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## **ORDINARY COUNCIL MEETING**

**Minutes of the Ordinary Meeting of the City of South Perth Council  
held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 28 July 2009 at 7.00pm**

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

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

### **2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

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

#### **3.1 Activities Report Mayor Best / Council Representatives**

Mayor's Activities Report for the month of May 2009 attached to the back of the Agenda.

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

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

### **4. ATTENDANCE**

Mayor J Best

s

#### Councillors:

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

Officers:

Mr M Kent	Acting Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr S Bercov	Acting Director Development Services
Ms D Gray	Acting Director Financial and Information Services
Ms H Cardinal	Manager Human Resource Services
Mr R Kapur	Manager Development Services (until 8.45pm)
Ms C Husk	City Communications Officer (until 7.17pm)
Ms W Patterson	City Sustainability Coordinator (attended as an observer until 8.00pm)
Mrs K Russell	Minute Secretary

Gallery There were 28 members of the public present and no member of the press.

**4.1 Apologies**

Chief Executive Officer - annual leave

**4.2 Approved Leave of Absence**

Nil

**5. DECLARATION OF INTEREST**

The Mayor reported that Declaration of Interests had been received from Crs Ozsdolay and Trent in relation to Agenda Item 10.2.2 and from Cr Cala in relation to Agenda Item 10.2.4. He further stated that in accordance with *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Items in question were discussed.

**6. PUBLIC QUESTION TIME**

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

At the Council meeting held 23 June 2009 the following questions were taken on notice:

**6.1.1. Ms Sam Ryan, 3/69 Birdwood Avenue, Como**

**Note:** At the June Council Meeting the Mayor reported that of the six questions submitted in writing by Ms Ryan that Questions 1 - 5 were 'operational issues' and as such they would be taken as 'correspondence'. A written response to Questions 1 - 5 was provided by the Chief Executive Officer by letter dated 26 June 2009.

**6.1.2 Mr Harry Anstey, 21 Riverview Street, South Perth**

Summary of Question

In relation to the Right-of-Way between Angelo and Karoo Streets, know as ROW15:

1. Does the City have a record of when the eastern remnant of the ROW (which was Lot 349) and which abuts South Perth Primary School (Lot 350) was subdivided?
2. If this ROW was subdivided, who was the person/authority who initiated the subdivision?
3. If the City does not have a record of the subdivision, then how/why can there be two separate lots?
4. Have rates been charged on the ROW since 1912? If no rates have been collected on this freehold land on what basis did Council consider this freehold land should have been exempt?
5. How does the City propose making its Policy on the Closure of ROW's totally effective in requiring surrounding residents to be advised prior to closure by any means?
6. What costs have Council and residents born maintaining this ROW?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 2 July 2009 a summary of which is as follows:

1. The City does not have any such record. It is the City's understanding that ROW15 (Angelo to Riverview) and ROW14 (Riverview to Karoo) have always been separate Rights-of-Way.
2. If right-of-ways 15 and 14 have always been separate from one another, no "subdivision" would be necessary. That is the City's understanding.
3. Refer to the response to Questions 1 and 2 above.
4. The City does not rate rights-of-way as they are used for a "public purpose" which under the *Local Government Act* makes them exempt from rates (no matter the owner).
5. At the June 2009 Council meeting, Policy P355 "*Consultation for Planning Proposals*" was adopted to replace the previous P104. However the operative effect of the new Policy is the same, in relation to right-of-way closures. The core issue relates to the two different processes by which a right-of-way can be closed.

The City has only ever been involved in the closure process under the *Land Administration Act* (and the *Local Government Act* in past years). The City was not involved in the closure process for ROW15, which was implemented under an alternative process under the Transfer of Land Act. Prior to the ROW15 action, the City had been unaware of the availability of the TLA closure process. Under that process, the City is not consulted and has no role to play. Therefore, where the TLA process is implemented, it is impossible for the City to consult any neighbours. This cannot be remedied by the Council's Policy P350.14 "*Use or Closure of Rights-of-Way*", and to that extent the Policy cannot be made totally effective.

6. The paving and draining of the ROW adjacent to HN 32 Riverview was constructed at full cost to the applicant as a Condition of Development Approval. Prior to the Development Approval, a small section of ROW (about 15 metres maximum) had been constructed off Riverview Street towards Angelo Street to facilitate vehicle turnaround. A path section from Angelo Street completed the link through to Riverview Street.

This construction was undertaken during the late 70's as part of works to pave the ROW off Riverview Street and between Riverview Street and Karoo Street. Funding for the ROW works was shared with the residents, with the City's proportion of the cost for "works on private property" being approved by the then Local Government Minister under the Local government Act 1960. Other than the initial expenditure in the 1970's the only funds expended on the ROW between Angelo Street and Riverview Street has been routine weed spraying and clearing and minor repair works to the path to remove any tripping hazards. It is not possible to determine the extent of expenditure on routine maintenance in any section of the City, but over this section of ROW would be relatively inconsequential.

**6.1.3. Mr Jim Grayden, 86 Strickland Street, South Perth**

Summary of Question

I refer to lots 68 and 69 on plan 2692 formerly identified as ROW 15 between Angelo Street and Karoo Street, South Perth and crossing the eastern end of Riverview Street.

Approximately sixty years ago the then South Perth Roads Board apparently contributed half the cost of establishing a bituminised footpath along ROW 15 between Angelo Street and Riverview Street with the balance paid by local resident Mrs Nell Burrows of 28 Riverview Street. Since that time, adjoining owners have contributed to the cost of paving other Right's of Way on plan 2692.

1. Can the City advise the basis on which the City has paid for the paving and maintenance of privately owned land comprising the various Right's of Way on plan 2692?
2. Is the City aware of the Corruption and Crime Commission "*Report on the Investigation of Alleged Misconduct by Employees of Landgate as a Result of Associations with External Clients Involved in the Property Development Industry*" released 18 June 2009 which, among other matters, looked into the activities of Complex Land Solutions Pty Ltd, the consulting firm engaged by Ms Parker to progress the closure of ROW 15?
3. Will the City support an application by concerned ratepayers to be recognised as interested parties in the State Administrative Tribunal hearing set for 1 July 2009 on the Development Application submitted by Ms Parker concerning former ROW 15?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 2 July, a summary of which is as follows:

1. In response to a request from local residents, the City in or about the late 1970's sought and was granted permission from the then Local Government Minister (Local Government Act 1960) to expend municipal funds on the construction of the ROW ("private property") off Riverview Street adjacent to the Primary School and at the rear of the properties between Riverview Street and Karoo Street. Funding was on a shared basis with the residents. To provide for an efficient turnaround at the eastern end of Riverview Street, a small section of ROW (about 15 metres in length maximum) was constructed off Riverview Street towards Angelo Street. A standard width path was also constructed from Angelo Street to link to the short section of ROW constructed for vehicle turnaround.

A number of years ago a Planning Application was received for 32 Riverview Street with vehicle access detailed off the ROW. As a condition of Planning Approval the applicant was required to pave and drain that portion of the ROW for the full length of the property up to and beyond the rear garage. The condition stipulated that the paved section, constructed at the applicants expense, was to include a pedestrian path of contrasting coloured material. Other than the initial work undertaken in the 1970's the City has not expended any funds on providing vehicle access to the ROW's on Plan 2692.

2. The City is not aware of this report.
3. Acting on behalf of Riverview Street residents, Cr Rob Grayden has asked the City to support his application to the State Administrative Tribunal to make a submission on the Parkers' appeal. The City has confirmed its support to Cr Grayden.



At the Special Council meeting held 7 July 2009 the following question was taken on notice:

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

Summary of Question

Has any funds been set aside for any costs with respect to 11 Heppingstone Street, South Perth?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 8 July, a summary of which is as follows: Not specifically.

**6.2 PUBLIC QUESTION TIME : 28.7.2009**

Opening of Public Question Time

The Mayor advised that Public Question Time forms were available in the foyer for use however stated it is preferable that questions be forwarded 5 working days prior to the Council Meeting in order for responses to be provided. He further stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes, questions will be dealt with in the order they are received with long questions summarised and same or similar questions not responded to. The Mayor then opened Public Question Time at 7.05pm.

**Note:** *Written Questions submitted prior to the meeting were provided(in full) in a powerpoint presentation for the benefit of the public gallery. A summary of the questions / response appears in the Minutes.*

**6.2.1 Mr Rick Hughes, President, Kensington Community Association**

**Note:** As Mr Hughes was not present at the Meeting the Mayor stated that the questions submitted in relation to rubbish/recycling initiatives would be dealt with as correspondence by the Administration.

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

Summary of Question

Questions relate to No. 11 Heppingstone Street, South Perth:

1. Who were the Commissioners who approved the development
2. Was the development built using same drawings as those approved by Commissioners?
3. Did the Officers recommend the Commissioners approve or refuse the Application to build and why?
4. When was the 11 Heppingstone Street development approved?
5. When did the construction of 11 Heppingstone Street begin?
6. When questions are answered at Public Question time are they always answered in the order the City receives them?
7. Why were my questions last month only answered after a motion for an extension of time for Question Time was passed?

Summary of Response

The Mayor responded as follows:

- 1 - 5 The answers to questions 1 - 5 are either publicly available in past Council Minutes and / or have been answered previously in the past.
6. Yes
7. The 15 minutes allotted time had elapsed therefore a request for a Motion for an Extension of Time was called in order to deal with a further 8 written questions.

**6.2.3 Mr Steve Neates, President Manning Community Association**

**Note:** As Mr Neates was not present at the Meeting the Mayor stated that the questions submitted in relation to anti-social behaviour in Manning would be dealt with as correspondence by the Administration.

**6.2.4 Ms Betty Skinner, 166 Mill Point Road, South Perth question**

Summary of Question

Has consideration been given to monitoring the new beach usage patterns of Sir James Mitchell Park over next summer and planting the proposed trees in the autumn of 2010? The benefit of autumn plantings would allow the trees to settle in with the winter rain, and improve the survival rate.

Summary of Response

The Mayor responded that usage patterns in the park have been largely determined by the construction of the new beaches, foreshore pathway, shelters and BBQ's. The proposed tree planting has been designed with this in mind but also considers the issues of safety, security, views, shade, habitat and nutrient run-off. Autumn is generally the best time to plant new trees, however given the fact that Sir James Mitchell Park is irrigated and the City will supplement the watering of the new trees if they are planted, Spring is still an acceptable time to plant.

**6.2.5 Mr Lindsay Jamieson, 14 Tralee Way, Waterford**

Summary of Question

The following Questions with regard to the lack of response to my queries, not answered at the June 2009 Council Meeting:

6. What is the target and/or KPI response time for a query to the Mayor?
7. What percentage of queries to the Mayor receive a response in that time?
8. What is the reason for the delay in response to my queries from 16 March 2009?
9. Who was responsible for the delay in response to my queries from 16 March 2009?
10. Who is accountable for the delay in response to my queries from 16 March 2009?
11. What is the target and/or KPI response time for answering questions submitted for Public Question Time?
12. What percentage of queries submitted for Public Question Time receive a response in that time?
13. What is the reason for the delay in response to my questions 6 to 10 submitted for Public Question Time?

14. Who was responsible for the delay in response to my questions 6 to 10 submitted for Public Question Time?
15. Who is accountable for the delay in response to my questions 6 to 10 submitted for Public Question Time?
16. Does Mayor Best accept that his failure to follow the process he himself specified to me is now needlessly consuming Council Public Question time, Council member time and City resources, and will he apologise to them for the needless effort and difficulties he has caused?

Summary of Response

The Mayor said that as the questions relate to the 'process of answering questions' and not the actual issue, where former Councillor Lindsay Jamieson is seeking recoup of legal expenses and that despite being in the same situation stated that he did not need to Declare an Interest as we are not discussing any claim.

The Mayor responded as follows to the questions submitted:

- 1 - 5 The answers to questions 1 - 5 in relation to issues that Mr Jamieson previously asked at the June Council meeting are either publicly available in past Council Minutes and/or have been answered previously in past correspondence. The Mayor said that he would encourage Mr Jamieson to discuss his concerns with the CEO when he returns from leave.
- 6 -10 In relation to response times for correspondence from the Mayor the information has been discussed with you and myself at a Meeting with the Director General of Local Government on 20 March 2009. The Director General subsequently wrote back on 2 April 2009 advising she would investigate the matter and report back as advised in my email to you on 22 May. No further advice has been received from the Department. I would therefore encourage you to continue contacting the Director General for her to expedite the matter
- 11 - 15 Response times for answering questions submitted for Public Question Time are at the Council meeting at which they are submitted. If they are complex or insufficient time is provided the Questions are Taken on Notice and the information sent as correspondence with in the timeframes set in the Customer Charter. Your frustrations in waiting for the Department to provide the authority for your matter to be discussed is acknowledged but there is no useful purpose to be served by addressing these questions as there was no delay in responding to your questions at Public Question time last month.
16. Council is reviewing Public Question Time to ensure it is fair and accessible to all residents in the City, and that Council has sufficient time to properly research answers to questions. The matter is also scheduled to be discussed at the next Audit and Governance Committee Meeting.

<b>6.2.6 Mr Graham Nicol, 19 Charles Street, South Perth</b>
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**Note:** As Mr Nicol was not present at the Meeting the Mayor stated that the questions submitted in relation to parking issues in the Richardson Park Business Precinct would be dealt with as correspondence by the Administration.

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

**Note:** At this point in the meeting Mr Defrenne ‘tabled’ nine written questions. The Mayor said that the Public Question Time Guidelines limits questions to two questions per person. Public Question Time is now taking up a considerable amount of staff resources in researching and providing responses to the many questions raised. He further stated that the questions ‘tabled’ would be handled as normal business correspondence by the Administration.

Close of Public Question Time

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

**7. CONFIRMATION OF MINUTES / BRIEFINGS**

**7.1 MINUTES**

**7.1.1 Ordinary Council Meeting Held: 23.6.2009**

**7.1.2 Special Council Meeting Held: 07.7.2009**

**COUNCIL DECISION ITEMS 7.1.1 AND 7.1.2**

Moved Cr Trent, Sec Cr Cala

That the Minutes of the Ordinary Council Meeting held 23 June and the Special Council Meeting held 7 July 2009 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

**7.2 BRIEFINGS**

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

**7.2.1 Agenda Briefing - June Ordinary Council Meeting Held: 16.6.2009**

Officers of the City presented background information and answered questions on items identified from the June 2009 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

**7.2.2 Concept Forum - Millennium Kids and South Perth Youth Network Meeting Held: 10.6.2009**

Representative from Millennium Kids provided background information on the City of South Youth Sustainability Ambassadors their role / vision / projects etc and representatives from the South Perth Youth Network spoke on “*Youth for Resilient Futures*”. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

**7.2.3 Concept Forum - Old Mill Master Plan - Meeting Held: 17.6.2009**

Mr Garry Lawrence of Lawrence Associates presented a concept proposal to redevelop the Old Mill.

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

**7.2.4 Concept Forum - Collier Park Golf Course Master Plan, Light Fleet Vehicle Policy and Sir James Mitchell Park Revetment Wall Proposed Landscaping and Deck - Meeting Held: 30.6.2009**

Rosetta Holdings, the Consultant and officers of the City provided presentations on the proposed upgrade at Collier Park Golf Course. Officers presented the draft Light Fleet Vehicle Policy and also gave a presentation on the Sir James Mitchell Park Revetment Wall Proposed Landscaping and Deck.

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

**7.2.5 Concept Forum Major Town Planning Development Meeting Held: 1.7.2009**

Officers / applicant presented background information in relation to Proposed Three x four storey Multiple Dwellings, 26 Banksia Terrace, South Perth and responded to questions raised by Members.

Briefing Notes from the Concept Briefing are included as **Attachment 7.2.5.**

**7.2.6 Concept Forum - Council 50<sup>th</sup> Anniversary Re-Enacted 1959 Council Meeting Held: 7.7.2009**

Elected Members / Officers re-enacted the initial 1959 Council Meeting as part of recognising the Council's 50<sup>th</sup> Anniversary.

Notes from the Re-Enactment are included as **Attachment 7.2.6.**

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.6 INCLUSIVE**

Moved Cr Trent, Sec Cr Cala

That the comments and attached Notes under Items 7.2.1 to 7.2.6 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 23 June 2009 be noted.

CARRIED (13/0)

**8. PRESENTATIONS**

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

**8.1.1 Petition dated 7 July 2009 received from Mr J S Grayden, 86 Strickland Street, South Perth together with 117 Signatures against the proposed development for former Right-of-Way 15 between Angelo Street and Riverview Street, South Perth.**

**Text of petition reads:** *We the undersigned electors of the City of South Perth, being parents and friends of the South Perth Primary School, strong object to proposed development on former Right-of-Way 15 abutting the western boundary of the school grounds. We ask that our concerns described in the 'Summary of Reasons for Request' (attached to petition) be raised at the State Administrative Tribunal scheduled for 8 July 2009.*

**RECOMMENDATION**

That the Petition dated 7 July 2008 received from Mr J S Grayden, 86 Strickland Street, South Perth together with 117 Signatures against the proposed development for former Right-of-Way 15 between Angelo Street and Riverview Street, South Perth be received and forwarded to the Development Services Directorate for assessment as part of the development application for proposed additions to Single House at 32 Riverview Street, South Perth.

**COUNCIL DECISION ITEM 8.1.1**

Moved Cr Trent, Sec Cr Smith

That the Petition dated 7 July 2008 received from Mr J S Grayden, 86 Strickland Street, South Perth together with 117 Signatures against the proposed development for former Right-of-Way 15 between Angelo Street and Riverview Street, South Perth be received and forwarded to the Development Services Directorate for assessment as part of the development application for proposed additions to Single House at 32 Riverview Street, South Perth.

CARRIED (13/0)

**Note:** City Communications Officer retired from the meeting at 7.17pm

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

**8.2.1. Moorditch Keila - NAIDOC Celebration 17.7.09**

The Mayor presented a gift of artwork from the children of the Moorditch Keila Group as part of the NAIDOC celebration on 17 July 2009 in recognition of Council's support.

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

**Note:** Deputations in relation to Agenda Items 10.0.1, 10.3.1, 10.3.2, 10.3.3, 10.3.5 and 10.3.6 were heard at the July Council Agenda Briefing held on 21 July 2009.

Opening of Deputations

The Mayor opened Deputations at 7.18pm.

**8.3.1 Ms Laura Cala, 4 Crana Place, Karawara Agenda Item 10.2.3**

Ms Cala spoke for the officer recommendation at Item 10.0.1 "Youth Sustainability Ambassadors and South Perth Youth Network" on the following points:

- City of South Perth previously maintained an effective Youth Advisory Council
- Rotaract Club of South Perth provides what YAC use to provide
- City of South Perth could restructure Youth Advisory Council
- Millennium Kids needs to be separate to that of Youth Council
- support growth of young leaders within community / promote youth events

**8.3.2 Johanna (Hannie) Byrne, (applicant) 89 Manning Road Agenda Item 10.3.4**

Ms Byrne spoke for the officer recommendation at Item 10.3.4 "Change of Use Single House to Consulting Rooms" 89 Manning Road, Manning on the following points:

- background on proposal
- support approval to Consulting Rooms
- against the condition of approval requiring a 1.8m brick/masonry fence be erected
- seek Council approval to delete this condition

Close of Deputations

The Mayor closed Deputations at 7.38pm

#### **8.4 COUNCIL DELEGATES**

##### **8.4.1. Council Delegate: Rivers Regional Council Meeting : 18 June 2009**

A report from Mayor Best and Cr Trent (Deputy) summarising their attendance together with the Chief Executive Officer, at the Rivers Regional Council Meeting held 18 June 2009 is at **Attachment 8.4.1**.

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting of 18 June 2009 have also been received and are available on the *iCouncil* website.

##### RECOMMENDATION

That the Delegate's Reports in relation to the Rivers Regional Council Meeting held 18 June 2009 at **Attachment 8.4.1** be received.

##### **COUNCIL DECISION ITEM 8.4.1**

Moved Cr Trent, Sec Cr Burrows

That the Delegate's Reports in relation to the Rivers Regional Council Meeting held 18 June 2009 at **Attachment 8.4.1** be received.

CARRIED (13/0)

#### **8.5 CONFERENCE DELEGATES**

##### **8.5.1. Conference Delegate: LGMA Conference Darwin 24 - 27 May 2009**

A report from the Cr Burrows and the Chief Executive Officer summarising their attendance at the Local Government Managers Australia, Conference "Local Government - Creating our Future" held in Darwin between 24 - 27 May 2009 is at **Attachments 8.5.1** and **8.5.1(a)**.

##### RECOMMENDATION

That the Delegate's Report in relation to the attendance by Cr Burrows and the Chief Executive Officer at the Local Government Managers Australia, Conference "Local Government - Creating our Future" held in Darwin between 24 - 27 May 2009 at **Attachments 8.5.1** and **8.5.1(a)** be received.

##### **COUNCIL DECISION ITEM 8.5.1**

Moved Cr Hasleby, Sec Cr Grayden

That the Delegate's Report in relation to the attendance by Cr Burrows and the Chief Executive Officer at the Local Government Managers Australia, Conference "Local Government - Creating our Future" held in Darwin between 24 - 27 May 2009 at **Attachments 8.5.1** and **8.5.1(a)** be received.

CARRIED (13/0)

##### **8.5.2. Council of Local Government Meeting June 2009 Canberra**

A report from Mayor Best summarising his attendance at the Meeting of the 'Council of Local Government' on 25 June 2009 in Canberra is at **Attachment 8.5.2**.

RECOMMENDATION

That the Delegate's Report in relation to Mayor Best's attendance at the Meeting of the 'Council of Local Government' on 25 June 2009 in Canberra at **Attachment 8.5.2**, be received.

**COUNCIL DECISION ITEM 8.5.2**

Moved Cr Grayden, Sec Cr Trent

That the Delegate's Report in relation to Mayor Best's attendance at the Meeting of the 'Council of Local Government' on 25 June 2009 in Canberra at **Attachment 8.5.2**, be received.

CARRIED (13/0)

**9. METHOD OF DEALING WITH AGENDA BUSINESS**

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Acting Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 21 July 2009.

The Acting Chief Executive Officer confirmed that this was correct with the exception of Late Report Item 14 'tabled' prior to the Council Meeting.

WITHDRAWN ITEMS

The following items were withdrawn for discussion / debate:

- Item 10.0.1 Alternative Motion proposed
- Item 10.2.2 Declarations of Interest
- Item 10.2.4 Declaration of Interest
- Item 10.3.1 Alternative Motion proposed
- Item 10.3.2 Alternation Motion proposed
- Item 10.3.3 Alternation Motion proposed
- Item 10.3.4 Alternative Motion proposed
- Item 10.3.6 Discussion

**COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION**

Moved Cr Trent, Cr Grayden

That with the exception of Withdrawn Items 10.0.1, 10.2.2, 10.2.4, 10.3.1, 10.3.2, 10.3.3, 10.3.4 and 10.3.6 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.2.1, 10.2.3, 10.3.5, 10.3.7, 10.3.8, 10.4.1, 10.4.2, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.6.1, 10.6.2 and 10.6.3 be carried en bloc.

CARRIED (13/0)

**10. REPORTS**

**10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

**10.0.1 Proposed two storey Single House - Lot 80 (No. 33) Crawshaw Crescent, Manning**

Location:	Lot 80 (No. 33) Crawshaw Crescent, Manning
Applicant:	Beilby Design
Lodgement Date:	29 May 2008; revised plans received on 29 June 2009
File Ref:	11.2008.243 CR3/33
Date:	1 July 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Rod Bercov, Acting Director, Development Services



**Summary**

The subject application for planning approval relates to a proposed two storey Single House on Lot 80 (No. 33) Crawshaw Crescent, Manning. Council refused an identical application at its March 2009 meeting principally due to concern regarding streetscape compatibility owing to the proposed flat roof, the proposed dwelling was considered to be incompatible with the existing buildings within the focus area in terms of roof form. Therefore the proposed was not in compliance with the provisions of Council Policy P370\_T “General Design Guidelines for Residential Development”.

The applicant / owners have lodged an appeal with the State Administrative Tribunal. Pursuant to section 31(1) of the *SAT Act 2004 (WA)* the application is being referred to the Council for a reconsideration of its decision. To support the application, further information has been provided for the Council to consider relating to Policy P370\_T “General Design Guidelines for Residential Development”. Other areas of non-compliance have also been discussed in more detail. Further Officer comments in response to the Applicant’s new submissions have been provided in this report. The Officer recommendation remains that the application be refused for the same reasons as cited previously.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	Clause 9.6 (6) of TPS6
Setbacks	R-Code Performance Criteria 6.3.3 P3
Maximum ground / floor levels	Clause 6.10 of TPS6

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	812 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One (1) Single House
<b>Maximum plot ratio</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.0.1(a)** Plans of the proposal dated 29 June 2009.
- Attachment 10.0.1(b)** Letters from applicant, Beilby Design dated 24 February 2009, 29 January 2009 and 20 December 2008.
- Attachment 10.0.1(c)** Letter from Allarding and Associates Town Planners dated 20 May 2009.
- Attachment 10.0.1(d)** City Officer’s March 2009 report.

**History of application**

This application has been the subject of review by the Council and City Officers since May 2008, and the following is the timeline of events:

- As detailed in previous report to Council **Attachment 10.0.1(d)**.
- 24 March 2009 - Council refused the application for reasons relating to design compatibility, floor levels and setbacks to the street.
- 29 April 2009 - State Administrative Tribunal directions hearing.
- 11 May 2009 - SAT order for Council to reconsider its decision subject to the Applicant providing revised plans and additional information.
- 29 June 2009 - Further plans and additional information received by the City.

The site is adjoined by residential zoned land and has street frontage to Crawshaw Crescent. The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is required to be referred to a Council meeting for determination as the recommendation of refusal involves Council exercising discretion in relation to a variation from a provision of Council Policy P370\_T “General Design Guidelines for Residential Development”.

#### Comment

(a) **Description of the proposal**

The proposed development is a two storey Single House. The applicant’s letter, **Attachment 10.0.1(b)** and **10.0.1(c)**, describes the proposal in more detail.

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

(b) **Design - Council Policy P370\_T “General Design Guidelines for Residential Development” (P370\_T)**

Previous report to Council **Attachment 10.0.1(d)** provides the Applicant’s reasoning for non-compliance with the streetscape compatibility provisions of Policy P370\_T. The following is in response to the applicant’s letter, **Attachment 10.0.1(c)**:

As properties within the ‘Manning Avenues’ have been redeveloped and larger dwellings have been constructed, there has been a gradual change in the streetscape character. Having regard to this change, City planning controls have been designed which facilitate this gradual evolution while preserving, to a certain extent, the existing streetscape character. In many other streets, the original streetscape character has been strongly preserved particularly with respect to roof form. This is the situation in Crawshaw Crescent. Noting that the subject lot is situated in Crawshaw Crescent, where properties have been assigned a low R20 density coding, the proposed development is expected to comply with the development requirements of the City’s Policy P370 “General Design Guidelines for Residential Development”.

The main objective of Council Policy P370\_T is detailed in **Attachment 10.0.1(d)** Council report resulting in the determination on 24 March 2009. That objective is:

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

Design Advisory Consultant’s view as well as the City’s Officers view of the development is that:

*The proposed Single House is designed with a flat roof over the main dwelling and blank walls with some windows on both sides of the house resulting in a ‘cubic’ appearance. The design is not consistent with the predominant character of housing with pitched roofing contributing to the amenity of the focus area. The issue is whether the flat roof design and blank walls are acceptable with respect to streetscape. The recommendation is for refusal based upon the incompatible design.*

The applicant’s letter, **Attachment 10.0.1(c)** states that the design has now been modified to have a skillion roof. However it is important to note that, as seen from the street, no skillion roof is visible as it is screened behind the parapet walls along the perimeter of the building. Even with the substitution of a skillion roof, the proposal was still required to be referred back to the City’s Design Advisory Consultants’ (DAC). In cases where a proposed skillion roofed building is supported by the DAC, in accordance with the May 2008 Officer report and Council resolution, such a proposal may be approved by officers under delegated authority. However, where the DAC do not support a particular skillion roofed design, the application needs to be referred to a Council meeting for determination. In this instance, the DAC does not support the proposed skillion roofed design.

As the non-compliance relates to provisions in a Council Policy, Council has discretionary power under clause 9.6 (6) of TPS6 to approve the skillion roofed addition. This discretionary power should only be exercised if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the two storey Single House not be approved, as the applicant has not satisfied the Policy requirements.

(c) **Minimum setback of garage to the front street alignment**

The applicant’s letter, **Attachment 10.0.1(c)** suggests the Council should consider approval in accordance with the performance criteria of the R-Codes. Council report **Attachment 10.0.1(d)** resulting in the determination on 24 March 2009 states:

*“the garage has a minimum setback of 4.0 metres to the street. The Acceptable Development Clause 6.2.3 of the R-Codes and Council Policy P350.3 ‘Car Parking Access, Siting and Design’ prescribe a minimum setback of 4.5 metres from a primary street where vehicles are parked at 90 degrees to the street. City officers consider there no reason why the garage can not be setback 4.5 metres from the street and therefore consider that a minimum setback of 4.5 metres should be the minimum that the Council should support. It is recommended that the garage and supporting infrastructure should be setback a minimum of 4.5 metres.*

City Officer suggested modification is to reduce the width of the proposed alfresco area by 0.5 metres at the rear which will enable the section of the building including the garage to be moved back to comply with the setback requirement.

(d) **Finished floor levels of the dwelling**

The proposed floor level of the dwelling is 9.428 metres relative to the datum shown on the site plan. Further to the Council report **Attachment 10.0.1(d)** relating to floor levels, please note that Clause 6.10 of Town Planning Scheme No. 6 allows a variation based upon the proposed development demonstrating that it achieves a visual balanced streetscape. As mentioned in the Applicants letter **Attachment 10.0.1(c)** the floor levels of the adjoining properties are 9.6 and 8.96 metres relative to the datum shown on the site plan respectively. Therefore, based upon the information provided, lowering the finished floor level (FFL) to a level that is an average of the FFLs of the adjoining properties will be acceptable. Therefore, a FFL of 9.28 metres relative to the assumed datum will comply with the Scheme requirements.

(e) **Other planning controls**

The proposal has no plot ratio implications. Planning controls in relation to building height, setbacks, visual privacy, ground and floor levels meet the relevant requirements.

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

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

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

The proposed dwelling has few features or characteristics in keeping with the character and scale of existing residential development. It is therefore, determined that the proposal does not comply with Clause 1.6 of TPS6.

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

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

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

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

The listed matters above are relevant to the subject application. In relation to listed matter (j) and (n) the proposal is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters. It is therefore, determined that the proposal does not comply with Clause 7.5 of TPS6.

## **Consultation**

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

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 9 February 2009. The proposal was not well received by the Consultants. Their specific comments are summarised below:

*“The design is not considered compatible with the existing development within the focus area. A pitched roof design would be more in keeping with the streetscape of Crawshaw Crescent. As viewed from the front elevation the design of the house, in isolation, is considered acceptable. The side elevations are not consistent with the front elevation displaying a mixture of roof styles and variety of wall detailing.”*

Issues relating to the roof design and sustainability are still outstanding, however issues relating to the building height have been resolved.

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

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The proposal has been referred to the adjoining neighbour, however the boundary wall has been removed from this design, therefore the boundary wall is not an issue.

## **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**

The proposed development has been designed to maximise solar access to its habitable rooms by providing sufficient setbacks from the side boundaries. Even though the outdoor living area faces south, it is of a sufficiently large size to have solar access.

**OFFICER RECOMMENDATION ITEM 10.0.1**

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 proposed two storey Single House on Lot 80 (No. 33) Crawshaw Cresecnt, Manning **be refused**, for the following reasons:

- (a) The proposed dwelling is incompatible to the existing streetscape character and conflicts with the provisions of Policy P370\_T “General Design Guidelines for Residential Development” which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character.
- (b) The proposed setback of the garage and supporting structure conflicts with the Acceptable Development provisions of Clause 6.2.3 of the R-Codes, Council Policy P350.3 ‘Car Parking Access, Siting and Design’, which require a 4.5 metre setback from a primary street where vehicles are parked at 90 degrees to the street in lieu of the proposed 4.0 metre setback.
- (c) The proposed floor level of the dwelling conflicts with the provisions of Clause 6.10(1) of Town Planning Scheme No. 6, which requires the floor level to be lowered to 9.28 metres relative to the datum shown on the site plan in lieu of the proposed level of 9.428 metres.
- (d) Having regard to the above reasons, the proposed development does not comply with objective (f) listed within Clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6.
- (e) Having regard to the above reasons, the proposed development does not comply with matters (j) and (n) listed within Clause 7.5 “Matters to be Considered by Council” of the City of South Perth Town Planning Scheme No. 6.

**Important Note**

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

MOTION

Cr Cala Moved the officer recommendation, Sec Cr Trent

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- moved officer recommendation as original plan has not changed and Council refused that
- understand there is an application that now complies
- applicant submitted a new application - believe new application will enhance the street
- acknowledge argument for skillion roof - application does not have any roofs visible
- do not believe it fits in with streetscape - new design / proposal does fit in
- support the recommendation

Cr Wells point of clarification - Has the applicant indicated their preference? The Acting Director Development Services stated that the applicant prefers the skillion roof design. He said they have submitted an alternative proposal with a pitched roof which has been approved, however that is not their preference.

