as facilitating workshops, undertaking the demographic trends analysis as detailed in Stage 1 and compiling the gathered information into relevant documents. These assumptions are incorporated into the scope of the project as outlined below and also in the draft budget for the project which is included in this report.

| COMMUNITY VISIONING - PROJECT SCOPE | | |
|---|--|----------------------|
| Aim | Action | Completed by |
| Stage 1 | | |
| 'Where are we now?': Internal perspective | Literature review - Internal review of strategic documents, plans, strategies to summarise and priorities and key focus areas identified through previous research and consultation | August 2008 |
| | Identify key demographic and social trends anticipated over the vision period | |
| | Two Facilitated workshops with officers and elected members to consider & endorse summarised information | |
| | Information is collated into a report used to inform Stage 2 | |
| Stage 2 | | |
| 'Where are we now?': The community perspective | Establish a <i>Roundtable Reference Group</i> comprising community leaders and City representatives, representative of a broad range of interests | October 2008 |
| | Three facilitated workshops for the <i>Roundtable Reference Group</i> to identify, prioritise and summarise key issues for further consideration through broad community consultation. | |
| | Produce a discussion paper to inform Stage 3 | |
| Stage 3 | | |
| Collaborate to create the Vision: 1) 'Where are we going?' 2) 'Where do we want to be?' | Develop, in collaboration with the <i>Roundtable Reference Group</i> , a broad based community consultation and promotion strategy that best suits the outcomes of stage 2. This strategy would comprise initiatives in three key areas; 1) Utilise existing networks - broad based discussion with existing groups eg. P&Cs, Churches, Seniors Centres, NHW, Service Organisations, Advisory Groups etc. 2) Utilise existing initiatives - Fiesta, Community Art, relationships with schools, Partnership with Millennium Kids, Library projects etc 3) Community Visioning Conference - one day series of forums on key issues with experts involved where required (eg. Climate Change, Community Safety, ageing population etc.) | November 2008 |
| | Launch the broad Community Engagement phase of the project. | |
| | Community Visioning Conference | April 2009 |
| | | |

| | | |
|--|--|----------------------|
| | Complete the community engagement phase of the visioning project | May 2009 |
| | <i>Roundtable Reference Group</i> reconvenes to consider community input and develop the draft vision document incorporating an indicative implementation strategy | August 2009 |
| | Draft Vision Document presented to council and put out for public comment | |
| | Feedback considered before presenting final document to council | November 2009 |
| Stage 4 | | |
| ‘How do we get there?’: Translate Vision into agreed strategies | Translate broad objectives of the Vision document into the City’s strategic and business planning documents. This phase will incorporate reviews of the City’s Strategic Plan , Connected Community Plan, Sustainability Action Plan etc. | July 2010 |
| Stage 5 | | |
| ‘Are we getting there?’: Ongoing implementation, reporting and collaboration | Develop a strategy to ensure ongoing support for outcomes in Council decisions: 1) Annual internal review of progress and 2) Forward planning as part of the strategic/business planning cycle | Annually |
| | Develop a reporting and marketing strategy to show the progress on implementation strategy to the community to include: 1) Reconvening the <i>Roundtable Reference Group</i> every 4 years to review the Vision 2) Community input via newsletter and feedback form, utilising existing networks and initiatives | Annually |
| | | Every 4 years |

The intent behind convening a *Roundtable Reference Group* is to begin the process of developing and building upon networks within the community. The experience of other Local Government Authorities that have undertaken Visioning is that involvement of this type of community based reference group is highly desirable in achieving the best outcome from the process. In this case, the role of the roundtable is to bring together a group of people who have knowledge of the City of South Perth, who have expertise in specialised areas, will be able to use their networks to promote involvement in visioning, will be able to help shape the visioning project questions and activities, and will provide input at key stages of the project as outlined in the table above.

It is envisaged that individuals representing a broad range of interests, and representing a diverse cross section of demographic and cultural backgrounds will be invited to participate in the *Roundtable Reference Group*. The final makeup and size of the group will depend on a number of factors including interest, availability and overall balance of the group. It is anticipated that the group may comprise between 20 and 30 people and would be convene under professional facilitation whenever it meets. These assumptions are incorporated in the project budget included in this report.

Advocacy and Communication

Significant effort will be required to ensure that the visioning process maintains momentum and retains a high profile in the community over the life of the project. This is necessary to ensure maximum participation and ‘buy in’ from the community which will be essential to the ultimate success of the project. In addition to ongoing engagement of participants as a means of communicating the project a combination of two additional strategies is envisaged.

1. Advocacy - This involves utilising existing networks and initiatives to advocate the project throughout the community. The City already has an established and extensive range of networks with schools, colleges, service organisations, not for profit groups and special interest groups, sporting clubs, business groups, government agencies and service providers. This range of networks provides many excellent opportunities for City Officers, Elected Members and community members to champion and advocate the process. Opportunities also exist to advocate the project through existing initiatives. These include the City's Travelsmart and Sustainability programs, Fiesta events and community art projects.

Advocating the project through these existing structures should be an effective way to initiate and maintain a dialogue with stakeholder groups and the broader community in addition to a more traditional marketing strategy.

2. Communication - A more formal communications strategy to ensure that the community is informed of key milestones and has maximum opportunity to become involved. The following table outlines this strategy;

| | |
|---------------------------------------|---|
| Community Newspaper | 3 full page updates <ul style="list-style-type: none"> • Launch the Visioning Process and promote the Community Visioning Conference • Promote the draft Visioning Document • Launch the final document |
| Peninsula Newsletter | Information and Articles throughout the project |
| Visioning Newsletters/feedback | 2 separate Visioning newsletters <ul style="list-style-type: none"> • Promote the discussion paper and invite participation in the Community Visioning Conference • Promote the draft Vision Document and invite feedback for the final document. |
| Website | Portal to documentation, news and feedback |
| Media Releases City Update | Regarding significant milestones for inclusion in local and other media outlets |

Once the final visioning document has been completed and approved, a separate communications strategy will need to be developed to ensure that the community remains aware of the relevance of the visioning project and the achievements of implementation strategy. This will be inline with Stage 5 of the scope.

Consultation

A significant amount of consultation has occurred in researching a Visioning process for the City of South Perth, including with;

- Elected members -
 - Council Report 10.0.7 February 2008
 - Elected Member workshop 8 April 2008
- CoSP Officers
- CSD Network - community development and consultation organisation
- TPG - Town Planning and Urban Design organisation
- Community Perspectives - Community Development and consultation organisation
- Town of Vincent: regarding the Vincent Vision 2024 project,
- City of Gosnells: regarding Maddington-Kenwick visioning project,
- City of Toowoomba: regarding Toowoomba 2050
- North Sydney: regarding their 2020 project
- City of Melville; regarding their Melville Visions project

Strategic Relationships

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

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

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

Governance Framework

The Communication and Consultation Policy P103 is relevant to this report.

Financial Implications

Following the February report that outlined the broad elements of a visioning process, and the subsequent elected member workshop which provided strong direction regarding the scope of a visioning project for the City of South Perth as outlined in this report, officers have identified in the table below the financial and human resources required to carry out the project while ensuring continuity in the delivery of the City's ongoing programs.

| | |
|--|------------------|
| Consultants/Facilitators (including preparation of documentation) | \$40,000 |
| Community Newspaper advertising | \$15,000 |
| Audio Visual equipment hire | \$10,000 |
| Support for existing initiatives and networks | \$8,400 |
| Printing/distribution | \$10,000 |
| Catering (workshops/conference) | \$3,100 |
| Staff Overtime (for out of core hours initiatives) | \$2,500 |
| Signage | \$1,000 |
| Additional Staff (1 FTE equivalent for 12 months including on costs) | \$60,000 |
| Contingency | \$10,000 |
| TOTAL | \$160,000 |

An amount of \$150,000 is incorporated in the 2007/08 budget which will allow the visioning process to commence in the current financial year. Any unspent funds will need to be carried forward to the next financial year. A further amount of \$10,000 will be required in the 2008/09 budget in order to complete the project.

As indicated in this report, a number of the City's ongoing initiatives such as community events, communication through the Peninsula newsletter and utilisation of existing networks will enable a significant amount of advocacy and communication to occur with a modest budget allocation. As shown in the above table an amount of \$8,400 is incorporated in the project budget for 'Visioning' related support for existing initiatives. This does not represent the overall cost of these projects which is already provided for in the budget.

Sustainability Implications

The development of a Community Vision for the City of South Perth will ensure that the community actively participates in shaping and planning for its future. This will help to foster:

- Sustainable, inclusive, communities within the City
- Sustainable community groups who will gain from networking and knowledge sharing opportunities provided by the visioning
- Develop a greater understanding of the impact of climate change across the community
- Ensure that the City is responsive to identified community priorities

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| OFFICER RECOMMENDATION ITEM AND COUNCIL DECISION 10.0.3 |
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That....

- a) The City embarks upon a Visioning project as outlined in this report;
- b) An amount of \$10,000 is allocated in the 2008/2009 draft budget in order to complete the visioning project; and
- c) Reviews are undertaken of the current Strategic Plan, Connected Community Plan, Sustainability Action Plan in line with existing timeframes but taking into account the need to incorporate the outcomes of the Visioning process at the earliest practical opportunity.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1: CUSTOMER FOCUS

Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

Nil

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

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| 10.3.1 Proposed 4-Multiple Dwellings within a 4-Storey Building - Lot 29 (No. 93) South Perth Esplanade, South Perth |
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| | |
|--------------------|--|
| Location: | Lot 29 (No. 93) South Perth Esplanade, South Perth |
| Applicant: | Paterson Group Architects |
| Lodgement Date: | 28 February 2008 |
| File Ref: | 11.2008.98 SO1/93 |
| Date: | 1 May 2008 |
| Author: | Matt Stuart, Senior Planning Officer |
| Reporting Officer: | Steve Cope, Director, Development and Community Services |

Summary

To consider an application for planning approval for 4-Multiple Dwellings within a 4-Storey Building on Lot 29 (No. 93) South Perth Esplanade, South Perth. The proposal conflicts with Council Policy P376 "Residential Boundary Walls", which requires:

- 4. ... a side boundary wall should not normally exceed the following dimensions: walls not exceeding 3.0 metres average height and 4.0 metres maximum height - one quarter of the length of any common boundary.

It is recommended that the proposal be approved subject to conditions.

Background

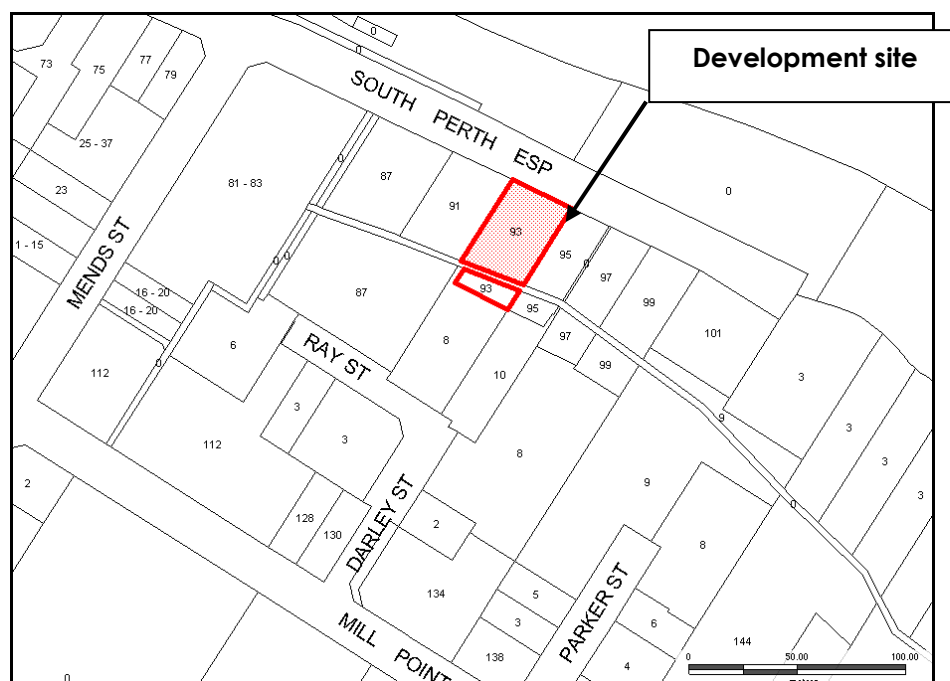
The development site details are as follows:

| | |
|------------------------------|-----------------------|
| Zoning | Residential |
| Density coding | R80 |
| Lot area | 1,543 sq. metres |
| Building height limit | 13.0 metres |
| Development potential | 12 Multiple Dwellings |
| Plot ratio | 1:1.0 |

This report includes the following attachments:

- Attachment 10.3.1(a)** Site photographs.
Confidential Attachment 10.3.1(b) Plans of the proposal.

The location of the development site is shown below:



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

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.*

6. **Amenity impact**

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

7. **Neighbour comments**

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

In relation to item 6 above, the extent of amenity impact arising from the proposal (parapet wall - west) is considered unacceptable (see comments below).

Comment

(a) Description of the proposal

The subject site is currently developed with a two-storey single house, as depicted in the site photographs in **Attachment 10.3.1(a)**.

The proposal involves the construction of 4-Multiple Dwellings within a 4-Storey Building on Lot 29 (No. 93) South Perth Esplanade, South Perth, as depicted in the submitted plans in **Confidential Attachment 10.3.1(b)**.

The proposal conflicts with Council Policy P376 "Residential Boundary Walls", in regards to the proposed boundary wall (west).

The proposal complies with the Town Planning Scheme No. 6 (**TPS6**), the Residential Design Codes 2008 (**R-Codes**) and relevant Council Policies with the exception of the non-complying variations discussed below.

(b) Plot ratio

The plot ratio permitted is 1,638 sq. metres (1:1.0); the proposed plot ratio is 1,608 sq. metres (1:0.98), therefore, the proposed development complies with the plot ratio element of the R-Codes.

The method used to achieve this conclusion is not typical practice, however the situation of the site is equally a rare circumstance. The circumstance is that the site was split into two parcels of land (under one Certificate of Title) when the Water Corporation resumed a 3.0 metre wide parcel of land for the purposes of infrastructure management, as depicted in the submitted plans of **Confidential Attachment 10.3.1(b)**.

These changes have only a cadastral effect, in that the differences can only be discovered by examining the Certificates of Title and related mapping information. Conversely however, the perception from the community (including the adjoining neighbours) can only be that of a site relating to one (whole) parcel of land, or more specifically a parcel of 1,683 sq. metres.

In addition, the Water Corporation land does not have the potential for development relating to plot ratio (such as dwelling), and therefore does not require the benefit of floor space in a plot ratio calculation. Furthermore, the landowner (Water Corporation) is fully conversant and supports the proposed development.

In support of this method, the City of South Perth Legal and Governance Officer has examined the situation, with the following comments:

"The apparent anomaly in the lot area of 1,543 sq. metres and the plot ratio area of 1,638 sq. metres comes about in the following way:

- * there is a narrow rectangular area of freehold land owned by the Water Corporation which runs through Lot 29 (No. 93) which is held by the Water Corporation for the purposes of the South Perth main sewer;*
- * the Water Corporation has agreed to grant an easement to the owners of Lot 29 over the area with the power to build over it;*
- * the owner of Lot 29 has agreed to grant an access easement to the Water Corporation allowing access to the main sewer from South Perth Esplanade;*
- * the plot ratio definition in the R-codes has been correctly applied to include the area of the easement being granted by the Water Corporation to the owner of Lot 29 - viz. the ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries."*

Consequently, this application has been assessed based on a site of 1,683 sq. metres for the purposes of plot ratio only, and found to comply.

(c) Open space

The open space permitted is 926 sq. metres (60%); the proposed open space is 964 sq. metres, therefore, the proposed development complies with the open space element of the R-Codes.

(d) Building height

The permissible building height limit is 13 metres; the proposed building height is 12.2 metres; therefore, the proposed development complies with Clause 6.2 “Maximum Building Height Limit” of the Town Planning Scheme No. 6.

(e) Street setback

South Perth Esplanade has a 12 metre minimum building setback requirement in accordance with Table 2 of the City of South Perth Town Planning Scheme No. 6. Clause 4.3 “Special Application of Residential Design Codes - Variations” of TPS6 permits cantilevered balconies or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment. Thus, the proposed development complies with street setback requirements.

In addition, the ‘Services Cabinet’ located on the front and side boundary is considered to be in an undesirable location in terms of the appearance of the streetscape. Accordingly, it is recommended via a condition that the structure be relocated on amended Building Licence plans, to an area adjacent to the walkway at towards the west of the site, to the satisfaction of the City.

(f) Boundary wall - West

The permitted height of boundary (parapet) walls in a residential zone is controlled by Local Planning Policy No. P376. In this scenario, the maximum wall height is an average of 3.0 metres, maximum of 4.0 metres. This application proposes a wall height for an average of 4.2 metres, maximum of 5.15 metres.

The boundary wall has been assessed in accordance with the variations permitted in the policy, and it is considered that the wall does not comply and is not acceptable. The wall will have an adverse effect on the amenity of the adjoining residential properties, having regard to the streetscape character, outlook from the front garden, daylight admitted to habitable rooms, winter sunshine, glare, existing views and the outlook from habitable room windows.

Furthermore, the policy (via Clause 6) does not normal allow boundary walls exceeding an average of 3.0 metres, maximum of 4.0 metres.

Accordingly, an approval condition is recommended to reduce the height of the parapet and thereby rectify this matter.

(g) Boundary wall - South

The permitted height of boundary (parapet) walls in a residential zone is controlled by Local Planning Policy No. P376. In this scenario, the maximum wall height is an average of 2.5 metres, maximum of 3.5 metres. This application proposes a wall height for an average of 1.4 metres, maximum of 3.14 metres, which complies with the policy.

(h) Boundary wall - East

The permitted height of boundary (parapet) walls in a residential zone is controlled by Local Planning Policy No. P376. In this scenario, the maximum wall height is an average of 3.0 metres, maximum of 4.0 metres. This application proposes a wall height for an average of 2.9 metres, maximum of 4.3 metres.

The boundary wall has been assessed in accordance with the variations permitted in the policy, and it is considered that the wall complies and is acceptable. The wall will not have an adverse effect on the amenity of the adjoining residential properties, having regard to the streetscape character, outlook from the front garden, daylight admitted to habitable rooms, winter sunshine, glare, existing views, the outlook from habitable room windows, and supporting comments from the neighbour (see neighbour consultation).

In addition, the policy (via Clause 6) does not normally allow boundary walls exceeding an average of 3.0 metres, maximum of 4.0 metres. In this case however, it is considered that the wall is appropriate, given the above considerations, as well as the specific dimensions, and the supporting comments from the neighbour.

(i) Wall setbacks - West

The wall setbacks generally comply, however the wall to Bed 3 on the top floor is setback from the boundary by 6.5 metres in lieu of 6.9 metres.

The applicant has successfully addressed the Performance Criteria 3.3.1 P1 of the R-Codes, which is outlined below:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure does provide adequate sun and ventilation to the neighbouring property;
- Building bulk is not an issue, due to the adjoining land being used for non-habitable purposes; and
- Privacy is not an issue.

In assessing the wall setback issues, it is considered that the proposal complies with the Performance Criteria, which is supported by the City.

(j) Wall setbacks - East

The wall setbacks generally comply, however the bulk of the building on the top floor is setback from the boundary by 10.6 metres in lieu of 11.25 metres.

The applicant has successfully addressed the Performance Criteria 6.3.1 P1 of the R-Codes, which is outlined below:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure does provide adequate sun and ventilation to the neighbouring property;
- Building bulk is not an issue, due to the adjoining land being used for non-habitable purposes; and
- Privacy is not an issue.

In assessing the wall setback issues, it is considered that the proposal complies with the Performance Criteria, which is supported by the City.

(k) Visual privacy setbacks

The visual privacy setbacks comply with the visual privacy element of the R-Codes.

(l) Solar access for adjoining sites

Due to the steep upward sloping adjoining lots towards the southern side, the proposed development does not overshadow these lots, therefore the proposed development complies with the solar access element of the R-Codes.

(m) Finished ground and floor levels - Minimum

The finished *ground* levels permitted is 1.7 metres above AHD; the proposed finished ground level is 1.7 metres above AHD, therefore, the proposed development complies with Clause 6.9(1) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

The finished *non-habitable rooms and car parking* levels permitted is 1.75 metres above AHD; the proposed finished floor level is 2.3 metres above AHD, therefore, the proposed development complies with Clause 6.9(2) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

The finished *habitable rooms floor* level permitted is 2.3 metres above AHD; the proposed finished floor level is 2.3 metres above AHD, therefore, the proposed development complies with Clause 6.9(2) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(n) Finished ground and floor levels - Maximum

The finished *ground* level permitted is 2.3 metres above AHD; the proposed finished ground level is 2.3 metres above AHD, therefore, the proposed development complies with Clause 6.10.1 “Maximum Ground and Floor Levels” of the Town Planning Scheme No. 6.