Cr Gleeson point of clarification - are we debating new plans submitted to Council or what is on the Agenda? The Mayor replied, the Agenda item which is for a skillion roof. Separately the applicant has put in an alternative application for a pitched roof which has been approved.

Cr Grayden point of order - Cr Wells simply asked a question we are not debating the issue. The Mayor upheld the point of order.

FORESHADOWED MOTION

Cr Hasleby Foreshadowed that he would be moving to approve the application if the current Motion is lost.

Cr Trent for the Motion

- seconded the Motion for sake of debate

Cr Smith against the Motion

- my conscious is clear - voted in favour of proposal when defeated previously
- understand officer recommendation in relation to roof is governed by policy
- policy can be digressed from
- happy with proposal before us
- acknowledge applicants have a proposal approved under Delegated Authority but it is not the one they prefer
- against the Motion

Cr Cala closing for the Motion

- support the officer recommendation
- nothing further to add

The Mayor put the Motion.

LOST (4/9)

MOTION

Moved Cr Hasleby, Sec Cr Gleeson

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two storey Single House - Lot 80 (No. 33) Crawshaw Crescent, Manning, **be approved** subject to the following conditions:

**(i) Standard Conditions**

615	External clothes drying	625	sightlines for drivers
390	crossover standards	470	retaining walls- if required
393	verge & kerbing works	471	retaining walls- timing
427	colours & materials- details	416	No street tree removed
456	Removal of existing fence	506	All trees on site plan retained
340	dividing fence standards	660	expiry of approval
615	External clothes drying	625	sightlines for drivers

**(ii) Specific Conditions:**

- (A) The garage and supporting structure shall be setback 4.5 metres from a primary street where vehicles are parked at 90 degrees to the street in accordance with the Acceptable Development provisions of Clause 6.2.3 of the R-Codes and the Council Policy P350.3 'Car Parking Access, Siting and Design'
- (B) The proposed floor level of the dwelling shall be lowered to a level of 9.28 metres relative to the datum shown on the site plan in accordance with the provisions of Clause 6.10 (1) of Town Planning Scheme No. 6.
- (C) The formed driveway shall be aligned at right angles to the street alignment in accordance with 'Vehicular access' requirements of the R-Codes.

(iii) **Standard Important Footnotes**

646	landscaping standards- general	648	building licence required
646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT

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

Cr Hasleby Opening for the Motion

- been before Council for over 18 months
- through negotiation applicants have now met all conditions with the exception of the skillion roof design
- skillion roof design is the one item we have discretion to approve
- refer Council Meeting May 2008 Item 10.3.3 'Council position on Skillion Roofs for new dwellings'
- It is evident from the May 2008 meeting that Members find skillion roofs to be an acceptable roof form which is considered compatible with various other roof forms in established residential streets
- Cr Hasleby then read aloud from the Council Decision of May 2008 at Item 10.3.3:  
*“ 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.....”*
- skillion roof design should be approved
- ask Members support Motion

Cr Gleeson for the Motion

- agree with Cr Hasleby's comments
- acknowledge skillion roof does not look the same as a pitched roof
- May 2008 report Item 10.3.3 states that Council Members find skillion roofs to be compatible with others in the street
- support the Motion

Cr Hearne point of clarification - if the Motion is approved have Specific Conditions (A), (B) and (C) been complied with? The Acting Director Development Services stated that they certainly can comply and on the other application they have complied, but on the report application before Council they have not.

Cr Cala against the Motion

- when policy first discussed it came at my initiative
- many applications came before Council that did not comply
- they did not comply because they had a single pitched roof
- Council changed the policy from double pitch to single pitch - not a flat roof
- believe that having a skillion roof would not benefit streetscape
- against the Motion

Cr Gleeson point of clarification - we have 'pitched' and 'skillion' what is a 'flat roof' called? The Acting Director Development Services replied that a flat roof is horizontal and that anything steeper is called a skillion roof or a single slope.



Cr Gleeson point of clarification Why was the report not written up as a flat roof? Is it a skillion or flat roof we are arguing about? The Acting Director Development Services said that it was a skillion roof with a very low pitch which could be perceived as a flat roof.

Cr Best point of clarification - what is the actual pitch of the roof and is any of it visible from the street? The Acting Director Development Services referred to the drawings provided in an attachment to the report on this matter which nominate the angle of the pitch and stated it would be less than 10 degrees.

Cr Smith for the Motion

- little difference between skillion and flat roof - can be as little as 3 degrees
- real aspect is that it is not visible
- had to argue low skillion roof vs flat roof
- support the Motion

Cr Grayden against the Motion

- issue is what it looks like in the streetscape / its compatibility
- DAC and officers say it does not fit and recommend refusal
- support officer recommendation / do not support Motion

Cr Trent for the Motion

- concerns raised in relation to streetscape
- does everything have to look the same - variety is the 'spice of life' they say
- support the Motion

Cr Best against the Motion

- to vote for this we are showing inconsistencies from one meeting to the next

Cr Smith point of order - that is an insult to our decision-making.

Mayor upheld point of order - we are discussing the proposal for 33 Crawshaw Crescent.

- to be consistent should maintain previous line of thinking
- if we do not believe we should be consistent with streetscape

Cr Smith point of order - not relevant. The Mayor did not uphold point of order.

- discussing roof form relative to streetscape - there is a bigger forum to discuss
- against the Motion

Cr Wells for the Motion

- believe proposal will enhance focus area
- support the Motion

Cr Hasleby closing for the Motion

- this issue is in the 'eye of the beholder' and compatibility with streetscape
- streetscape of focus area has changed to modern design - no longer war service designs
- pontificating after discussion on flat / skillion roof
- applicants have adhered to other conditions of this approval
- only issue in dispute is the roof
- Council has discretion to approve the roof - lets get on with it
- support Motion.

**COUNCIL DECISION ITEM 10.0.1**

The Mayor Put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two storey Single House - Lot 80 (No. 33) Crawshaw Crescent, Manning, **be approved** subject to the following conditions:

**(i) Standard Conditions**

615	External clothes drying	625	sightlines for drivers
390	crossover standards	470	retaining walls- if required
393	verge & kerbing works	471	retaining walls- timing
427	colours & materials- details	416	No street tree removed
456	Removal of existing fence	506	All trees on site plan retained
340	dividing fence standards	660	expiry of approval
615	External clothes drying	625	sightlines for drivers

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

**(ii) Specific Conditions:**

- (A) The garage and supporting structure shall be setback 4.5 metres from a primary street where vehicles are parked at 90 degrees to the street in accordance with the Acceptable Development provisions of Clause 6.2.3 of the R-Codes and the Council Policy P350.3 'Car Parking Access, Siting and Design'
- (B) The proposed floor level of the dwelling shall be lowered to a level of 9.28 metres relative to the datum shown on the site plan in accordance with the provisions of Clause 6.10 (1) of Town Planning Scheme No. 6.
- (C) The formed driveway shall be aligned at right angles to the street alignment in accordance with 'Vehicular access' requirements of the R-Codes.

**(iii) Standard Important Footnotes**

646	landscaping standards- general	648	building licence required
646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT

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

CARRIED (8/5)

Reason for Change

Council is of the opinion that the modern flat roof design is compatible with other similar dwellings in the City and within the immediate focus area and will therefore not detract from the local streetscape character.

**10.1 GOAL 1 : CUSTOMER FOCUS**

Nil

## 10.2 GOAL 2: COMMUNITY ENRICHMENT

### 10.2.1 South Perth Tram Restoration Project

Location:	City of South Perth
Applicant:	City of South Perth Historical Society (Inc)
File Ref:	ED/101
Date:	1 July 2009
Author:	Cliff Frewing, Chief Executive Officer

#### Summary

The purpose of this report is to approve the re-location and ongoing maintenance of a restored 1922 tram.

#### Background

In 2003, the South Perth Historical Society (SPHS) had preliminary discussions with the CEO and the Mayor about acquiring, restoring and locating an authentic South Perth tram as a tourist attraction in Mends Street. The SPHS met with the Perth Electric Trams Society (PETS) and a 1922 (No. 15) single trucker tram which ran on the South Perth line was located.

Since 2003 the SPHS raised the major portion of the costs associated with the restoration of the tram (total costs estimated at in excess of \$30,000) with the City contributing \$5,000 in 2006/07 and \$5,000 in 2007/08 towards these costs.

In June 2006 a report on the progress of the 'Historical Tram Restoration Project' was presented to Council. At that meeting Council resolved:

#### *That....*

- (a) the City continue to work with the South Perth Historical Society to progress the Historical Tram Restoration project; and*
- (b) location of the tram in the space between Heritage House and the footpath on Mends Street be approved in principle.*

An agreement has been reached whereby the City has made a financial contribution to the SPHS as detailed above, who in turn provided additional financial contributions to the owners of the Tram PETS. The SPHS have contracted PETS to perform the restoration and when complete will lease the Tram to the City for a period of 20 years with a 20 option.

Since the 2006 Council resolution, the restoration of the tram has been steadily progressing. A number of visits have been made to the PETS workshops at Whiteman Park where the restoration has been taking place. Without doubt, the members of PETS have done an amazing job in restoring the tram and their efforts will need to be formally recognised when the tram is officially handed over to the City. At this stage, delivery is likely to take place during the first half of 2010.

#### Comment

The restoration project, carried out at Whiteman Park since 2003, is now nearing completion and the tram will be ready to be delivered to the City within the next 12 months or so. In addition to providing a unique tourist attraction, this project provides a tangible link with the City's past and is a celebration of its history in the community of South Perth.

Since the adoption of the June 2006 resolution, considerable discussion has focussed on the location and function of the tram when delivered to the City. For a variety of reasons, it is now thought that Mends Street is not the preferred location. Three of the principal reasons for this are as follows:

- **Security.** To provide the tram with an improved level of security, apart from any housing it would be desirable to locate the tram in a fenced off area and for the tram to be accessible by members of the public during the day for inspection. Mends street is not considered to be the ideal location to achieve these aims and additional costs would be required to supervise the tram whilst it was opened to the public.
- **Amenity.** The dimensions of the tram itself are approximately 8.5M x 2.6M and 3.0 M high and with a housing providing a 1 metre clearance for pedestrian and maintenance use will result in a minimum ground area of approximately 50 square metres being required. The height of the structure would need to be in the order of 4.0M. It is considered that a structure of this size would adversely impact on the amenity of Mends Street - particularly in this location.
- **Supervision.** It would not be wise to open the tram to the public without some form of supervision which would of course incur additional operational costs. It is believed that substantial operational costs can be avoided by locating the tram elsewhere to avoid these costs.

A meeting of interested persons took place on Sunday 1 May at which representatives from the City, SPHS, PETS attended along with other persons including John McGrath MLA Member for South Perth when a number of potential alternative locations for the tram were identified and discussed. These potential locations are as follows, together with brief comments:

- **Preston Street at Melville Parade.** A tram service originally served Preston Street;
- **Perth Zoo.** The South Perth Tram terminated at the Perth Zoo prior to the service being extended to the northern end of Mends Street at the Jetty;
- **Mends Street at Labouchere Road.** This location was considered as the tram service was extended to terminate at Mends Street Jetty but was considered to be a danger as it was too visible and a possible distraction to passing traffic;
- **Mends Street by Heritage House.** For reasons stated above, this location was considered to be unsuitable;
- **Windsor Park.** Again security and amenity considerations resulted in this location not being preferred;
- **Mends Street Jetty.** Whilst this would be an ideal location from an historical perspective, for reasons stated above, this location was also considered to be unsuitable; and
- **The Old Mill site.** Whilst the tram did not run to this site, the Old Mill site has a huge potential to be the focus of a tourism heritage centre. A fully restored tram located at this site would be an added attraction to the significant Old Mill and related buildings. Security issues are largely overcome as the housing would be located within a fenced area and would be observed by attendants of the Old Mill during opening hours. In terms of amenity, the housing would be designed in sympathy with the historical flavour of the site and will take into consideration future potential for the site. Further future options will be the subject of a comprehensive report to the August Council meeting.

At the conclusion of the meeting there was unanimous agreement that the Old Mill site was the preferred location to house the tram. For these reasons, it is suggested that the location of the tram now be finally settled and that the Old Mill location be adopted as the preferred site. Should Council adopt his proposition, an architect will be engaged to draw up plans for the tram housing and these will be presented to Councillors for review.

A further report on future options for the Old Mill site will be presented to Council in August. Any future proposal will ensure that integration of the Old Mill and tram housing occurs.

**Consultation**

Discussion has occurred with representatives of the South Perth Historical Society, the Perth Electric Trams Society, Member for South Perth MLA John McGrath and Manager Library and Heritage.

**Policy and Legislative Implications**

This proposal will require the submission and assessment of a development application and a building licence.

**Financial Implications**

A sum of \$100,000 has been included in the 2009 / 2010 budget for purpose of providing suitable housing for the tram. Other minor costs are likely to be incurred such as some contribution to the transportation and relocation costs as well as eventual building and tram maintenance costs.

**Strategic Implications**

This project fosters a sense of community by increasing appreciation of South Perth's heritage and aligns with the City's Strategic Plan Goal 2 - Community Enrichment. *To foster a strong sense of community and a prosperous business environment.*

**Sustainability Implications**

This project assists with providing a tangible link with the City's past and is a celebration of its history in the community of South Perth.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1</b></p>
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That Council endorses the Old Mill site being the preferred site for the location of the Tram.

CARRIED EN BLOC RESOLUTION

DECLARATIONS OF INTEREST : ITEM 10.2.2 : CRS OZSDOLAY AND TRENT

The Mayor read aloud the Declarations of Interest from Crs Ozsdolay and Trent, as follows:

Cr Ozsdolay

*In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Agenda Item 10.2.2 - 'Community Funding Program Round One' - on the Council Agenda for the meeting to be held 28 July 2009. I disclose that I am Chairman of the Carson Street School Council and also in their employ. The Carson Street School is a proposed recipient of the Community Funding Program and in view of this I will leave the Council Chamber at the Agenda Briefing on 21 July and at the Ordinary Council Meeting on 28 July 2009 while Item 10.2.2 is discussed.*

Cr Trent

*In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Agenda Item 10.2.1 - 'Community Funding Program Round One' on the Council Agenda for the meeting to be held 22 July 2008. As Chair of YouthcareWA - Kent Street District High School and a Member of the Kensington Primary School P & C, proposed recipients of the funding program, I will leave the Council Chamber at the Agenda Briefing on 21 July and the Council Meeting on 28 July while Item 10.2.2 is discussed.*

**Note:** Crs Ozsdolay and Trent left the Council Chamber at 8.15pm

**10.2.2 Community Development Funding Assistance - Round One**

Location: City of South Perth  
Applicant: Council  
File Ref: GS/103/1- 2009/2010  
Date: 6 July 2009  
Author: Seánna Dempsey, Community Development Officer  
Helen Doran-Wu, Community Development Coordinator  
Reporting Officer: Sandra Watson, Manager Community Culture and Recreation

**Summary**

This report relates to applications in the Community Development category of the Funding Assistance Program - Round One - 2009/2010.

**Background**

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

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

- 1. Community Partnerships** - with identified organisations that provide a major benefit to the City of South Perth community.
- 2. Community Development Funding**  
Community Development Category - project funding for incorporated not for profit groups, these are considered by Council in 2 rounds annually. Individual Development Category - financial assistance for individuals attending interstate or international sporting, cultural or academic activities.
- 3. Community Grants** - smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development program.

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

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City)
2. The proposed benefits for the participants involved as well as for the wider City of South Perth community.
3. The expected number of number of participants who are residents of the City of South Perth.
4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored.

5. The level of cash or in kind support committed to the project.
6. The sustainability of the project and / or the organisation.
7. The level of exposure given to the City in the promotion of the project. (recipients are required to promote the City's support of the project.)

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

#### **Comment**

Nine applications were received in this round requesting a total of \$49,522. Details of all applications are included in the submission summaries at **Attachment 10.2.2**. Eight of the nine applications comply with the requirements of the program. The applications cover a range of community services and projects, and were submitted by:

- Carson St School P & C
- Communicare Inc.
- Red Cross
- Southside Penrhos Wesley Swimming Club
- South Perth Bridge Club
- Kent St District Council
- Youthcare Como District Council
- South Perth Playgroup
- South Perth Senior Citizens' Centre

This report recommends that four of the eight eligible submissions are fully supported and that the remaining four are supported in part for reasons outlined in the attached submission summaries. The total recommended funding amount is \$37,280.

#### **Consultation**

This funding round was advertised on the City's website and in the Southern Gazette, and promoted directly to over 300 community groups listed in the City's Community Information Directory. In addition, City officers are proactive in discussing projects with applicants and assisting in the development of submissions.

#### **Policy Implications**

This report refers to the Funding Assistance Policy P202.

#### **Financial Implications**

A total amount of \$170,000 is allocated in the 2009/2010 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program. The recommendation of this report is within budgetary parameters.

It has been noted that pressure on the City's Funding Assistance Program has increased significantly over the past several years and in the current economic climate it is expected that this demand will continue to grow. In this regard, there is some concern about the City's ability to respond to increased requests for financial support and as a consequence, officers have worked closely with applicants to ensure that criteria are met and to explain, where applicable, why full funding had not been granted.

#### **Strategic Implications**

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

### **Sustainability Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.2</b>
--

Moved Cr Hearne, Sec Cr Burrows

That \$37,280 be distributed to eight organisations from City funds for round one of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.2.2**.

CARRIED (11/0)

**Note:** Crs Ozsdolay and Trent returned to the Council Chamber at 8.18pm.

<b>10.2.3 Youth Sustainability Ambassadors and South Perth Youth Network</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CS/602
Date:	8 July 2009
Author:	Seánna Dempsey, Community Development Officer
Reporting Officer:	Sandra Watson, Manager Community Culture and Recreation

### **Summary**

This report relates to the relationship between Council and two local youth groups, the Millennium Kids Youth Sustainability Ambassadors and the South Perth Youth Network (SPYN).

### **Background**

The City of South Perth has been a supporter of Millennium Kids since 1996, when it sponsored the first Youth Environmental Conference, held at Perth Zoo. Over the past 13 years every school in the City has been involved in at least one Millennium Kids environmental project.

During that time an increasing number of local young people have sought to become involved in practical environmental activities in their community, leading to the development of the Youth Sustainability Ambassadors group. This group meets regularly to help design and deliver environmental projects and activities that resonate with young people's concerns and also aligns with the City's environmental goals. They are aided by staff from Millennium Kids and from the City's Environment Department.

The South Perth Youth Network (SPYN) has recently been established as a successor to the South Perth Youth Advisory Council (YAC), which originally began as the Junior Council of the City of South Perth in 1990. The YAC was initially quite a successful and proactive group but over time lost momentum and direction, and by 2008 it was no longer functioning effectively or efficiently. Key issues were:

- Limited representation
- Lack of clear direction or purpose
- Unsuccessful youth projects/ events
- No communication with Council
- Not engaged in meaningful consultation



The “Youth for Resilient Futures” project was developed to review the YAC structure, overcome the above issues, and develop a more successful and effective platform for youth leadership in the City of South Perth. David Platt from Resilient Futures Network was contracted to run a series of workshops with local young people, which explored the concept of youth leadership and focused on building resilience into the group.

The workshops took place between November 2008 and March 2009, with over 60 young people taking part. During the workshops, participants were introduced to the Resilient Futures framework and they in turn, used this to explore the issues that were of most significance to young people, at both a local and global level.

By the end of the project, a core team of young people had emerged, who are committed to taking action around the issues that had been identified. These individuals have formed the new SPYN group and are continuing to meet regularly to work on the development of project ideas and positive initiatives.

#### **Comment**

On 10 June 2009, the City hosted a Concept Forum where Youth Sustainability Ambassadors and SPYN members delivered presentations to Councillors and staff, outlining their recent activity and plans for the rest of the year. Refer **Attachment 7.2.2** Notes of the Concept Forum.

The Youth Sustainability Ambassadors reported that Climate Change was an issue of high concern for young people in the City of South Perth. They have developed the “Big Switch Experiment”, a long-term project that focuses on identifying the impact of Climate Change in the local environment, particularly the Swan and Canning Rivers, and on initiating practical actions that can help offset it.

As part of this process the Youth Sustainability Ambassadors recently travelled to New Norcia and several other locations of environmental significance. More information about this journey and its outcomes is contained in **Attachment 7.2.2**. For the remainder of this year, the group will be involved in presentations to SMEs, school forums, media interviews, energy audits, the production of promotional materials about climate change and the coordination of a major Perth-wide youth forum in October.

The presentation to Council was an important first step for these young people in actively engaging with their local community to create positive environmental changes.

For the new SPYN team, the Forum was an opportunity to introduce themselves to the Council and raise awareness about their goals. During the “Youth for Resilient Futures” project the group had identified three key priority areas:

1. Lack of places/ activities/ events for young people
2. Youth health issues e.g. drug and alcohol abuse, body image, mental health
3. Environment and sustainability

The SPYN are now working to develop projects and actions around these issues. A list of the current ideas is outlined in **Attachment 7.2.2**. The group is already involved in development of the “Youth Zone” at the City of South Perth’s Australia Day 2010 event and also participated in the recent Visioning consultation.

SPYN is seeking to expand and strengthen its network and sees the development of a positive relationship with Council as a very important part of this strategy. In order to facilitate ongoing communication, it was agreed at the Forum that both SPYN and the Youth Sustainability Ambassadors should provide regular updates to Council about their activities, achievements and plans.

The SPYN group and the Youth Sustainability Ambassadors have now also established a relationship with each other and made a commitment to sharing information and resources and to collaborate on future projects. At the Concept Forum on 10 June 2009, Millennium Kids extended the invitation for a SPYN member to join one of their Youth Sustainability Ambassadors in attending the Bright Green Youth Conference in Denmark (a prelude to the COP15 United Nations Climate Change Conference being held later in the year). Mayor Best made an undertaking to cover the cost of airfares for these two young people, plus a chaperone, using funds from his discretionary allowance.

A convoy of five people will travel to Sonderburg, Denmark to represent Australia at the Conference in August including students from Aquinas College, Wesley College and Como Secondary College, as well as a youth representative from Kalgoorlie-Boulder and a teacher from Wesley College. At the Conference they will exchange information and ideas about climate change with young people from around the world. Upon their return these young ambassadors will report back to their peers, the media, the City and the community, and will work with SPYN and the Youth Sustainability Ambassadors to develop appropriate follow-up actions.

### **Consultation**

Both of these groups provide a forum for young people in the City of South Perth to express their ideas, and give the City an opportunity to engage and consult with local youth.

The chance to be a Youth Sustainability Ambassador is available to any school aged person living or attending school in the City of South Perth. Members currently come from:

- Penrhos College
- South Perth Primary School
- Aquinas College
- Curtin Primary School
- Como Secondary College

The current “Big Switch Experiment” has already involved more than 400 students in the City of South Perth and it is expected that more will become engaged as these activities continue.

The “Youth for Resilient Futures” project, from which SPYN has emerged, included engagement and consultation with approximately 60 local young people. These individuals represented a wide range of schools, groups and community organisations.

Members of the current SPYN team represent:

- Aquinas College
- Como Secondary College
- Wesley College
- Perth Modern College
- Shenton College
- The Esther Foundation

As SPYN grows and its level of activity increases, it will provide more opportunities for youth consultation and for dialogue between Council and local young people.

### **Policy Implications**

Nil

### **Financial Implications**

The total cost of the three return airfares to Denmark is \$6,300 taken from the Mayoral Ward Funding allocation. Approximately \$8,000 is allocated from the 2009/2010 Youth Budget towards the SPYN group and their projects.

### **Strategic Implications**

This report is complimentary to Goal Two of the City's Strategic Plan, Community Enrichment, and directly relates to Strategies 2.2 and 2.3.

- 2.2 *“Develop and implement a ‘Connected Community Plan’ to: Address the specific needs of aged, families, youth and unemployed...”*
- 2.3 *“Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations.”*

This report also relates to the Community Culture and Recreation Departmental Business Plan, Strategic Initiative 1.6. *“1.6: Review how the City engages with young people”*.

This report is also complimentary to the City's Connected Community Plan 2005-2008, directly relating to Point 3.

- 3. **Young People - To foster and facilitate the support, skills development and equitable access to community facilities and services for young people**
  - 3.1 *Develop a Youth Strategy to ascertain needs, future demand and identify opportunities to engage with existing agencies to prioritise the allocation of resources*
  - 3.2 *Coordinate specific youth focused events and support activities such as Student Scholarship Program*
  - 3.3 *Assist and resource the YAC to plan and implement a range of activities*
  - 3.4 *Develop and implement a leadership development program for young people within local government”*

### **Sustainability Implications**

The Youth Sustainability Ambassadors and SPYN are highly important to the City's ongoing youth engagement strategy. While both groups are supported by the City, in order to be resilient and sustainable they are active in developing their networks and forming partnerships with local schools, community groups and organisations. The relationship with Council and the recognition of their leadership is key to the success of these groups and their activities.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.3</b>
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That Council renews its support for the Millennium Kids Youth Sustainability Ambassadors and the South Perth Youth Network.

CARRIED EN BLOC RESOLUTION

### DECLARATION OF INTEREST : ITEM 10.2.4 : CR CALA

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

*In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Item 10.2.4 “Tenders for Construction of Library and Community Centre” on the July Council Agenda. As an employee of the architect for the project (Peter Hunt Architects) I will leave the Council Chamber during the discussion/debate on this item at the Agenda Briefing on 21 July and the Council Meeting on 28 July 2009.*

**Note:** Cr Cala left the Council Chamber at 8.18pm

#### **10.2.4 Tenders for Construction of Library and Community Centre**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	12 July 2009
Author:	Michael J Kent, Acting Chief Executive Officer

#### **Summary**

Following the conclusion of the competitive tender process, a recommendation is now made to Council to appoint the nominated builder for the construction of the new Library & Community Centre at the Civic Centre site in Sandgate St, South Perth.

#### **Background**

The construction of the new City of South Perth Library & Community Centre is the largest and most exciting project to be undertaken by the City in many years. The project has captured the imagination of the many community members and stakeholder groups that have been involved in its design. Both the Australian Government and LotteryWest, our external funding partners, are genuinely excited by the prospect of what this project will deliver to our community. Their contribution of one third of the overall project funding is testimony to their belief in the quality of our project.

Following an extensive community engagement process, the City has worked through a comprehensive design phase with the appointed architect, Peter Hunt, to develop a design that offers cutting edge architecture and creates a street presence that will immediately define the new facility as an iconic building. The design also embraces world class sustainability initiatives to demonstrate Council's commitment to environmentally responsible design - and will allow the building to act as a showcase for sustainable design and energy efficiency. Practical design and responsiveness to our community's input will result in the creation of a venue that serves as a dynamic community hub incorporating a much larger, custom-built library supporting the idea of life-long learning, embracing technology and reflecting contemporary best practice in library services. This library will be integrated with a vibrant community facility that includes community meeting spaces, an adult learning centre, an infant health centre and a community group incubator. The community facility will be a welcoming and inclusive place that will serve our community for many years into the future.

Detailed design and comprehensive tender documentation were completed in May 2009. These specifications and plans formed the basis of competitive tenders called for construction of the facility. Tenders were called in the West Australian Newspaper on Saturday 30 May 2009. To ensure that the City received tender submissions only from firms with the requisite expertise and prior experience, tenderers were required to have certification to at least Level 4 - Dept of Treasury & Finance, Building Management & Works standard.

During the month long tender period, nine pre-qualified builders obtained copies of the tender specification from the City's architects. Of these nine companies, eight submitted competitive tenders for the City's construction project by the close of tenders at 4pm on Friday 26 June 2009.

#### **Comment**

At the close of tenders, competitive tender submissions were received from the following firms:

Details	\$ Exc GST
Badge Constructions	\$ 9,507,500
DBM Constructions	\$ 9,697,870
Northerley Group	\$ 9,848,018
Perkins Builders	\$ 9,877,000
Niche Constructions	\$10,228,581
Pindan Constructions	\$10,250,000
Gavin Constructions	\$10,302,477
Firm Constructions	\$12,127,486

In accordance with the tender specification, all complying tenders were to be assessed against the weighted selection criteria nominated in the tender documents.

The selection criteria applied to this particular tender were:

Details of Criteria	Weighting
Price	50%
Capacity to Deliver - Meeting the Timeline	10%
Capacity - Management Systems, Health & Safety Systems, Site Management	10%
Professional Expertise - Key Personnel	5%
Professional Expertise - References	5%
Relevant Experience - Similar Scale Projects	10%
Compliance with Tender Requirements	10%
	<b>100%</b>

A tender evaluation panel was constituted to conduct the tender assessment. The tender assessment panel was selected to provide complementary skill-sets that embrace all dimensions of the project assessment - construction technique, experience, capacity, financial management, environmental / sustainability implications and future maintenance implications. The panel comprised:

- Michael Kent, Director Financial and Information Services (Project Manager)
- Stephen Bell, Director Infrastructure Services
- Mark Taylor, Manager City Environment
- Graham Hunt, Peter Hunt Architects (Project Architect)
- Shaun Cugley, Davis Langdon (Quantity Surveyors)

A comprehensive assessment of each of the tender submissions was undertaken with scores assigned to each of the weighted criteria. The top four submissions were then subjected to a further review by the architects before the two highest scoring tenders were reviewed in detail against the pre-tender estimate and bill of quantities by the Quantity Surveyor to identify any unusual or 'out of range' elements. Clarification was then sought directly from the top two tenderers in relation to these items.

Following this exhaustive assessment process, the City reached the view that Badge Constructions & Perkins Builders were the tenders with the best expertise to allow them to successfully deliver a quality project outcome to the City. Given the closeness of these two tenderers in the areas of professional expertise, relevant experience and capacity, the determining aspect was the price of the bid. On that criterion, it was possible to separate the two bids - with Badge Constructions considered to offer the better value to the City.

Overall Badge submitted the most comprehensive and professional tender with convincing evidence given of their capabilities in relation to management systems, occupational health and safety and environmental management. Specific statements addressing each of the selection criteria were provided - along with a selection of references for similar scale work

undertaken. Details of current work support the view that the company has the capacity to manage several significant projects concurrently. The project Gantt chart submitted with the tender bid indicates that the company has the capacity to deliver the project in accordance with our proposed project schedule. Resumes and position descriptions were provided for key personnel within the Badge organisation with some of these people known to the City and Peter Hunt through prior projects. Badge is a major Australian company with an annual turnover of more than \$200M and more than 140 staff - and is regarded as having the financial and commercial bona-fides to competently undertake this project successfully.

Badge Constructions was also the successful tenderer on the Administration Building / Council Chamber Project completed in October 2006 - and that project management experience gives further confidence to the officers in recommending this contractor for the new project. Accordingly, the panel recommends Badge Construction as the preferred tenderer for this project.

### **Consultation**

In evaluating the tender bids, the City has consulted with both the project architects and our nominated quantity surveyor to seek professional input from them on their specific technical disciplines. Where necessary, the tender evaluation panel has also contacted tenderers after the close of tenders to clarify information contained within their submitted bids.

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The value of this tender also exceeds the amount which the Chief Executive Officer has been delegated to accept. Therefore, this matter is referred to Council for its decision. The following Council Policies also apply:

- Policy P605 - Purchasing & Invoice Approval;
- Policy P607 - Tenders and Expressions of Interest.

### **Financial Implications**

This project is fully funded through an appropriate and responsible blend of funding options that have been included in the City's five year forward financial projection model. The funding proposal comprises a blend of (already accumulated) cash backed reserves, external grants, current budget funding and specific allocated funding in the 2010/2011 budget (to finalise the project).

The City has actively sought and been successful in securing external funding that will contribute significantly towards this project. Lotterywest has committed \$1.5M to this building initiative and the federal government has contributed a further \$2.0M through the Infrastructure Australia program to the project. Formal funding agreements have been executed with these external funding partners.

The estimated value of the entire project as advised to Infrastructure Australia in our funding submission was \$11.53M (including all sustainability initiatives). The revised overall costing for this project following receipt of tenders is now the lesser amount of \$11.00M and is comprised of the following components:

Details	Amount
Construction costs - Nominated builder	\$ 9,507,700
Professional Fees *	\$ 692,870
Project Contingency (3%)	\$ 305,785
Technology Allocation	\$ 135,000
Public Art (% for art as per Policy P201)	\$ 190,000
Loose furniture / staging modules etc - Hall	\$ 110,000
Statutory Fees (DA, BA, BCITF & BRB)	\$ 58,645
	<b>\$11,000,000</b>

\* Professional fees includes not only architects fees but also lead consultant's fees for structural engineering, environmentally sustainable design, hydraulic and mechanical engineering, electrical, acoustic consultants and the quantity surveyor.

The pre-tender estimate for construction costs as supplied by the City's Quantity Surveyor (Davis Langdon) was in the range of \$9.3M to \$10.3M - so the field of bids received from tenderers were clearly competitive. Indeed the bid from the preferred tenderer is towards the lower end of this range.