The finished *floor* level permitted is 2.3 metres above AHD; the proposed finished floor level is 2.3 metres above AHD, therefore, the proposed development complies with Clause 6.10.1 “Maximum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(o) Car parking

The required number of car bays is 8; the proposed number of car bays is 20, therefore, the proposed development complies with the car parking element of the R-Codes.

(p) Glare issue - Copper roof

The material of the roof is proposed to be copper which could potentially be an amenity issued. The applicant has been advised to provide additional information with respect to the proposed material and how this issue will be addressed. The applicant has informed that the proposed copper roofing generally loses its glare within six months of the date of installation. A condition of approval is recommended whereby the applicant is required to provide a sample of the material and manufacturer’s specifications which support the applicant’s claims.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *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; and*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 7 April 2008. The proposal was favourably received by the consultants. Their comments are summarised below:

Their comments and responses from the applicant and the City are summarised below:

| DAC Comments | Project Architect Response | Officer Comment |
|--|----------------------------|---|
| The development will be architecturally compatible to the existing streetscape. | No comment. | The comment is NOTED . |
| The proposed visitors' parking bays and the amount of paving in the front setback area was observed to be undesirable from the streetscape point of view. The Architects advised that these bays be arranged so that vehicular entry is provided off the proposed main access way, bays marked parallel to the street and screened from view by appropriate landscaping. | No comment. | The amount of paving in the front setback has been amended to comply with requirements. Further amendment not required. The comment is NOT UPHELD . |

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of various properties at Nos 87, 91 and 95 South Perth Esplanade, No 8 Ray Street, and No 10 Darley Street were invited to inspect the application and to submit comments during a 14-day period. A total of 15 neighbour consultation notices were mailed to individual property owners and strata bodies.

During the advertising period, four submissions were received, one in favour and three against the proposal. One of these submissions was received by a strata group of a property that has no direct relation to the subject site, and therefore comments are not strictly required as per Policy 104. However, in the interests of community expectations, these comments have been include below, although separated from those required by the policy.

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

| Required Submitter's Comment | Officer Response |
|---|--|
| Height of the roof is significant. | Complies with all requirements. The comment is NOT UPHELD . |
| Material of the roof produces glare. | The material of the roof is proposed to be copper which could potentially be an amenity issued. Recommended for approval (see discussion above) with condition applied. The comment is NOTED . |
| Retaining walls and dividing fences are over-height. | Retaining walls amended and comply, but fences still slightly over-height, therefore agreed and condition required. The comment is UPHELD . |
| Street terrace has too much land fill, request lowered to RL 1.75 metres AHD or an appropriate setback to street. | Changes made as a result of this issue, which are now considered to conform to City standard. The comment is UPHELD . |
| Pergola to front produces glare and should be setback from the street. | Pergola has clear glass roof (condition applied to ensure), which is exempt from the need to obtain Planning approval in accordance with the definition provided in the City's TPS6. The comment is NOT UPHELD . |
| 'Service' enclosure to front should be setback from street, or no higher than dividing fence. | Agreed, and structure moved to front boundary. Condition required, see discussion. The comment is UPHELD . |
| Retaining walls and parapet walls (east) behind building setback line fully supported. | Comment supports variation (see discussion section) The comment is NOTED . |

| | |
|---|---|
| If any additional pumps / fans located to the east, to comply with noise standards. | Not currently proposed; applicant has been notified. The comment is NOTED . |
| Parapet walls (east) to be finished in a raw but 'neat' condition. | Standard condition to be applied applicant has been notified. The comment is UPHELD . |
| Understood that glass roof pergolas and fences are allowable in the front setback. | The comment is NOTED . |
| Request that the application conforms to all Scheme requirements. | Standard procedure. The comment is NOTED . |
| Water Corporation agrees to grant the developers an easement with the power to build over the sewer line. | The comment is NOTED . |
| Water Corporation expects an access easement from South Perth Esplanade in return. | Not a City concern; applicant has been advised. The comment is NOTED . |
| Water Corporation advises that maintenance of the sewer line would best be done after demolition. | Not a City concern; applicant has been advised. The comment is NOTED . |

(c) Manager, Engineering Infrastructure

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

- (i) Raised levels on the boundary not to be altered with existing footpath as datum;
- (ii) Crossover not exceed 6.0 metres in width, initially at footpath levels and as per City standards;
- (iii) Verge and existing crossover to be reinstated to City standards; and
- (iv) Stormwater, verge licence and traffic issues to be addressed at the Building Licence phase.

(d) Other City Departments

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

The Manager, Environmental Health Services provided comments with respect to bins, noise, kitchens and laundries. He recommends that:

- (i) All bins to comply with City environmental health standards;
- (ii) All fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution;
- (iii) All laundries and kitchens comply with City Local Law 16 (1) and Regulation 10 of the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues; and
- (iv) All sanitary and laundry conveniences comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues.

The Parks and Environment section provided comments with respect to the significant trees onsite. The section recommends that:

- (i) Onsite trees are not worth keeping due to incorrect pruning and fungi infection.

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 a minor impact on this particular area, to the extent of payment of the required planning fee by the applicant.

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 no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 4-Multiple Dwellings within a 4-Storey Building on Lot 29 (No. 93) South Perth Esplanade, South Perth **be approved**, subject to:

(a) **Standard Conditions**

| | | | |
|-----|-----------------------------|-----|---------------------------|
| 625 | vehicle sightlines | 390 | crossover standards |
| 455 | standard of dividing fences | 393 | verge and kerbing works |
| 550 | plumbing hidden | 664 | final inspection required |
| 340 | surface of parapets | 470 | retraining walls |
| 425 | colours and materials | 471 | retaining walls - timing |
| 660 | approval expiration | | |

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

(b) **Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) All dividing fences no greater than 1.8 metres in height above the highest approved finished ground levels;
 - (B) The ‘Services Cabinet’ shall be relocated to an area adjacent to the walkway towards the western side of the site;
 - (C) The roofs of the pergola and walkway in the front building setback shall remain as clear glass as proposed; and
 - (D) The boundary wall on the western boundary shall be amended with the upper floor and associated parapet wall to be setback a minimum 1.0 metre from that boundary.
- (ii) A sample of the proposed copper roofing on the walls is to be provided, demonstrating that there will be no adverse amenity impact with respect to the glare caused by the surface. Alternatively, the material shall be modified to the satisfaction of the City;

- (iii) All bin areas to comply with City environmental health standards;
- (iv) All fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution;
- (v) All laundries and kitchens comply with City Local Law 16 (1) and Regulation 10 of the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues;
- (vi) All sanitary and laundry conveniences comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues; and
- (vi) The new units shall not be occupied until an inspection has been carried out by a Council officer and the City is satisfied the development has been completed in accordance with the approved drawings and conditions of planning approval.

(c) **Standard Advice Notes**

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

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

(d) **Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements; and
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

MEMBER COMMENTS FOR/AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala point of clarification - sought clarification on the alternative officer recommendation.

The Director Development and Community Services - advised that following Agenda briefing a week earlier, the Officers felt it would be prudent to include a further condition recommending that documentation be provided outlining the process to deal with the issue. This condition will ensure that necessary documentation is prepared at an early stage prior to the issuing of a building licence and will avoid any problems at a future date.

Cr Cala question - due to the fact that the land is owned by the Water Corporation, would it be advisable to seek legal advice with regard to this unusual easement situation.

Legal and Governance Officer - stated that having read through the Planning Officer's report, he considered that the plot ratio definition had been correctly applied to the situation and outlined the unusual circumstance which are described in the Officer's report.

The Legal and Governance Officer further confirmed that legal advice was sought from McLeod's who confirmed verbally that the way in which the plot ratio definition was applied in relation to 93 The Esplanade is correct.

Cr Hearne point of clarification - asked on what basis was the plot ratio applied and if 1543 square metres included land subject to the easement.

The Director Development and Community Services - stated that the plot ratio was calculated on Lot 29 only and that the actual plot area of the whole area is indicated on page 23 of the report.

Cr Gleeson - point of clarification - asked about “adverse possession” and how strong was the applicants claim of adverse possession on Water Corporation for the land subject to easement.

The Legal and Governance Officer - advised that the City was unable to answer that question as any legal determination was entirely based on the factual situation which the City was not privy to. The City is however aware of the notion of adverse possession and became aware only recently that the Water Corporation had freehold title to the land above the South Perth sewer.

MOTION

Cr Ozsdolay moved the officer recommendation, **including the additions in the alternative recommendation** - Sec Cr Cala

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay for the Motion

- Pleased verbal advice obtained
- Specific condition addressed in (b)(vii)
- Officer recommendation be supported and allow development to proceed

Cr Cala for the Motion

- Specific Condition (b)(vii) to be amended to read “(b) **(viii)**”
- Happy with explanation from Legal and Governance Officer
- Development site has potential for 12 dwellings
- Proposal is develop 4 high quality dwellings
- In view of that ambiguity, happy to support amended officer recommendation

Cr Smith against the Motion - Cr Smith indicated that with all due respect to the advice from the Legal and Governance Officer, he still did not agree with the advice and would rather defer this item for a month which will allow Council to seek written legal advice from experience lawyers such as Kott Gunning or McLeods as he still had serious concerns in relation to the amalgamation of the lots in relation to the plot ratio.

Cr Smith specifically referred to lot area 1543 square metres, the designated lot area and did not believe that it would be possible to amalgamate two separately owned lots together.

Cr Gleeson for the Motion - drew attention to the fact that verbal legal advice was in fact obtained from McLeods who are experts in Town Planning and Local Governments in Western Australia. In view of what is stated above by Cr Smith, Cr Gleeson was of the opinion that Cr Smith was supporting the advice from the Legal and Governance Officer.

POINT OF ORDER

The Mayor clarified that Cr Smith was referring to “written advice”.

POINT OF ORDER

Cr Smith - felt it was not for Cr Gleeson to dictate terms to the Chairman and had no right to comment on how to run the meeting.

Cr Gleeson - apologised to Council and withdrew his remarks.

Cr Gleeson for the Motion - referred to a ratepayer wishing to develop four multiple dwellings which in turn would attract revenue for the City in terms of payment of rates. Cr Gleeson was disappointed that Council would be opposing the recommendation.

POINT OF ORDER

Cr Hearne - asked that Cr Gleeson withdraw his comment as a decision had not been made as yet.

Cr Gleeson for the Motion - withdrew his comment. Cr Gleeson spoke for the motion and indicated to seek written legal advice would further delay the application by one month when in fact verbal advice from McLeods had already been obtained.

POINT OF ORDER

Cr Smith - indicated that Cr Gleeson had made an assumption that legal advice from McLeods was the best - an ascertain which could not be substantiated.

Note: The Acting Director Infrastructure Services left the Chambers at 8.20 pm.

Cr Ozsdolay closing for the Motion - having obtained verbal legal advice which says that the City can use the total area for the purpose of determining the plot area, does the City have grounds for withholding this approval? In view of this issue, he strongly supported the officer recommendation.

Note: The Acting Director Infrastructure Services returned to the Chambers at 8.25 pm.

COUNCIL DECISION ITEM 10.3.1

The Mayor put the Motion.

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 4-Multiple Dwellings within a 4-Storey Building on Lot 29 (No. 93) South Perth Esplanade, South Perth **be approved**, subject to:

(a) Standard Conditions

| | | | |
|-----|-----------------------------|-----|---------------------------|
| 625 | vehicle sightlines | 390 | crossover standards |
| 455 | standard of dividing fences | 393 | verge and kerbing works |
| 550 | plumbing hidden | 664 | final inspection required |
| 340 | surface of parapets | 470 | retraining walls |
| 425 | colours and materials | 471 | retaining walls - timing |
| 660 | approval expiration | | |

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

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) All dividing fences no greater than 1.8 metres in height above the highest approved finished ground levels;
 - (B) The 'Services Cabinet' shall be relocated to an area adjacent to the walkway towards the western side of the site;

- (C) The roofs of the pergola and walkway in the front building setback shall remain as clear glass as proposed; and
- (D) The boundary wall on the western boundary shall be amended with the upper floor and associated parapet wall to be setback a minimum 1.0 metre from that boundary.
- (ii) A sample of the proposed copper roofing on the walls is to be provided, demonstrating that there will be no adverse amenity impact with respect to the glare caused by the surface. Alternatively, the material shall be modified to the satisfaction of the City;
- (iii) All bin areas to comply with City environmental health standards;
- (iv) All fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution;
- (v) All laundries and kitchens comply with City Local Law 16 (1) and Regulation 10 of the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues;
- (vi) All sanitary and laundry conveniences comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues; and
- (vii) The new units shall not be occupied until an inspection has been carried out by a Council officer and the City is satisfied the development has been completed in accordance with the approved drawings and conditions of planning approval.

Specific Condition

- (viii) *An “access” and “power to build-over” easement on the affected portion of the Water Corporation land shall be compiled on a Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office. A building licence may not be issued until the new Certificate of Title is issued [Refer to Specific Advice Note No. (d)(iii)].*

(c) **Standard Advice Notes**

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

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

(d) **Specific Advice Notes**

- (i) It is the applicant’s responsibility to liaise with the City’s Environmental Health Department to ensure satisfaction of all of the relevant requirements; and
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- (iii) *The easement procedure leading to the issuing of new certificates of title extends over approximately 3 months and a building licence may not be issued until the new titles have been issued.*

Therefore, to avoid delay in obtaining a building licence, it is important for the applicant to commence the easement procedure without delay.

CARRIED (6/5)

Reason for Change

It has come to the City’s attention that an easement is required over the land owned by the Water Corporation. A written agreement from all relevant parties was provided to the City, however legal advice suggests that a condition is required on the Planning approval. The additional condition and advice note have been framed accordingly as outlined above.

10.3.2 Proposed Two Grouped Dwellings within a 4-Storey Building - Lot 3 (No. 5) Parker Street, South Perth

Location: Lot 3 (No. 5) Parker Street, South Perth
 Applicant: Allerding and Associates
 Lodgement Date: 4 February 2008
 File Ref: 11.2008.53 PA2/5
 Date: 20 May 2008
 Author: Matt Stuart, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

To consider an application for planning approval for two Grouped Dwellings within a 4-Storey Building on Lot 3 (No. 5) Parker Street, South Perth. The proposal conflicts with the 2008 R-Codes which requires:

1. Various wall setbacks (south) in accordance with Table 2a and 2b; and
2. Solid dividing fences greater than 1.2 metres within the front setback.

It is recommended that the proposal be approved subject to several critical conditions.

Background

The development site details are as follows:

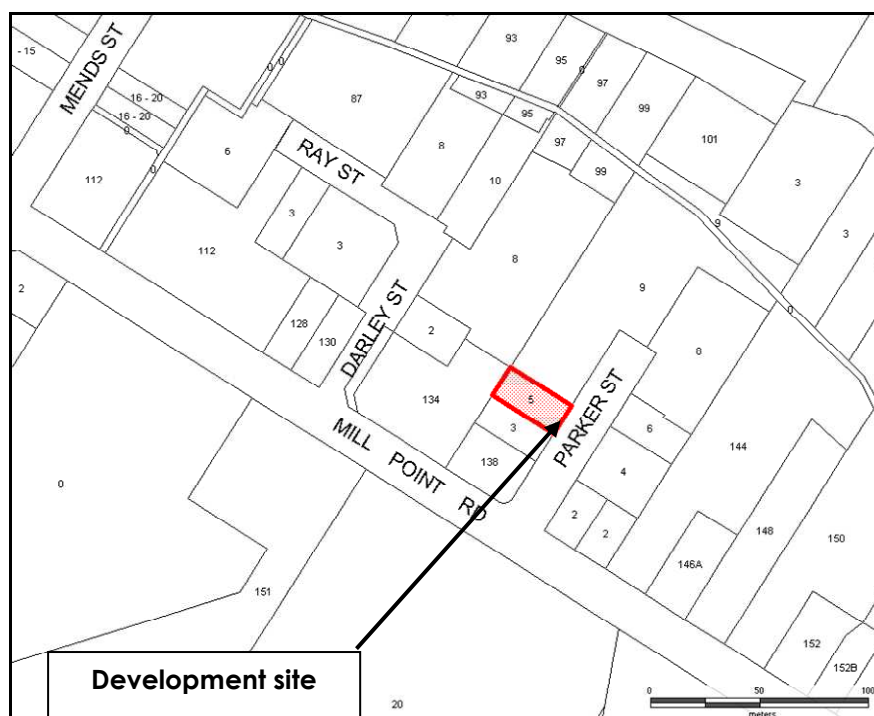
| | |
|------------------------------|----------------|
| Zoning | Residential |
| Density coding | R60 |
| Lot area | 508 sq. metres |
| Building height limit | 9.75 metres |
| Development potential | 2 Dwellings |
| Plot ratio | Not applicable |

This report includes the following attachments:

Attachment 10.3.2(a) Site photographs.

Confidential Attachment 10.3.2(b) Plans of the proposal.

The location of the development site is shown below:



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

2. Large scale development proposals

- (i) *Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City; and*
- (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.*

6. Amenity impact

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

7. Neighbour comments

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

In relation to Item 6 above, the extent of amenity impact arising from the proposal is considered acceptable, only with the recommended conditions (see comments below).

Comment

(a) Description of the proposal

The subject site is currently occupied by a single house, as depicted in the site photographs in **Attachment 10.3.2(a)**.

This application proposes the construction of a two Grouped Dwellings within a 4-Storey Building as depicted in the submitted plans in **Confidential Attachment 10.3.2(b)**.

The following components of the proposed development do not satisfy policy requirements:

- (i) Various wall setbacks (south) in accordance with Table 2a and 2b; and
- (ii) Solid dividing fences greater than 1.2 metres within the front setback.

The proposal complies with the Town Planning Scheme No. 6 (**TPS6**), the *Residential Design Codes of WA 2008 (R-Codes)* and relevant Council Policies with the exception of the variations discussed in more detail below.

(b) Plot ratio

There are no plot ratio controls for Grouped Dwellings in R60 coded areas in the Residential Design Codes of WA 2008, due to amendments to the 2002 R-Codes. Therefore, the proposed development is not required to comply with the plot ratio element of the R-Codes.

(c) Open space

The minimum open space permitted is 114 sq. metres (45%) each, whereas the proposed open space is 158 sq. metres (62%) each, therefore the proposed development complies with the open space element of the R-Codes.

(d) **Building height**

The permissible building height limit is 9.75 metres; the proposed building heights are 9.75 metres; therefore the proposed development complies with Clause 6.2 "Maximum Building Height Limit" of the Town Planning Scheme No. 6.

(e) **Boundary wall - South**

The permitted height of boundary (parapet) walls in a residential zone is controlled by Local Planning Policy No. P376. In this scenario, the maximum wall height is an average of 3.0 metres, maximum of 4.0 metres. This application proposes an amended wall height for an average of 3.15 metres, maximum of 3.5 metres, which does not comply with the policy.

The boundary wall has been assessed in accordance with the variations permitted in the policy, noting the adjoining vacant property, and it is considered that the wall complies and is acceptable. The wall will not have an adverse effect on the amenity of the adjoining residential property, having regard to the streetscape character, the outlook from the front garden, daylight admitted to habitable rooms, winter sunshine and glare, existing views, outlook from habitable room windows, and lack of comments from the neighbour (see neighbour consultation).

(f) **Wall setback - South**

The wall setbacks generally comply, however the southern walls to the theatre / guest, master bedroom and living rooms are all setback from the boundary by 0.1 metres less than the respectively required distances.

In addition, the building on the upper floor as measured from the building bulk, is setback from the boundary by 3.8 metres in lieu of 4.25 metres.

The applicant has not fully addressed the Performance Criteria 6.3.1 P1 of the R-Codes, as outlined below:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure does not provide adequate sun and ventilation to the neighbouring property;
- Building bulk is an issue due to significant retaining and maximum building heights; and
- Privacy is not an issue.

In assessing the wall setback issues, it is considered that the proposal does not comply with the Performance Criteria, and is not supported by the City.

However, as a compromise on the building bulk measurement only, in conjunction with the late (20 May 2008) comments from the applicant, it is considered that a wall setback of 4.0 metres to the southern boundary will comply with the Performance Criteria whilst achieving a workable and desirable outcome. In achieving this setback on the upper floor, the applicant requests that the 4.0 metre setback relate to all floors in order to achieve an attractive building perspective. As the mid and lower floor setbacks (4.0 metres) are greater than the Acceptable Development a standard, the City has no objection to such an applicant-requested condition being imposed. Thus an approval of the proposed 4.0 metre setback is recommended.