All other amounts are consistent with those previously advised. Statutory fees (other than BCITF & BRB levies totalling approximately \$20,000) are being paid to the City to ensure that the approval process is accountable and transparent.

The City's 'net' funding contribution to this project will therefore be \$7.50M - representing the all inclusive project cost of \$11.00M less the \$3.50M sourced from external funding partners.

The overall funding model for the project is shown below:

Details	Funding Source	Amount
2008/2009 Budget - Carry Forward	2008/2009 Budget	\$ 1,250,000
2009/2010 Project Allocation	2009/2010 Budget	\$ 5,750,000
2010/2011 Project Allocation	2009/2010 Budget	\$ 4,000,000
<b>Total Project Cost</b>		<b>\$11,000,000</b>
<b>less</b>		
Infrastructure Australia Grant	Infrastructure Australia	(\$ 2,000,000)
Lotterywest Grant	Lotterywest	(\$ 1,500,000)
<b>Net City Contribution</b>		<b>\$ 7,500,000</b>
<b>Represented by:</b>		
Future Building Works Reserve	Future Building Works Reserve	\$ 3,250,000
Municipal Funds	Municipal Budget	\$ 4,250,000
		<b>\$ 7,500,000</b>

The project can therefore be accommodated within the approved funding model developed for the City's Strategic Financial Plan. Despite the significant increase in floor-space in the new facility and the likely substantially increased level of use, the City is confident that the extensive range of world class sustainability initiatives incorporated into the building design will minimise any future increases in operating costs. These sustainability initiatives are listed under the sustainability implications section later in this report.

Given the actions taken to ensure that the City obtains a competitive construction cost - and that it can operate the building as efficiently and economically as possible in the future, the overall project funding model is regarded as both prudent and financially sustainable.

### **Strategic Implications**

Although the primary emphasis of a report recommending the acceptance of a tender is on the 'value for money' aspect of the strategic goal of Financial Viability, it is important to acknowledge that this tender relates to a very significant community initiative - and as such, it embraces each of the City's strategic goals of:

- Customer Focus
- Community Enrichment
- Environmental Management
- Infrastructure Management
- Organisational Effectiveness
- Financial Viability

Throughout the process of understanding our community's needs, creating a functional, aesthetically pleasing and environmentally appropriate design, developing the tender specification and evaluating the tenders to ensure a best value solution is chosen, the City has been mindful of its obligations to our community under each of our strategic goals.

The officers believe that the City has appropriately balanced these strategic outcomes in reaching the final design and recommending the nominated tenderer.

### **Sustainability Implications**

The City has placed a significant importance on sustainability initiatives in developing its design specification for this building. The building will be required to reflect best practice sustainability approaches and the materials used in the construction processes are also to respect sustainability principles.

Amongst the sustainability initiatives included in the building design are:

- Photo-voltaic cells to generate power
- Solar panels for water heating
- Integrated building management incorporating zoned lighting, energy, technology and security controls to maximise energy efficiency.
- Stratification of air conditioning system to only cool 'people zones'
- Use of high performance glass to minimise glare and heat transfer on western facade
- Extensive use of natural light - supplemented by low lux task lighting
- Low voltage light fittings
- Use of low VOC paint and other environmentally friendly materials
- Requirement to recycle a significant portion of demolished materials from site
- Water harvesting from the building roof
- Use of water wise appliances in all wet areas
- Waterless urinals
- Use of recycled water for toilets
- Encourage recycling of waste in the building's operations
- Provision of end of trip facilities to encourage cycling and other alternative means of transport

The preceding list is not an exhaustive one - but rather a selection of some of the sustainability initiatives that have been incorporated into the building design. These initiatives will not only have a positive impact during the construction period but will also continue to deliver beneficial impacts throughout the life of the building.



**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.2.4**

Moved Cr Hearne, Sec Cr Trent

That the tender submitted by Badge Construction for the construction of the new South Perth Library and Community Centre (Civic Centre Stage 3) for \$9,507,700 excluding GST be accepted.

CARRIED (12/0)

**Note:** Cr Cala returned to the Council Chamber at 8.20pm

**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

**10.3.1 Application for Planning Approval for Proposed Single Storey Additions to Single House. Lot 14 (No. 30) Anketell Street, Kensington**

Location: Lot 14 (No. 30) Anketell Street, Kensington  
 Applicant: Nicole Francois and Nicholas Churchill  
 Lodgement Date: 19 March 2009  
 File Ref: 11.2009.102 AN3/ 30  
 Date: 26 June 2009  
 Author: Laurence Mathewson, Planning Officer  
 Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

To consider an application for planning approval for additions to a single house on Lot 14 (No. 30) Anketell Street, Kensington. The proposal conflicts with an objective of Council Policy P350.4 'Additions to Existing Dwellings', which requires:

1. *...that the design, materials and colours of additions to an existing dwelling match or are compatible with, the existing dwelling.*

Council has the ability to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Depth of skillion roof addition	Clause 9.6(6) of TPS6.
Boundary wall height and its impact on the adjoining property	Clause 9.6(6) of TPS6.
Overheight dividing fence	Clause 9.6(6) of TPS6.

It is recommended that the proposal be **refused**.

**Background**

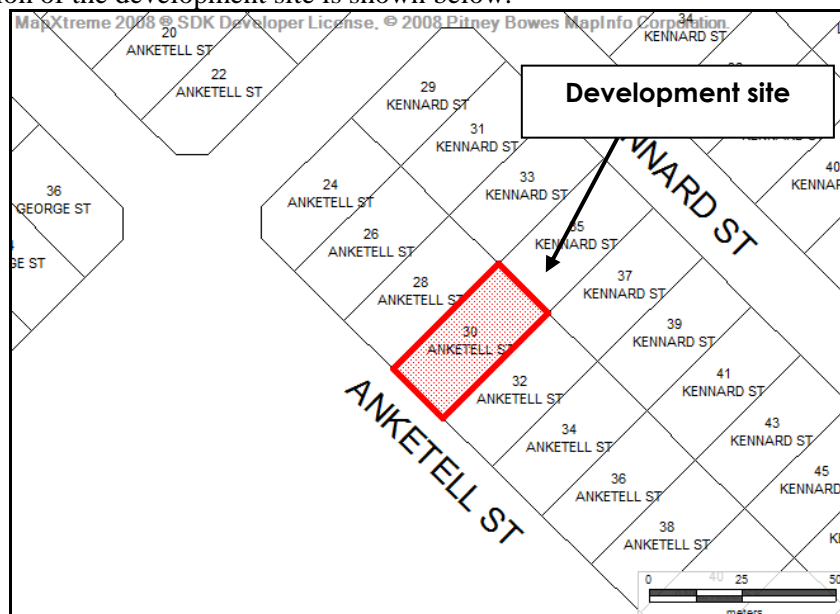
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	744 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 Single House
<b>Plot ratio limit</b>	N/A

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Amended plans of proposal 15.6.2009
- **Attachment 10.3.1(b)** Applicant's supporting report
- **Attachment 10.3.1(c)** Applicant's supporting letter/perspective drawing
- **Confidential Attachment 10.3.1(d)** Superseded plans dated 19 March 2009

The location of the development site is shown below:



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

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

**Comment**

- (a) **Description of the Surrounding Locality**  
The subject site is located within residential development assigned an R15 density coding along Anketell Street. Opposite the subject site is George Street Reserve which falls within the boundaries of the Town of Victoria Park.
- (b) **Existing Development on the Subject Site**  
The existing development on the subject site currently features a single storey dwelling dating back to the 1950's, as confirmed by the applicant. The existing dwelling is typical of the Anketell Street focus area and the Kensington locality in general.
- (c) **Description of the Proposal**  
The proposal involves the construction of a single storey addition to the rear of an existing dwelling, as depicted in the submitted plans in **Confidential Attachment 10.3.1(a)**. The additions at the rear feature a skillion roof design and includes a boundary wall along the south-east common boundary.

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

- (i) The design of the skillion roof addition does not match, and is not compatible with the existing pitched roof design of the dwelling;
- (ii) The roof depth of the skillion addition exceeds the 4.0 metre maximum prescribed in clause 5(b) of City Policy P350.4; and
- (iii) The boundary wall is also observed to have a detrimental amenity impact in terms of visual impact of building bulk as it is situated alongside the outdoor living area of the adjoining lot. The height of the boundary wall on the south-east common boundary also exceeds the 2.7 metre maximum prescribed in clause 6 of City Policy P350.2.

The Applicant's supporting report, **Attachment 10.3.1(b)**, describes the proposal in more detail.

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

**(d) Design of Skillion Roofed Addition**

The objective of City Policy P350.4 'Additions to Existing Dwellings' is to promote compatibility between existing dwellings and any additions to those dwellings. This requirement is expressed in policy objective 2(a) in the following terms:

*(a) to ensure that the design, materials and colours of the additions to an existing dwelling match, or are compatible with, the existing dwellings.*

Roof form is a design element the City must consider when assessing the compatibility of additions. The existing dwelling has a tiled roof with a 25 degree pitch. The applicant proposes a large skillion roofed addition with a 5 degree pitch. The applicant, in their letter **Attachment 10.3.1(c)**, has provided the following support justification for this design:

*"Setback of the addition behind the cottage means that the full width of the addition is not perceived from the street."*

Council Policy P350.4 does not consider compatibility purely in terms of the streetscape character; it also considers the impact on neighbouring properties as well as the intrinsic merits of the design. For this reason, the applicant's justification does not satisfactorily address the City's concerns.

The applicant has further sought to justify the roof design by suggesting the proposed plans **Confidential Attachment 10.3.1(a)** represent a compromise between what was originally proposed, **Confidential Attachment 10.3.1(d)**, and the design suggested by the City's Design Advisory Consultants, refer to Consultation (a) Design Advisory Consultants Comments. This is justified by the applicant by way of the following:

*"It (the amended roof design) presents a more conventional cottage roof form to the street, and lowers the height of the boundary wall to the neighbours."*

The original roof form incorporated a skillion sloping east to west with a 5 degree pitch, as depicted in **Confidential Attachment 10.3.1(d)**. The modified roof form presents only a minor modification to the original design and therefore still represents a significant variation from the requirements of Council Policy P350.4. The design of the skillion roofed addition does not comply with the objective 2(a) of Council Policy P350.4.

The other non-compliant element of the skillion roof addition is the proposed roof depth. Clause 5(b) of City Policy 350.4 stipulates that where a proposed addition forms part of an existing dwelling and has a skillion roof or flat roof or another roof form which is different from the form of the existing roof, the depth of the addition shall not exceed 4.0 metres. The roof depth of the proposed skillion roof addition is 8.65 metres and therefore does not comply with Council Policy P350.4.

Council discretion: As the non-compliance relates to provisions in a Council Policy, Council has discretionary power under clause 9.6(6) of TPS6 to approve the skillion roofed addition. This discretionary power should only be exercised if Council is satisfied that the relevant objectives of the policy and all requirements of the relevant clause have been met. In this instance, it is recommended that the additions not be approved, as the applicant has not satisfied the Policy objectives.

(e) **Boundary Wall - south-east**

The boundary wall has been assessed in accordance with the variations permitted in City Policy P350.2. In assessing the compliance of a boundary wall officers have considered the impact of the proposed boundary wall on the amenity factors prescribed in clause 5 of City Policy P350.2. These factors include - streetscape character, outlook from adjoining habitable rooms, overshadow and visual impact.

The proposed boundary wall is located directly opposite the outdoor living of the adjoining property, 32 Anketell Street. The proposed boundary wall has a length of 8.65 metres, and an average and maximum height of 3.3 metres and 3.4 metres respectively, 6.9 metres of the wall length will be visible from the neighbours adjoining outdoor living area. Officers consider the boundary wall dimensions excessive and suggest that the visual impact of building bulk will adversely affect the amenity of the adjoining property. The applicant has provided a letter signed by the affected property owner which supports the proposed boundary wall, and even suggests it would be complimentary for their future plans for a courtyard. Nevertheless, the City notes that the boundary wall represents a significant variation from the policy requirements and as a result does not comply with City Policy P350.2.

Furthermore, clause 6 of P350.2 stipulates that a boundary wall shall be no higher than 2.7 metres where the boundary wall is located alongside an outdoor living area on the adjoining lot subject to complying with the amenity factors listed in clause 5. The proposed boundary wall has a maximum height of 3.4 metres and therefore does not comply with the policy requirements.

Council discretion: As the non-compliance relates to provisions in a Council Policy, Council has discretionary power under clause 9.6(6) of TPS6 to approve the proposed boundary wall. This discretionary power should only be exercised, if Council is satisfied that the relevant objective of the Policy has been met. In this instance, it is recommended that the boundary wall not be approved, as the applicant has not satisfied the Policy objective.

**(f) Dividing Fences**

Clause 6.7 of TPS6 restricts fence height to a maximum of 1.8 metres unless approval is granted for a higher fence. A written request must be submitted to the City for any proposed fence exceeding 1.8 metres in height. In considering such a request, the City must be satisfied that the proposed fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior designs of neighbouring buildings.

The proposed overheight fence along the south-east common boundary has a maximum height of 2.98 metres. The proposed fence height will assist in protecting visual privacy between the two dwellings and will therefore not have a detrimental impact on the amenity of the adjoining dwelling, for this reason the height is considered acceptable. Written agreement from the owner of 32 Anketell Street has also been obtained by the applicant, the proposed overheight fence therefore complies with the requirements of clause 8 of City Policy P350.7.

The proposed overheight fence along the north-west common boundary has a maximum height of 2.1 metres. The proposed height is considered desirable as it will ensure adequate visual privacy between the raised Garden 03 of the subject site and the adjoining property, it also satisfies the relevant amenity criteria outlined in clause 8 of City Policy P350.7.

Written agreement from the adjoining neighbour is required where a dividing fence greater than 1.8 metres is proposed. The applicant has stated that the owner of the affected property, 28 Anketell Street, is recently deceased. However a Title search by City Officers has established that ownership of the property has not transferred to another person. Therefore at this stage, the applicant is unable to obtain the written consent of the owner of the affected property.

Council discretion: As the non-compliance relates to provisions in a Council Policy, Council has discretionary power under clause 9.6(6) of TPS6 to approve the overheight dividing fence, if Council is satisfied that the relevant objectives of the Policy have been met. At this stage the applicant has not obtained the necessary written agreement from the adjoining property owner. Therefore it is recommended that the north-west overheight fence not be approved. However, at a later date when the applicant is able to provide written consent of the future owner, the overheight fence can be approved without the need to lodge a new planning application.

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

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

*(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;*

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

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

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

The applicant has not provided evidence to satisfy City officers that items (a), (i), (j) and (n) have been met.

### 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 11 May 2009. The proposal was not favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Project Architect Responses	Officer Comments
<p>The Architects observed that the design form of the proposed additions was incompatible to the existing dwelling. A hipped roof above the proposed Dining room / Living room, Kitchen, Main Bedroom and Laundry was seen to be an appropriate roof design for the dwelling.</p>	<p>The applicant has expressed concern to Officers that the DAC comments are extremely subjective. In response to the DAC comments the applicant has submitted 10 letters from various architectural firms in support of the development proposal.</p>	<p>A hipped roof addition would demonstrate greater design compatibility with the existing dwelling, however discussions have established that the applicant does not favour this design modification. The comment is <b>UPHELD</b>.</p>
<p>The proposed alfresco facing south-east should be placed along the north-western boundary in order to maximise access to the northern sunlight. Mirror imaging the additions should assist in achieving the needful.</p>		<p>The design referred to by the DAC architects would be more desirable in capturing winter sun for the outdoor living area, however this development proposal is for additions only and is constrained by existing development. The location of the deck / outdoor living area will make use of what would otherwise be dead space, winter sun will be captured by the other, larger outdoor living area to the rear of the dwelling. The comment is <b>NOT UPHELD</b>.</p>

DAC Comments	Project Architect Responses	Officer Comments
The Assessing Officer should ensure that two car parking bays have been provided for the dwelling behind the street setback line in accordance with the R-Codes.		The car parking provision of the development proposal has been assessed in accordance with the R-codes and Policy requirements. The proposal complies with the requirements. The comment is <b>NOTED</b> .

**(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’, note this development application was lodged prior to the adoption of P355 ‘Consultation for Planning Proposals’. The owners of properties at Nos 28 and 32 Anketell Street were invited to inspect the application and to submit comments during a 14-day period. During the advertising period, no submissions were received.

**(c) Other City Departments**

The development proposal did not require comment from other City Departments.

**Policy and Legislative Implications**

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

**Financial Implications**

The determination has no financial implications.

**Strategic Implications**

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

**Sustainability Implications**

The proposal incorporates a mature tree in the Deck 01 / Outdoor living area to provide shade from the hot summer sun. Native plants in Garden 03 and 04 will reduce water use. Grass has been incorporated around additions to the rear to reduce heat reflection and the design also incorporates large north facing windows to take advantage of the winter sunlight. The development proposal is therefore seen to achieve a desirable outcome in terms of sustainable design principles.

**Conclusion**

The proposal will have a detrimental impact on adjoining residential neighbours, and does not meet all of the relevant Scheme and R-Codes objectives and provisions. It is considered that the application should be refused.

**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 a additions on Lot 14 (No. 30) Anketell Street, Kensington, **be refused** for the following reasons:

- (a) The proposed skillion roof addition conflicts with objective 2(a) of City Policy P350.4 “Additions to existing dwellings”.
- (b) The proposed skillion roof depth conflicts with clause 5 of City Policy P350.4 “Additions to existing dwellings”.
- (c) The proposed boundary wall height conflicts with clause 5 and 6 of City Policy P350.2 “Residential boundary walls”.
- (d) The proposed north-west overheight boundary fence conflicts with clause 8 of City Policy P350.7 “Fencing and retaining walls”.
- (e) Having regard to the matter identified in the reasons above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of TPS6.
- (f) Having regard to the matter identified in the reasons above, the proposed development conflicts with the “Matters to be Considered by Council” identified in Clause 7.5 of TPS6.
- (g) **Standard Advice Notes**  
651 appeal rights- SAT

MOTION

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

MOTION

Moved Cr Trent, Sec Cr Gleeson

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a additions on Lot 14 (No. 30) Anketell Street, Kensington, **be approved** subject to the following conditions:

**(i) Standard Conditions**

340	Surface of boundary wall	455	Standard heights of fences
377	Screening clothes drying area	457	Replacing existing fencing
390	Standard crossover specifications	625	sightlines for drivers
425	colours & materials match existing	661	Validity of approval

**(ii) Specific Conditions:**

- (A) The proposed boundary wall shall be lowered to comply with Clauses 5 and 6 of City Policy P350.2 “Residential boundary walls”.
- (B) The proposed north-west over-height boundary fence shall be lowered to comply with Clause 8 of City Policy P350.7 “Fencing and retaining walls”.

**(iii) Standard Important Footnotes**

646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
648	building licence required		

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



MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- heard arguments for skillion roof on new projects
- proposed additions at rear of house - will maintain streetscape / existing house
- policies for benefit of officers - can be varied
- additions at back of house - worthy of construction as proposed
- existing war service homes very small
- proposed additions address increase in family needs within the house
- refer to No. 44 Forrest Street - skillion roof design built before the war
- proposal at Anketell Street shows how an architect can achieve a good design
- support the Motion

<b>COUNCIL DECISION ITEM 10.3.1</b>
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The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a additions on Lot 14 (No. 30) Anketell Street, Kensington, **be approved** subject to the following conditions:

(i) **Standard Conditions**

340	Surface of boundary wall	455	<del>Standard heights of fences</del> <b>Revoked Item 12.1(b) August 2009 Council Meeting</b>
377	Screening clothes drying area	457	Replacing existing fencing
390	Standard crossover specifications	625	sightlines for drivers
425	colours & materials match existing	661	Validity of approval

(ii) **Specific Conditions:**

- (A) ~~The proposed boundary wall shall be lowered to comply with Clauses 5 and 6 of City Policy P350.2 "Residential boundary walls".~~ **Revoked at Item 12.1(b) August 2009 Council Meeting and replaced with the following Specific Condition (A)**
- (A) The portions of existing fencing that will be affected by the proposed changes to the ground and floor levels, and result in overlooking of the adjoining properties shall be replaced to comply with the required 1.8 metre height.
- (B) The proposed north-west over-height boundary fence shall be lowered to comply with Clause 8 of City Policy P350.7 "*Fencing and retaining walls*".

(iii) **Standard Important Footnotes**

646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
648	building licence required		

<b>Footnote:</b> A full list of Standard Conditions and Important Notes is available for inspection at the Council Offices during normal business hours.
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CARRIED (12/1)

Reason for Change

Council were of the view that the proposed skillion roof is an acceptable roof form due to the location of the additions at the rear of the existing dwelling the additions will **not** cause any change to the existing streetscape. Therefore the skillion roof is an acceptable roof form in this instance.

**10.3.2 Proposed additions (second storey) to Single House - Lot 245 (No. 144) Lockhart Street, Como**

Location: Lot 245 (No. 144) Lockhart Street, Como  
 Applicant: Celebration Nominees t/a Dale Alcock Home Improvement  
 File Ref: 11.2008.416 LO1/144  
 Date: 1 July 2009  
 Author: Lloyd Anderson, Senior Planning Officer  
 Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

On 10 December 2008, conditional planning approval was granted under delegated authority for additions (second storey) to a Single House on Lot 245 (No. 144) Lockhart Street, Como. The applicant has requested that one of the listed conditions of approval be deleted at a Council meeting. The condition requiring consideration by the Council is:

*“(1) Revised drawings shall be submitted incorporating measures designed to prevent overlooking of the adjoining property from the balcony north end by provision of screening to at least 1.65 metres.”*

The applicant seeks to remove the above condition. The screening measures required by the City are to prevent overlooking of the adjoining property and are necessary in accordance with Council Policy P350.8 as discussed in this report. The Policy provisions support the R-Code requirements relating to visual privacy. Therefore, the officers recommend that the request to delete the condition not be supported by Council.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Visual Privacy requirements	R-Code Performance Criteria 6.8.1 P1
Visual privacy requirements - Council Policy P350.8	Clause 9.6 (6) of TPS6

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	1062 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Two Grouped Dwellings
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

**Confidential Attachment 10.3.2(a)** Plans of the proposal.  
**Attachment 10.3.2(b)** Applicant’s supporting report.

The subject property is identified on the locality plan below:



In accordance with Council Delegation DC342, the proposal is required to be referred to a Council meeting for determination as the recommendation involves Council exercising discretion in relation to a variation from a provision of Council Policy P350.8 “Visual Privacy” and R-Code Performance Criteria 6.8.1 P1.

### Comments

**(a) Description of the proposal**

The proposed development is for additions (second storey) to a Single House. The proposal complies with the requirements of the City’s Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below.

**(b) Description of the requested change to conditions of Planning Approval**

The condition requiring consideration by the Council is:

**Condition (1)(i) -**

*“(1) Revised drawings shall be submitted incorporating measures designed to prevent overlooking of the adjoining property from the balcony north end by provision of screening to at least 1.65 metres.”*

The applicant seeks to have the above condition removed. **Confidential Attachment 10.3.2(a)** shows a balcony north end of the upper floor of the dwelling. The following photographs show the approximate location of the balcony relative to a habitable room on the adjoining property:



**Figure 1 - photograph taken from approximate location of the balcony looking towards a habitable room window (marked in red) on the adjoining property.**



**Figure 2 - photograph of the habitable room window (marked in red) on the adjoining property.**

As the balcony (active habitable space) is setback a lesser distance than 7.5 metres from the boundary prescribed by the Acceptable Development (clause 6.8.1 A1) of the R-Codes, the Applicant seeks approval via the Performance Criteria (clause 6.8.1 P1) path of the R-Codes, which reads:

*“Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.*

*Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.*

*Where these are used, they should be integrated with the building design and have minimal impact on residents’ or neighbours’ amenity.*

*Where opposite windows are offset from the from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.”*

The Applicant contends compliance with the R-Codes in **Attachment 10.3.2(b)**, summarised as follows:

- The building layout and design of the neighbouring dwelling means that the extensive back yard, alfresco and balcony area afforded complete visual privacy from our clients balcony.
- The very intent of the performance criteria is to reduce the need for ugly screening devised, particularly when visible from the street, and given the location of neighbouring primary outdoor active habitable spaces.
- The suggestion of adding a panel of obscure glass or lattice is completely incompatible with the character of the existing dwelling, which the City of South Perth usually prides itself on.
- All of the windows along the affected side of the neighbouring dwelling have obscure glass, and therefore there is no view into these windows from our client’s proposed balcony.

Where an applicant seeks approval via the abovementioned Performance Criteria path, Policy P350.8 requires written justification and detailed drawings to demonstrate that:

- (i) *there is no ‘sensitive area’ within a 25.0 metre ‘cone of vision’ from an active habitable space or outdoor living area on the development site; or*
- (ii) *where there is a sensitive area within a 25.0 metre ‘cone of vision’ which would be overlooked, ‘effective screening’ measures will be implemented to prevent overlooking of such area.*

Sensitive area is defined as:

- (a) *includes:*
- ... (ii) *any habitable room window which does not face the street, whether or not such window is visible from the street...*

Effective screening is defined as:

*A physical barrier which is not less than 1.6 metres high, visually obscure, permanent, structurally sound, aesthetically pleasing and designed to obstruct the line of sight between an active habitable space or outdoor living area on a development site and a sensitive area. Effective screening:*

(a) *may include lattice or other perforated material where situated on or near a boundary of the development site;*

(b) *does not include:*

(i) *lattice or other perforated material where situated on the perimeter of a balcony or terrace;*

(ii) *any existing or proposed vegetation, including trees, on either the development site or the adjoining lot.*

The Applicant does not comply with the Council Policy P350.8 and Performance Criteria of the R-Codes for the following reason:

- Detailed drawings and written justification have not been provided demonstrating that there is no 'sensitive area' within a 25.0 metre 'cone of vision' from the balcony;
- A habitable room window 'sensitive area' which does not face the street is within the cone of vision of the balcony;
- 'Effective screening' does not include any existing or proposed vegetation, including trees, on either the development site or the adjoining property;
- The upper floor layout of the dwelling could be improved by orientating the balcony away from the 'sensitive area';
- 'Effective screening' devices or obscured glass can be installed to prevent overlooking of the adjoining property; and
- 'Effective screening' devices can be integrated with the building design and would have no impact on the neighbours amenity.

The balcony overlooks a 'sensitive area' on the adjoining property and therefore the proposal without 'effective screening' does not comply with City Policy P350.8 and the performance criteria of the R-Codes.

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

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

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

The proposed dwelling has characteristics that are not in harmony in accordance with policy P350.8 with the existing residential development in the focus area. It is therefore, determined that the proposal does not comply with Clause 1.6 (f) of TPS6.

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

Clause 7.5 of Council's Town Planning Scheme No. 6 sets out a wide range of matters to which Council must have due regard, and in respect of which conditions may be imposed, when determining applications for planning approval. For the purpose of the proposal currently being considered, the following matters are relevant:

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

Having regard to these provisions of Clause 7.5, the City has advised the applicant that, the balcony without effective screening overlooks a sensitive area of the adjoining property and therefore does not comply with clause 7.5 (f), (j) and (n) of TPS6.

**Conclusion**

In accordance with Policy P350.8 if the condition is deleted the proposal will overlook the adjoining residential neighbour and therefore will not meet the relevant Scheme, R-Codes and City Policy objectives and provisions.

**Consultation**

Neighbour consultation has not been undertaken for this proposal as it is not required in accordance with Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. The Applicant has chosen to obtain the neighbours comments as detailed in **Attachment 10.3.2(b)**.

**Policy and Legislative Implications**

The relevant provisions of the No. 6 Town Planning Scheme and Policy P370\_T have been discussed in the “Comments” section of the report. City Policy P350.8 'visual privacy', prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 and supporting the Scheme under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

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

**Sustainability Implications**

The privacy of the adjoining property could be achieved through thoughtful design and supplemented by various screening measures.

**OFFICER RECOMMENDATION ITEM 10.3.2**

That, with respect to the applicant’s request for the deletion of Condition 1(i) of planning approval for a proposed additions (second storey) to Single House - Lot 245 (No. 144) Lockhart Street, Como, the applicant be advised that in accordance with Policy P350.8 ‘Visual Privacy’, Council is not prepared to delete the condition as this would result in a development that overlooks the adjoining property.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.2. The officer recommendation Lapsed. LAPSED

MOTION

Moved Cr Best, Sec Cr Hearne

That....

- (a) the officer recommendation not be adopted;
- (b) in respect of the proposed second storey additions to Single House, Lot 245 (No. 144) Lockhart Street, Como, Condition 1 of the Planning Approval issued on 10 December 2008 be deleted.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best Opening for the Motion

- condition requires addition of screening to north end of balcony
- privacy of neighbour not impinged  
**Note:** Cr Best provided a power point presentation demonstrating that the visual privacy of site not impinged
- believe Council should allow applicant to build balcony without screening - will not cause significant overlooking of the adjoining neighbour's habitable room
- neighbour supports applicant's request
- ask Members support Motion

Cr Hearne for the Motion

- acknowledge reasons for officer recommendation
- arguments by applicant more compelling
- neighbours have no objection to balcony without screening
- adequate screening already exists
- support Motion

**COUNCIL DECISION ITEM 10.3.2**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) in respect of the proposed second storey additions to Single House, Lot 245 (No. 144) Lockhart Street, Como, Condition 1 of the Planning Approval issued on 10 December 2008 be deleted.

CARRIED (13/0)

Reasons for Change

Council is of the opinion that the balcony without screening will not cause significant overlooking of the adjoining neighbour's habitable room.

**10.3.3 Proposed Single House within a Two-Storey Building. Lot 12 (No. 23a) Klem Ave, Salter Point**

Location:	Lot 12 (No. 23a) Klem Ave, Salter Point
Applicant:	Enzo Bottega
Lodgement Date:	23 June 2009
File Ref:	11.2009.231                      KL1/23A
Date:	1 July 2009
Author:	Emmet Blackwell, Planning Officer
Reporting Officer:	Rod Bercov, Acting Director, Development Services

**Summary**

To consider an application for planning approval for a 2-storey Single House on Lot 12 (No. 23a) Klem Avenue, Salter Point. The proposal conflicts with Clause 6.9.1 (Design for Climate Requirements) of the 2008 R-Codes in relation to overshadowing of the adjoining lot.

It is recommended that the proposal be refused.

Council has the ability to exercise discretion in relation to the following:



Element on which discretion is sought	Source of discretionary power
Solar access for the adjoining site	Clause 6.9.1 of the R-Codes.

**Background**

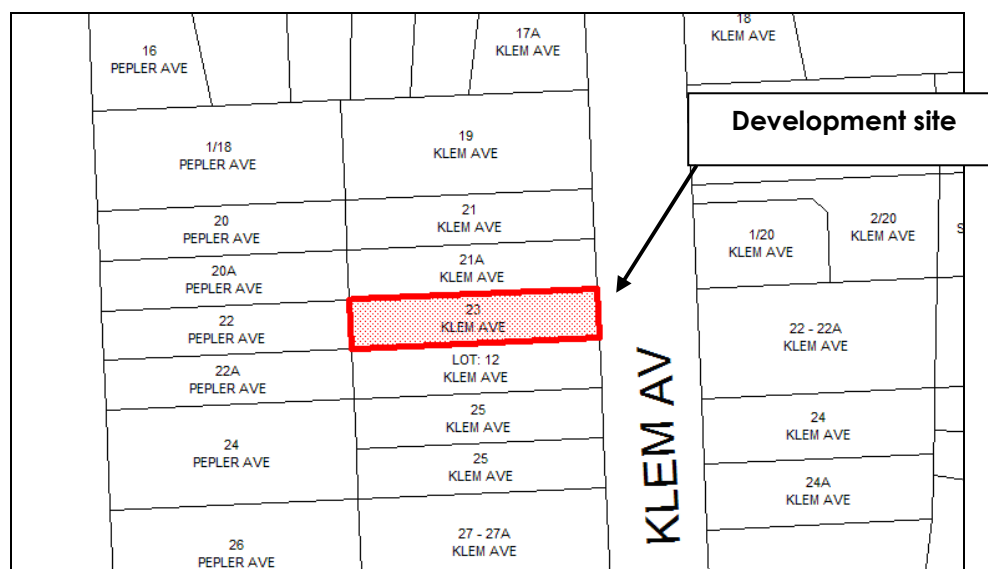
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	506 sq. metres
<b>Building height limit</b>	7 metres
<b>Development potential</b>	1 Single House

This report includes the following attachments:

- **Confidential Attachment 10.3.3(a)** Plans of the proposal
- **Attachment 10.3.3(b)** Site photographs
- **Attachment 10.3.3(c)** Applicant’s supporting justification

The location of the development site is shown below:



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

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

**Comment**

- (a) **Description of the proposal**  
 The subject site is currently vacant, as depicted in the site photographs comprising **Attachment 10.3.3(b)**. The proposal involves the construction of a 2-storey Single House, as depicted in the submitted plans comprising **Confidential Attachment 10.3.3(a)**.