Accordingly, a condition is recommended to increase the wall setbacks of the southern unit, and thereby rectifying this matter.

(g) Wall setback - North

The wall setbacks generally comply, however the northern wall to the Living room setback from the boundary by 1.8 metres in lieu of 1.9 metres. In addition, the building as measured from the bulk is setback from the boundary by 3.8 metres in lieu of 4.25 metres. It is also noted that these walls are adjacent to a private residential car park on the adjoining property.

The applicant has successfully addressed the Performance Criteria 6.3.1 P1 of the R-Codes, as outlined below:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure provides adequate sun and ventilation to the neighbouring property;
- Building bulk is not an issue, due to the adjoining land being used for non-habitable purposes; and
- Privacy is not an issue.

In assessing the wall setback issues, it is considered that the proposal complies with the Performance Criteria, and is supported by the City.

(h) Visual privacy setbacks - West

The visual privacy setback permitted for Balconies to the west is 7.5 metres, and the proposed visual setback is 4.3 metres, therefore the proposed development does not comply with the visual privacy element of the R-Codes. It is also noted that these walls are adjacent to a private residential car park on the adjoining property.

The applicant has successfully addressed the Performance Criteria 6.8.1 P1 of the R-Codes, as outlined below:

- Direct overlooking of active habitable spaces and outdoor living areas of other dwellings, from the major openings and outdoor active habitable spaces of the subject site is minimised or non-existent; and
- Effective screening is proposed.

In assessing the visual privacy setback issues, it is considered that the proposal complies with the Performance Criteria, and is supported by the City.

(i) Visual privacy setbacks - North

The visual privacy setback permitted for front Balconies to the north is 7.5 metres, and the proposed visual setback is 1.7 metres, therefore the proposed development does not comply with the visual privacy element of the R-Codes. It is also noted that these walls are adjacent to a private residential car park on the adjoining property.

The applicant has successfully addressed the Performance Criteria 6.8.1 P1 of the R-Codes, as outlined below:

- Direct overlooking of active habitable spaces and outdoor living areas of other dwellings, from the major openings and outdoor active habitable spaces of the subject site is minimised or non-existent; and
- Effective screening is proposed.

In assessing the visual privacy setback issues, it is considered that the proposal complies with the Performance Criteria, and is supported by the City.

In addition, further details are required (see standard condition) to ensure that the visual privacy screens comply with Element 8 of the R-Codes, and protect the neighbour's visual privacy.

(j) Solar access for adjoining sites

The maximum area of overshadow permitted is 254 sq. metres (50%); the proposed overshadow is 295 sq. metres (58%), therefore, the proposed development does not comply with the solar access element of the R-Codes.

The applicant has successfully addressed the Performance Criteria 6.9.1 P1 of the R-Codes, as outlined below:

- Potential to overshadow outdoor living areas and major openings to habitable rooms is minimised or non-existent;
- Potential to overshadow solar collectors is minimised or non-existent; and
- Potential to overshadow balconies and verandahs is minimised or non-existent.

In assessing the impact on the adjoining residential property to the south, it is noted that the site is currently vacant, making an assessment under the Performance Criteria difficult. There is neither an approval granted for any proposed development on this site, nor an application in the system for one. However, the officers have made an attempt to assess the impact if a development was proposed on the adjoining vacant property at No. 3 Parker Street which was similar in scale and design to the subject proposal. Accordingly, the proposed development was superimposed on the adjoining property in an effort to understand what could likely be developed on the site that was seen to be a reasonable and acceptable development. It is noted that the contributor to this extra overshadow of 41 sq. metres is a strip at the top most level of the development which is 21.0 long and 1.25 metres wide. Noting the sun angle of 33 degrees, this area of 27.3 sq. metres casts a shadow that equates to 40.0 sq. metres. It is also noted that this extra shadow will effect neither the habitable room windows on any of the levels (blank walls of the habitable rooms face the side boundaries), nor the outdoor living area towards the rear, or balconies, or solar collectors. As a result, the officers have come to the conclusion that the adjoining vacant lot can be developed in a reasonable and acceptable manner where the amenity of the future residents will not be compromised.

The adjoining property owner has provided a letter in response to the neighbour consultation conducted with respect to the proposed development. The comments state that the owner will be relying on the judgement of the City to approve an appropriate development.

In assessing the overshadow issue, it is considered that the proposal complies with the Performance Criteria provisions, hence an approval is recommended by the officers.

(k) Finished ground and floor levels - Minimum

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with Clause 6.9 (2) "Minimum Ground and Floor Levels" of the Town Planning Scheme No. 6.

(l) Finished ground and floor levels - Maximum

The maximum finished *ground* level permitted is generally compliant, except the rear of the northern unit, where the proposed finished ground level is at 14.97 metres above AHD in lieu of 14.75 metres.

However, in assessing the impact of the raised ground level (+0.22 metres), it is noted that the ground is adjacent to residential car parking areas to the north and west. As a consequence, the proposed development poses no detrimental impact upon the neighbouring landowners, who did not provide comments on the proposal. Accordingly, the finished ground levels comply with Clause 6.10.3 "Maximum Ground and Floor Levels" of the Town Planning Scheme No. 6.

The maximum finished *floor* level permitted is 15.11 metres (southern unit) and 15.79 metres (northern unit) above AHD, whereas the proposed finished floor levels are 14.8 metres and 15.57 metres respectively which are within the permissible limits. Accordingly, the finished floor levels comply with Clause 6.10.1 “Maximum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(m) Driveway gradients

Due to the significant slope of the subject site, a proposed gradient for the driveways is steeper than that required in accordance with TPS6.

The standard permissible gradient is no greater than 1:12 for the first 3.6 metres, and no greater than 1:8 for the remainder of the driveway, whereas the proposed is slightly higher than 1:6. Therefore, the proposed development does not comply with Clause 3.7.b “Driveway Gradient” of City Policy P350.

However, the policy provides for grades not steeper than 1:6, if the applicant provides a letter to acknowledge full responsibility for the issue, which has been provided to the City. Therefore, the driveway grades comply with the said policy.

(n) Car parking

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

The existing car parking bays in the street reserve (public bays) is proposed to be amended due to the relocation and addition of crossovers, however it is understood that the number of bays will not be affected. Consultation with the Engineering Infrastructure section (see below) has indicated an in principle agreement, with a condition recommended to ensure future negotiations result in a satisfactory outcome.

(o) Dividing fences

Dividing fences are required by element 6.2.5 of the R-Codes, to be no greater than 1.8 metres above ground level, and visually permeable above 1.2 metres. The proposal is for a mostly solid 3.4 - 3.7 metre fence, therefore the proposed development does not comply with the car parking element of the R-Codes.

In assessing the fence height issues, it is considered that the proposal does not comply with the Performance Criteria, and is not supported by the City. Accordingly, a standard condition is recommended to limit the height of the fence to the aforementioned limits, and thereby rectifying this matter.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *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;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls; and*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) the topographic nature or geographic location of the land;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) whether adequate provision has been made for access by disabled persons;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 10 March 2008. The proposal was favourably received by the Consultants. Their comments are summarised below:

- (i) The Advisory Architects considered that the street-facing screens could be removed, provided compliance with the visual privacy provision or the R-Codes;*

- (ii) The Advisory Architects considered that driveway gradient should be made to comply with the Scheme provisions, which may require the raising of the garage floor level;
- (iii) The Advisory Architects noted that the elevation plans should be amended slightly for clarity; and
- (iv) The Advisory Architects generally supported the proposed building on architectural merits.

In response, the proposal has been suitably amended by the applicant.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners of properties at No. 134 Mill Point Road, and No. 8 Darley, and Nos 3, 4, 6, 9 Parker Street were invited to inspect the application and to submit comments during a 14-day period. A total of 18 neighbour consultation notices were mailed to individual property owners and strata bodies. During the advertising period, one submission was received, being neutral about the proposal. The comment of the submitter, together with officer response, is summarised as follows:

| Submitter’s Comment | Officer Response |
|--|-------------------------------|
| Relying on the judgement of the City to approve what is appropriate development. | The comment is NOTED . |

(c) Manager, Engineering Infrastructure

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

- (i) Drainage details to be shown;
- (ii) Parker street boundary levels to be maintained;
- (iii) Crossovers to be to the City standards; and
- (iv) Existing car parking bays in the street reserve to be modified under negotiation with the Director of Infrastructure Services.

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 a minor impact on this particular area, to the extent of:

- (a) Payment of the required planning fee by the applicant.

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

Noting the constraints posed by the development site with respect to the significant slope of ground as well as not a very favourable orientation of the lot, the officers observe that outdoor living areas at the ground level as well as on the roof top have been provided that have access to winter sun. Hence, the proposed development is seen to achieve an outcome that pays regard to the sustainable design principles.

Conclusion

The proposal will have an acceptable impact on adjoining residential neighbours (given the characteristics of the precinct), and meets the relevant Scheme objectives. It is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION ITEM AND
COUNCIL DECISION ITEM 10.3.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for two × four-Storey Grouped Dwellings on Lot 3 (No. 5) Parker Street, South Perth **be approved**, subject to:

(a) Standard Conditions

| | | | |
|-----|----------------------------------|-----|---------------------------|
| 615 | screening details | 625 | vehicle sightlines |
| 390 | crossover standards | 455 | dividing fences standards |
| 393 | verge and kerbing works | 550 | plumbing hidden |
| 410 | crossover effects infrastructure | 664 | final inspection required |
| 340 | surface of parapet walls | 508 | landscaping plan |
| 470 | retaining walls - if required | 425 | colours and materials |
| 471 | retaining walls - timing | 660 | approval expiration |

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

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The southern wall setbacks for the theatre / guest, master bedroom and living rooms shall be setback from the southern boundary by an additional 0.1 metre;
 - (B) The southern wall setback for the building bulk (stairwell area) on all floors shall be setback from the boundary by 4.0 metres;
 - (C) The desk within Bedroom 4 in the southern dwellings shall be permanently installed prior to habitation of the dwelling;
 - (D) The layout of the existing car parking bays in the street reserve to be modified in consultation with the Director, Engineering Infrastructure Services; and
- (ii) The boundary ground levels on the Parker street verge not to be altered.