The proposal conflicts with Clause 6.9.1A1 (Design for Climate Requirements) of the 2008 Residential Design Codes (R-Codes) relating to solar access for adjoining sites (overshadowing). The conflict comes about because overshadowing of the neighbouring southern property (No. 25 Klem Ave) by the proposed development is 40% of the site in lieu of the prescribed 25% maximum, nominated in the R-Codes Acceptable Development standards.

Additionally, the following component of the proposed development does not satisfy policy requirements contained in Council Policy P350.1:

The applicant's letter, **Attachment 10.3.3(c)**, describes the proposal in more detail.

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

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

The maximum permissible area of overshadowing of the adjoining property (No. 25 Klem Ave), as calculated at midday on 21 June is 127m<sup>2</sup> (25 percent of the site); the proposed overshadowing is 202m<sup>2</sup> (40 percent). Therefore, the proposed development does not comply with the "Acceptable Development" provisions of the R-Codes relating to solar access (Clause 6.9.1 A1).

The Applicant has attempted, although not successfully, to address the Performance Criteria 6.9.1 P1 of the R- Codes, as outlined below:

- Potential to overshadow solar collectors is minimised or non-existent;

There are no solar collectors on the roof of the adjoining property, therefore no overshadowing takes place in this regard.

- Potential to overshadow balconies and verandahs is minimised or non-existent; and

There are no balconies or verandahs contained on the adjoining property affected by overshadowing.

- Potential to overshadow outdoor living areas and major openings to habitable rooms is minimised or non-existent.

In regard to the overshadowing of outdoor living areas, the applicant has successfully demonstrated that the shadow cast by the development over the adjoining property will be less than the shadow cast by the existing boundary fence. Therefore the performance criterion has been met in relation to the protection of solar access for outdoor living areas.

The proposed two storey development was previously refused by the City under delegated authority in relation to the overshadowing caused by the front two storey portion of the proposed dwelling onto the adjoining property's ground floor bedroom window which is a "major opening". The applicant has since provided revised justification attempting to address the performance criteria of the R-Codes 6.9.1. P1. A plan was submitted at **Confidential Attachment 10.3.3(a)** along with the applicant's further justification showing two development scenarios

(single/double-storey) on the subject site in relation to the scale of impact that different building design options may have on the adjoining property's major window opening:

- (i) The first scenario shows the extent of overshadowing which would be present if the proposed development was modified to be a single-storey dwelling subject to the currently proposed ground floor setbacks. Under this scenario, approximately half of the affected major opening's lower portion would be overshadowed at midday on 21 June.
- (ii) The second scenario shows the extent of overshadowing of the adjoining property if the proposed development was two-storey as depicted in the submitted plans of **Confidential Attachment 10.3.3(a)**. Under this scenario the entire major opening would be overshadowed at midday on 21 June. Also under this scenario, the major opening would be overshadowed for a greater period of the year.

Council discretion: Council has discretionary power under the associated performance criteria of Clause 6.9.2 of the R-Codes to approve the overshadow of the major opening provided the Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the development not be approved, as the performance criterion associated with minimising the overshadowing of major openings to habitable rooms has not been satisfied.

**(c) Other planning controls**

The proposal has no plot ratio implications. In relation to building height, setbacks, visual privacy, ground and floor levels, the proposal meets the relevant requirements.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the following general Scheme objectives are **not met**:

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

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

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

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

Due to the overshadowing conflict, the proposal is not satisfactory in relation to the matters listed above.

### **Conclusion**

The proposal will have detrimental impact on the existing adjoining residential neighbours, owing to overshadowing of a major window opening. In this respect, the proposal is in conflict with R-Code and Council Policy requirements. Therefore, it is considered that the application should be refused.

### **Consultation**

#### **(a) Neighbour consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners No. 25 Klem Ave were invited to inspect the application and to submit comments during a 14-day period. Two neighbour consultation notices were mailed to individual property owners regarding the proposed boundary walls and overshadowing respectively. During the advertising period, no submissions were received.

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

DAC comments were sought for this application during the April 2009 meeting in relation to streetscape design compatibility of the proposed development with the existing development within the focus area, specifically:

- (i) Streetscape compatibility; and
- (ii) Building form, design and external finishes.

The outcome in relation to this item was that the Advisory Architects observed that the proposed development demonstrated built form compatibility with the existing streetscape character.

### **Policy and Legislative Implications**

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council Policy P350.1 have been provided elsewhere in this report.

### **Financial Implications**

The issue has no impact on this particular area.

### **Strategic Implications**

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

### **Sustainability Implications**

The proposed design does not provide the adjoining property with solar access to one of its major window openings. The lots have been subdivided so they are extremely narrow and orientated in an east-west direction, resulting in a situation where protecting the solar access of adjoining properties is very difficult. In the interest of ensuring that all residential properties have sustainable long term access to solar energy, the proposed development should be redesigned, taking full account of the constraint of the subject site's unfavourable lot orientation. The current proposal does not adequately reflect proper consideration of sustainable design principles.

**OFFICER RECOMMENDATION ITEM 10.3.3**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a proposed Single House within a two-storey building on Lot 12 (No. 23a) Klem Ave, Salter Point **be refused** for the following reason:

- The proposed dwelling conflicts with the Acceptable Development as well as the Performance Criteria provisions of Clause 6.9.1 “Solar access for adjoining sites” of the Residential Design Codes 2008 (R-Codes).

**Standard Advice Note**

651 Appeal rights - SAT

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.3. The officer recommendation Lapsed. **LAPSED**

MOTION

Moved Cr Ozsdolay, Sec Cr Burrows

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a proposed Single House within a two-storey building on Lot 12 (No. 23a) Klem Ave, Salter Point, **be approved** subject to the following conditions:

(i) **Standard Conditions**

340	Surface of boundary wall	457	Replacing existing fencing
377	Screening clothes drying area	555	Plumbing fittings concealed from view
390	Standard crossover specifications	625	sightlines for drivers
425	colours & materials match existing	661	Validity of approval
455	Standard heights of fences		

(ii) **Standard Important Footnotes**

646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
648	building licence required		

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

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay Opening for the Motion

- heard Deputation - applicant able to demonstrate challenges in development of long narrow block
- to develop block to its potential only option is going up and/or going back
- option proposed is the one that least affects the adjoining neighbour on the southern side
- by placing two storey portion of house towards the front impact of overshadowing has been minimised on neighbour’s outdoor entertainment area
- only area of contention is bedroom window - this has not been positioned to maximise solar access in that it is located adjacent to a portion of the house that effectively blocks out much of the morning sun anyway.

- applicant states that being a bedroom it is more unlikely to be used during the day than say a family area e.g. kitchen, lounge room etc.
- given the only grounds for refusal is with respect to the overshadowing of that single bedroom window, the fact that it is a bedroom, the apparent effort undertaken by the applicant to minimise impact on his neighbour and the limited design options available on a long narrow block; it seems appropriate that Council exercise its discretion to approve the development application which complies in all other respects.

Cr Trent point of clarification - believe the applicant had not spoken to neighbours? The Manager Development Services stated he was not aware of any direct communication from neighbours. He confirmed that a written invitation to comment had been forwarded to neighbours from the City.

**COUNCIL DECISION ITEM 10.3.3**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a proposed Single House within a two-storey building on Lot 12 (No. 23a) Klem Ave, Salter Point, **be approved** subject to the following conditions:

(i) **Standard Conditions**

340	Surface of boundary wall	457	Replacing existing fencing
377	Screening clothes drying area	555	Plumbing fittings concealed from view
390	Standard crossover specifications	625	sightlines for drivers
425	colours & materials match existing	661	Validity of approval
455	Standard heights of fences		

(ii) **Standard Important Footnotes**

646A	Brick boundary fences require BL	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
648	building licence required		

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

CARRIED (13/0)

Reason for Change

Given that the only grounds for refusal is with respect to the overshadowing of that single bedroom window, the fact that it is a bedroom, the apparent effort undertaken by the applicant to minimise impact on his neighbour and the limited design options available on a long narrow block; Council exercised its discretion to approve the development application which complies in all other respects.

**10.3.4 Proposed Change of use ('Single House' to 'Consulting Rooms') Lot 397 (No. 89) Manning Road, Manning**

Location: Lot 397 (No. 89) Manning Road, Manning  
 Applicant: Mrs Johanna Byrne  
 Lodgement Date: 29 April 2009  
 File Ref: 11.2009.146 MA3/89  
 Date: 1 July 2009  
 Author: Emmet Blackwell, Planning Officer  
 Reporting Officer: Rod Bercov, Director, Development Services

**Summary**

To consider an application for planning approval for the proposed change of use of a single-storey Single House to 'Consulting Rooms' on Lot 397 (No. 89) Manning Road, Manning. Table No. 4 of the City's Town Planning Scheme No. 6 requires a minimum site area of 900m<sup>2</sup> for consulting rooms. The proposal is on a lot with an area of 865m<sup>2</sup>. However, the submitted drawings show that relevant site requirements such as car parking and landscaping have been met. Therefore it is recommended that a variation from the lot area requirement of Town Planning Scheme No. 6 (TPS6) be granted under the discretion allowed by clause 7.8 of TPS6. The proposal use does not conflict with any other aspect of Council Policy or the provisions of the City's TPS6.

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	865 sq. metres
<b>Building height limit</b>	N.A. - existing buildings

This report includes the following attachments:

- **Confidential Attachment 10.3.4(a)** - Plans of the proposal
- **Attachment 10.3.4(b)** - Site photographs

The location of the development site is shown below:



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

**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.

**Comment**

**(a) Description of the proposal**

The subject site is currently a residential property developed with a single dwelling. The proposal involves converting the property to ‘Consulting Rooms’ to be used by one consultant who will practice occupational therapy and acupuncture. The manner in which the building and the site will be used is depicted in the submitted plans at **Confidential Attachment 10.3.4(a)**. There is no proposed alteration to the existing building, however there are modifications to the car parking bay layout. The application also includes an application for a sign.

The proposed maximum operating times are 7am - 7pm Monday to Friday and 8am - 5pm Saturdays. The applicant currently has a consulting room practice on another site and advises that she currently receives many clients before and after their work day. This is the reason for the proposed 7am start and 7pm finish on weekdays. At present, he does not open every weekday morning and evening, but would like the option to do so.

**(b) Minimum Lot Area**

Table No. 4 of the City’s Town Planning Scheme No. 6 requires a minimum site area of 900m<sup>2</sup> for consulting rooms. The proposal is on a lot with an area of 865m<sup>2</sup>. Despite the slight shortfall in the land area, all of the relevant site requirements are met, such as car parking and landscaping. It is recommended that a variation from the TPS6



minimum lot area be granted under clause 7.8 of TPS6. The proposal meets all of the required criteria to qualify for a discretionary variation from Scheme requirements, as specified under clause 7.8 subclause (1)(b).

**(c) Minimum Lot Frontage**

The minimum lot frontage required under TPS6 is 20m<sup>2</sup>. The subject property complies as it has a lot frontage of 20.48m.

**(d) Car Parking**

The car parking requirement for 'Consulting Rooms' under Table No. 6 of TPS6 is 1 bay per 19m<sup>2</sup> of gross floor area, plus 1 bay for every person employed on the premises. The site's total gross floor area is 151m<sup>2</sup> which requires 8 car parking bays. The applicant advises that the maximum number of staff on site will be 2 at any time (one consultant and one receptionist). Therefore the total number of car parking bays required is 10. The applicant has successfully demonstrated that 10 bays are proposed on site in accordance with the requirements of TPS6.

Table No. 6 of TPS6 also requires consulting rooms to provide 1 bicycle bay per practitioner. The proposed site plan demonstrates that this requirement has been met by the applicant by providing one bay for the parking of bicycles.

**(e) Number of Practitioners**

The number of practitioners proposed is one. This complies with the requirement of TPS6 Table No. 4 for areas coded R20 which restricts the maximum number of practitioners to one.

**(f) Location**

Table No. 6 of TPS6 contains a list of distributor roads where 'consulting rooms' within the 'Residential' zone may be approved. Manning Road is one of those listed. Therefore the proposal complies with this Scheme requirement.

**(g) Frontage to Canning Highway**

This requirement is not applicable as the site does not have a frontage to Canning Highway.

**(h) Street Setback**

The street setbacks are not being altered from the existing development.

**(i) Building Height**

The building heights are not being altered from the existing development.

**(j) Wall setback- north / east / south / west**

The wall setbacks are not being altered from the existing development.

**(k) Visual privacy setbacks- north / east / south / west**

There are no visual privacy implications, existing or proposed.

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

The area of overshadow is not being altered from the existing development.

**(m) Finished ground and floor levels- minimum and maximum**

The ground and floor levels are not being altered from the existing development.

**(n) 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;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*

**(o) 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;*
- (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;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is observed to have due regard to the abovementioned matters.

**Consultation**

**(a) Department for Planning and Infrastructure (Urban Transport Systems) comments**

Comments were invited from the Department for Planning and Infrastructures (DPI) Urban Transport Systems Team because the subject site abuts Manning Road which is classified as a 'Regional Road Reserve' under the Metropolitan Region Scheme. The Director of DPI's Urban Transport Systems Team response included only one recommendation relating to the proposal, namely that all cars enter and leave the site in forward motion. The proposed parking layout of the proposal allows for all cars to enter and leave safely in forward motion.

**(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 within "Area 2" were invited to inspect the application and to submit comments during a 14-day period in accordance with the City's Policy P104. A total of 6 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, 4 submissions were received, all against the proposal. Three of the 4 submissions were template letters with individual submitters' details placed on the letterhead. Only two of the three template letters were signed by submitters. The submissions have been summarised and responses provided to all comments, as follows:

**Summary of Neighbour Submissions**

Submitter's Comment	Officer Response
Proposed carpark at rear of property would create excessive noise by cars coming and going and slamming of car doors.	The City's Environmental Health Department has confirmed that the increased traffic movements would not exceed the assigned levels of the Environmental Protection (Noise) Regulations 1997 and would most certainly not exceed the noise levels of passing vehicles from Manning Road. <b>The comment is NOT UPHELD</b>
Problems with verge parking exist, specifically backing onto Manning Rd is very dangerous	All proposed parking is contained on site and will allow for exit onto Manning road in forward motion. <b>The comment is NOT UPHELD</b>
Minimum lot area specified in TPS6 (table.4) for a 'consulting room' on Manning Rd is 900m <sup>2</sup> , the site is only 865m <sup>2</sup>	All requirements are met (landscaping, car parking), clause 7.8 of TPS6 allows discretion to vary site area requirements, provided the proposal complies with the amenity tests listed under subclause (1)(b). <b>The comment is NOT UPHELD</b>

Submitter's Comment	Officer Response
<p><b>Clause 1.6 of TPS6 (objectives of the scheme)</b></p> <p><u>Maintain the City's predominately residential character and amenity.</u> – With Car parking in front of a “Residential” style facility, which is not being improved or extended will project a very “non residential look and feel”.</p> <p><u>Establish a community identity and ‘sense of community’</u> - Locating a business “consulting rooms” in the middle of a street of residential houses from Ley Street to Welwyn Avenue is totally going against creating a sense of community. If this one is allowed, it will set the precedence for many more. All other consulting rooms in the immediate vicinity are located on corner blocks, and not located on residential streets proper.</p> <p><u>Ensure community aspirations and concerns are addressed through scheme controls-</u> The City of South Perth should be acting in the interests of the residential ratepayers and not approving such applications, particularly in light of the arrangements made to have the relevant Planning Officer unavailable to provide vital information and not allowing copies of plans and applications to be made available to interested parties.</p> <p><u>Protect residential areas from the encroachment of inappropriate uses</u> – The impact on surrounding homes, particularly 18 Downey Drive Manning which is the premises located directly behind 89 Manning Road will be most significant. With a proposed 8 bay car park at the rear of 89 Manning Road there will be increased local vehicle noise, increased car fumes in the immediate vicinity, an increased security risk of having an “open to the public car park” at the rear of the facility providing an increase opportunity for access the surrounding houses and the backyards. Particularly with the current crime rate in this area, and the vulnerable older persons living at 16 Downey Drive, the car park will provide increase opportunity for acts of crime by providing a “away from the public eye” access to surrounding houses and yards.</p> <p><u>Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.</u> – There are available and closely located vacant business premises within the vicinity of Manning road which could accommodate the function of consulting rooms without having to “convert” clearly residential premises in the midst of residential premises to meet the needs of the practitioners wanting to set up on Manning Road.</p>	<p>Only one parking bay is proposed at the front of the property. The location is consistent with the statutory provision. <b>The comment is NOTED</b></p> <p>The location is consistent with Table No. 4 of TPS6. <b>The comment is NOTED</b></p> <p>The submitters who first authored this point were later given the chance to see the plans and meet with the assessing planning officer to discuss and if they wished, submit another set of written comments prior to determination. This offer was declined. <b>The comment is NOT UPHELD</b></p> <p>The City's Environmental Health department has confirmed that vehicle fumes and car noise resulting from increased traffic volumes entering and leaving the subject site will be in compliance with the relevant regulations, and will not significantly impact on neighbouring properties over and above the impacts already resulting from Manning Road. In regard to security risks associated with the rear carpark, amended plans have been received from the applicant indicating a 1.8m high spiked security gate and two sensor flood lights. It is unlikely people will loiter in this carpark as there is a large public park with trees on the othersider of Manning Road. <b>The comment is NOTED</b></p> <p>The Scheme recognises ‘consulting rooms’ as a discretionary use with consultation within the residential zone fronting Manning Road. <b>The comment is NOTED</b></p>

Submitter's Comment	Officer Response
<p><u>Consistent with sub clause 2 of Clause 6.6 Canning Highway and Manning Road of the City of South Perth Town Planning Scheme No 6</u></p> <p><i>"Vehicular Access to and from lots which abut Manning road shall be confined to the minimum necessary in the opinion of the Council for the orderly traffic movement; and designed in such a manner as to facilitate entry onto the road in a forward gear:</i></p> <p>The traffic on Manning Road is increasing exponentially, with the increasing size of the closely located Curtin University and the ever enlarging Waterford shopping precinct. Increasing the traffic flow by locating consulting rooms on Manning Road, with the anticipated 10 additional vehicles at any one time is not confining the traffic flow to minimum necessary.</p> <p>Located one house away from 89 Manning Road is a footpath through to Downey Drive. This footpath is used regularly by mother and children walking to school and home again, by walkers and their dogs and by the general public. The additional flow of traffic out of the proposed consulting rooms will add to the potential hesitation that could occur with the additional traffic and potentially endanger the lives of people and children crossing from the north side of Manning Road to the designated pathway on the south side of Manning Road and on return.</p> <p>Given that the traffic flow directly outside of 89 Manning road is only one directional, this may also impact by increasing the potential hazard from clients of the proposed consulting rooms being unfamiliar with the Suburb and the increase in risk associated with drivers performing U-Turns around the traffic lights.</p> <p>It would also definitely increase the traffic in Downey drive as the only way to get to 89 Manning road from a Westerly direction is via Leys St and Downey Drive (see Attachment 1). Downey Drive has many children and this would definitely increase their risk. See attachment 1.</p>	<p>A referral made to DPI's - Urban Transport Systems team received a response which expressed no concern in regard to a likely result of increased vehicle movements as long as cars enter Manning Rd in forward motion.</p> <p><b>The comment is NOT UPHELD</b></p> <p>Outward traffic flow is in the opposite direction to the footpath. This is not relevant. Visual truncations on either side of the driveway will be provided where the driveway meets the street alignment. This will adequately address the concerns when vehicles are exiting the property to enter Manning Road.</p> <p><b>The comment is NOT UPHELD</b></p> <p>Drivers should be aware that U-turns are illegal at traffic lights. Amended plans submitted by the applicant include on-site signage near the front boundary of the lot, designed specifically to make it easier for west bound traffic along Manning Road to see the location of the business and associated parking entry.</p> <p><b>The comment is NOTED</b></p> <p>A referral made to DPI's - Urban Transport Systems team received a response which expressed no concern in regard to a likely result of increased vehicle movements. Especially considering there is only 1 consultant proposed.</p> <p><b>The comment is NOT UPHELD</b></p>
<p>Please be mindful of the flawed consultation process that has occurred due to the key facilitators in the process not being available.</p>	<p>The submitters who first authored this point were later given the chance to see the plans and meet with the assessing planning officer to discuss and if they wished, submit another set of written comments prior to determination. This offer was declined.</p> <p><b>The comment is NOT UPHELD</b></p>

(c) **Other City Departments - Health**

Comments have also been invited from the City's Environmental Health department.

The comments relate to bins, general noise, and sanitary conveniences and state as follows:

- (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 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 City's Environmental Health department has provided the following comments in relation to specific concerns received from consulted neighbouring submitters regarding noise and pollution emission impacts from the site's potentially increased vehicle movements:

- (iv) *The likelihood of emitted noise from vehicles entering and exiting the carpark and driven in a normal manner within a confined and restricted area would not exceed the assigned levels of the Environmental Protection (Noise) Regulations 1997 and would most certainly not exceed the noise levels of passing vehicles from Manning Road. The perceived noise may be further contained if a masonry boundary wall to a height of 1.8 metres be provided on the side and rear boundaries to the property.*
- (v) *Exhaust fumes from the vehicles entering and exiting the car park would not significantly impact on the neighbouring properties, over and above those emissions already being released into the atmosphere from passing traffic on Manning Road.*

**Policy and Legislative Implications**

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

**Financial Implications**

The issue has a no impact on this particular area.

**Strategic Implications**

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

**Sustainability Implications**

Noting that the existing building is being utilised for the proposed development by carrying out internal modifications and the proposal has been assessed to meet with the relevant amenity tests, the proposal is seen to be sufficiently sustainable.

**Conclusion**

The proposed change of use which includes a variation from the prescribed minimum site area will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives and other specific requirements. The applicant has provided amended plans which include sufficient "after hours" security measures to address the concerns of objecting neighbours, including a spiked security fence and sensor security lighting. A sign is also now included within the application to ensure clients can enter the site in a safe manner from Manning Road. Provided that standard conditions are applied as recommended, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION ITEM 10.3.4**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from Residential to Consulting Rooms on Lot 397 (No. 89) Manning Road, Manning **be approved**, subject to:

**(a) Standard Conditions**

- 660 Expiration of approval
- 625 Sightlines for drivers
- 456 Fencing

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

**(b) Specific Conditions**

- (i) A maximum number of one practitioner shall consult from the premises along with one reception staff;
- (ii) The hours of operation being limited to 7:00 am to 7:00 pm Monday to Friday and 8:00 am to 5 pm on Saturdays;
- (iii) A separate application being lodged for any signage with full details and plans of the signage being proposed.
- (iv) The land owner agrees that any compensation for loss of revenue arising from the change of use from residential to business purposes will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.”
- (v) End of trip facilities for cyclists shall be provided for the use of staff. The design and location of those facilities shall be to the satisfaction of the City and the facilities shall consist of one secure clothes locker.
- (vi) The landowner must construct at their cost a 1.8m high brick or masonry fence along all side and rear lot boundaries except forward of the building line. Any fencing forward of the building line shall not exceed 1.2 metres in height unless ‘visually permeable’. The fence height at any point shall be measured from the natural ground level of the higher side.

**(c) Standard Advice Notes**

- 648 Building licence required
- 649 Planning consent is not a Signs License
- 651 Appeal rights- SAT
- 646 Landscaping- general
- 649A Minor variations- seek approval

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

**(d) Specific Advice Notes**

- (i) It is the applicant’s responsibility to liaise with the City’s Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times; and
- (iii) The applicant is advised that a Building License is required for any internal modifications.
- (iv) All stormwater from the car park and adjacent development is to be collected and disposed on site through an appropriate drainage system.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.4. The officer recommendation Lapsed. LAPSED

MOTION

Moved Cr Cala, Sec Cr Trent

That the officer recommendation be amended by the deletion of Specific Condition (b)(vi):

- (vi) *The landowner must construct at their cost a 1.8m high brick or masonry fence along all side and rear lot boundaries except forward of the building line. Any fencing forward of the building line shall not exceed 1.2 metres in height unless 'visually permeable'. The fence height at any point shall be measured from the natural ground level of the higher side.*

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- purpose of the proposed wall is essentially a sound buffer
- cannot see this as an issue taking into account nature of use
- support deletion of specific condition (b)(vi) for 1.8m high brick /masonry fence

Cr Trent for the Motion

- objections reported to Ward Councillor relate to proposed change of use not noise
- applicant is going to be a single operator
- do not see a need to change fence to that existing
- support the Motion

Cr Grayden point of clarification - is the condition justified or not? The Acting Director Development Services said that clearly the officers consider the condition is justified for reasons of providing a noise barrier between non-residential / residential use for benefit of neighbours.

Cr Grayden against the Motion

- making a decision based on what we 'think' might not be a problem
- believe preferable to consider that condition (b)(vi) separately at a later time
- against the Motion

Cr Smith for the Motion

- if there is a noise complaint it does not hinge on ability of wall to buffer noise
- one main feature of all noise complaints is concurrent noise by positioning of property
- look at proximity of site to Manning Road and Curtin - any noise will be insignificant
- support the Motion

Cr Ozsdolay point of clarification - if the fence is not 1.8m high currently and not in good repair, does it then become a dispute between neighbours or does the City have more power? The Acting Director Development Services said that the standard practice for a new building development or a change of use is to apply a condition calling for replacement fences. It may be preferable to modify condition (b)(vi) calling for replacement with another fibre cement fence if the existing fencing is not in good condition.

The Mayor asked the Mover of the Motion if he would consider this modification. Cr Cala responded no, as it was irrelevant to the issue.



Cr Cala closing for the Motion

- the particular locality of proposal is a noise issue in itself
- any noise complaint in this particular area would be more from Manning Road
- support Motion

**COUNCIL DECISION ITEM 10.3.4**

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 a change of use from Residential to Consulting Rooms on Lot 397 (No. 89) Manning Road, Manning **be approved**, subject to:

**(a) Standard Conditions**

- 660 Expiration of approval
- 625 Sightlines for drivers
- 456 Fencing

**(b) Specific Conditions**

- (i) A maximum number of one practitioner shall consult from the premises along with one reception staff;
- (ii) The hours of operation being limited to 7:00 am to 7:00 pm Monday to Friday and 8:00 am to 5 pm on Saturdays;
- (iii) A separate application being lodged for any signage with full details and plans of the signage being proposed.
- (iv) The land owner agrees that any compensation for loss of revenue arising from the change of use from residential to business purposes will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.”
- (v) End of trip facilities for cyclists shall be provided for the use of staff. The design and location of those facilities shall be to the satisfaction of the City and the facilities shall consist of one secure clothes locker.

**(c) Standard Advice Notes**

- 648 Building licence required
- 649 Planning consent is not a Signs License
- 651 Appeal rights- SAT
- 646 Landscaping- general
- 649A Minor variations- seek approval

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

**(d) Specific Advice Notes**

- (i) It is the applicant’s responsibility to liaise with the City’s Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times; and
- (iii) The applicant is advised that a Building License is required for any internal modifications.
- (iv) All stormwater from the car park and adjacent development is to be collected and disposed on site through an appropriate drainage system.

CARRIED (11/2)

Reason for Change

Council were of the opinion the purpose of the proposed wall is essentially a sound buffer and that taking into account the nature of the ‘change of use’ and the locality of the site to Manning Road, supported the deletion of specific condition (b)(vi) for 1.8m high brick /masonry fence.

**Note:** Cr Hearne left the Council Chamber at 8.44pm and returned at 8.45pm

**10.3.5 Application for Planning Approval for Proposed 5 Multiple Dwellings within a 4-Storey Building (plus Terrace). Lot 5 (No. 47) South Perth Esplanade, South Perth**

Location: Lot 5 (No. 47) South Perth Esplanade, South Perth  
 Applicant: McDonald Jones Architects P/L  
 Lodgement Date: 29 April 2009  
 File Ref: 11.2009.147 SO1/47  
 Date: 13 July 2009  
 Author: Matt Stuart, Senior Statutory Planning Officer  
 Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

To consider an application for planning approval for proposed 5 x Multiple Dwellings within a 4-Storey Building (plus terrace) on Lot 5 (No. 47) South Perth Esplanade, South Perth. The proposal complies with the City's Town Planning Scheme No. 6, the 2008 R-Codes and City policies, except for the boundary wall policy which requires:

2. *...proposed boundary walls situated adjacent to an outdoor living area... be no higher than 2.7 metres measured above the finished ground level on the adjoining lot.*

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Setbacks	R-Code Performance Criteria 6.3.1 P1

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

**Background**

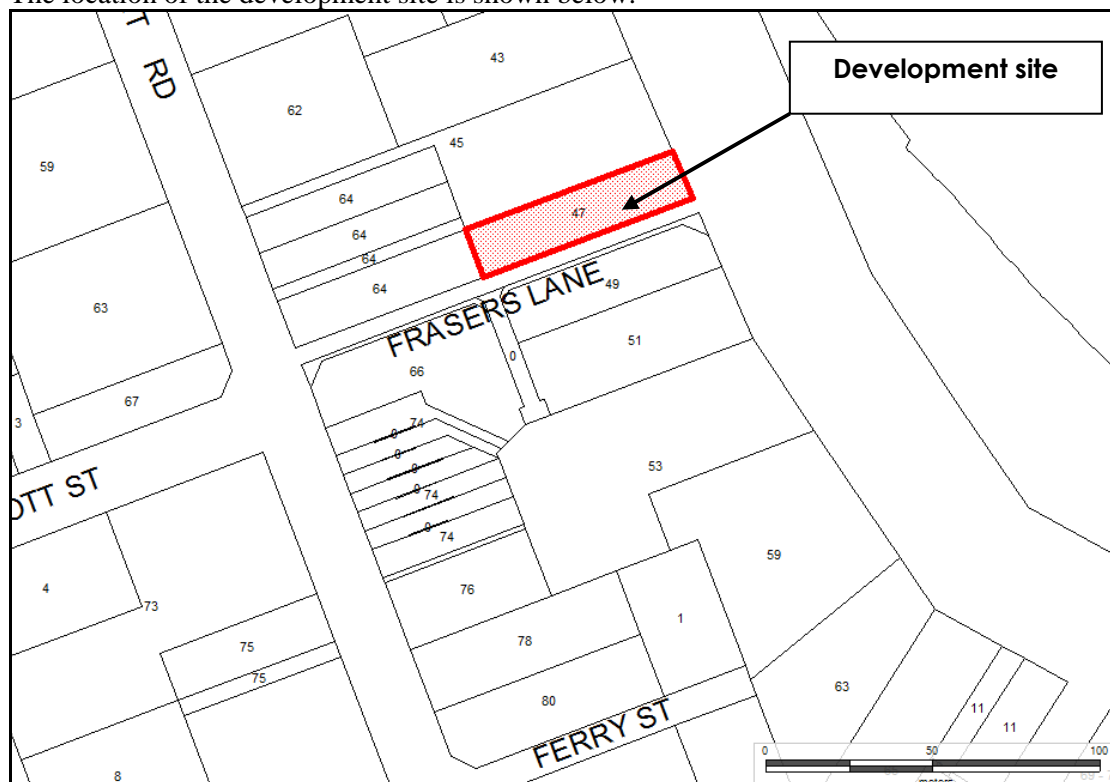
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R80
<b>Lot area</b>	1,012 sq. metres
<b>Building height limit</b>	13.0 metres
<b>Development potential</b>	8 Multiple Dwellings
<b>Plot ratio limit</b>	1.0

This report includes the following attachments:

- **Confidential Attachment 10.3.5(a)** Plans of the proposal
- **Attachment 10.3.5(b)** Site photographs

The location of the development site is shown below:



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

**2. Large scale development proposals**

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

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

Based on the ground level reference point selected, the wall height of the proposed building is 13.0 metres.

**Comment**

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

The subject site is on the north-west corner of South Perth Esplanade and Frasers Lane. It is located adjacent to a non-residential property (Legacy House) to the west and a 5-storey Multiple Dwelling development to the north. The site photographs in **Attachment 10.3.5(b)** show the relationship of the site to the surrounding development.

**(b) Existing Development on the Subject Site**

The existing development on the subject site is a Single House, as depicted in the site photographs in **Attachment 10.3.5(b)**.

(c) **Description of the Proposal**

The proposal involves the construction of a 4-storey building (plus terrace) with 5 Multiple Dwellings, as depicted in the submitted plans comprising of *Confidential Attachment 10.3.5(a)*.

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

(i) P350.2 (Residential Boundary Wall).

In terms of the number of dwellings, the applicant is not intending to develop the site to the maximum potential. The maximum permissible number is 8 dwellings, whereas only 5 dwellings are proposed, equivalent to R50 density coding. The operative density coding of the site is R80.

(d) **Boundary Wall- north**

Under Council Policy P350.2 (Residential Boundary Walls), the maximum permitted height of a boundary (parapet) wall adjacent to a neighbouring Outdoor Living Area, is 2.7 metres above the neighbour's ground level, whereas the proposed wall height is 2.6-2.9 metres. Therefore, the proposed development does not comply with Policy P350.2.

In addition, the boundary wall will have an adverse effect on neighbouring amenity, having regard to the impact of bulk on the adjoining Outdoor Living Areas. This is a further conflict with Policy P350.2.

Accordingly, a condition is recommended to reduce the height of the boundary wall to 2.7 metres, and thereby rectify this conflict.

(e) **Boundary Wall- west**

Under Council Policy P350.2, the required minimum street setback for boundary walls is 6.0 metres, whereas the proposed wall setback is 5.5 metres from Frasers Lane. Therefore, the proposed development does not comply with Policy P350.2.

However, the wall will not have an adverse effect on amenity, having regard to the existing streetscape character, noting that the adjoining lot is a non-residential property (Legacy House). Therefore it is recommended that this wall be approved.

(f) **Wall Setback- north**

Many of the wall setbacks to the northern boundary do not comply with the Acceptable Development standards of the R-Codes. Accordingly, an assessment under the Performance Criteria is required for the following northern setbacks:

- Level 1: Bulk of building setback 5.7 metres in lieu of 6.6 metres;
- Level 2: Bulk of building setback 5.7 metres in lieu of 8.6 metres;
- Level 2: Ensuite setback 1.5 metres in lieu of 1.8 metres;
- Level 3: Terrace setback 2.1 metres in lieu of 3.3 metres;
- Level 3: Kitchen - Dining setback 2.1 metres in lieu of 3.5 metres;
- Level 3: Bulk of building setback 3.5 metres in lieu of 11.1 metres;
- Level Terrace: Stairs setback 1.8 metres in lieu of 2.5 metres; and
- Level Terrace: BBQ setback 5.2 metres in lieu of 6.6 metres.

The Applicant has successfully satisfied 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 existing streetscape character; and
- Visual privacy is not an issue.

Although proposed wall setbacks do not meet the Acceptable Development standards, this is very common for medium to high-rise buildings in the Mill Point precinct of South Perth. This style of streetscape includes the residential buildings in the immediate area, which creates an established high-rise character.

The proposed building design accommodates the existing streetscape character, and on this basis the design is supported. In assessing the wall setback issues, it is considered that the proposal complies with the Performance Criteria, which is supported by the City.

**(g) Wall Setback- south**

Many of the wall setbacks to the northern boundary do not comply with the Acceptable Development standards of the R-Codes, which Table 1 directs to Tables 2a and 2b. Accordingly, an assessment under the Performance Criteria is required for the following northern setbacks:

- Level 1: Bed2 & Bed3 & Gym setback 3.2 metres in lieu of 3.5 metres;
- Level 2: Bed2 & Bed3 setback 3.2 metres in lieu of 5.1 metres;
- Level 2: Kitchen setback 3.7 metres in lieu of 5.1 metres;
- Level 2: Living setback 4.0 metres in lieu of 5.1 metres;
- Level 3: Kitchen setback 3.7 metres in lieu of 7.0 metres;
- Level 3: Living setback 4.0 metres in lieu of 7.0 metres; and
- Level 3: Bulk of building setback 5.5 metres in lieu of 7.0 metres.

The Applicant has successfully satisfied the Performance Criteria 6.3.1 P1 of the R-Codes, as outlined in the “Design Advisory Consultants’ Comments” and 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 existing streetscape character; and
- Visual privacy is not an issue.

Although proposed wall setbacks do not meet the Acceptable Development standards, this is very common for medium to high-rise buildings in the Mill Point precinct of South Perth. This style of streetscape includes the residential buildings in the immediate area, which creates an established high-rise character.

Furthermore, Frasers Lane is a public street with a reserve only 6.5 metres wide, which has the character of a Right Of Way (ROW), and not a Local Street. Accordingly, the established character of this street and ROW’s generally is a narrow carriageway with small-to-nil building setbacks.

The proposed building design accommodates the existing streetscape character, and on this basis the design is supported. In assessing the wall setback issues, it is considered that the proposal complies with the Performance Criteria, which is supported by the City.

**(h) Plot Ratio**

The maximum permissible plot ratio is 1.0 (1,012m<sup>2</sup>), and the proposed plot ratio is 1.0 (1,012m<sup>2</sup>). Therefore the proposed development complies with the plot ratio element of the R-Codes.

**(i) Open Space**

The required minimum open space is 60 percent (607m<sup>2</sup>), whereas the proposed open space is 60 percent (607m<sup>2</sup>), therefore, the proposed development complies with the open space element of the R-Codes.

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

The required minimum finished *ground* level permitted is 1.7 metres above AHD. The proposed finished ground level is 1.7m above AHD. Therefore, the proposed development complies with clause 6.9.1 "Minimum Ground and Floor Levels" of TPS6.

The minimum finished *non-habitable rooms and car parking* floor level permitted is 1.75 metres above AHD. The proposed finished floor level is 1.75m above AHD. Therefore, the proposed development complies with clause 6.9.2 "Minimum Ground and Floor Levels" of TPS6.

The minimum finished *habitable room floor* permitted is 2.3 metres above AHD. The proposed finished floor level is 2.3m above AHD. Therefore, the proposed development complies with clause 6.9.2 "Minimum Ground and Floor Levels" of TPS6.

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

The maximum finished *ground* level permitted is 1.7 metres AHD, and the proposed finished ground level is 1.7 metres. Therefore, the proposed development complies with clause 6.10.3 "Maximum Ground and Floor Levels" of TPS6.

The maximum finished *floor* level permitted is 2.3 metres AHD, and the proposed finished floor level is 2.3 metres. Therefore, the proposed development complies with clause 6.10.1 "Maximum Ground and Floor Levels" of TPS6.

**(l) Street Setback**

The prescribed minimum street setback is 12.0 metres for buildings and 10.0 metres for balconies. The proposed setbacks are 12.0 metres and 10.0 metres respectively. Therefore the proposed development complies with Table 2 of TPS6.

**(m) Building Height**

The maximum permissible building height is 13.0 metres; and the proposed building height is 13.0 metres. Therefore, the proposed development complies with Clause 6.2 "Building Height Limit" of TPS6.

**(n) Visual Privacy Setbacks**

The required visual privacy setback for the northern balconies and terrace to the north is 7.5 metres, whereas the proposed visual setbacks are less than 7.5 metres. However, the proposed design features fixed louvers oriented away from the neighbouring Major Openings, and towards the Perth City skyline. Therefore the proposed development complies with the visual privacy element of the R-Codes.

**(o) Solar Access for Adjoining Sites**

As there are no adjoining lots to the south (and technically no overshadowing of residential properties), the proposal complies with the R-Codes in this respect.

**(p) Car Parking**

The required number of car bays is 5; whereas the proposed number of car bays is 9. Therefore the proposed development complies with the car parking requirement of the R-Codes.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (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 Town Planning Scheme No. 6**

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

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

The proposed development is considered satisfactory in relation to all of these matters.

### **Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held in May 2009. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:



MINUTES: ORDINARY COUNCIL MEETING: 28 JULY 2009

DAC Comments	Project Architect Responses	Officer's Comments
<p>The Architects observed that the elevations were ordinary, hence harmless to the streetscape character.</p>	<p>No comment.</p>	<p>Supports setback variations (see Wall Setback sections )  The comment is <b>UPHELD.</b></p>
<p>Having regard to the setback requirements prescribed by the R-Codes, and the views from the property at No. 49 South Perth Esplanade, increased setbacks from the secondary street (Fraser Lane) will be required. The long wall along the secondary street should be broken up by inserting indentations in the length.</p> <p>Setbacks of the recent development at No. 49 South Perth Esplanade should give a fairly good idea of acceptable setback distances. The manner in which this existing development curves around the street corner, a similar open character for the proposed building will be desirable.</p>	<p>The site currently has an 1800 high face brick fence squared off to the current property boundary. The proposal gives an 8.5m truncation at ground level which would significantly 'open up' visually the pedestrian and vehicular approach to Fraser Lane.</p> <p>No objections were received by the adjoining neighbours at No. 49 on the opposite corner of Fraser Lane and in fact a letter of support has been submitted from an owner in No. 49.</p> <p>Both No. 49 &amp; 47 buildings are of a design to logically capture the northern orientation and the view to Perth City and Kings Park.</p> <p>The Fraser Lane facade has several areas set back including 4.0m at the entrance and 3.0m at the dining and 5.5m to the visitor car bay.</p> <p>We have endeavoured to be realistic in terms of overall planning to accommodate both the Fraser Lane streetscape and the neighbouring building to the north. Fraser Lane is not a major thoroughfare, it is for the most part, a connection to the river from Mill Point Road.</p>	<p>Supports setback variations (see Wall Setback sections )  The comment is <b>UPHELD.</b></p>
<p>Visitor's parking bay requirements for 4 or less multiple dwellings to be checked by the Assessing Officer as per the R-Codes.</p>	<p>No comment.</p>	<p>Visitor bay not required but provided for amenity reasons, without request. The comment is <b>NOTED.</b></p>

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at No. 45 South Perth Esplanade and No. 64 Mill Point Road were invited to inspect the application and to submit comments during a 14-day period. A total of 12 neighbour consultation notices were mailed to individual property owners and strata bodies / occupiers. During the advertising period, no submissions were received.

**(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. His comments are as follows:

**(i) Boundary Level**

The footpath along the South Perth Esplanade has been progressively raised to complement new development and to more closely relate to the level requirements specified in TPS6 for unpaved areas. Engineering Infrastructure will establish the boundary level typically to maintain the existing path level in front of #45 South Perth Esplanade for much of the frontage with a transition to the top of the kerb at Frasers Lane.

**(ii) Stormwater Drainage**

Drainage to be in accordance with Policy P415 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M415.

The development falls within the Mill Point Drainage Precinct where the following applies:

- Stormwater reuse is encouraged;
- Soak well discharge is not an option; and
- A Private Drainage Connection to the street system subject to the following will be accepted.

The discharge from the site as defined in the Application for Private Drainage Connection (PDC) is the amount of overland flow that would have resulted from the site in an undeveloped form i.e. expected to be approximately 10% runoff. The drainage requirements will be determined by a Hydraulics Engineer or similar. The expected discharge rate to the street system will be less than 3 litres per second. An application for a PDC along with the design calculations is to be submitted to Engineering Infrastructure for approval prior to installation. It should be noted that approval of the PDC is conditional on the owner accepting all of the conditions attached to the application including ensuring future owners are informed of the conditions relating to the PDC.

The Private Drainage Connection will comprise a silt trap at the boundary and a connection to the street system. Sufficient storage is required on site to cater for the 1 : 10 year (minimum) storm event with the controlled discharge. As the expected flow from the site can be accommodated in a 50mm diameter pipe at minimum grade there is little likelihood of a 225mm diameter pipe being acceptable without some limiting device. An "orifice plate" can be fixed to a larger diameter pipe to control flow to the prescribed amount.

**(iii) Crossing**

Concrete is the standard material in use for all crossings. The footpath is to be continuous through the crossing. The standard crossing as depicted on South Perth SP30 is inappropriate for this location. The alternate form will accommodate the full width path section without creating a hazard to pedestrians. Essentially the kerbing and adjacent path will transition down to the crossing such that at no stage does the slope of the path exceed 1:8. Prior to constructing the crossing the Builder is to contact Engineering Infrastructure for full details of the proposed crossing.

**(iv) Dewatering Management Plan**

Should dewatering be required for the placement of footings or on-site storage tanks then the Applicant will prepare a Management Plan that addresses both the environmental aspects as well as the physical activities of the dewatering operations. The Management Plan is required as part of a Planning Approval if groundwater is to be pumped, via the City's drainage system, into the Swan River as part of the dewatering operation. The Swan River Trust has set guidelines for the quality of water being discharged to the River.

The Dewatering Management Plan would be prepared by a suitably qualified Environmental Consultant who will:

- undertake water testing to ensure the samples satisfy all the criteria;
- commit to a monitoring regime during dewatering to ensure water quality of discharge does not deteriorate; and
- outline a recovery plan should the dewatering operations result in a loss of water quality.

As the downstream outfall to the River is controlled by stormwater pumps a dewatering contractor will be required to ensure that the rate of discharge from the system does not exceed the rated capacity for continuous pumping by the "small jockey pump" forming part of the pumping station. The capacity of the jockey unit is nominally 10 litres per second. The options available include

- On site storage to maintain flow at the lower level; or
- The removal of the existing "low flow jockey" pump and the installation of a replacement pump (with the combined capacity of the upstream dewatering pump and the former jockey pump) into the pumping station to maintain the higher discharge; or
- The placement of a stand alone unit with direct discharge to the River conditional on approval being obtained from the Swan River Trust.

**(v) General**

Authority to store Building Materials on the Verge is unlikely to be approved for this location due to narrow frontage the South Perth Esplanade and the absence of any verge in Frasers Lane. Should authority be given to store new building materials on the limited available verge it would only extend to the storage of new materials of a size that would be contained wholly within the defined enclosure. Site sheds, portable toilets and waste material must be stored on site and not on the verge.

The City will require a Traffic Management Plan be prepared for all works occurring within the street system. The works will also include loading and unloading of materials. The Traffic Management Plan will comply with the Main Roads Code of Practice for Works in the Street. Works on the street will be restricted to certain hours of the day. The Traffic Management Plan will set the hours of street work.

As noted on the Architects Plans the existing concrete crossing off the South Perth Esplanade is to be removed. The City will require the area to be restored as turf.

Landscaping and all required verge works will be advised by City Environment.

Accordingly, conditions of the planning approval and 'Important Notes' are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

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

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

#### **Financial Implications**

The determination has no financial implications.

#### **Strategic Implications**

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

#### **Sustainability Implications**

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

#### **Conclusion**

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions. Provided that a boundary wall condition is applied as recommended, it is considered that the application should be conditionally approved.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5</b>
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 5 x Multiple Dwellings within a 4-Storey Building (plus terrace) on Lot 5 (No. 47) South Perth Esplanade, South Perth, **be approved** subject to:

(a) **Standard Conditions / Reasons**

615	screening to be provided	625	sightlines for drivers
616	screening to be permanent	455	dividing fence standards
390	crossover standards	550	plumbing hidden
393	verge & kerbing works	508	landscaping approved & completed
340	parapet walls- finish of surface	427	colours & materials- details
470	retraining walls- if required	664	inspection (final) required
471	retaining walls- timing	660	expiration of approval

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

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (A) The northern boundary wall is to be amended to no greater than 2.7-metres above the neighbour's ground levels.

(c) **Standard Advice Notes**

648	building licence required	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT

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

The Applicant is advised that the following works are to be carried out on site within 28 days from the date of issue of this planning refusal, failing which the City will take necessary actions:

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

**CARRIED EN BLOC RESOLUTION**

**10.3.6 Proposed 3 Multiple Dwellings in a 4-Storey Building (plus Terrace). Lot 19 (No. 26) Banksia Terrace Street, South Perth**

Location: Lot 19 (No. 26) Banksia Terrace, South Perth  
 Applicants: Mike Taddei, Ken Adam, Steve Allarding & Associates  
 Lodgement Date: 12 May 2009  
 File Ref: 11.2009.162 / BA2/26  
 Date: 13 July 2009  
 Author: Matt Stuart, Senior Statutory Planning Officer  
 Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

To consider an application for planning approval for 3 Multiple Dwellings in a 4-storey building (plus terrace) on Lot 19 (No. 26) Banksia Terrace, South Perth. The proposal conflicts with clauses and elements within the City's Town Planning Scheme No. 6, the 2008 R-Codes and City policies, specifically:

- TPS6 clause 1.6.2 (Scheme Objectives);
- TPS6 clause 7.5 (Matters to be Considered by Council);
- R-Codes element 6.4.1 (Open space);
- Council Policy P350.1 (Sustainable Design);
- R-Codes Element 6.3.1 (Buildings set back from the boundary);
- Council Policy P350.3.6(b) (Car Parking Access, Siting, and Design); and
- R-Codes Element 6.8.1 (Visual privacy).

Furthermore, a previous similar proposal for the same site was the subject of an unsuccessful appeal to the State Administrative Tribunal, and the current proposal does not adequately address all of the SAT's reasons for dismissal of the previous appeal.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	TPS6 Clause 7.5(n)
Open space	R-Code Performance Criteria 6.4.1
Wall setbacks	R-Code Performance Criteria 6.3.1 P1
Visual privacy	R-Code Performance Criteria 6.8.1 P1
'D' (discretionary) land use	TPS6 Table 1

It is recommended that the proposal be refused.

**Background**

The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	516 sq. metres
Building height limit	10.5 metres
Development potential	4 Dwellings
Plot ratio	1.0 (Residential Development)

This report includes the following attachments:

- **Confidential Attachment 10.3.6(a)** Plans of the proposal
- **Attachment 10.3.6(b)** Site photographs
- **Attachment 10.3.6(c)** Previous SAT determination for same site

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.*

Based on the ground level reference point selected, the wall height of the proposed building is 10.5 metres.

**3. The exercise of a discretionary power**

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

**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.*

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

**Comment**

**(a) Background**

In April 2008, the City received a pre-lodgement application for 3 Multiple Dwellings and an Office in a 4-storey building (plus terrace) for Lot 19 (No. 26) Banksia Terrace, South Perth (the site).

In May 2008, before preliminary advice was provided on the pre-lodgement application, the City received a development application for the same proposed development on the site (Ref: 11.2008.222).

In August 2008, the Applicant appealed against the “deemed refusal” of the development application (90-days without a determination), to the State Administrative Tribunal (SAT), on the grounds that:

- “(The) Respondent has failed to determine the application within 60 days of application date.
- (The) Proposed development complies with the relevant planning provisions.”

In September 2008, the City refused the application on multiple grounds, under delegated authority from the Council.

In December 2008 and January 2009, the SAT hearing was held (*Miktad Holdings Pty Ltd and City of South Perth [2009] WASAT 77*), which subsequently resulted in the SAT Member dismissing the appeal in April 2009. The grounds for the dismissal are summarised as follows:

- The proposed development is not sufficiently sensitive in regards to a “transitional and sensitive design” at the juncture between high-density and low-density development;
- The proposed variation of plot ratio would be unacceptable, create an unintended use and not be consistent with orderly and proper planning;
- The bulk and scale of the building on the streetscape could not be supported; and
- The impact on the streetscape generally could not be supported due to the bulk and scale of the building, side-to-side boundary walls, and the substantial/dominating boundary wall abutting No. 24 Banksia Terrace.

In May 2009, the City received a fresh development application for 3 Multiple Dwellings in a 4-storey building (plus terrace) at the site. The major differences between the latest proposed development and the previous proposal are:

- The proposed “Office” land use on the ground floor was amended to a communal gymnasium, ancillary to the Multiple Dwellings;
- The 5.5 metre high parapet wall abutting No. 24 Banksia Terrace was amended to 2.0 metre high parapet wall (with the remainder of the wall set back 1.0 metre);
- The height of the uppermost walls of the building was reduced by 690-millimetres; and
- Other amendments of minor significance.

The effect of the changes was:

- Converting the proposal from a “Non-Residential” (mixed) development to a “Residential” development (as defined by TPS6) to be afforded a different plot ratio limit;
- Using the internal-amenity safeguard mechanism of communal floorspace (which is not included in plot ratio calculation) to the gymnasium, rather than producing a modified design which is compatible with the streetscape, or reducing the impact of bulk and scale on the neighbours and streetscape, to any significant degree;
- Successfully reducing the impact of the northern parapet wall on the adjoining neighbour; and
- Other effects of minor significance.



While changes have been made to the design as outlined above, the fundamental form of the building has not changed significantly. Therefore there will be almost the same impact on the streetscape, as for the previous proposal. As the City and the SAT previously refused the proposed building design on the grounds that it will have unacceptable impacts upon the neighbours and the streetscape generally, it is considered that a building with virtually the same impacts should equally be refused, even if it were to comply in relation to plot ratio.

With only minor adjustment, the proposal could be brought into compliance with the maximum permissible plot ratio of 1.0. However, regardless of plot ratio compliance, it is considered that the proposed building still does not overcome the following concerns expressed by the SAT when dismissing the appeal:

- The proposed development is not sufficiently sensitive in regards to a “transitional and sensitive design” at the juncture between high-density and low-density development;
- The bulk and scale of the building on the streetscape could not be supported; and
- Impact on the streetscape generally could not be supported due to the bulk and scale of the building and side-to-side boundary walls.

In addition, the conversion of the proposed building to a “Residential” land use now requires the consideration of residential planning controls in TPS6, the R-Codes and local Planning Policies. These residential-specific controls and the SAT’s concerns referred to above are discussed below.

**(b) Description of the Surrounding Locality**

The subject site has a frontage on Banksia Terrace to the north, and is situated adjacent to Hillcrest Apartments to the east, a Single House to the south and a Single House to the west. The site photographs of **Attachment 10.3.6(a)** show subject site in relation to neighbouring land uses.

It should also be noted that the site is zoned ‘Highway Commercial’ of R80 (high) density, with the same to the east; but is adjacent to ‘Residential’ zoned properties of R15 (low) density to the south and the west.

**(c) Existing Development on the Subject Site**

The subject site is currently developed with a disused, non-residential building (also known as the old TAB site), as depicted in the site photographs at **Attachment 10.3.6(b)**.

**(d) Description of the Proposal**

The proposal involves the construction of 3 Multiple Dwellings in a 4-storey building (plus terrace), as depicted in the submitted plans at **Confidential Attachment 10.3.6(a)**.

The proposed development does not satisfy the following requirements:

- (i) TPS6 clause 1.6.2 (Scheme Objectives);
- (ii) TPS6 clause 7.5 (Other Matters to be Considered by Council);
- (iii) R-Codes element 6.4.1 (Open space);
- (iv) Council Policy P350.1 (Sustainable Design);
- (v) R-Codes Element 6.3.1 (Buildings set back from the boundary);
- (vi) Council Policy P350.3.6 (b); and
- (vii) R-Codes Element 6.8.1 (Visual privacy).

(e) **Impacts of Bulk and Scale, Compatibility with the Streetscape**

Both the determining and reviewing bodies (the City and the SAT) examined the previous design in great detail over many months. The Applicant was afforded a vigorous defence at the time, however both bodies came to the conclusion that the design will have unacceptable impacts upon the neighbours and the streetscape within the Banksia Terrace focus area.

With respect to the impacts of bulk, scale and compatibility with the streetscape, the latest planning application (Ref: 11.2009.162) only differs from the refused application in the following respects:

- The proposed “Office” land use on the ground floor was amended to a communal gymnasium, ancillary to the Multiple Dwellings (no reduction of bulk and scale);
- The 5.5 metre high parapet wall abutting No. 24 Banksia Terrace was amended to a 2.0 metre high parapet wall (with the remainder of the wall set back 1.0 metre); and
- The height of the uppermost walls of the building was reduced by 690 millimetres.

The limited effect of these changes is referred to in Part (a) (Background) above. The impacts of the current design are overwhelmingly similar to the impacts of the previous design that was refused by the City, with the appeal against that decision dismissed by the SAT.

Accordingly, where it has already been established that the amenity impacts of the built outcome are unacceptable, which is a *primary issue*, compliance with plot ratio in the case of the current application should properly be treated as a *secondary issue*.

Other primary issues of concern in relation to the current design are summarised as follows:

- (SAT) The proposed development is not sufficiently sensitive in regards to a “transitional and sensitive design” at the juncture between high-density and low-density development;
- (SAT) The impact on the streetscape generally could not be supported due to the bulk and scale of the building and side-to-side boundary walls;
- (TPS6) Clause 1.6.2 (Scheme Objectives);
- (TPS6) Clause 7.5 (Matters to be Considered by Council);
- (Policy) P370 (General Design Guidelines for Residential Development);
- (Policy) P355 (Consultation for Planning Proposals) Submissions from neighbouring objectors who attest to the unacceptable impacts upon them; and
- The disparity between the proposed plot ratio and the built plot ratio in Banksia Terrace.

In regards to Council Policy P370 (General Design Guidelines for Residential Development), any proposed development is required to demonstrate design compatibility with existing buildings within the focus area. Assessment of the proposal against stipulated criteria reveals that:

- (Clause 3) The ‘primary elements’ of rhythm, scale, form and shape have not been satisfied; and
- (Clause 6a) The proposed building bulk will have an overpowering effect on neighbours and the street.

Therefore it is considered that the proposed development does not comply with Council Policy P370.

The provisions of Clause 3 of Policy P370 have been strengthened by incorporating them into TPS6 (Clause 7.5(n) ).

To demonstrate the incompatibility with the streetscape, the built plot ratio of the subject site and neighbouring properties is provided in the table below.

Property Address	Plot Ratio
No. 71-75 Canning Highway, a.k.a No. 28 Banksia Terrace (adjoining - southeast)	0.87
No. 26 Banksia Terrace ( <b>the subject site</b> )	(proposed) 1.01
No. 24 Banksia Terrace (adjoining - northwest)	0.35
No. 25 Banksia Terrace (opposite - northeast)	0.46
Banksia Terrace (the remainder of the street - northwest)	less than 0.50
No. 61 Canning Highway (opposite - east)	1.40

It is noted that The Metro Hotel (No. 61 Canning Highway) has a considerable plot ratio of 1.4; however all of the floorspace is grouped towards Canning Highway, with a considerable buffer of 25-30 metres between that building and the low-density (R15) residential properties to the north-west. Conversely however, the proposed development on the subject site is:

- on the opposite side of the street;
- surrounded by buildings with lower plot ratios;
- surrounded by buildings with lower building heights (some considerably so); and
- surrounded by buildings without parapet walls, contrasting with the proposed parapet walls on all boundaries.

In conclusion, the City and the SAT have previously refused the building design on the grounds that it will be incompatible with the streetscape and have unacceptable impacts of bulk and scale upon the neighbours. It is therefore considered that a building with virtually the same impacts should equally be refused, despite the compliance (almost) with plot ratio on this occasion.

**(f) Plot Ratio**

The permissible residential plot ratio is 1.0 (516m<sup>2</sup>), whereas the proposed plot ratio is 1.013 (523m<sup>2</sup>). Therefore the proposed development does not comply with the plot ratio element of the R-Codes. However, the difference between the two figures is a modest 6.7 m<sup>2</sup> (due to a minor calculating error on behalf of the Applicant), which could be easily rectified by amended plans.

**(g) Open Space**

The required minimum open space is 60 percent of the site (310m<sup>2</sup>), whereas the proposed open space is 43.7 percent (225m<sup>2</sup>). Therefore, the proposed development does not comply with the open space element of the R-Codes.

**(h) Sustainable Design**

City Policy P350.1 (Sustainable Design) strongly encourages all proposed development to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. It is acknowledged that Policy P350.1 does not override other TPS6, R-Codes and Policy requirements.

In assessing the current proposal, it is noted that whilst overshadowing of the southern neighbour complies with Element 6.9.1 (Solar access for adjoining sites), this is only because the neighbouring site has a significant land area of 3,239 m<sup>2</sup>. Therefore the percentage of overshadowing (11 percent) is deemed acceptable, even though it is a considerable 359m<sup>2</sup> in area and will adversely affect the neighbouring properties in terms of access to natural light.

It is also noted that objections from neighbours have been received by the City (see 'Consultation' section), on the grounds of sustainability. Specifically the objections are that the neighbour's global footprint will be adversely affected due to the required artificial light and inability to maintain a garden on a lower balcony. Other objections relate to energy required for extra heating and cooling on neighbouring sites, which is a valid concern in relation to sustainability.

The proposed development fails to comply with a variety of development requirements, which would result in a building of less bulk and scale if the conflicts were rectified, thus achieving a more sustainable design. Therefore, the proposed development does not comply with Council Policy P350.1.

**(i) Wall Setback- northwest**

The previous application had virtually the same side wall setbacks, which were generally accepted by the SAT (except where adversely affecting the streetscape). However, the previous proposal was a non-residential mixed-use development, which did not require compliance with the wall setbacks listed in Tables 2a and 2b of the R-Codes.

Now that the proposal is a residential development, an assessment against Tables 2a and 2b is required. The wall setbacks have mixed degrees of compliance. The following walls are not in compliance with the Acceptable Development standards:

- Northwest (Ground level Bed2 - Room 'F') setback 1.5m in lieu of 2.6m;
- Northwest (Level 1 Bed2 - Bed3) setback 1.5m in lieu of 1.6m;
- Northwest (Level 2 Bulk) setback 4.8m in lieu of 5.7m;

The Applicant has not satisfied all of the Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- 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 an issue due to the adjoining structures being used for habitable (Lounge and Dining rooms);
- Visual privacy is an issue (see 'Visual Privacy Setbacks- east'); and
- Objecting comments from the neighbour (see 'Neighbour consultation').

In assessing the wall setback issues, it is concluded that the proposal does not comply with the Performance Criteria. Therefore the non-compliant setbacks are not supported by the City.

**(j) Wall Setback- southeast**

The previous application had virtually the same side wall setbacks, which were generally accepted by the SAT (except where adversely affecting the streetscape). However, the previous matter related to a non-residential mixed-use development, which did not require compliance with the wall setbacks listed in Tables 2a and 2b of the R-Codes.

Now that the proposal is for a residential development, an assessment of Tables 2a and 2b is required. The wall setbacks have mixed degrees of compliance. The following walls are not in compliance with the Acceptable Development standards:

- Southeast (Level 2 Lift - PDR) setback 4.2m in lieu of 5.3m; and
- Southeast (Level 2 Bed 1) setback 4.45m in lieu of 5.0m.

The Applicant has not satisfied all of the Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure may provide adequate sun and ventilation to the neighbouring property;
- Building bulk is an issue due to the adjoining structure being used for habitable purposes (Balconies and Habitable Rooms beyond);
- Visual privacy is not an issue; and
- Objecting comments from the neighbour (see neighbour consultation).

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

**(k) Visual Privacy Setbacks- east**

The required visual privacy setbacks for the balconies to Unit 2 and Unit 3 to the east are 7.5 metres, whereas the proposed visual setback is 2.5 metres. Therefore the proposed development does not comply with the visual privacy element of the R-Codes.

The Applicant has not satisfied the visual privacy Performance Criteria 6.8.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- Direct overlooking of active habitable spaces to the east (Balcony and Lounge room);
- Effective screening is not proposed; and
- Objecting comments from the neighbour (see neighbour consultation).

In assessing the visual privacy setback issues, it is concluded that the proposal does not comply with the Performance Criteria, and this aspect of the proposed development is not supported by the City.

Specifically, the balconies overlook the eastern neighbour's Active Habitable Spaces, which is a front balcony and Major Opening to the Living Room.

This matter could be resolved by the installation of permanent, effective screening. However the Applicant may not accept this situation, especially where prime views (Perth City Skyline and Swan River) will be curtailed.

**(l) Crossover**

The proposed crossover does not comply with Council Policy P350.3, Clause 6(b) (Car Parking Access, Siting, and Design), however this could be rectified by the Applicant submitting amended plans illustrating a 3.0 metre wide crossover to SP30 standards.

**(m) Street Setback & Boundary Wall- east**

The required average street setback is 4.0 metres. The proposed building setback is 4.0 metres or greater, except for the ground floor which has an average front setback of 2.96 metres. Therefore, the proposed development does not comply with Table 1 of the R-Codes.

However, in the SAT matter of *Miktad Holdings Pty Ltd and City of South Perth [2009] WASAT 77*, the “Reasons for Decision” document stated that the lack of setbacks to the front parapet wall was deemed acceptable due to neighbouring vegetation and solid front fences.

Due to the SAT ruling on this issue, this setback variation is not cited as a reason for refusal in the recommendation in this report.

(n) **Boundary Wall- south**

The required minimum front setback of boundary walls is 6.0 metres, whereas the proposed setback of the southern boundary wall is zero. Therefore, the proposed development does not comply with Council Planning Policy P370.2. However, it is considered that the wall is acceptable having regard to the following:

- It forming part of the main staircase;
- The height is a modest 0.2 - 0.7 metres;
- It only abutting a driveway and car parking facility; and
- It complies with the objective of the policy in terms of streetscape and neighbouring amenity.

In addition, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in Policy P370.2:

- The effect on the streetscape character;
- The outlook from the front of the adjoining dwelling or garden;
- No overshadow of adjoining habitable room windows or Outdoor Living Areas;
- No impact of bulk on adjoining Outdoor Living Areas.

Note: objecting comments from the neighbour (see “Neighbour Consultation” section).

(o) **Building Height**

The building height limit is 10.5 metres; the proposed building height is 10.5 metres. Therefore, the proposed development complies with Clause 6.2 "Maximum Building Height Limit" of the Town Planning Scheme No. 6.

In arriving at this conclusion, the ground level reference point has been calculated as per cl. 6.2.1(b)(ii) of TPS6, which states:

*“...in cases where the topography would, in the opinion of the Council, cause the height of the building to be in conflict with the objectives of any planning policy relating to the design of residential buildings as referred to in clause 4.5, the Council shall determine the point at ground level from which the height shall be measured.”*

The above method was also used by the SAT in *Canning Mews Pty Ltd and City of South Perth [2005] WASAT 272*, and found to be appropriate.

The City has determined that, as the lot is heavily sloping and elongated, to determine an appropriate ground level reference point, a six-point average should be used. This results in a zero-point of 16.947m above AHD.

Upon request from the City, the Applicant has amended the plans by reducing the wall height by 690-millimetres to comply with the new building height limit, bringing the wall height into conformity.

**(p) Visual Privacy Setbacks- other directions**

The required minimum visual privacy setbacks for directions other than the east side are 4.5 - 7.5 metres to Major Openings and Balconies respectively, whereas the proposed visual privacy setbacks are greater than that is required. Therefore in other directions, the proposed development complies with the visual privacy element of the R-Codes.