(c) Standard Advice Notes

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

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

(d) Specific Advice Notes

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

CARRIED EN BLOC RESOLUTION

10.3.3 Council position on Skillion Roofs for new dwellings in relation to compliance with Council Policy P370 “General Design Guidelines for Residential Development”

Location: City of South Perth.
Applicant: Council
File Ref: GO/106
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Steve Cope, Director Development and Community Services

Summary

Over recent months, Council has considered two development applications for Single Houses which incorporate skillion roofs (single pitch roofs) visible from the street. The Planning Officers considered this roof form to be incompatible with the established streetscape character, thus bringing the proposals into conflict with Council Policy P370 “General Design Guidelines for Residential Development”. Therefore, the officers recommended refusal of the applications. However, the Council was satisfied with the design in each case and resolved to approve the applications. It became apparent in the course of the Council Members’ deliberations that skillion roofs were seen to be an acceptable roof form for any new dwelling in any locality. Against this background, this report seeks to obtain a Council resolution regarding support for skillion roofs in order to provide guidance to the Planning Officers when dealing with future applications.

Background

The previous development proposals referred to above, were considered at the March and April 2008 Council meetings. Those proposals are further identified as follows:

March 2008 Council meeting: Item 10.3.2 Two Storey Single House - No. 26 Canavan Crescent (skillion roof); and

April 2008 Council meeting: Item 10.3.4 Two Storey Single House - No. 37 Swanview Terrace (skillion roof).

The Planning Officer’s recommended refusal of the Swanview Terrace proposal and, in the case of the Canavan Crescent proposal, the imposition of a condition requiring the roof to be redesigned. However the Council granted planning approval to both applications.

Comment

It is evident from the deliberations on the development applications referred to above that the Council Members find skillion roofs to be an acceptable roof form which is considered compatible with various other roof forms in established residential streets. This being the case, it would assist both Council officers and applicants if Council were to adopt a resolution reflecting its views in this regard.

Where the design of any proposed development is particularly unusual or the Planning Officers consider that the design may not be visually acceptable, the application is referred to the City’s Design Advisory Consultants (DAC). In the event that any development proposal involving skillion roofs was seen to be of a particularly unsatisfactory design, and this view was supported by the DAC, the Planning Officers would present the proposal to a Council meeting for determination. However, such proposals would be extremely rare. If Council adopts the recommendation in this report, the majority of future development applications incorporating skillion roofs would be approved by the appropriate delegated officer rather than being referred to a Council meeting.

While Council supports skillion roofs forming part of any new dwelling, it is possible that this roof form may not be supported for additions to an existing dwelling, where a skillion

roofed addition may be incompatible with the existing roof form of the dwelling. The majority of existing dwellings have the more conventional hip or gable roofs and in this context, a skillion roofed addition may not be suitable. In view of this, the recommended resolution relates only to skillion roofs for new dwellings and not for additions to existing dwellings. In the latter situation, the design compatibility of the skillion roofed addition would be considered on merit and the DAC members would be consulted. Following consultation with the DAC, if the Planning Officers remain concerned about design compatibility, the development applications for skillion roofed **additions** would be referred to a Council meeting.

Policy and Legislative Implications

This issue relates to Council Policy P370 “General Design Guidelines for Residential Development”. As the Council considers that skillion roofs do not bring about any conflict with Policy P370, it is not necessary to amend the Policy in order to address the issue.

Financial Implications

The issue has some impact on this particular area, to the extent that staff resources will be used more efficiently by reducing the number of applications requiring the preparation of reports to Council meetings.

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

Adoption of the recommended resolution will lead to more sustainable practice in terms of optimum use of officers’ time.

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

That ...

- (a) in order to provide assistance and guidance to future applicants for proposed development and to Council officers, Council hereby records that skillion roofs are considered an acceptable roof form for any new dwelling in any residential locality within the City, and that the incorporation of this roof form into the design of proposed dwellings will not bring the proposal into conflict with Council Policy P370 “General Design Guidelines for Residential Development”; and
- (b) having regard to (a) above, future applications for development approval for new dwellings involving skillion roofs are to be determined by the appropriate officer under delegated authority unless some other aspect of the design necessitates referral to a Council meeting for determination.

CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Tender for Supply and delivery of One Diesel Powered Front End Loader

Location: City of South Perth
 Applicant: Council
 File Ref: 3/2008
 Date: 5 May, 2008
 Author: Fraser James, Tender and Contracts Officer
 Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

Tenders were invited and have been received for the supply of one Diesel Powered Front End Loader with trade in of a Volvo L35 Loader.

This report outlines the assessment process and recommends the preferred tenderer.

Background

Request for Tender number 3/2008 was advertised in the West Australian Newspaper on Saturday 5 April 2004 and closed at the Civic Centre on Tuesday 22 April 2008.

The Tender was based on the ability of the proposed front end loader to perform numerous tasks around the City including, roadwork's, loading from waste concrete stockpile, clearing sand and debris from launching ramps in Swan River and other works around the foreshore involving submersing to half wheel depth.

Comment

At the close of the tender period five suppliers had submitted tenders. One tender was received for the outright purchase of the trade in Volvo L35 Loader. Tenders were opened at the Civic Centre by the Tenders and Contracts Officer and one staff member from Engineering Infrastructure. There were no members of the public in attendance at the opening of the tenders.

All suppliers submitted tenders with three tenders not conforming to the Applications required. The Tender for outright purchase of the Volvo L35 was assessed against tenders received for supply with trade and omitted from any further assessment.

It is important to note there was a wide range of operating weights, engine power and size etc. with some units arguably not fulfilling the criteria or specifications. On assessment it was considered that the Hyundai HL730, Case 521E and the Volvo L60F did not meet the criteria.

Based on Tenders received the tenders in ascending changeover (from lowest to highest) order inclusive of GST are:

| Supplier | Unit Offered | Net Change Over |
|------------------------------|-------------------------|------------------------|
| Earthwest | Hyundai HL730TM Loader | \$110,000 |
| McIntosh and Son | Case 521 E XT Loader | \$122,100 |
| Construction Equipment Aust. | JCB 416 Loader | \$131,400 |
| McIntosh and Son | Case 521 E Loader | \$132,880 |
| Westrac | Caterpillar 924H Loader | \$166,463 |
| CJD Equipment | Volvo L60F Wheel Loader | \$178,200 |

The remaining submissions were progressed through to the qualitative criteria assessment on the basis that all terms and conditions and mandatory requirements of the RFT had been met.

Qualitative Criteria Assessment

| Qualitative Criteria | Weighting % |
|--|--------------------|
| Ergonomics of Cab and Controls | 10% |
| Ability and guarantee to provide spare parts locally without delay. Demonstrated ability to deliver to stipulated date. | 25% |
| Guaranteed resources to provide for reliable servicing and provide qualified technical assistance and advice. | 15% |
| Price | 50% |
| Total | 100% |

The Tender assessment report is provided as a **Confidential Attachment 10.4.1** and recommends that the tender of Westrac be accepted.

The qualitative criteria assessment was carried out by the Evaluation Panel between 1 April and 5 May, with the Evaluation Panel scoring the tenders according to the evaluation matrix.

| Unit | Weighted Score |
|--------------------------|-----------------------|
| Westrac | 8.7 |
| McIntosh & Son | 8.1 |
| Construction Equip Aust. | 7.8 |

All applicants were assessed against the qualitative selection criteria. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel. Relative weightings were published within the RFT.

The evaluation clearly showed the acceptable tenderers each with an equally competitive price from which the Evaluation panel was able to base their recommendation.

The Caterpillar 924H, Case 521 E XT Loader, JCB 416 Loader, complied with all of the items of the specification.

The below addresses items of the specification where there are individual differences that would contribute to the performance of one or the other tendered units. These are differences of importance:

Item 3.1

The Caterpillar engine size provided greater operating power than the Case at 4.5L and JCB at 4.4L without compromising fuel consumption and emissions.

Item 3.3

Caterpillar cabin windows were flat enabling repairs in case of breaking. The Case had similar Cabin glass; however the JCB Cabin windows were rounded which could end up costing far more to repair and down time.

Item 2.14

The Caterpillar Warranty is for three years (or 6,000 hours whichever occurs first) and covers labour and replacement powertrain and hydraulic system components found to be defective. Expected usage of the loader is 1250 hours per year.

The Case Warranty is for 12 months with no limit on the number of hours, and covers all parts and labour including any attachments from other manufacturers fitted to the loader.

The JCB Warranty is 12 months (or 2,000 hours whichever comes first) covering all parts and labour, with an extension to 24 months on major components only.

Basis for Recommending a Tenderer

Based on the Panel's detailed evaluation provided as the *Confidential Attachment 10.4.1*, the tender from *WesTrac* represented the highest rated assessment against the qualitative selection criteria and demonstrated the most advantageous tender the City and is therefore as the preferred tenderer.

Consultation

Other than suppliers there has been no consultation in respect to the plant purchase.

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 \$50,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

Financial Implications

The purchase of the replacement loader has been included in the 2007/08 Budget. Tenders were invited for the purchase of the loader with a trade. The Gross purchase cost of the Caterpillar 924H is \$209,363. The changeover on the recommended Caterpillar 924H with the Volvo L35 as trade is \$42,900, results in a nett cost to the City of \$166,463 inclusive of GST. The preferred and recommended tender of Westrac with trade-in is within Budget.

The Council is not required to accept the lowest tender or any tender. The successful tenderer has submitted the tender considered to provide the best advantage to the City.

Strategic Implications

The above is consistent with Goal 4 Infrastructure - Strategy 4.1 "*Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths etc) are maintained to a responsible level.*"

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| OFFICER RECOMMENDATION ITEM AND COUNCIL DECISION ITEM 10.4.1 |
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That the tender of Westrac Equipment for the purchase of a Caterpillar 924H for the tendered price of \$190,330 excluding GST less trade of \$39,000 for a nett purchase price of \$151,330 excluding GST be accepted.

CARRIED EN BLOC RESOLUTION

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
Applicant: Council
File Reference: GO/106
Date: 1 May 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 April 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 April 2008, thirty three (33) development applications were determined under delegated authority refer **Attachment 10.5.1**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM AND COUNCIL DECISION 10.5.1

That the report and **Attachments 10.5.1** relating to delegated determination of applications for planning approval during the month of April 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: | 8 May 2008 |
| 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 April 2008 appear below.

| Nature of document | Parties | Date Seal Affixed |
|---------------------------|--|-------------------|
| Registration of Lease | City of South Perth Society of Art & Craft | 7 April 2008 |
| Lease | City of South Perth Society of Art & Craft | 7 April 2008 |
| CPV Lease | City of South Perth & Leonard Newton | 15 April 2008 |
| Registration of CPV Lease | City of South Perth and Leonard Newton | 15 April 2008 |
| TPS6 Amendment No. 10 | City of South Perth | 24 April 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 2007 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

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

Sustainability Implications

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

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2 |
|---|

That the report on the use of the ‘Common Seal’ for the month of April 2008 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Review of Deputations at Council Agenda Briefings, 'Work in Progress' Agenda available to the Public; and Consideration of Major Development Concept Forums being Open to the Public

Location: City of South Perth
Applicant: Council
File Ref: GO/105
Date: 5 May 2008
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to:

- review the practice of making the *draft* Agenda available to the public at the same time as it is made available to Council Members;
- review the practice of hearing planning Deputations at Council Agenda Briefing sessions; and
- consider a suggestion that Major Development Concept Forums be open to the public.

Background

Deputations previously heard at Council meetings tended to make the meeting that much longer. For example, during the period between July 2006 and May 2007 there were a total of 44 Deputations of which 39 related to planning items resulting in a average finish time of 11.30pm with the latest meeting during this period finishing at 1.20am. It was therefore suggested that Deputations be moved to the Agenda Briefing session.

At the same time it was also suggested that the draft "Work in Progress" Agenda be released to the public when distributed to the Councillors ie in the week preceding the Council Agenda Briefing to allow members of the public full access to the reports/recommendations but with the document being clearly marked with a disclaimer emphasising "Work in Progress Agenda" for discussion purposes.

These suggestions were considered at the June 2007 Council meeting. At that meeting Council resolved as follows:

"That....

- (a) with effect from July 2007 the "Work in Progress" Agenda be made available to members of the public at the same time the Agenda is made available to Members of the Council;*
- (b) those applicants and other persons affected who wish to make Deputations on planning matters be invited to make their Deputations to the Agenda Briefing workshop; and*
- (c) this arrangement be reviewed within twelve months to ascertain its effectiveness.*

Comment

In order to address part (c) of the June 2007 Council resolution the arrangements set in place since July 2007 are the subject of this report.

Deputations previously heard at Council meetings tended to make the meetings that much longer resulting in a average finish time, for the period under review (July 2007 - April 2008), of 11.30pm. As a result of Deputations now being heard at the Agenda Briefing Session the average time taken for Council Meetings has reduced from an average of 4 hours to 3 hours a reduction of 25%. At the same time the Agenda Briefing Sessions have only increased by approximately 30 minutes, with an average finishing time of 8.00pm whereas previously, for the same period of time (July 2006 - April 2007) they averaged a 7.30pm finish. This is due mainly to the fact that the previous Council included a half hour informal 'Member Question Time' session following the Agenda Briefing.

Further advantages of moving the Planning Deputations from the Council meeting day to the Agenda Briefing day are as follows:

- from the public point of view the applicants and other persons affected have more time to consider the report and raise issues contained in the report;
- Planning Officers have an extra week to deal with issues arising from planning reports presented at the Agenda Briefing prior to the Council meeting which is of benefit not only to the Planning Officers but Elected Members, applicants and other persons affected;
- Members have more time to freely discuss and obtain more relevant information with Planning Officers and applicants should the need arise;
- the work load of the Council Agenda Briefing sessions and the Council Meetings is now spread more evenly with the length of Council Meetings being considerably reduced thereby reducing the fatigue for Councillors and staff who have already spent a full day at work; and
- Council's internal practices/processes are seen to be more open and accountable to the public as a greater amount of time is now afforded to applicants to respond to officers' reports.

The practice, implemented in July 2007, of making the "Work in Progress" Agenda available to members of the public at the same time the Agenda is made available to Council Members and hearing Deputations on planning matters at the Agenda Briefing sessions is therefore supported.

Major Development Concept Forums - Open to the Public

In recent times planning applications have been under increased scrutiny and are becoming more complex. Therefore in an attempt to provide Elected Members with advance knowledge of major developments and to enable developers to informally address Councillors 'Major Development Concept Forums' were commenced in July 2007. It is now suggested that these Forums on major town planning developments be open to the public.

If the Major Development Concept Forums are to be opened to the public it would have to be on the clear understanding that the public attended as 'observers'. They would not be permitted to speak or interject into the discussions etc. The public, with a direct interest, still have the opportunity to make a presentation at the Agenda Briefing Session or alternatively the Council meeting. In the past, DAC meetings were open to the applicants and public who had an interest (eg adjoining neighbours etc) for a short trial period of time without success. It was felt, at that time, that the presence of the public in attendance inhibited the discussion on the particular development proposal and in particular the comments/input made by the DAC consultants to the officers and vice versa.

In order to gauge if allowing members of the public to attend the Major Development Concept Forums as observers is beneficial it is suggested that the Major Development Concept Forums be open to the public for a trial period of say 6 months to the end of 2008.

Consultation

Members of the public are advised via the City Update that Agenda Briefings are open to the public. Applicants and adjoining neighbours within the 'focus' area are advised accordingly by letter and invited to make Deputations when appropriate.

Advertising of Major Development Concept Forums has the capacity to be problematic as presentations are often not finalised until after the normal closing time for advertisements to be placed. However the trial period will enable most issues to be identified and resolved.

Policy and Legislative Implications

In line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops",

Financial Implications

N/A

Strategic Implications

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

Sustainability Implications

Opening the Major Development Concept Forums to the members of the public and making the draft Council Agendas available to the public in advance of the Council Agenda Briefing contributes to the City's sustainability by promoting effective communication and community participation. .

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3 |
|--|

That....

- (a) the "Work in Progress" Agenda continue to be made available to members of the public at the same time the Agenda is made available to Members of the Council;
- (b) those applicants and other persons affected who wish to make Deputations on planning matters continue to be invited to make their Deputations to the Agenda Briefing sessions; and
- (c) for a 6 month trial period Major Development Concept Forums be open to members of the public following which this practice be reviewed at the February 2009 Council meeting.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

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| 10.6.1 Monthly Financial Management Accounts - April 2008 |
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| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 7 May 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 30 April 2008 is \$32.48M which represents 101% of the \$32.31M year to date budget. The major factor contributing to this favourable variance (over 60% of the difference) is significantly better than anticipated investment revenue performance due to higher volumes of cash held and higher investment rates on offer. Rates revenue performance remains strong - and ahead of budget. Previously unbudgeted grant funds for the Poetry Park project at McDougall Park and for water conservation initiatives at the Collier Park Golf Course, as well as insurance recoveries and RCS subsidies, are now recognised following the Q3 Budget Review. Higher than expected parking infringement revenue and better than expected results in the Building Services and Planning areas have also contributed to the favourable result.

Unfavourable variances in relation to less than expected revenue from rubbish service levies and lower than anticipated green fees at the golf course are slowly correcting - but still exist. An investigation into the waste services revenue is continuing but has moved much more slowly than had been hoped for due to difficulties with the contractor's resources. Previously unbudgeted revenue for the amenity value of street trees that have had to be removed and for the development of the Manning Primary School Kiss & Drive project have also been addressed in the Q3 Budget Review.

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

Operating Expenditure to 30 April 2008 is \$26.51M which represents 99% of the year to date budget of \$26.67M. Operating Expenditure to date is around 2% favourable in the Administration area, 1% over budget in the Infrastructure Services area and 3% 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 again relate to budgeted (but vacant) staff positions, although other factors such as savings on bank fees, consultants and non planning legal advice are also significant contributors. Offsetting these is a significant escalation in cleaning costs for all City buildings and facilities (this is currently being investigated / audited). 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 have occurred - most notably in the areas of drainage maintenance and bus shelter maintenance. Golf Course expenditure remains favourable largely due to vacant staff positions and a timing difference for the consultant looking at leasing options for the course. The large favourable timing variance on building maintenance activities has largely been reversed during the month as has the timing variance on roads and paths maintenance. Overheads in the two Infrastructure areas continue to be monitored and adjusted and will be further corrected at year end.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.0% 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. There have been some offsetting increases in expenditure on consultants, particularly in the Human Resources and Building Services areas to ensure service continuity in spite of the vacancies.

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

Capital Revenue is disclosed as \$1.83M at 30 April against a budget of \$1.88M. The lease premiums and refurbishment levies from recently occupied units at the Collier Park Village remain ahead of budget expectations with the number of units turned over well ahead of expectations. As this turnover relates largely to the frailty of residents, it is very difficult to

model accurately - but it is regularly monitored by senior management. Small timing differences on grants for road works and foreshore erosion control projects also contribute to the variances at reporting date.

Capital Expenditure at 30 April 2008 is \$6.80M against a year to date budget of \$10.01M (representing 68% of the year to date budget). Overall, the City has now completed around 51% of the full year capital program including the carry forward works. A report on the progress of the individual projects in the capital works program is presented as Item 10.6.4 in this 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 Q3 Budget Review adjustments:

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|-------------------------------|-------------------|------------------|--------------|-------------------|
| CEO Office | 195,000 | 55,100 | 28% | 295,000 |
| Financial & Info Services | 250,000 | 215,713 | 86% | 360,000 |
| Planning & Community Services | 745,000 | 419,341 | 56% | 1,203,500 |
| Infrastructure Services | 7,701,251 | 5,150,366 | 67% | 9,369,560 |
| Golf Course | 313,478 | 142,505 | 45% | 373,478 |
| Underground Power | 812,500 | 813,730 | 100% | 1,615,000 |
| Total | 10,017,229 | 6,796,755 | 68% | 13,216,538 |

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.

Around one half 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 contacted Council Members to clarify intentions in relation to the ward funding allocations and the agreed initiatives are being progressed. Some funds have not yet been allocated. The remainder of the variance in this area relates to a timing difference on the City Visioning Project. Details of the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this agenda.

The attachments to this report also include a Rate Setting Statement (required under Regulation 34 of the Local Government Financial Management Regulations). As advised in the director's report to the last Audit & Governance Committee, this schedule is only relevant or meaningful at the date that rates are struck - hence it is provided monthly simply to achieve statutory compliance.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

Strategic Implications

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

Sustainability Implications

This report primarily addresses the 'Financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1

That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received.
- (d) the Rate Setting Statement provided as **Attachment 10.6.1 (7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2008

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 6 May 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 \$29.36M compare very favourably to \$27.16M at the equivalent stage of last year. Whilst reserve funds are some \$5M higher than at the equivalent stage last year due to higher holdings of cash backed reserves, Municipal Funds are lower due to the increased level of outstanding debtors and the budgeted UGP Revenue not yet having been billed yet. That said, the free cash position continues to be favourably impacted by excellent rates collections to date - with collections 0.1% 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 weaker relative to April 2007 by around \$2.5M - but this is largely due to a \$3.1M transfer of funds quarantined for future capital projects into Reserves during March. Monies brought into the year (and our subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects later in the year. 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 \$6.11M (compared to \$9.61M 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 slightly ahead of the budgeted cash position (after allowing for quarantined / committed funds for carry forward works). This situation 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 \$28.72M compared to \$26.67M at the same time last year. Although the split between Municipal & Reserve Funds has changed, the overall difference still 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 79% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities. The City's investment policy requires that at least 80% of investments are held in securities having a S&P rating of A1. The slightly lesser holding of 79% at month end was simply the result of a timing difference on maturity dates and the portfolio

was re-balanced in accordance with policy guidelines within the first week of May. It is now comfortably within the self imposed benchmarks.