It is noted that some objecting comments from neighbours have been received (see neighbour consultation), however whilst the concerns have some logical merit, they do not have statutory support, and are accordingly not upheld.

**(q) Driveway Grades**

Due to the significant slope of the subject site, and the requirement for equal cutting and filling of the site, a significant grade is proposed for the driveways.

The standard permissible grade is no greater than 1:12 for the first 3.6 metres, then no greater than 1:8, whereas the proposed grade is 1:6. Therefore, the proposed development does not comply with clause 3.7(b) "Driveway gradient" of Council Policy P350.3.

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 grade complies with Policy P350.3.

**(r) Land Use**

The proposed land use of Multiple Dwelling is classified as a 'D' (Discretionary) use in Table 1 (Zoning - Land Use) of TPS6.

In considering this discretionary use, it is observed that the site adjoins residential and non-residential uses, in a location with a residential streetscape. Accordingly, it is considered that the propose land use should be supported.

**(s) Residential Density**

The permissible number of dwellings is 4 dwellings (R80), whereas the proposed development comprised of 3 dwellings (R59). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

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

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

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

As the garage becomes the ground floor level, and it is proposed to be cut (or sunken) below the natural ground levels, the proposed finished ground levels are less than equal cut and fill, and therefore compliant with clause 6.10.3 "Maximum Ground and Floor Levels" of TPS6.

**(v) Boundary Wall- north**

The permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Area, is a maximum of 2.7 metres high from the neighbour's ground level, whereas the proposed wall height is 1.3 metres. Therefore, the proposed development complies with Council Planning Policy P370.2.

In addition, the required minimum front setback of boundary walls is 6.0 metres, whereas the proposed wall setback is 6.0 metres; therefore, the proposed development complies with the policy.

In addition, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in Policy P370.2:

- The effect on the streetscape character;
- The outlook from the front of the adjoining dwelling or garden;
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;
- Impact of bulk on adjoining Outdoor Living Areas; and
- Objecting comments from the neighbour (see neighbour consultation).

**(w) Boundary Wall- west**

The permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Area, is a maximum of 2.7 metres high from the neighbour’s ground level, whereas the proposed wall height is 1.85 metres. Therefore, the proposed development complies with Council Planning Policy P370.2.

In addition, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in Policy P370.2:

- No overshadow of adjoining habitable room windows or Outdoor Living Areas;
- No impact of bulk on adjoining Outdoor Living Areas; and
- *Note: objecting comments from the neighbour (see neighbour consultation).*

**(x) Solar Access for Adjoining Sites**

The maximum area of overshadow permitted is 1,619m<sup>2</sup> (50 percent), whereas the proposed overshadowing is 359m<sup>2</sup> (11 percent). Therefore, the proposed development complies with the solar access element of the R-Codes.

**(y) Car Parking**

The required number of car bays is 10, where the proposed number of car bays is 10. Therefore the proposed development complies with the car parking element of the R-Codes.

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

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

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

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

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



**(aa) 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 (considered not to comply, in bold):

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

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in June 2008, noting that the building has only minor amendments since the plans reviewed by the DAC. The proposal received mixed comments by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Applicant's Responses	Officer's Comments
The proposed design and built form are acceptable.	No response.	In terms of streetscape compatibility, the officers did not share the view expressed by the DAC. The officers' opinion was subsequently vindicated by the SAT (see relevant comment section). The comment is <b>NOT UPHELD</b> .
All spaces within the building should be identified on the drawings.	No response.	The assessment did not require this additional information. The comment is <b>NOT UPHELD</b> .
The entrance, lobby and staircase providing access to the offices should be separated from the entrance to the residences.	No response.	The Office has been amended to a communal gymnasium. The comment is <b>NOTED</b> .
In order to ensure that the amenity of the adjoining residential development and the existing streetscape character are maintained, the proposed building should be carefully checked for compliance against the following: <ul style="list-style-type: none"> <li>• street and side setback requirements;</li> <li>• visual privacy requirements; and</li> <li>• proposed boundary walls, their location, heights and lengths.</li> </ul>	No response.	The assessment covers boundary walls, setbacks and visual privacy (see relevant comment section). The comment is <b>UPHELD</b> .
The ground line should be marked on the perspective drawing of the proposed development.	No response.	Amended plans depict natural ground levels. The comment is <b>NOTED</b> .
The impact of the proposed development on views from the adjoining properties should be considered.	No response.	The assessment covers views policy (see relevant comment section). The comment is <b>UPHELD</b> .
The proposed building bulk is generally acceptable.	No response.	Bulk assessed with further information and advice from the SAT to the contrary (see relevant comment section). The comment is <b>NOT UPHELD</b> .
The staircase and lift roof should be raked to ensure that the building stays within 25° notional roof pitch and complies with the permitted building height limit.	No response.	Amended plans now depict compliance with building height limits (see relevant comment section). The comment is <b>UPHELD</b> .
The driveway width can be reduced to 3.0 metres as it serves less than 4 dwellings (Clause 6.5.4 of the R-Codes), thus complying with the required clearance from the existing street tree.	No response.	Parks section disagrees, but permitting removal of street tree (see relevant consultation section). The comment is <b>NOT UPHELD</b> .

**(b) Neighbour consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos 24 and 28 Banksia Terrace and Nos 26 and 28 Brandon Street were invited to inspect the application and to submit comments during a 14-day period. A total of 5 neighbour consultation notices were mailed to individual property owners and strata bodies. During the advertising period, 9 submissions were received, nil in favour and 9 against the proposal.

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

Submitter's Comment	Officer's Response
Object on the all the City's grounds of refusal.	This opinion is concurrent with the City's (see relevant discussions). The comment is <b>UPHELD</b> .
Diminished quality of life due to the living/major bedrooms to the 10 Hillcrest dwellings facing the proposed building, with detailed objections on grounds of light, privacy and outlook.	It is agreed that light and privacy will be impinged, however not in accordance with the relevant elements of the R-Codes. However, the outlook of the ten properties will no longer feature significant views, as discussed in the relevant discussion on views. The comment is <b>UPHELD</b> .
Neighbouring sustainability and global footprint will be adversely affected due to the required artificial light and inability to garden on a lower balcony.	Refer to discussion on sustainable design. The comment is <b>UPHELD</b> .
Object to wall setbacks, open space, height limits, visual privacy and loss over views. Reasons being: <ul style="list-style-type: none"> <li>• Amenity;</li> <li>• Privacy;</li> <li>• Scale of existing development;</li> <li>• Ignores desired streetscape;</li> <li>• Not in harmony with the existing character;</li> <li>• Orderly and proper planning; and</li> <li>• Setting a precedent.</li> </ul>	This opinion is concurrent with the City's (see relevant discussions). The comment is <b>UPHELD</b> .
Too large and imposing on the streetscape.	This opinion is concurrent with the City's (see relevant discussions). The comment is <b>UPHELD</b> .
The developer is trying to squeeze a 4-storey development into a zone designated for 3-storeys. The zero-point of the building height limit should be from natural ground level throughout the site. Suggest Council should use its discretion to do so.	Refer to discussion on building height. The comment is <b>NOT UPHELD</b> .
Object to northern boundary wall due to amenity reasons.	Refer to discussion on boundary walls. The comment is <b>NOT UPHELD</b> .
Object to loss of privacy and amenity of adjoining neighbours. The height of building out of character with the existing streetscape.	Refer to discussion on privacy, building height and streetscape. The comment is <b>UPHELD</b> .
Object to increased noise and traffic.	Noise and increased traffic is not a relevant statutory consideration. The comment is <b>NOT UPHELD</b> .
Height above 3-stories is unacceptable.	Refer to discussion on building height. The comment is <b>NOT UPHELD</b> .
Rear boundary wall is too high.	Amended plans depict only a 2.0 metre parapet wall. The comment is <b>NOTED</b> .
Slope of driveway too great. Street tree should be preserved. Rear balconies overlook backyards.	Slope of driveway compliant. Parks section authorised removal of street tree. Visual privacy setbacks comply with the Acceptable Development standards.

	The comment is <b>NOT UPHELD</b> .
Object to the proposed plot ratio	This opinion is concurrent with the City's (refer to discussion on plot ratio). The comment is <b>UPHELD</b> .
Un-aesthetical and displeasing streetscape.	This opinion is concurrent with the City's (refer to discussion on streetscape). The comment is <b>UPHELD</b> .
Loss of sustainability (heating, cooling and natural light) for neighbours.	This opinion is concurrent with the City's (refer to discussion on sustainable design). The comment is <b>UPHELD</b> .
Overcrowding and parking issues.	Housing density and parking provisions comply. The comment is <b>NOT UPHELD</b> .
Environmental damage and pollution due to the construction of a large building.	The construction of the dwelling is required to build the permitted number of dwellings, and not controlled by the Scheme. The comment is <b>UPHELD</b> .
Environmental damage and pollution due to damage and removal to the surround trees, including native species.	Refer to discussion on sustainable design. The comment is <b>UPHELD</b> .
Setbacks too close to front boundary.	Matter previously endorsed by SAT, refer to discussion on front setback. The comment is <b>NOT UPHELD</b> .
Building height too high and will set a precedent.	Refer to discussion on building height. The comment is <b>NOT UPHELD</b> .

(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) The vehicle crossing should be amended to be a minimum 1.37 metres from the side boundary; and
- (ii) Standard condition required for stormwater drainage; and
- (iii) Confirming the advice from parks relating to the removal of the street tree.

(d) **Other City Departments**

Comments have also been invited from Environmental Health and the 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.

Environmental Health Services provided comments with respect to bins, sanitary conveniences, kitchens and noise. 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 setback of the proposed crossover from a street tree. The Section recommends that:

- (i) Street tree can be removed at a cost of \$5,717.05, to be paid by the Applicant; and
- (ii) The neighbouring Sugar Gum tree would have to be removed;
- (iii) The neighbouring Tuart tree should be saved, subject to a detailed report on how construction would enable this;
- (iv) The neighbouring Peppermint tree should be saved but pruned and monitored throughout construction;
- (v) The neighbouring Jacaranda tree should be saved but pruned; and
- (vi) The neighbours should be consulted and evidence of acceptance provided to the City.

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

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

#### **Financial Implications**

The issue has no impact on this particular area.

#### **Strategic Implications**

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

#### **Sustainability Implications**

Regarding onsite sustainability, 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. Accordingly, the proposed development is seen to achieve an outcome that pays regard to the sustainable design principles.

Regarding the sustainability of neighbouring dwellings, please refer to above discussion on sustainable design.

#### **Conclusion**

The proposal will have a detrimental impact on adjoining residential neighbours, and does not meet the relevant Scheme, R-Codes and City Policy objectives and provisions. Accordingly, it is considered that the application should be refused.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.6</b>
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Moved Cr Cala, Sec Cr Smith

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 3 Multiple Dwellings in a 4-storey building (plus terrace) on Lot 19 (No. 26) Banksia Terrace Street, South Perth **be refused** for the following reasons:

**(a) Reasons**

- (i) The proposed development does not comply with Clause 1.6(2) “Scheme Objectives” of the City’s Town Planning Scheme No. 6 (TPS6), specifically subclauses a, b, c, f, i, j, n, w and x. This matter includes (but not limited to) the impacts of bulk and scale, compatibility with the streetscape and plot ratio.
- (ii) The proposed development does not comply with Clause 7.5 “Matters to be Considered by Council” of TPS6, specifically subclauses a, b, c, f, i, j, l, m, n, q, s, u, w and x.
- (iii) The proposed development does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.4.1 “Open Space Provision” of the R-Codes 2008, specifically the proposed 43.7 percent of open space in lieu of required 60 percent.
- (iv) The proposed development does not comply with Council Policy P370 “General Guidelines for Residential Development”, specifically in relation to design compatibility to the existing streetscape character, scale of the proposed built form, and sharing of views with neighbours.
- (v) The proposed development does not comply with Council Policy P350.1 (Sustainable Design), specifically in relation to the overshadowing of the adjoining properties to the south.
- (vi) The proposed development does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.3.1 “Buildings Set Back from the Boundary” of the R-Codes 2008, specifically the following side setbacks:
  - Northwest (Ground level Bed2 - Room ‘F’) setback 1.5m in lieu of 2.6m;
  - Northwest (Level 1 Bed2 - Bed3) setback 1.5m in lieu of 1.6m;
  - Northwest (Level 2 Bulk) setback 4.8m in lieu of 5.7m;
  - Southeast (Level 2 Lift - PDR) setback 4.2m in lieu of 5.3m; and
  - Southeast (Level 2 Bed1) setback 4.45m in lieu of 5.0m.
- (vii) The proposed development does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.8.1 “Visual Privacy” of the R-Codes 2008, from the following areas:
  - Southeast (Levels 2-3 Balcony) setback 2.5 metres in lieu of 7.5 metres.
- (viii) The proposed crossover does not comply with Council Policy P350.3.6(b).

**(b) Standard Advice Notes**

651 appeal rights- SAT

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

Nil.

CARRIED (11/2)

**Note:** Manager Development Services retired from the meeting at 8.45pm

<b>10.3.7 Western Power - Natural Power</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	IS/PU/3
Date:	9 July 2009
Author:	Les Croxford, Manager Engineering Infrastructure.
Reporting Officer	Stephen Bell, Director Infrastructure Services.

### **Summary**

The purpose of this report is to reassess Councils support for the continuation of the Western Power *NaturalPower* program, in view of the increase in the Western Power tariff charges overall as well as the change in the surcharge from 3.3 to 4.4 cents/kWh on the standard power tariffs for committing to the use of *NaturalPower*.

Approval to continue with the purchase of *NaturalPower* and participation in the Western Power *NaturalPower* program has been on the understanding that the arrangement was in the best interests of the City and that increases were in the order of CPI. The report recommends continuation of the participation in the *GreenPower* program, although the level of increase has generally exceeded CPI.

### **Background**

#### ***Streetvision Street Lighting Agreement***

The *Streetvision* Agreement with Western Power had been in existence since 1999/2000. Each year Western Power required the City to indicate its preference for retaining the Agreement or reverting to a direct tariff charging arrangement. Council had always opted for the Agreement as it was structured in such a way as to have a lower monetary cost than the alternative (Direct Tariff Charge).

As of 30 June 2009 the *Streetvision* Street Lighting Agreement has been terminated and the City is now being charged the standard tariff rate. The State Government has also increased electricity tariffs and these have occurred in two increments:

- 15% increase will occur from 1 April 2009; and
- Further 15% increase will occur from 1 July 2009

#### ***NaturalPower And National GreenPower Program***

*NaturalPower* is the Western Power brand name given to electricity generated from renewable energy. *NaturalPower* is independently accredited with the national *GreenPower* Program and accreditation is the guarantee that electricity from renewable sources is being delivered to the power grid.

The high capital costs of the infrastructure associated with renewable energy sources results in the unit rate being more expensive than fossil fuel generation.

*NaturalPower* is sold at a 4.4 cents/kWh (including GST) premium to reflect the higher costs of generating electricity from renewable sources. The revenue from *NaturalPower* is used to:

- Promote greater use of renewable energy
- Invest in renewable energy facilities
- Purchase renewable energy from private suppliers

The use of NaturalPower is consistent with the City's sustainability commitments. Since a report to Council in July 2005, the City has endorsed a Sustainability Policy and Sustainability Strategy.

The Corporate Strategic Plan at Goal 3, Strategies 3.1 and 3.2 below:

- 3.1 Implement the Cities for climate Protection program which encourages communities to measure, monitor and reduce greenhouse gas emissions (GHG) which contribute positively to a sustainable community.
- 3.2 Develop and implement a Sustainability Strategy and Management System to coordinate initiatives contained in associated Management Plans and ensure the City's environment is managed in a sustainable way.

These documents express clearly, the City's intention and commitment to energy conservation as a part of its journey toward being a sustainable City.

#### **Comment**

In past years the City consumes through its buildings and reserves in the order of 2.9 GWh of electricity. The Council previously committed to take 25% of the total power consumed on "eligible" buildings and reserves at the surcharge rate for NaturalPower resulting in charges for the NaturalPower commitment of about \$18,100. This has been calculated at a rate of 3.3 cents/kWh.

With a net increase to 4.4 cents/kWh proposed by Synergy, on top of the increase in tariff charges for 2009/2010, this will see the City's costs rise to approximately \$44,000, a net increase of about \$26,000 over the costs incurred for the 2008/2009 financial year. This increase exceeds the annual CPI, hence the need for the Council to consider whether it wishes to continue purchasing NaturalPower.

The City is currently in discussions with WALGA regarding its Bulk Energy Tender that could see a reduction in tariffs on "contestable" sites, however it is anticipated that the GreenPower tariff will increase under this arrangement to 5.64 cents/kWh for the 2009/2010 financial year. It is not anticipated that the tender would deliver much less than the nominal \$44,000 identified above as being the cost of committing to NaturalPower. There may be other benefits in joining this tender, however negotiations are still continuing and full details of the tender are not known at this stage.

In return for our involvement in the NaturalPower scheme the City can use the GreenPower customer logo on stationery and in publications relating to "greenhouse" gas savings which is consistent with the City's sustainability imperatives. In addition, as the City pays a premium to be part of the NaturalPower program, this therefore allows the City to claim "environmental" offsets.

This report seeks reconfirmation of the City's support for this NaturalPower alternative and the authorisation of the Chief Executive Officer to make this determination at officer level on an annual basis.

#### **Consultation**

Nil.



**Policy and Legislative Implications**

There are no policy or legislative implications.

**Financial Implications**

Continuing with the practice of supporting the use of renewable energy should not have an impact on the 2009/10 as provision has been made substantially for the increase in the tariff charges. This is based on information that has been released to the Media from the Office of Energy. If adopted, the City's costs for committing to NaturalPower will rise from \$18,100 to \$44,500, a net increase of \$28,000 over the costs incurred for the 2008/2009 financial year.

**Strategic Implications**

Continuation of the NaturalPower Initiative is consistent with 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.*

Committing to the NaturalPower Initiative is directly aligned to Strategy 3.1 "Implement the Cities for Climate Protection Program"

**Sustainability Implications**

Continuation of the NaturalPower Initiative is consistent with the City's Sustainability Policy P320 which states: *To achieve a sustainable community and bring the City's operations inline with the sustainability requirements outlined in the City's Sustainability Strategy.*

The City also has in place an energy conservation policy P302 Energy Conservation. This policy discusses participation in the Cities for Climate program and the setting of targets to reduce corporate and community GHG emissions as well as strategies to promote the efficient use of energy.

Even more significant is the City's Sustainability procurement process.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.7</b></p>
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That....

- (a) the City continues to take 25% of its total electricity consumed excluding street lighting as NaturalPower in return for the retention of the use of the GreenPower customer logo on all appropriate promotional materials, and
- (b) the CEO be authorised to make the determination and endorse the continuation of this arrangement on an annual basis until such time as he determines that it no longer represents value to the City.

CARRIED EN BLOC RESOLUTION

<b>10.3.8 Collier Park Golf Course Master-plan</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	PR/301
Date:	7 July 2009
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### Summary

The purpose of this report is to:

- Present the draft Master-plan for the Collier Park Golf Course to Council for adoption; and
- Propose a recommended priority and timeframe for implementation of the key components of the Master-plan for the Collier Park Golf Course.

### Background

At its meeting held in June 2008, Council considered Agenda Item 10.5.4 which related to the review of Collier Park Golf Course lease and resolved as follows:

*That....*

- (a) Council requests the Chief Executive Officer to enter into a two year extension of the lease with Rosetta Holdings Pty Ltd, as per Confidential Attachment 10.5.4, for the Pro Shop, Cart Store, Driving Range and Kiosk of the Collier Park Golf Course, commencing 1 July 2008;*
- (b) a process be established with Rosetta Holdings to initiate longer term planning and development of the course facilities;*
- (c) Council be appraised of this process through regular updates and specific Concept Briefings; and*
- (d) a report be presented to Council by July 2009 detailing the outcome of the planning process and recommending options upon the expiration of the extended two year lease period on 30 June 2010.*

### Comment

The Collier Park Golf Course (CPGC) opened in 1984. At the time, it was the leading public golf course in Western Australia and considered to be one of the best in Australia. CPGC is now facing increased competition from other public courses, some of which have received significant investment in recent years.

Operating the Course is a major business undertaking for the City. In 2008/2009 the budgeted operating revenue was \$1.85 million and budgeted operating result was \$440,000. The Course has averaged 106,500 patrons per year over the last nine years.

The Course is generally well maintained, but very little asset replacement has occurred since it was first opened in 1984. As a result, most of the principal infrastructure is now 25 years old. The Course is looking 'tired' and the playing standard has deteriorated in recent years. This is mainly because the irrigation system is wearing out. The CPGC buildings are also showing their age and furniture (seats, signs, etc) is generally old.

For CPGC to be considered as one of the premier golf courses in WA, a strategic approach is required to ensure that future funding is directed to the appropriate areas. As a result, the City has embarked on a Master-planning process for the CPGC.

Why is there a need for a Master-plan?

The Course was originally built to a design. Over time, changes have been made to the course and in some areas, the original themes have been compromised. The resolution of the Council 'to initiate longer term planning and development of the course facilities' presents a wonderful opportunity to look strategically at the course and to consider the items that need to be upgraded and/or replaced, determine a priority and timeframe for implementation of the improvements, and establish a cost for each priority activity.

As part of the Master-planning process, the following components were assessed:

- Location of course facilities and driving range;
- Irrigation;
- Course layout;
- Landscaping (including furniture and signage).

Location of Facilities and Driving Range

The findings of the investigation to redevelop the CPGC facilities is the subject of a separate report to Council, however the Master-planning process needed to consider the most appropriate location for such facilities. A review of potential sites was made, however the only way the facilities could be appropriately located elsewhere on the CPGC would be to carry out a significant redevelopment of the course layout. This was not considered feasible due to the potential costs involved and impact that such a redevelopment would have on course operations.

There are a number of advantages in regards to the current location, such as:

- It is located far enough away from the boundaries of the CPGC so as to not cause a problem with neighbours. This is particularly important if a new driving range facility is constructed and there is significant activity at night;
- It is considered there is sufficient room for redevelopment of the driving range at the current location. A multi storey driving range will fit on the site, with some minor amendments to the course layout, however there may be need for some netting to be installed to ensure that the safety of golfers and maintenance staff is not compromised.

Irrigation System

A leading irrigation company (Hydro-plan) was engaged by the City in 2005 to review the CPGC irrigation system. A report was prepared which recommended:

- Replacement of the current irrigation system due to its age and condition;
- Construction of a storage lake to reduce the Course 'watering window' and to better treat iron in the water. There is also the potential to harvest storm-water;
- Purchase of a new 'state of the art' central irrigation control system to better manage water delivery and usage.

Course Layout

The original 18 hole course ('Pines' and 'Island' nines) was opened in 1984. The original course is a Thomson / Wolveridge design, which has been relatively untouched for 20 years. The 'Lake' nine, designed by Michael Coate, was opened in 1994.

The game of golf has evolved since that time with better ball and club technology. The average golfer can now drive longer and more accurately. It was therefore considered important that the layout of the Course be investigated to ensure it has kept pace with the 'modern game', particularly if the Course irrigation is to be replaced.

As a result, Terry Gale (respected WA professional golfer) was engaged by the City to review the layout of the CPGC. The brief was to 'tweak' the Course, rather than investigate a major redevelopment, as the consensus of opinion is that the course layout is basically sound. Terry Gale has completed his review and prepared a report recommending a series of minor but important amendments. **Attachment 10.3.8(a)** refers. These have been incorporated into the Master-plan.

#### Landscaping

Urbis Landscape Architects was engaged by the City to review the current landscaping and to provide a vision for the Course. Urbis was also engaged to work with Terry Gale to draw up the proposed layout changes. Urbis have prepared a report and concept plans for the three nine holes ('Pines', 'Island' & 'Lake') on the Course. Urbis has considered:

- The provision of distinctive landscape themes for each of the three nine hole courses;
- A new landscaped entry statement and road alignment into the Course;
- Extension of the car park by 100 bays to cater for proposed new facilities;
- Enlarging two of the lakes on the Course, with one to be used for water storage;
- Enhancing the presentation and landscaping of all three lakes on the Course;
- Identification of conservation and rehabilitation zones;
- Potential furniture and signage palettes.

The resultant draft Master-plan for the Collier Park Golf Course at **Attachment 10.3.8(b)** is a 'blueprint' for its future development and is presented to Council for adoption.

#### Implementation

A key issue in any Master-planning process is how and when is it to be implemented. There are a number of suggested changes included in the plan and not all of them need to be implemented immediately.

It is recommended that the most important issue requiring attention is the irrigation. This is a significant component in cost and impact on the CPGC. The risk to the City of not replacing the irrigation will be continued problems of water delivery and resultant poor turf condition. It is important that the CPGC is appropriately maintained to ensure continued patronage. In this regard, discussions with other golf course managers in Perth indicated that it is imperative that the course watering system and layout be upgraded as the first stage of any works to ensure patronage is maintained and improved.

It is therefore recommended that the irrigation system be replaced as a matter of priority. This will also involve the redevelopment of the lake on the Island Nine which will become the water supply lake. To facilitate this project, it is recommended that a report be prepared for the Council, as soon as possible, identifying the scope, cost / funding source and implementation timeframe.

At the time of replacing the irrigation, it would be logical to implement some of the more significant changes to the Course layout. The City has preliminary estimates provided by Terry Gale, however these need to be considered in context with the irrigation replacement and can be provided to the Council at that time of the report.

Other aspects of the Master-plan, such as landscaping, lake enhancements and furniture / signage improvements, can be progressively implemented over time, and as budgets allow. The revised car park and entry road would only be considered if Council resolved to redevelop the CPGC facilities.

### **Consultation**

Council has been periodically updated of progress of the Master-planning process via the internal 'Bulletin'.

The Course Master-plan was the subject of a Council Concept Briefing held on Tuesday 30 June.

Council considered a report on the review of the CPGC lease at its meeting held in June 2008.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

The CPGC Master-plan has been estimated to cost \$6.06 million to implement. This comprises:

- Irrigation replacement (27 holes) \$2,500,000
- Water supply lake upgrade and enhancement, 'Island' Nine \$1,300,000
- Landscaping \$ 650,000
- Layout upgrades (27 holes) \$ 180,000
- Lake upgrade and enhancement, 'Pines' Nine \$ 230,000
- Lake enhancement, 'Lake' Nine \$ 200,000
- New car park, entry statement, road, plus landscaping \$1,000,000

Please note that these are preliminary estimates for Master-planning purposes only. More accurate estimates will be prepared for the identified items following detailed investigation and analysis.

### **Strategic Implications**

The relevant section of the City's Strategic Plan relating to this proposal is Goal 3 Environmental Management - *To sustainably manage, enhance and maintain the City's unique natural and built environment* and in particular Strategy 3.3 *Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community..*

### **Sustainability Implications**

The Master-plan, as a strategic document, sets the parameters by which course development is to occur and these are based on sustainability principles. Such sustainability initiatives include but are not limited to:

- Use of state of the art reticulation system that is more efficient and water wise;
- Stormwater harvesting and reuse of treated stormwater to reduce the need to irrigate the course using bore/ground water;
- Use of native (endemic) vegetation that requires minimal watering and maintenance;
- Use of alternative energy sources such as solar power for lighting;
- Use of porous pavements for roads and car parking.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.8</b>
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That....

- (a) the Master-plan prepared for the Collier Park Golf Course at **Attachment 10.3.8(b)** be adopted;
- (b) copies of the Master-plan be made available for viewing at the Collier Park Golf Course, and the City's Civic Centre and Operations Centre;
- (c) the replacement of the Course irrigation is considered a priority and be the subject of a separate report to Council, at the earliest opportunity, identifying the scope, cost, funding source and implementation timeframe; and
- (d) the other elements of the Master-plan be progressively implemented as priorities and budgets allow.

CARRIED EN BLOC RESOLUTION

## **10.4 GOAL 4: INFRASTRUCTURE**

<b>10.4.1 Proposed Policy P560 Motor Vehicles</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CM/401
Date:	10 June 2009
Author/Reporting Officer:	Stephen Bell, Director Infrastructure Services

### **Summary**

The primary purpose of the purchase of motor vehicles is to meet the City's transportation requirements associated with its business needs. A secondary and by no means less important reason is to acknowledge the marketability of the City as an “*employer of choice*” and to make vehicles available for private and commuting purposes for Officers as part of an employee's salary package. With few exceptions, vehicles are assigned by the Chief Executive Officer (CEO) to particular Officers who are responsible for the cleaning and reporting of maintenance requirements in return for commuting, restricted or full private use of the vehicle outside normal working hours.

To ensure that the City responds to changing community expectations in relation to reducing greenhouse gas emissions and fuel consumption, takes an active leadership role, positions itself to take advantage of the State Government Common Use Agreement (CUA) and provides some measure of choice to the staff assigned motor vehicles, a new Policy has been developed for the purchase of light vehicles. The new Policy however covers only those purchases relating to passenger vehicles and not light commercials.

As at 1 July 2009, the City’s light vehicle fleet comprises the following:

Officer	Vehicle Type	No.
Mayor, CEO, and Directors	4 x six cylinder, 1 x four cylinder	5
Managers and Coordinators	17 x four cylinder, 1 x six cylinder	18
Total		23

### Background

At its meeting held on 16 December 2008, Council considered Item 10.5.5 Proposed Policy P560 Motor Vehicles and resolved as follows:.

That....

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

Since this time, City Officers have undertaken further work to address those issues identified by the Council at its meeting held on 16 December 2008. To assist Council Officers to compile the necessary information, a Consultant was engaged to undertake an independent assessment of FBT implications and whole of life costs for the City’s current light vehicle (passenger) fleet. The assessment also extended to vehicles not currently purchased by the City but which met the requirements of the new Policy (i.e. mid range European and top-end Asian vehicles).

The assessment of the light vehicle fleet and overview of the new Policy was subsequently presented to the Council at a briefing held on 30 June 2009.

### Comment

#### a) Light Vehicle Fleet - Background

A comprehensive review of the City’s vehicle fleet was last conducted in 2004 and this coincided with a move back to ownership of vehicles rather than leasing. At the time, the review concluded that the majority of the light vehicle fleet should be downsized from six to four cylinder vehicles, which were more fuel efficient and had a lower acquisition cost. However, six cylinder motor vehicles were retained for the Mayor, CEO and Directors as there were no four cylinder Australian built vehicles that met the requirements for Executive type vehicles.

Today, the City has six cylinder Holden Statesman sedans as the predominant vehicle in the Executive fleet supported almost exclusively on contractual, functional and economic criteria, with Toyota, Mazda, and Subaru four cylinder sedans being the predominant vehicle for branch Managers and other staff (excluding works supervisors).

The City utilises the State Government CUA to facilitate purchase of motor vehicles and this has introduced an element of choice to vehicle selection that was previously not readily available under an individual tendering arrangement.

b) Importance of Sustainability in a Vehicle Purchasing Policy

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

In 2001, the City joined the Cities for Climate Protection™ (CCP) program. The CCP program encourages local governments to take a leadership role and proactive approach towards identifying, managing and reducing greenhouse gas emissions. Since joining the program the City has developed a good understanding of the core activities that generate greenhouse gases, how to measure the level of emissions from each activity, and identify practical and cost effective ways of reducing its corporate carbon footprint.

An audit of the City's corporate activities was completed in 2001, which used 1998 baseline data to develop an emissions inventory. The core activities included emissions from buildings, the vehicle fleet (including heavy plant), street lighting, water and sewage, and waste. At the time of the initial inventory, the vehicle fleet produced 650 tonnes (12.4%) of greenhouse gas emissions per annum of the City's overall total emissions.

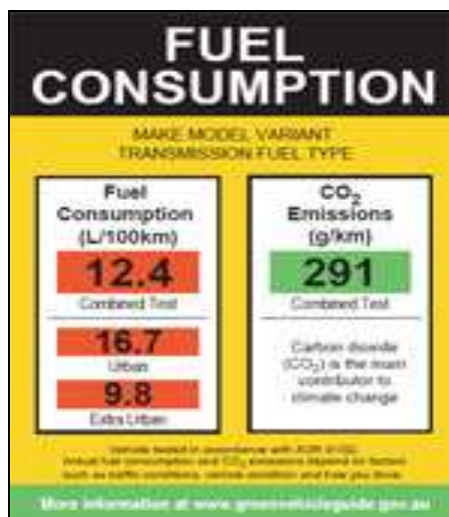
By way of an example, the existing Executive fleet of six cylinder vehicles generates approximately 5.4 tonnes of greenhouse gases per vehicle each year and all of these vehicles are fuel inefficient using a minimum of 11.5 litres for every 100 kilometres travelled. Hence, one of the main drivers behind the development of a new Policy is to guide the decision making process in regards to vehicle purchasing and to enhance environmental performance by concentrating on fuel efficiency, vehicle emissions (greenhouse, air pollution and CO<sub>2</sub>), and introduction of a wider range of vehicle types particularly in the Executive fleet.