These actions ensure 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 \$1.91M - significantly up from \$1.56M 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 7.13% with the anticipated yield on investments yet to mature currently at 7.75%. This reflects careful selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs have been providing a return of 6.50% since November 2007 and 7.0% since early March.

(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 April 2008 (after the due dates for the final rates instalment) represent 96.7% of total rates levied compared to 96.6% at the equivalent stage of the previous year. This suggests that collections to date remain strong - being 0.1% in advance of last year's best ever collection result. This 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. Of the 3% of total rates yet to be collected, one commercial rates debtor represents around one twentieth of this amount - accordingly this debtor has been targeted for collection action.

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 \$1.99M at 30 April 2008 compared to \$1.10M at the same time last year. However, this 'difference' is attributable to an invoice for \$0.63M in grants from the Swan River Trust (billed March but not yet paid), and accrual of grants relating to the skyshow, sponsorship of the Fiesta, Poetry Park, SEDO and Main Road Grants (\$0.2M). These are all entirely collectible debts and represent only a timing difference.

Consultation

This financial report is prepared provide evidence of the soundness of financial management being employed whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report as is The DOLG Operational Guideline 19.

Financial Implications

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

That Council receives the 30 April 2008 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

CARRIED EN BLOC RESOLUTION

10.6.3 Warrant of Payments Listing

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 6 May 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 April 2008 and 30 April 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' 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 April 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 30 April 2008

| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 9 May 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 30 April 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 affected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the (revised) Capital Program represents 68% of the year to date target - and 51% of the (revised) full year's budget.

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 30 April 2008, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

| |
|---|
| 11.1 Request for Leave of Absence: Cr Hearne |
|---|

Moved Cr Burrows, Sec Cr Grayden

That Cr Hearne be granted leave of absence from any meetings between 28 May - 5 June 2008 inclusive.

CARRIED (11/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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|--|
| 12.1 WALGA - Notice of Motion for AGM |
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| | |
|-----------------------------|--|
| Location: | South Perth |
| Applicant: | Council |
| File Ref: | GR/303/1 |
| Date: | 8 May 2008 |
| Author & Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The purpose of this report is to provide information relating to a proposed Notice of Motion which, if adopted by Council, will be considered at the Western Australian Local Government Association [WALGA] at the Annual General Meeting to be held in on Saturday, 2 August 2008.

Background

The Annual General Meeting of WALGA will be held as part of the Local Government Convention. The agenda of the Annual General Meeting includes a section for members' notices of motion. In this instance members refers to local governments which have previously supported notices of motion. Any notices of motion must be provided to WALGA by Friday, 6 June 2008.

Comment

Cr Doherty has submitted the following Notice of Motion for Council consideration:

1. *That the Western Australian Local Government Association at the Annual General Meeting in August 2008 support a review of the allowances paid to elected members and that the Department of Local Government and Regional Development be urged to amend the relevant provisions of the Act.*
2. *Should motion 1. detailed above be supported at the Annual General Meeting, State Council at its meeting in October 2008 be requested to urgently support the motion and make a submission to the Minister for Local Government prior to 31 December 2008*

In support of this motion the following comments are made in relation to Councillors' allowances although the same principles apply for Mayoral/Deputy Mayoral allowances:

- When the "new" *Local Government Act* came into effect in July 1996 the maximum allowance payable to elected members was \$6 000 per annum. In the past 12 years this amount has only been reviewed on one occasion and the maximum amount now payable is \$7 000 per annum.
- Even if it was agreed that the base figure of \$6 000 was reasonable when set in 1996, the increase in the Consumer Price Index for the period July 1996 to June 2008 is approximately 37%, therefore resulting in a revised annual allowance in excess of \$8 200.
- However, it is clear that the base allowance of \$6 000 was not realistic and even the CPI adjusted allowance of \$8 200 per annum does not represent anywhere near the value of the workload that councillors are required to perform in carrying out their duties. In this regard it is interesting to note that elected members can receive this sum (in some instances significantly more) by simply being elected to represent local government on numerous committees or boards such as:

| | |
|--|----------|
| • Agriculture Protection Board | \$10 700 |
| • Coastal Planning Coordination Protection Council | \$8 100 |
| • LG Advisory Board | \$13 700 |
| • WA Health Promotion Council | \$8 000 |
| • WALG Grants Commission | \$20 800 |
| • WALG Insurance Board | \$16 424 |
| • WA Planning Commission | \$11 500 |
| • WA LG Superannuation Fund | \$15 000 |

Clearly, the work and responsibilities of an elected member on one of these committees is not as demanding as representing a local government as an elected member, yet the amount of allowances paid exceeds the current value of allowances paid.

- The amount payable to Western Australian elected members is also amongst the lowest in the country:
 - New South Wales - up to \$25 850
 - Victoria - \$18 000
 - Queensland - determined by each Council but is understood to be linked to the remuneration paid to State Members of Parliament.
 - Tasmania - up to \$12 000

- The low annual allowance paid does little to attract nominations from members of the community for the position of elected member. An opposite view to this is that a higher more realistic allowance will almost certainly attract a wider range of people with a diversity of backgrounds.
- In a recent Local Government Advisory Board report entitled *Local Government Structural and Electoral Reform in WA - Ensuring the Future Sustainability of Communities* dated April 2006 it was proposed that elected members remuneration should be determined by the Salaries and Allowances Tribunal and updated on an annual basis and this position is understood to be supported by WALGA.
- The proposition to increase elected members' allowances was also supported in the WALGA SSS study in conjunction with a reduction in the number of elected members.

Summary

There is a sufficient amount of evidence to conclude that the amount paid to elected members in the form of allowances is inadequate given the workload and level of responsibility. In any event, the current value of allowances has not kept pace with inflation and needs to be rectified. The proposition to increase elected members' allowances is supported by the Local Government Advisory Board and also WALGA through its SSS Study and current policy position. Mere support however for a position appears to be insufficient as the Department of Local Government has resisted moves to increase the level of allowances paid to elected members. This motion encourages WALGA to lobby the Department to take action to review the level of allowances and have the Act amended accordingly.

Consultation

No consultation has occurred at this time, but if adopted the motion will be included on the agenda of the AGM and debated at the WALGA AGM as part of the consultation process. One of Council's representatives will be required to move the motion at the WALGA AGM.

Policy Implications

The intent of this motion is consistent with the adopted position of the Local Government Advisory Board and WALGA.

Financial Implications

The financial implications, if this motion is supported and results in an amendment to the *Local Government Act* cannot be determined at this time, but in any event the total increased expenditure will be minor in comparison to the total operating budget of the City.

Strategic Implications

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

Note: Cr Gleeson left the Chamber at 8.25 pm

MOTION

Cr Doherty moved the amended motion, Sec Cr Ozsdolay

Note: Cr Gleeson returned to the Chamber at 8.27 pm

MEMBER COMMENTS FOR / AGAINST AMENDED MOTION - POINTS OF CLARIFICATION

Cr Doherty opening for the Motion - commented as follows:

- Last increase in remuneration was in 1996;
- Councillors face a number of external challenges;
- Growing complexity in the role of Councillors
- Expectation from the community for Councillors to operate more effectively and efficiently; and
- Increase in responsibilities

Cr Ozsdolay closing for the Motion

Congratulated Cr Doherty and the CEO, Mr Cliff Frewing for the comprehensive report.

The Mayor put the amended motion.

COUNCIL DECISION ITEM 12.1

That Council give consideration to the following amended Notice of Motion proposed by Cr Doherty to be considered at the WALGA AGM on 2 August 2008:

- (a) “That the Western Australian Local Government Association **at the Annual General Meeting in August 2008** support a review of the allowances paid to elected members and that the Department of Local Government and Regional Development be urged to amend the relevant provisions of the Act.”
- (b) **Should motion (a) detailed above be supported at the Annual General Meeting, State Council at its meeting in October 2008 be requested to urgently support the motion and make a submission to the Minister for Local Government prior to 31 December 2008.**

CARRIED (11/0)

Reason for Change

Clarifies the intention and provides a suggested time for the matter to be progressed.

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE
Nil

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 27.5.2008
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.

**15.1.1 Recommendations from CEO Evaluation Committee Meeting Held
6 May 2008 *CONFIDENTIAL Not to be Disclosed REPORT***

Location: City of South Perth
Applicant: Council
Date: 7 May 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 6 May 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 Hearne, Sec Cr Burrows

That Anne Lake of Anne Lake Consultancy conclude the CEO Performance Review for the 2007/08 financial year and implement the process, including the setting of Key Performance Indicators, for the 2008/09 financial year.

CARRIED UNANIMOUSLY

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the member of the public gallery that returned to the Council Chamber the Minute Secretary read aloud the Council decision for Item 15.1.1.

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8.35pm.

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 24 June 2008

Signed

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

VOTING RECORD - ORDINARY COUNCIL MEETING 27 MAY 2008

27/05/2008 7:30:58 PM - **Item 7.1.1**

Motion Passed 11/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 7:31:27 PM - **Item 7.1.2**

Motion Passed 11/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 7:32:00 PM - **Item 7.2.1 to 7.2.5**

Motion Passed 11/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 7:59:54 PM - **En Bloc Items**

Motion Passed 11/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 8:25:11 PM - **Item 10.3.1**

Motion Passed 6/5

Yes: Cr Bill Gleeson, Cr Travis Burrows, Cr Les Ozsdolay, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Mayor James Best, Cr Brian Hearne, Cr Peter Best, Cr Susanne Doherty, Cr David Smith
Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 8:31:18 PM - **Item 12.1**

Motion Passed 11/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 8:32:44 PM

Motion Passed 11/0 - Item 15.1.1

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote

27/05/2008 8:34:10 PM

Motion Passed 11/0 - Leave of Absence

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Ian Hasleby, Cr Kevin Trent, Casting Vote