To establish the benchmarks for the performance of motor vehicles in the light (passenger) vehicle fleet, a number of well known websites and publications were reviewed, some of these being:

- The Green Vehicle Guide (GVG) - Department of Infrastructure, Transport Regional Development and Local Government;
- Australia's Best Cars (Produced by the NRMA);
- Australasian New Car Assessment Program (ANCAP);
- Green Wheels - An initiative of the Low Emission Vehicle (LEV) Automotive Partnership that involves the Royal Automobile Club of Victoria (RACV), the Environmental Protection Authority (EPA) of Victoria, and Future Climate Australia;
- The Red Book and Glass's Automotive Business Intelligence; and
- Green vehicle purchasing policies and management practices for the City of Brisbane, City of Melbourne, City of Sydney, Vic Fleet, QFleet, and various other local governments within Western Australia.

All vehicles for sale in Australia have an air pollution and greenhouse rating between 0 and 10, with 10 being the highest rating. When the air pollution and greenhouse rating is combined to achieve a total score out of 20, this allows an overall rating to be determined that can be translated into a Star rating (i.e. 5 Stars = excellent; 1 Star = poor). In addition, all vehicles have a fuel efficiency rating based on the litres of fuel used for every 100 kilometres travelled. This information is typically affixed to the front windscreen of new vehicles to provide advice about vehicle performance to prospective purchasers. An example of a fuel consumption label is shown below.





The new vehicle rating system was derived by the Department of Infrastructure, Transport Regional Development and Local Government in compiling the Green Vehicle Guide (GVG). The GVG is typically used by the public sector to establish baseline criteria for vehicle purchasing with either the Star rating or combined rating for air pollution and greenhouse being applied. For reference, a copy of the GVG can be found at [www.greenvehicleguide.gov.au](http://www.greenvehicleguide.gov.au)

Policy P560 Motor Vehicles at **Attachment 10.4.1** has been developed to include the above methodology in order to meet the City's environmental and sustainability objectives. Hence, subject to endorsement of Policy P560 by the Council, the following minimum vehicle ratings and criteria will be applied to new vehicle purchases:

- Using the Green Vehicle Guide, only vehicles with a combined score of 12 out of 20 or more for both the greenhouse and air pollution ratings will be considered for purchase;
- Using the ADR 81A testing regime, vehicles will not be considered if the fuel consumption exceeds 10 litres per 100 kilometres travelled;
- Using the Green Vehicle Guide, carbon emissions (CO<sub>2</sub>) should not generally exceed 220 grams per kilometre;
- All vehicles to carry a 4 star minimum ANCAP (safety) rating; and
- Purchasing evaluations will use the most economical cost per kilometre calculated using:
  - The capital cost;
  - The depreciation verified by Industry standards (e.g. Red Book, Glass's or similar);
  - The cost of fuel based on specified fuel consumption.

In addition, when acquiring and disposing of light vehicles four key sustainability principles will underpin the Policy, all of which will be rated equally or as determined by the CEO on an as needs basis:

- **Economic** – Whole of life costs will be estimated from the best available data and the highest preference will be given to those vehicles with the lowest optimised whole of life cycle cost.

- **Functional** (tool of trade vehicle test) – Highest preference will be given to the vehicle that best fits the functional requirements of the position for which the vehicle is being acquired. It is acknowledged however that the vehicle must accommodate the needs of the employee, particularly those employees on negotiated salary packages.
- **Environmental** – Highest preference will be given to those vehicles that cause the least amount of environmental damage with greenhouse emissions, air pollution and fuel efficiency being the primary performance indicators.
- **Social** – Highest preference will be given to those vehicles that confirm a responsible and accountable image compatible with the City's corporate objectives.

Further to the "functional" principle noted above, this relates solely to the employees personal circumstances as the CEO, Directors and some Managers have a private use component identified within their negotiated salary packages. Hence, there is a need to ensure that the new Policy provides flexibility to the CEO, particularly when negotiating with new employees (i.e. at the Directors/Manager level). The CEO requires the flexibility to negotiate with new employees regarding complying vehicle choices so as not to jeopardise the City's ability to recruit the best possible staff.

The vehicle rating system will be reviewed annually, however it is considered at this time that the recommended ratings for greenhouse gas emissions, air pollution, CO<sub>2</sub> and fuel consumption provide sufficient incentive for the City to move to a more sustainable and environmentally friendly light vehicle fleet. Whilst it is acknowledged that the four cylinder fleet generally complies with the above rating system, it is the Executive fleet where the anomaly exists given they are predominantly six cylinder Holden Statesman sedans.

In conclusion, the determination of criteria to be utilised to evaluate light vehicle purchases comes at a difficult time when local governments are faced with an economic downturn and international pressures to reduce greenhouse gas emissions as evidence through Australia's recent commitment to the Kyoto Protocol. It is therefore important that the City identifies a range of criteria that can be easily applied to assist in determining appropriate vehicle purchases. If the full range of criteria is not considered at the appropriate time of purchase, local governments tend to be cost driven, which can sweep aside other important issues. A key aspect of the new Policy must be the appropriate consideration of aligning motor vehicle purchases with the City's key strategic goals of Sustainability rather than focusing solely on cost.

It has been reported that it will cost the nation less if action is taken now to reduce greenhouse gas emissions, than if action is delayed. The same philosophy applies to the City where any action it takes now to reduce emissions will save in mitigation costs in the future. It is therefore imperative that environmental criteria underpin the selection process when determining vehicle purchases, as it will play a key role in reducing greenhouse gas emissions and meeting the objectives of the City's Sustainability Strategy and Sustainability Strategy Action Plan. Further, it is important to ensure that vehicle purchase decisions include factors that consider the operational (functional) requirements of the organisation and individual, the financial or economic (whole of life) cost of the vehicles, and the corporate/social responsibilities of the organisation.

c) Whole of Life (Triple Bottom Line) Assessment

When considering the financial implications of a motor vehicle Policy, a whole of life cost approach to vehicles is advocated to provide the most accurate cost measurement. This approach generally takes into account costs such as licensing and registration, fuel and oils, maintenance and servicing, general repairs, depreciation, capital (purchase) cost, trade-in price and tyre replacement among other things. Hence, as part of the review of the light vehicle fleet, Officers engaged an independent Consultant to undertake an assessment of the whole of life cost (Triple Bottom Line) including consideration of FBT and environmental implications. The results of the independent assessment was presented to Council at a briefing held on 30 June 2009 and is contained within a comprehensive report not attached to this agenda item (due to size and complex technical nature of the report). However, the document has been made available to those Councillors who have requested a copy.

The City's light vehicle fleet currently consists of 22 vehicles (excluding the Mayoral vehicle and light commercial fleet); with a combined replacement cost of approximately \$775,000 based on similar vehicle makes and models. The vehicles are all available under the CUA, with the exception of a recent purchase of a Honda Accord which was bought via tender, and all attract substantial fleet discounts off the recommended retail price. Therefore, there are sound financial and administrative reasons why the City should continue to use the CUA for the purchasing of its light vehicle fleet.

The City currently replaces its light vehicle fleet (passenger vehicles) on a minimum 2 year or 40,000 kilometre cycle and light commercial fleet every 3 years or 60,000 kilometres minimum. These changeover cycles are indicative of those applied at other local governments in Western Australia and other States. Further, the City has in the past based its decisions on advice from the motor industry where vehicles are changed at 2 years or 40,000 km to maximise the trade price, minimise depreciation, and to limit the cost of ongoing servicing and repairs.

The whole of life calculation is affected by the length of period that the vehicle is retained. Current analysis shows that the most cost effective changeover period is 3 years or 60,000 kilometres, based on the assumption that on average Officers travel 20,000 kilometres per year. There appears to be no advantage in keeping vehicles beyond 3 years, as this is likely to only result in poor trade-in prices, higher net capital cost outlay for the replacement vehicles, and higher servicing/repair costs over the longer term. Further, as a general rule vehicles should be changed over whilst there is still a degree of new car warranty remaining so as to act as an incentive for the vehicle to be purchased at trade.




Most manufactures generally offer a 3 year or 100,000 kilometre new car warranty, with some offering premium warranties of 5 years or between 130,000 to 150,000 kilometres. The investment risk associated with keeping vehicles outside the 3 year or 100,000 kilometre warranty period increases dramatically, as the cost to maintain vehicles increases due to the owner being responsible for all repairs/replacement parts. A website search of vehicle suppliers for new car warranty shows:

Toyota	<p>The standard warranty period for all new Toyota vehicles is 3 years or 100,000 kilometres, whichever comes first.</p> <p>The cost of regular maintenance servicing is not part of the Warranty.</p> <p>Labour, parts and lubricants used in a Scheduled Service, and replacement of worn parts such as spark plugs, filter, brake and clutch linings, or any other item that has been the subject of normal wear and tear is not covered.</p> <p>The factory warranty can be extended by purchasing additional 1, 2 or 3 years, capped at either 100,000 or 150,000 kilometres.</p>
Holden	<p>Every Holden comes with Holden's New Vehicle Warranty. The vehicle workmanship and materials are covered against defects for the first 3 years or 100,000 km, whichever comes first.</p> <p>This factory backed warranty includes coverage on the engine, transmission, clutch, interior and exterior components including corrosion.</p> <p>Holden also warrants Holden approved accessories and parts.</p> <p>The cover lasts as long as the New Vehicle Warranty, providing the accessories and parts are installed at the time of purchase of the new Holden.</p> <p>Warranty work by Holden Dealers is carried out free of charge, but should not be confused with maintenance servicing specified in the owner's handbook for which a service charge is payable.</p>
Subaru	<p>The warranty period commences on the date of first supply, delivery or registration of the vehicle, whichever occurs first.</p> <p>Replacement parts fitted by an authorised Subaru retailer are free of charge during the warranty period are warranted for the remainder of that period.</p> <p>Genuine parts and accessories purchased by a customer that are fitted by an authorised Subaru retailer are warranted for 2 years.</p> <p>Genuine parts and accessories purchased by a customer that are fitted other than by an authorised Subaru retailer are warranted for 1 year.</p>
Mazda	<p>The standard warranty period for all new Mazda vehicles is 3 years. However, there is an option to purchase an Extended Warranty for a further 12 months.</p>

Example: Whole of Life Assessment - Director Vehicle

The current light vehicle fleet, including vehicles not currently purchased by the City but which meet the requirements of the new Policy (i.e. mid range European and top-end Asian vehicles), were assessed for their Whole of Life cost. The assessment considered a range of ownership scenarios being 1 year, 2 years, 3 years and 5 years respectively. An example of the modelling undertaken for an ownership period of 3 years is provided below, however due to page width limitations only three of the total number of vehicles modelled in the Director Class are shown.

MINUTES: ORDINARY COUNCIL MEETING: 28 JULY 2009

Ownership Years	3	3	3
Ownership Weeks	156	156	156
Annual Distance (Average)	20,000	20,000	20,000
Cumulative Distance (Average)	60,000	60,000	60,000
Fuel Type	U	D	U
Fuel Consumption Rate - Km/Litre	8.69	14.08	11.24
Weight (Kg)	1,802	1,660	1,605
Warranty Yrs/Km	3 Yrs/100,000 km	3 Yrs/100,000 km	3 Yrs/100,000 km
<b>Director Vehicle Class 3 Year Modelling</b>			
<b>Description</b>	V6 Holden Statesman	Peugeot 407 Series ST HDI	Honda Euro Luxury
State Tender List Price (including A/C) (Ex GST)	\$47,040	\$42,000	\$43,900
Trade-in value after 3 Years (Ave between Hi & Low)	\$18,000	\$18,700	\$20,300
<b>STANDING (FIXED) COSTS (Average \$/wk)</b>			
Depreciation	\$186.15	\$149.36	\$151.28
Interest (only to be included if loan used to fund purchase)	0	0	0
Registration & Licence (\$16/100kg + \$12.15 + \$13.20)	\$6.03	\$5.60	\$5.43
Motor Vehicle Insurance	\$6.93	\$6.18	\$6.46
<b>RUNNING (VARIABLE) COSTS (Average \$/wk)</b>			
Fuel	\$53.11	\$35.50	\$41.08
Tyres (Assume replace set of tyres after 45,000 km)	\$7.18	\$5.64	\$5.00
Servicing & Repairs	\$19.27	\$15.64	\$14.01
Fringe Benefits Tax Cost	\$173.92	\$171.34	\$162.11
<b>TOTAL COSTS</b>			
<b>Total Average (c/km)</b>	<b>117.67</b>	<b>101.21</b>	<b>100.19</b>
<b>Total Average (\$/week)</b>	<b>\$452.60</b>	<b>\$389.26</b>	<b>\$385.36</b>
<b>Total 3 Yr / 60,000 km Cost</b>	<b>\$70,604.86</b>	<b>\$60,724.32</b>	<b>\$60,116.43</b>
<b>Average Annual Cost (over 3 Years)</b>	<b>\$23,534.95</b>	<b>\$20,241.44</b>	<b>\$20,038.81</b>
<b>Green Vehicle Guide - CO<sub>2</sub> Generation g/Km</b>	<b>272</b>	<b>189</b>	<b>212</b>
<b>Green Vehicle Guide - Annual CO<sub>2</sub> (Tonnes)</b>	<b>16.3</b>	<b>11.3</b>	<b>12.7</b>
<b>Green Vehicle Guide - Greenhouse Rating</b>	<b>4.5</b>	<b>6.5</b>	<b>6.0</b>
<b>Green Vehicle Guide - Air Pollution Rating</b>	<b>5.0</b>	<b>5.0</b>	<b>6.5</b>
<b>ANCAP Star Rating</b>	<b>Not Yet Tested</b>	<b>★★★★</b>	<b>★★★★</b>
<b>** Meets New Council Policy **</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>

Following assessment of each vehicle type, the information was collated into a table so that all vehicles could be compared against the baseline vehicle being the Holden Statesman. This information is shown in the table below, clearly demonstrating that when compared to four cylinder mid-range European and mid-range/top-end Asian vehicles, the Holden Statesman compares poorly from a whole of life cost and environmental perspective. Further, the Holden Statesman does not meet the minimum criteria as specified in the new Policy.

Vehicle Description	Purchase Price	1 Yr Average Cost (c/km)	2 Yr Average Cost (c/km)	3 Yr Average Cost (c/km)	5 Yr Average Cost (c/km)	CO2 g/km	Total Rating	ANCAP Star Rating
VW Passat CC	\$54,760	180.71	140.43	125.34	110.03	166	13.0	★★★★★
Audi A3	\$43,545	165.40	107.68	98.34	88.50	149	12.5	★★★★★
Honda Accord Euro Luxury	\$43,900	143.96	110.82	100.19	90.48	212	12.5	★★★★★
Honda Odyssey Luxury	\$45,450	153.61	115.09	106.73	97.07	212	12.5	★★★★★
Subaru Liberty	\$39,350	129.08	99.93	91.87	81.77	219	12.5	★★★★★
VW Jetta	\$31,950	103.71	84.12	77.28	70.64	153	12	Not Yet Tested
Audi A4	\$59,914	170.95	137.30	125.60	112.54	154	12	★★★★★
Subaru Outback	\$39,080	124.64	93.82	87.86	78.97	223	12	★★★★★
Subaru Forester	\$36,350	115.92	89.47	83.30	75.75	227	12	★★★★★
SAAB 9-3	\$53,820	188.82	144.29	127.05	111.91	229	12	★★★★★
Volvo C30	\$39,500	124.46	98.14	88.41	80.83	182	11.5	★★★★★
Volvo S40	\$40,860	130.62	105.47	95.37	87.51	184	11.5	★★★★★
Volvo V50	\$43,590	136.50	111.28	100.48	91.57	184	11.5	★★★★★
Peugeot 407	\$46,400	163.39	123.70	112.43	92.76	189	11.5	★★★★★
Peugeot 308	\$44,650	177.20	121.23	104.92	90.35	189	11.5	★★★★★
Toyota Aurion TRD **	\$48,170	160.97	111.79	108.50	97.36	257	11.5	★★★★★
Volvo S60	\$45,410	149.13	122.86	112.34	101.88	226	10.5	★★★★★
Holden Captiva LX	\$38,500	119.81	98.33	93.17	84.39	233	10.5	★★★★★
Holden Statesman	\$47,040	169.53	121.54	117.99	102.99	272	9.5	Not Yet Tested

Notes:

	The optimum time to replace vehicles based on Whole of Life modeling
	The Holden Statesman is the current vehicle allocated to the Directors. Analysis shows that this vehicle does not compare favorably with the 4 cylinder mid range European and top end Asian vehicles, having poor environmental and fuel efficiency credentials.
**	Represents 6 cylinder vehicle for comparison purposes only.
	Not all vehicles shown in above table.

European and Asian car manufacturers (Audi, BMW, Peugeot, Volkswagen, Volvo, Honda etc) have made significant technological advancements in the fuel efficiency of their engine designs and in the filtration systems utilised in exhaust systems. The combination of improvements has resulted in fuel efficient, powerful engines that emit very low air pollution, providing them with a reasonably high rating in the Green Vehicle Guide and this is reflected in the Whole of Life cost calculations as shown in the above tables.

Whilst the European car manufacturers are generally cheaper to run, they often come with a slightly higher price tag, usually \$6,000 to \$10,000 more than the Australian and Asian built equivalents. However, the acquisition cost is a once off with the ongoing changeover being similar to that of the existing vehicle fleet. Therefore, mid-range European and top-end Asian vehicles should not be dismissed as inappropriate vehicles for purchase if the whole of life cost is reasonable and the fuel efficiency and environmental ratings comply with the new Policy.

In conclusion, when considering the whole of life cost in conjunction with FBT implications, environmental and other factors, the current analysis shows that the most cost effective changeover period is 3 years or 60,000 kilometres. There appears to be no advantage in keeping vehicles beyond 3 years, as this is likely to only result in poor trade-in prices, higher net capital cost outlay for the replacement vehicles, and higher servicing/repair costs over the longer term. Further, vehicles should be changed over whilst there is still a degree of new car warranty remaining to appeal to purchasers when the vehicle is sold via auction or trade.

d) Log Books and Fringe Benefits Tax (FBT)

During the period 1 January 2009 to 31 March 2009 inclusive, all Officers having access to a motor vehicle supplied by the City were required to keep a log book to enable determination of the percentage split between business and private vehicle usage and to calculate FBT using the Operating Cost Method.

FBT liability can be calculated by using one of two methods approved by the Australian Taxation Office (ATO). The key is to use the method which provides the lowest FBT liability calculation, so that the City's tax liability is kept to an absolute minimum. These methods are known as the Operating Cost Method and Statutory Method respectively. Each is quite distinct in its calculation methodology and therefore requires different input data.

The Operating Cost Method calculates the taxable value of the car fringe benefit based on a percentage of the total costs of operating the vehicle, which relate to the percentage of private use of the vehicle by the employee. The total costs include actual operating costs (repairs and maintenance, registration and insurance, leasing costs, but does not include cash repair expenses met by an insurance company) and deemed costs include depreciation and interests costs deemed to be incurred (these are at the rates set by the ATO). The Statutory Method calculates the taxable value of the car fringe benefit on the actual availability of the vehicle for private use and the total kilometres travelled by the vehicle.

FBT Example - Executive and Management Fleet

Analysis of the data collected for the Executive and Management fleet shows that these vehicles travel a low level of annual kilometres, with the highest being 23,000 kilometres. Further the log book data shows that the percentage of business use is relatively low, with the highest business use component being 35.4%. However, this low level of business use is not surprising given South Perth is only about 20 km<sup>2</sup> in land area and all of the current Executive reside in other Perth suburbs. In addition, most of the managers also reside outside of South Perth.

Calculations for the Executive and Management fleet (and all of the other light vehicles) were conducted utilising both the Statutory Formula and Operating Cost methods and comparisons undertaken. The table shown below indicates the summarised results of the FBT calculations for all of the Executive and part of the management fleet.

Vehicle Description	Vehicle Class	Annual FBT Liability – Operating Cost Method	Annual FBT Liability – Statutory Method	Difference
Holden Statesman	Mayor	\$0	\$0	+/- \$0
Holden Statesman	CEO	\$19,016	\$9,032	+ \$9,984
Holden Statesman	Director	\$20,711	\$8,573	+ \$12,137
Holden Statesman	Director	\$19,056	\$8,461	+ \$10,595
Toyota Tarago	Director	\$14,485	\$8,640	+ \$5,845
Honda Accord Euro	Manager	\$10,811	\$6,432	+ \$4,379
Toyota Camry Grande	Manager	\$13,086	\$6,432	+ \$6,654
Toyota Camry Grande	Manager	\$13,086	\$6,432	+ \$6,654
Subaru Forester	Manager	\$12,298	\$6,979	+ \$5,319
Subaru Liberty	Manager	\$9,126	\$7,555	+ \$ 1,571
Toyota Camry Grande	Manager	\$13,086	\$6,432	+ \$6,654
Subaru Liberty	Manager	\$10,306	\$7,555	+ \$2,751
Mazda 6	Manager	\$10,691	\$6,547	+ \$4,144

- (1) The Mayor is not subject to FBT as the Mayor is not an employee of the City.  
 (2) Information provided is a snapshot only and does not include all 22 vehicles that comprise the light vehicle fleet

The example provided in the table above shows that it is far better for the City to apply the Statutory Method as it calculates a much lower FBT liability. This determination supports advice obtained from UHY Haines Norton Chartered Accountants, which was previously reported to the Council at its meeting held on 16 December 2008.

The Operating Cost Method calculation is higher as the business use percentage for the vehicles is low in comparison to the private use percentage. A higher private use percentage results in a greater proportion of the total operating costs being calculated as the taxable value component. This results in a much higher FBT liability calculation.

In conclusion, an assessment was carried out to determine the FBT liability by using one of two methods approved by the ATO, this being the Operating Cost Method and Statutory Method respectively. The key is to use the method which provides the lowest FBT liability, so that the City's tax liability is kept to an absolute minimum. The assessment has shown that the City should continue to use the Statutory Method as the basis for determining FBT liability.

e) Justification for not introducing an officer vehicle contribution scheme for private usage and how this could be implemented without penalising existing staff.

All local governments in Western Australia offer some form of commuter or private use of vehicles to employees, either as a contractual benefit or salary package option, or as a negotiated benefit subject to a monetary contribution. Within local government the vehicle use and contribution schemes vary greatly where some are based on vehicle engine size, radius or distance that the vehicle may be used from a town/suburb, and other schemes on a combination of both distance and vehicle engine size.

In general there are three common vehicle schemes that exist within local government, which vary in definition and classifications/conditions imposed. For ease the three schemes are briefly summarised as:



- Full Private Use - Executive type vehicles which are assigned to the Mayor, CEO and Directors, with the right to use for private purposes;
- Restricted or Limited Private Use - Fleet vehicles which are allocated to branch Managers or similar Team Leaders for restricted private usage. These vehicles are made available as pool vehicles during normal business hours; and
- Commuting Use - All other vehicles which are available to selected Officers for commuting purposes on the basis of their after hours availability for City business.

In analysing the various vehicle schemes in operation, there appears to be little consistency in the approach used by local governments whether or not an employee contribution is made. Notwithstanding, employee contributions for private use of a motor vehicle is a matter that the City's Executive and the Council needs to carefully evaluate, taking into account the potential impact that introduction of such a scheme may have on the marketability of the City as an "*employer of choice*", given no such scheme currently exists. Further, the Council must also weigh up how it will introduce such a scheme that will not penalise existing staff and/or place a potential new staff member at a distinct financial disadvantage.

Employees on negotiated salary (i.e. CEO, Directors and some Managers) have notional values for motor vehicles identified in their Contracts of Employment and these values are generally based on those determined by WALGA. Therefore, there is no intention to vary the way in which the notional values are applied to negotiated salary packages. However, if a vehicle was not provided as part of the salary package, salary costs to the assigned value of the vehicle would need to be paid together with superannuation, workers compensation and business mileage where the Officer used their own vehicle to conduct City business.

In conclusion, employees on a negotiated salary already contribute towards vehicles provided by the City. If the Council however is of a mindset to introduce a vehicle contribution scheme for those not on negotiated salary then it needs to be structured carefully so as not penalise existing staff or be a deterrent to staff who may wish to join the City's employment in the future. Notwithstanding, approximately 12 months or more ago the Director Finance and Information Services (DFIS) provided written advice from the City's auditors outlining why a contribution scheme was inappropriate at that time and this advice still applies. Hence, it is not the intention to go into further detail about possible contribution schemes for vehicles given the past advice from the City's auditors and fact that this is a matter that the CEO and Executive would need to further explore.

f) Current Policy for allocating vehicles to staff

The CEO is responsible for deciding all matters pertaining to the allocation and use of Motor Vehicles. There are administrative guidelines that regulate access to and use of motor vehicles that are allocated to staff.

Typically, motor vehicles are allocated to the Mayor, CEO, Directors, Managers and some senior Officers. The negotiated salary packages of the Executive and Managers allocate motor vehicles for full or restricted private use. With the exception of the Mayor, CEO and Directors, employees who are entitled to use a motor vehicle must ensure that their vehicle is available for pool use during normal business hours and these vehicles are not available during periods of extended leave.

When a vehicle is purchased it generally meets economic, functional, environmental and social requirements.

g) Justification for continuing with the 2 year 40,000 km policy when most existing warranties provide for a 3 or 5 year coverage

As previously stated, the City currently replaces its light vehicle fleet (passenger vehicles) on a minimum 2 year or 40,000 kilometre cycle and commercial fleet every 3 years or 60,000 kilometres minimum. These changeover cycles are indicative of those applied at other local governments in Western Australia and other States. Further, the City has in the past based its decisions on advice from the motor industry where vehicles are changed at 2 years or 40,000 km to maximise the trade price, minimise depreciation, and to limit the cost of ongoing servicing and repairs.

Notwithstanding, the whole of life cost assessment indicates that the most opportune time to replace the City's light vehicle fleet is 3 years or 60,000 kilometres (minimum). Keeping vehicles for longer than 3 years or 60,000 kilometres is only likely to result in poor trade-in prices, higher net capital cost outlay for the replacement vehicles, and higher servicing/repair costs as not all vehicle suppliers offer a 3 year or more new car warranty.

Therefore, whilst there is merit maintaining the status quo in regards to vehicle purchasing, it is not unreasonable for the City to consider moving to a 3 year or 60,000 kilometre changeover cycle. Hence, it is recommended that the City move to a 3 year or 60,000 kilometre changeover cycle for vehicle purchases.

**Consultation**

Officers undertook a review of a number of well known websites and publications such as the Green Vehicle Guide, Australia's Best Cars, Australasian New Car Assessment Program, Green Wheels, Red Book and Glass's Automotive Business Intelligence, and green vehicle purchasing policies and management practices for the City of Brisbane, City of Melbourne, City of Sydney, Vic Fleet, QFleet, and various other local governments.

In addition, professional advice was obtained from UHY Haines Norton Chartered Accountants on FBT, the City's Sustainability Coordinator regarding sustainability and environmental implications, and a Consultant was engaged to prepare a discussion paper to provide an unbiased assessment.

The Policy has been agreed by the Executive Management Team after careful consideration and review.

**Policy and Legislative Implications**

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

The City's Policy P605 "Purchasing and Invoicing Approval" defines purchasing procedures for different levels of purchase price.

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

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

Contracts of Employment detail various items relating to motor vehicle provision and use.

**Financial Implications**

The light vehicle fleet is currently changed over on a two minimum year cycle (about 50% of the passenger fleet each year). As part of the review of the light vehicle fleet, a whole of life cycle cost assessment has been undertaken which includes consideration of FBT and environmental implications. This assessment has revealed that the most opportune time to replace vehicles is 3 years or 60,000 kilometres (minimum). To coincide with the adoption of the 2009/2010 annual budget, vehicle changeover cycles have now been amended to reflect 3 years or 60,000 kilometres (minimum).

The current funding allocated by the City for the purchase of the various vehicle classes is shown in the table below:

Officer	Maximum Allocation
Mayor & CEO	\$52,250
Director	\$46,250
Manager	\$34,750
Supervisor & staff	\$28,750

\*2008/2009 Allocations

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

By way of encouragement to "offset" this entitlement, it is proposed that vehicles allocated to the CEO, Directors (subject to consent being obtained) and the Mayor be diversified to include mid range European and top-end Asian vehicles, that meet the rating criteria specified in the Policy. Whilst it is considered that an "offset" is necessary to encourage the CEO and Directors to move into "greener" and more fuel efficient vehicle types, it should be noted that the current vehicle funding allocations may need to be increased slightly to accommodate the higher cost of the mid range European and top-end Asian vehicles as these vehicles are generally not subject to the CUA. However, this increase will be a "one off" following the initial purchase of the vehicles, with the net changeover remaining the same. The City would also seek competitive quotes which should because of purchase volume, be better than retail price.

By way of example, the following table compares the Holden Statesman against three mid range European and one top-end Asian vehicle to determine the annual savings in fuel costs and green house gas emissions. It is assumed, for the purpose of the calculations, that Officers travel 20,000 kilometres a year.

Make/Model	Km/Yr	Fuel (L/Yr)	Fuel Cost (\$/Yr)	CO <sub>2</sub> (T/Yr)	Comments
Holden Statesman	20,000	2,300	\$2,875	5.4	Current Vehicle
Honda Accord Euro Luxury	20,000	1,780	\$2,225	4.2	Fuel Saving - \$650/year (22.6% saving) CO <sub>2</sub> reduction 1.2 t/year (22.2% reduction)
Audi A4 TDi	20,000	1,160	\$1,450	3.1	Fuel Saving - \$1,425/year (49.6% saving) CO <sub>2</sub> reduction 2.3 t/year (42.6% reduction)
Volkswagen Passat TDi	20,000	1,320	\$1,650	3.5	Fuel Saving - \$1,225/year (42.6% saving) CO <sub>2</sub> reduction 1.9 t/year (35.2% reduction)
Peugeot 407 HDI	20,000	1,420	\$1,775	3.8	Fuel Saving - \$1,100/year (38.3% saving) CO <sub>2</sub> reduction 1.6 t/year (29.6% reduction)

\*Fuel cost calculated using \$1.25 per litre.

At present, all but one of the light vehicle fleet has been purchased through the State CUA and this has provided the City with the opportunity to acquire vehicles at discounted prices. Purchase of vehicles outside the CUA (i.e. by tender) will result in the City paying a slightly higher cost for the Executive vehicles. However, the current Executive fleet, which predominantly comprises Holden Statesman's, are top-end vehicles. During changeover to the more fuel efficient and environmentally friendly vehicles, mid range European and top-end Asian marques (i.e. Honda Accord Luxury) would be considered for purchase provided they met the requirements of the new Policy.

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

#### **Strategic Implications**

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

#### **Sustainability Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1</b>
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That....

- (a) Policy P560 Motor Vehicles, as detailed in **Attachment 10.4.1**, be adopted; and
- (b) consent be sought of affected employees to vary their employment contracts to include the provisions of Policy P560 Motor Vehicles.

CARRIED EN BLOC RESOLUTION

<b>10.4.2 Asset Management Policy P405</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	1 July 2009
Author:	Carl Rouihainen, Asset Management Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

**Summary**

The purpose of this report is to present a new Policy P405 “Asset Management” to the Council for adoption.

The new Policy at **Attachment 10.4.2** will provide the framework by which the Council commits to a strategic approach to decision making in relation to the management of the City’s numerous infrastructure assets.

**Background**

The Council has determined through its Strategic Plan that Asset Management is an important corporate goal.

The way that Council influences and directs the organisation is through policy and strategy. Hence, the Asset Management Policy sets out the Council’s expectations in relation to delivering the strategy.

**Comment**

The Asset Management Policy seeks to outline a framework for the management of assets to deliver the City’s vision. It is the intention that management of these assets will encompass sustainability of the built and natural environment whilst ensuring the most efficient and effective delivery of services for the benefit of the South Perth community.

This Asset Management Policy is needed to demonstrate a strong commitment to care for the City’s assets for both the present and future generations. This will be achieved by supporting sustainable innovative services, making socially responsible decisions and demonstrating good governance.

**Consultation**

The proposed Asset Management Policy has been reviewed by the new Asset Management Working Group and Executive Management Team.

There is no public consultation required at this time.

**Policy and Legislative Implications**

Asset Management is a core function of managing the City’s infrastructure assets which meets to objectives of section 2.7 of the *Local Government Act 1995*:

“2.7. The role of the council

(1) *The council —*

(a) *directs and controls the local government’s affairs; and*

(b) *is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to —*

(a) *oversee the allocation of the local government’s finances and resources; and*

(b) *determine the local government’s policies.”*

**Financial Implications**

There are no financial implications in relation to adopting this Policy.

**Strategic Implications**

The reports aligns to Goal 4 “Infrastructure” identified within the Council’s Strategic Plan. Goal 4 is expressed in the following terms “*To sustainably manage and maintain the City’s Infrastructure assets.*”

**Sustainability Implications**

This proposed Asset Management Policy aligns with Council’s Sustainability objectives in regards to financial viability and infrastructure management.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2</b>
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That Policy P405 “Asset Management” as per **Attachment 10.4.2** be adopted.

CARRIED EN BLOC RESOLUTION

**10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

<b>10.5.1 Applications for Planning Approval Determined Under Delegated Authority.</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 7 July 2009  
Author: Rajiv Kapur, Manager, Development Services  
Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of June 2009.

**Background**

At the Council meeting held on 24 October 2006, Council resolved as follows: *“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”*

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

**Comment**

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City Officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

**Consultation**

During the month of June 2009, forty (40) 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1</b>
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That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of June 2009, be received.

CARRIED EN BLOC RESOLUTION

<b>10.5.2</b>	<b>Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 8 June 2009  
 Author: Kay Russell, Executive Support Officer  
 Reporting Officer: Cliff Frewing, Chief Executive Officer

**Summary**

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

**Background**

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

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

**Comment**

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

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

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

**Register**

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

**June 2009**

Nature of document	Parties	Date Seal Affixed
Removal of Expired Term Lease - CPV	City of South Perth	9 June 2009
Deed of Amendment	Restoration of South Perth Old Mill	12 June 2009
Application to Licence Paddle Craft Ramp Number 3798	Department for Planning and Infrastructure	18 June 2009
Funding Agreement Community Infrastructure Program - Strategic Projects	Commonwealth of Australia	18 June 2009
Emergency Services Levy Administration - Section 36ZJ 'Option B' Agreement	Fire & Emergency Services Authority	22 June 2009
Proof of Existence	Michele Pons	24 June 2009

**Consultation**

Not applicable.

**Policy and Legislative Implications**

Clause 21 of the City's Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

**Financial Implications**

Nil.



### **Strategic Implications**

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

### **Sustainability Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</b>
--

That the report on the use of the Common Seal for the month of June 2009 be received.

CARRIED EN BLOC RESOLUTION

<b>10.5.3 Local Government Reform</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/601
Date:	7 July 2009
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer

### **Summary**

The purpose of this report is to provide Elected Members with a progress report on the Local Government Reform initiative introduced by the Minister for Local Government and to provide an update of the outcome of the community consultation in relation to Local Government Reform.

### **Background**

On 5 February 2009 the Minister for Local Government, John Castrilli announced a package of Local Government reform strategies and invited each of the 139 councils within Western Australia to voluntarily amalgamate and to voluntarily reduce the total number of elected members for each council. He also sought advice on councils’ clear intention on these matters within a period of six months.

The Minister sought Local Governments to review their structure and relationships with neighbours which may see changes in the following areas:

1. A reduction in the number of elected members to between 6 and 9;
2. Preferences for regional groupings;
3. Amalgamations of Local Governments; and
4. Boundary changes.

On 3 March 2009, the Minister issued guidelines of what is required to be achieved over the six months to assist Local Governments to respond to the Minister’s requirements. The Minister’s statement, timeline and guidelines were provided to Elected Members at a Briefing on Tuesday, 3 March 2009.

The Local Government Reform Steering Committee appointed by the Department of Local Government has supported the need for reform and recognises that action is required in view of the following pressures on the sector:

- The need for structural change as highlighted in a range of studies in Western Australia undertaken over the past 20 years focusing on the sustainability of the sector.
- The need for improved operational performance and governance capacity.
- A shortage of appropriately skilled human resources across the sector.
- Commonwealth Government support for the reform process, which recognises the increasing role of Local Government in state and Commonwealth service delivery.

**Comment**

Elected Member Briefings on this topic were held on 3 March 2009, 7 April 2009 and 12 May 2009. In addition Members have been kept informed of progress in relation to Local Government Reform via regular items in the *Bulletin*,

The Mayor, Deputy Mayor and CEO have had several meetings with Mayors and CEOs of neighbouring Local Governments, to discuss reform opportunities as follows:

- |                 |   |
|-----------------|---|
| • 9 March 2009  | • Belmont, Canning, Cockburn, Melville Gosnells Victoria Park and South Perth |
| • 12 March 2009 | • Belmont, Victoria Park, South Perth   |
| • 15 April 2009 | • Belmont, Victoria Park, South Perth   |
| • 20 May 2009   | • Belmont, Victoria Park, South Perth   |
| • 17 June 2009  | • Belmont, Victoria Park, South Perth   |

The notes of the matters discussed at these meetings have been provided to Elected Members and discussions are continuing.

As a result of these discussions, the City of Belmont, Town of Victoria Park and City of South Perth have appointed Chris Liversage of CRL Consulting to prepare a joint report which will be presented to Council for consideration in August 2009.

Subsequent to the Minister’s advice, the Department of Local Government circulated Structural Reform Guidelines prepared by the Local Government Reform Steering Committee which included six actions to be taken by each Local Government. These actions, together with a brief comment on progress are as follows:

Action	Comment
1. Local Governments complete reform checklist and forward to the Local Government Reform Steering Committee by 30 April 2009.	Checklist submitted by due date *1
2. Local Governments identify and meet with potential partners.	Meetings regularly being held with Belmont and Victoria Park as well as Canning on a needs basis.
3. Local Governments undertake a preliminary assessment to confirm amalgamation grouping is appropriate.	Preliminary assessment on local groupings conducted at Briefing Sessions.
4. Local Governments decide on the appropriate combination of councils.	Preliminary assessment on local groupings conducted at Briefing Sessions
5. Local Governments to consider proposals for a reduction in the number of elected members.	Consideration currently being assessed but not yet determined.
6. Local Governments to consider the skill sets for establishing a project team to co-ordinate the reform process.	Project Team of Mayor, Deputy Mayor and CEO formed.

\*<sup>1</sup> The City’s submission to the Local Government Reform Guidelines Checklist was sent to the Minister on 30 April 2009. As far as is known, an assessment of the checklist has not yet been completed, but undoubtedly the City will hear the results of the assessment in due course.

**Consultation**

Part of the Minister’s requirements was that each Local Government engage its community on this important issue. The City did this by inviting comments on the Local Government Reform Process.

A draft discussion paper was prepared for this purpose in May 2009 and feedback was sought from elected members prior to it being made available to the community for comment. Submissions closed on 22 June 2009.

Notice of the availability of the discussion paper appeared in the City Update column of the 26 May 2009 *Southern Gazette*. The discussion paper was made available on the City’s website and copies of the discussion paper were made available for collection at the front counter and libraries. In addition a copy of the discussion paper was made available to each participant at the conclusion of the Visioning Conference, which was held at the Como Secondary College on 23 May 2009. As well a copy of the discussion paper has also been made available to the Town of Victoria Park and City of Belmont for information.

In addition, the Winter 2009 edition of the *Peninsula* which was delivered to every property within the City, contained an article about Local Government Reform and provided details of how residents could access the discussion paper and provide feedback.

Six submissions were received from members of the community. One submission was in favour of Local Government Reform and five submissions were not in favour. A summary of the submissions is as follows:

• Not in Favour (5)	In Favour (1)
Amalgamation will distance us from decisions that affect our local way of life. Requests public meeting be held before making final decision.	Suggests no wards and councillors be elected by proportional representation.  In favour of amalgamation - sees financial benefits that come with size.
Local Government Reform proposal has long term consequences and should be better understood by the community. Concern about costs associated with restructuring/amalgamations as well as reduced elected member representation. Suggests public forum be held.	
City of South Perth to remain unchanged - retaining current boundaries and authority.	
Has no community interest with Victoria Park or Belmont.	
Not Supported	

Judging from the limited response to this very significant issue, and having regard for the widespread distribution of the Discussion Paper, it can only be concluded that there is little interest in the community on this topic whether for or against reform. Given that there are 43 000 residents of the City and there were only six responses this is very disappointing. Two of the community members suggested that a public meeting be held before making a final decision on this matter, but given the very limited response to the invitation to respond to the Discussion Paper, this cannot be justified.

**Policy and Legislative Implications**

At this time there are no policy or legislative implications, although of course a final decision on this issue to amalgamate with other Local Governments will have a long term and fundamental impact on the City of South Perth.

The Minister requires a response to each of the four key questions identified in the 'Background section' of this report from each Local Government by 31 August 2009. The consultant's report will provide some information and data that will assist Council in making its decision on these questions. It is clear however, that there has never been sufficient time allowed for Local Government to thoroughly assess all aspects of such wide reaching proposals.

The Minister has no legislative power to require Local Governments to respond to this proposal, however, failure to provide an adequate response will not reflect well on the City and is not recommended.

If the Minister decides to implement Local Government Reform with or without the support of the Local Governments concerned, changes are likely to be made to the *Local Government Act* to facilitate the required changes.

**Financial Implications**

At this time there are no financial implications. A consultant has been appointed to perform the detailed research necessary for Council consideration at a cost of \$30 000. This sum has been paid for by the Department of Local Government by a grant of \$10 000 to each of the three participating Local Governments, ie City of South Perth, City of Belmont and Town of Victoria Park.

**Strategic Implications**

There is no direct reference in the City's Strategic Plan to the reform of Local Government. Nevertheless, the issue has clear strategic implications and which, as mentioned above, will have a long term fundamental impact on the City.

**Sustainability Implications**

The Minister has indicated that the principles for reform for each Local Government will be assessed in the following areas:

1. Long term strategic planning;
2. Detailed asset and infrastructure management planning;
3. Future financial viability and planning;
4. Equitable governance and community representation;
5. Proficient organisational capacity;
6. Effective political and community advocacy for service delivery;
7. Understanding of and planning for demographic change;
8. Effective management of natural resources;
9. Optimal community of interest; and
10. Optimal service delivery to community.

These key areas will be addressed in the consultant's report which will be considered in August.

Whilst the City of South Perth is regarded as being financially sustainable in its own right, so are the immediate neighbours of the City, ie City of Belmont, City of Canning and Town of Victoria Park. The proposal to conduct statewide Local Government reform goes beyond financial sustainability and is presumably consistent with State Government ideology.

Inviting community input is consistent with the concept of building strong sustainable communities.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3</b>
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That....

- (a) the report on the Local Government Reform initiative introduced by the Minister for Local Government be received and the submissions be noted; and
- (b) the submitters be thanked for their contribution on this important topic.

CARRIED EN BLOC RESOLUTION

<b>10.5.4 Collier Park Golf Course Review of Facilities Redevelopment Proposal, Rosetta Holdings Pty Ltd.</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	PR/301
Date:	7 July 2009
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

**Summary**

The purpose of this report is to review two options provided by Rosetta Holdings Pty Ltd (hereinafter referred to as Rosetta) to redevelop the facilities within the Collier Park Golf Course.

This report briefly discusses the options, identifies areas requiring further work and recommends that the Council support continued investigation into the redevelopment of the facilities at the Collier Park Golf Course.

**Background**

At its meeting held in June 2008, the Council considered Agenda Item 10.5.4 which related to the review of Collier Park Golf Course lease. At that meeting, it was resolved....

*That....*

- (a) *Council requests the Chief Executive Officer to enter into a two year extension of the lease with Rosetta Holdings Pty Ltd, as per Confidential Attachment 10.5.4, for the Pro Shop, Cart Store, Driving Range and Kiosk of the Collier Park Golf Course, commencing 1 July 2008;*
- (b) *a process be established with Rosetta Holdings to initiate longer term planning and development of the course facilities;*

- (c) *Council be appraised of this process through regular updates and specific Concept Briefings; and*
- (d) *a report be presented to Council by July 2009 detailing the outcome of the planning process and recommending options upon the expiration of the extended two year lease period on 30 June 2010.*

Since this resolution, City officers have been working closely with Rosetta to implement part '(b)' of the resolution and report back to Council by the July 2009 meeting as per part '(d)'.

The Council will be considering a draft Master-plan for the future development of the Collier Park Golf Course (CPGC), which is the subject of a separate report (Item 10.3.8) of the July 2009 Council Agenda. The purpose of the Master-plan is to provide a strategic guide for the future direction of the CPGC. The facilities redevelopment proposal is an integral component of the Master-plan.

#### **Comment**

Rosetta presented two redevelopment options to the Council at a Concept Briefing held on 30 June 2009. Rosetta's options are to demolish the existing pro-shop, kiosk, cart store and club house and to replace them with a state of the art golfing complex. As a minimum, this will comprise:

- Two storey 60 bay semi automatic day/night driving range;
- Pro-shop;
- Club house;
- Cart store;
- Eatery / kiosk;
- Day/night putting and chipping greens;
- Function room; and
- Potential tenancy spaces.

The two options are estimated to cost \$8.5 million and \$6.995 million respectively. The cheaper option at \$6.995 million removes the top storey of the complex which houses office space and a function room. The two storey driving range is common to both options as is the chipping and putting facilities.

Rosetta has produced a series of concept designs and separate business cases to support their options. These were presented to the Council along with an innovative 'walk through' visual graphic at the Briefing. A folder containing copies of the 'Commercial in Confidence' proposals was provided at the Briefing for Councillors to peruse.

The concept designs are of a contemporary golfing complex and expansive day/night chipping and putting facilities. Rosetta believes this will attract many more patrons to the CPGC and provide sufficient return to the City and Rosetta to justify the investment.

The City considers the concept designs to be sound, but believes they require further investigation and refinement. Several aspects of the Rosetta proposal that require further investigation include, but are not limited to, the following:

- The technology proposed for the driving range/ball collection system - this aspect is pivotal to the ongoing success and viability of the driving range;

- The possible use (and height) of netting to protect the public from stray balls from the driving range. This has the potential to be a big cost and needs to be explored as part of the investigation stage;
- The function and eating components of the facility are not discussed in any detail i.e. what type of eating facilities are to be provided? Who should operate the function and eating facilities? What are the leasing requirements?, etc;
- Is the facility best serviced as golfing complex, or stand alone driving range and separate facilities?
- There is no detailed business planning or financial modelling and hence this aspect needs to be completed ahead of any further consideration of the proposal.

### **Financial Implications**

The proposal put forward by Rosetta is for the City to fully fund the construction of the complex and for Rosetta to operate it on behalf of the City for a management fee. There was no indication of any financial support for the project by Rosetta. Should Council accept this proposal then the City would have to explore borrowing the money to finance the development as there are insufficient funds available in CPCG Reserve to fully fund the proposal.

Should the project be required to be funded by the City, it is imperative that the City drive the project to ensure that a maximum return on investment is realised if the project is to proceed. For this reason, it is recommended that the City takes over the control of the project to ensure that the City's investment in CPCG is maximised.

The City has sought advice from a Consultant (DTZ) on specific aspects of the Rosetta proposal. The advice from the Consultant and that of the officers is that the business case put forward by Rosetta does not demonstrate sufficient return on investment for the project to be viable in either of its current forms. The Consultant has advised that an internal rate of return, for this type of development, in the range of 12 - 15% per annum should be the minimum appropriate return, but Rosetta's five year projections are somewhat less than that.

In addition, the level of detail in the business cases put forward is not considered sufficient for the City to be confident in supporting the options as they stand. Despite this, the Consultant has advised the City that there is merit in pursuing development of a multi storey automatic driving range plus new facilities further. To that end, it is recommended that the City commission a more detailed business plan / feasibility study to assess whether a redevelopment of this type is viable or not. It is recommended that this will be the subject of a separate report to Council whereby a decision can be made whether to proceed or not with the redevelopment of facilities.

The City also has the opportunity to learn from the facilities redevelopment project which has recently commenced at the Wembley public golf course. The Town of Cambridge has recently approved the construction of a new multi-storey automatic driving range and is progressively upgrading other facilities on course in line with the adopted master plan/business plan. The City can closely monitor the Wembley development and this should provide an important insight into how future facilities redevelopment might work for the City of South Perth. Of particular interest will be the use of fully automatic technology at the driving range.

### **Consultation**

The City has sought external consultant advice (DTZ) on aspects of the Rosetta proposals.

The Council has been periodically updated of progress of this project via the internal 'Bulletin'.

The proposal was the subject of a Council Concept Briefing held on Tuesday 30 June, 2009.

The City has held discussions with the Manager of Wembley Golf course in regards to their upgrading proposal.

Throughout the course of the development, officers from the City have held regular meetings with Rosetta.

### **Policy and Legislative Implications**

Part '(d)' of the June 2008 resolution requests officers provide recommended options by July 2009, upon the expiration of Rosetta's extended two year lease period in 30 June 2010.

### **Conclusion**

Rosetta has complied with their component of the June 2008 resolution and has, in good faith and some expense, produced a proposal with two options for the redevelopment of facilities at the CPGC. Rosetta has been a long standing tenant at CPGC and enjoys a very good relationship with the City at officer level.

There are a number of options and scenarios involved with the redevelopment of the Course and Rosetta's potential role in them. Because Rosetta is not offering any financial involvement in the redevelopment proposal it is therefore recommended that the City take over the planning and design of the CPGC facilities upgrade. The City should continue to work with Rosetta, utilising their expertise in golf. It is therefore important that the City be the "master of its own destiny" and drive the project to ensure that a maximum return on investment is realised if the project is to proceed further. If this approach was agreeable to Rosetta, then the City could consider rewarding Rosetta with first option on a new lease, subject to a redevelopment clause in the event that such a situation arose in the future.

In view of the potential complexities and scenarios discussed in this report, it is recommended that the renewal of the lease be the subject of a further report to Council before the end of 2009 to:

- Allow time for Officers to thoroughly research lease options and scenarios and to ensure they have sound legal standing;
- Allow Officers time to discuss the options and scenarios with Rosetta Holdings Pty Ltd in light of the recommended outcome of their facilities redevelopment proposal;
- Allow Officers to progress a Business Plan, including detailed financial modelling, for the redevelopment proposal.

This would still allow sufficient time for the City and Rosetta to assess their options if a new lease agreement could not be struck and importantly, ensure the continued professional operation of the Collier Park Golf Course.

### **Strategic Implications**

The report aligns to Goal 5 "Organisational Effectiveness" *To be a professional, effective and efficient organisation* and in particular Strategy 5.3 - *Develop partnerships with organisations which provide mutually beneficial opportunities for resource sharing and the exchange of ideas.*

This report also aligns to Goal 6 "Financial Viability" *To provide responsible and sustainable management of the City's financial resources* and in particular Strategy 6.2 - *Maximise community benefit and value for money from City expenditures and use of our Assets.*



**Sustainability Implications**

Completion of a feasibility study and detailed Business Plan for the Collier Park Golf Course redevelopment will provide guidance to the Council on long term sustainability issues.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.5.4**

That....

- (a) the proposal submitted by Rosetta Holdings Pty Ltd for the redevelopment of facilities at the Collier Park Golf Course be noted;
- (b) the City engage a Consultant to undertake a Feasibility Study and detailed Business Plan for the potential to redevelop facilities at the Collier Park Golf Course and that such documentation form the basis of a future report to Council; and
- (c) a report discussing scenarios and recommending a future leasing strategy for the Collier Park Golf Course be presented to the December 2009 meeting of Council.

CARRIED EN BLOC RESOLUTION

**10.6 GOAL 6: FINANCIAL VIABILITY**

**10.6.1 Monthly Financial Management Accounts - June 2009**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 10 July 2009  
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

**Summary**

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

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

**Background**

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City provides comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from when the first budget amendment is recognised. This schedule reflects a reconciliation of movements between the 2008/2009 Adopted Budget and the 2008/2009 Amended Budget including the introduction of the capital expenditure items carried forward from 2007/2008.

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

### **Comment**

Whilst acknowledging the very important need for Council and the community to be provided with a 'final' year-end accounting of the City's operating performance and financial position; the year end financial accounts for the City are yet to be completed - in either a statutory or management account format. This is because the City is still awaiting supplier's invoices and other year end accounting adjustments before finalising its annual accounts ready for statutory audit. It is considered imprudent to provide a set of 30 June Management Accounts at this time when it is known that the financial position disclosed therein would not be final - and would be subject to significant change before the accounts are closed off for the year.

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts as at year end would be presented to Council at the first available meeting of Council after their completion - ideally the August 2009 meeting if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

### **Strategic Implications**

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

### **Sustainability Implications**

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

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

## **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1**

That the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2009 be presented to the 25 August 2009 meeting of Council in order to allow the final year end position to be accurately and completely disclosed.

CARRIED EN BLOC RESOLUTION

## **10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2009**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 July 2009
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

### **Summary**

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

### **Background**

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Because significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which the delegations are being exercised. Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

### **Comment**

#### **(a) Cash Holdings**

Total funds at month end of \$30.43M compare favourably to \$27.45M at the equivalent stage of last year. Reserve funds are some \$2.50M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV.

Municipal funds are \$0.3M higher than at the conclusion of last year due the impact of timing differences in the capital program. The free cash position remains solid - with collections from rates at year end within 0.25% of last year's excellent result. Whilst early collections were very positive with convenient and customer friendly payment methods in place - supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses); timely and effective follow up debt collection actions by the City's Financial Services officers have been instrumental in producing such an outstanding result for the City in a challenging economic climate.

Cash inflows from areas other than rates have generally been somewhat less than expected with delays in receiving the proceeds on the sale of land adjacent to the South Perth Hospital and inability to access the Lotterywest grant for the Library & Hall project until construction is underway although \$1.0M of the IAF Grant was received ahead of time.

Effectively managing these items remains a priority for the City's senior finance staff who continues to dynamically manage organisational cash flow on an ongoing and proactive basis.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is continually monitored and re-balanced as trends emerge.

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 \$4.07M although \$2.54M of this relates to carry forward capital works (compared to \$3.74M at the same time in 2007/2008). **Attachment 10.6.2(1)**.

**(b) Investments**

Total investment in money market instruments at month end was \$28.51M compared to \$27.01M at the same time last year. This is due to the higher holdings of Reserve Funds related to the refundable monies associated with the Collier Park Village.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 94.5% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible 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. Counterparty mix is dynamically adjusted during the year through a re-balancing of the portfolio.

The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Interest revenues (received and accrued) for the year totals \$2.14M - slightly down from \$2.27M at this time last year. This result is attributable to lesser interest rates notwithstanding higher levels of reserve cash holdings - as well as timely, effective treasury management. Rates are weak and continue to be surprisingly volatile even for safe financial instruments such as term deposits. The date on which an investment is placed remains a critical determinant of the rate of return received as banks manage capital, meet re-financing commitments and speculate on future action of interest rates by the Reserve Bank.

To this stage of the year, interest revenues have remained relatively strong despite numerous cuts to official rates over the year. Reserve Fund interest is still on target relative to budget due to higher cash holdings - although Municipal Fund interest revenue is somewhat lower than at the same time last year. A big portion of current year funding was placed in longer term high yielding investments before the severe rate cutting began - and this has helped to alleviate the otherwise potentially very harsh impact on investment returns in the later part of this year.

Investment performance has been continuously monitored in the light of current low interest rates to ensure pro-active identification of potential budget closing position impact.

Throughout the year it is necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed 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 has fallen now to 5.83% (compared with 5.96 last month) with the anticipated yield on investments yet to mature falling similarly to 4.09% (compared with 4.10% last month). Investment results reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs are now providing a return of only 3.00% (since 3 Feb) - down from 7.00% last July!

**(c) Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtors classifications (rates, general debtors and underground power) are provided below.

**(i) Rates**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of June 2009 represent 97.0% of total rates levied compared to 97.25% at the equivalent stage of the previous year. This is still regarded as a very good result - considering the current economic climate

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) is again being supported by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

**(ii) General Debtors**

General debtors stand at \$1.32M at month end excluding UGP debtors - which compares to \$1.14M at the same time last year. GST Receivable is some \$0.10M higher than at the same time last year. Year end accruals for grant funds relating to events and road works are yet to be finalised. Both parking infringements outstanding and rates pension rebate refundable are also slightly lower. The majority of the outstanding amounts are government & semi government grants or rebates - and as such they are collectible and represent a timing issue rather than any risk of default.

**(iii) Underground Power**

Of the \$6.76M billed for UGP (allowing for adjustments), some \$4.99M was collected by 31 May with approximately 67.0% of those in the affected area electing to pay in full and a further 32.1% opting to pay by instalments. The remainder has not yet made a payment and is the subject of follow up collection actions by the City. As previously noted, a small number of properties have necessarily had the UGP charges adjusted downwards after investigations revealed eligibility for concessions that were not identified by the project team before the initial invoices were raised.

Collections in full are currently better than expected which has had the positive impact of allowing us to defer the UGP related borrowings until June to take advantage of better loan interest rates. On the negative side, significantly less revenue than budgeted is being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which are currently accruing on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the 'yet to completed UGP service' - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan).

The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

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

### **Sustainability Implications**

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2</b>
--

That Council receives the 30 June 2009 Monthly Statement of Funds, Investment & Debtors comprising:

- |   |                             |
|---|-----------------------------|
| • Summary of All Council Funds as per         | <b>Attachment 10.6.2(1)</b> |
| • Summary of Cash Investments as per          | <b>Attachment 10.6.2(2)</b> |
| • Statement of Major Debtor Categories as per | <b>Attachment 10.6.2(3)</b> |

CARRIED EN BLOC RESOLUTION

### 10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 July 2009
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 June 2009 and 30 June 2009 is presented to Council for information.

#### Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor or Non Creditor payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services.

Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

#### Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

The format of this report has been modified from October 2008 forwards to reflect contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance an EFT payment reference of 738.76357 reflects that EFT Batch 738 made on 24/10/2008 included a payment to Creditor number 76357 (ATO).



- **Non Creditor Payments**

*(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).*

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function will no longer be recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

**Consultation**

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

**Policy and Legislative Implications**

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

**Financial Implications**

Payment of authorised amounts within existing budget provisions.

**Strategic Implications**

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

**Sustainability Implications**

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3</b>
--

That the Listing of Payments for the month of June as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Application for Leave of Absence : Cr Doherty**

I hereby apply for Leave of Absence from all Council Meetings for the period 24 August until 24 September 2009 inclusive.

**COUNCIL DECISION ITEM 11.1**

Moved Cr Trent, Sec Cr Hearne

That Cr Doherty be granted Leave of Absence from all Council Meetings for the period 24 August until 24 September 2009 inclusive.

CARRIED (13/0)

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12.1 Proposed Parking Permits Richardson Street Area : Cr Smith**

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 28 July 2009.

MOTION

That in relation to the introduction of paid parking in several areas of the Commercial and Business Precincts of the Peninsula area, the matter of providing ratepayers / electors in the area bounded by the south side of Richardson Street, Labouchere Road, Melville Parade and Judd Street with parking permits be the subject of a report to the August Council meeting.

MEMBER COMMENT

Ratepayers / electors are being disadvantaged following the decision at the February 2009 Council Meeting to introduce paid parking to several areas of the Commercial and Business Precincts of the Peninsula area. I proposed to move a Motion at the August Council meeting to introduce parking permits for this area and request a report be prepared on this matter and included on the August Council Agenda.

CEO COMMENT

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

The strategy of seeking an officer report so that sufficient background information can be provided to ensure Council is able to make an informed decision which includes careful consideration of all relevant costs associated with this proposal is endorsed.

**COUNCIL DECISION ITEM 12.1**

Moved Cr Smith, Sec Cr Grayden

That in relation to the introduction of paid parking in several areas of the Commercial and Business Precincts of the Peninsula area, the matter of providing ratepayers / electors in the area bounded by the south side of Richardson Street, Labouchere Road, Melville Parade and Judd Street with parking permits be the subject of a report to the August Council meeting.

CARRIED (13/0)

**13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.1.1... Parking Ticket Machines .....Cr Smith**

Summary of Question

There are smashed / damaged ticket machines in the Peninsula area. What can be done to protect our parking dispensers?

Summary of Response

A response was provided in writing on 26 June 2009 by the Manager Environmental Health and Regulatory Services. A summary is as follows:

Ticket machines are an easy target to thieves because they contain cash. It is proposed to install an electronic alarm system into ticket machines which alerts the City once a machine doors have been tampered with. This is called "PCManager" and will be fitted to the new and existing ticket machines throughout the City in due course. Additionally, the possibility of designing and manufacturing a physical protection barrier to go around the machines to provide additional protection to them is currently being investigated.

**13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.2.1. Approval Process for Public Housing .....Cr Doherty**

Summary of Question

I understand as part of the State and Commonwealth Government's initiatives to stimulate the economy changes have been made to the approval process for public housing? What are the changes and do they have any implications for the City?

Summary of Response

The Acting Chief Executive Officer advised that changes have been made to the development approval process for public housing as per the information provided to the City by the Department of Housing on 7 July 2009. The process will require the applicants to lodge their development application with the Department of Housing. These will be forwarded to the relevant Local Government for providing comments to DoH. The Local Government will have 21 calendar days from the receipt of the development application to provide comments to DoH. The DoH may determine the application upon the expiry of 21 days regardless of whether the Local Government has provided its comments.

DoH sought support from the City in implementing this new process. This matter and its implications was discussed by Senior officers within the City's planning department and the DoH advised that the City will endeavour to work in accordance with the delegated planning authority to DoH from the Western Australian Planning Commission.

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

*In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.*

that an item of 'New Business of an Urgent Nature' had been received as per the Late Report Item 14 circulated to Members prior to the commencement of the Meeting.

**COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 14**

Moved Cr Hearne, Sec Cr Ozsdolay

That the item of new business introduced be discussed.

CARRIED (13/0)

**14.0 Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference 2-4 September 2009 Queensland**

Location:	Queensland
Applicant:	Council
Date:	27 July 2009
File Ref:	HR/ST/3
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

**Summary**

The purpose of this report is to give consideration to Councillor attendance at the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference to be held in Coolumb, Queensland between 2 and 4 September 2009.

**Background**

The Australian Mayoral Aviation Council was initiated through consensus by a number of local authorities meeting at Canberra in December 1982. Due to the nature of elected representation, it was agreed that membership be open to the Mayor, Warden and /or Councillor of local authorities throughout Australia affected, or potentially affected, by airport operations or aircraft noise.

Then current membership is organised on a regional basis wherein members from each State and Territory elect a representative to the Executive Committee at the Annual General Meeting. Currently the President is Councillor Ron Hoenig, Mayor, Botany Bay City, NSW.

AMAC's primary objective through its Constitution is to ensure that all reasonable measures are taken by relevant authorities to minimise the deleterious effect of aircraft and airport operations on local communities. The organisation therefore, seeks to develop an effective aviation system which serves the needs of the Nation while ensuring the rights of residents in communities adjacent to airports are respected and protected.

### **Comment**

In terms of advising members of activities, both current and future, AMAC produces a quarterly newsletter and convenes its most important forum, the National Conference on an annual basis. The Conferences are designed to provide delegates with the opportunity to meet and discuss issues, to hear and examine speakers on a wide variety of subjects and to determine the future of the organisation through the forum of the Annual General Meeting.

Key speakers will address the conference on the following topics:

- GPS Flight Paths
- Aviation for Australia
- Council owned/Council run joint facility (Newcastle)
- Regional Airports for Communities
- Open Rotor Engines - the next big step
- Sunshine Coast Airport

Further details of the conference program can be found in **Attachment 14**.

Councillor Travis Burrows, Council's Deputy Delegate on the Perth Airport Municipalities Group (PAMG) and the Perth Airport - Noise Management Consultative Committee has indicated his interest in attending this conference.

### **Consultation**

N/A

### **Policy and Legislative Implications**

Council Policy P513 requires that:

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

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

### **Financial Implications**

The total estimated cost of Elected Member attendance including registration, airfares, accommodation and meals is approximately \$2,500 (Note: this cost is based on economy airfares).

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

### **Strategic Implications**

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

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

**OFFICER RECOMMENDATION ITEM 14.0**

That Council consider the attendance of an Elected Member at the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference to be held in Coolum, Queensland between 2 and 4 September 2009.

NOMINATIONS

The Mayor called for nominations to attend the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference. Cr Ozsdolay nominated Cr Burrows. Cr Burrows accepted nomination.

MOTION

Moved Cr Ozsdolay, Sec Cr Hasleby

That Council approves the attendance of Cr Burrows at the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference to be held in Coolum, Queensland between 2 and 4 September 2009.

Cr Ozsdolay Opening for the Motion

- given Cr Burrows is the Deputy Delegate on the Perth Airport Municipalities Group and the Perth Airport - Noise Management Consultative Committee believe it is important he attend the Aviation Council Annual Conference.

Cr Best point of clarification - looking at key speakers listed in the report - unsure as to relevance to City of South Perth?

Cr Burrows responded that there have been substantial discussions with the Groups also attended by Cr Hasleby and the Manager Environmental Health Services to address issues such as flight paths, airlines taking incorrect paths, how air services are addressed in relation to curfews, flight paths effecting noise issues, traffic issues in relation to traffic getting to Perth Airport. The Conference provides an opportunity for input in moving forward on these issues for Perth Airport.

Cr Smith for the Motion

- acknowledge that flight paths are important issues
- support Motion for Cr Burrows to attend conference.

Cr Trent for the Motion

- acknowledge issues with flight paths, noise, curfews
- support the Motion

Cr Gleeson against the Motion

- refer to my interest in attending Sustainability Conference in Sydney in May
- because of economic climate and being up for re-election was asked to reconsider
- only thing that has changed is Cr Burrows is not up for re-election
- against the Motion

Cr Ozsdolay Closing for the Motion

- issues before us currently are flight paths / curfews etc
- believe we need to be there to have our voice as to where pilots fly
- important we have representation
- ask Councillors support the Motion

**COUNCIL DECISION ITEM 14**

The Mayor put the Motion

That Council approves the attendance of Cr Burrows at the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference to be held in Coolum, Queensland between 2 and 4 September 2009.

CARRIED (13/0)

FURTHER ITEM OF NEW BUSINESS OF AN URGENT NATURE

Cr Hasleby reported to Members that in accordance with Clause 3.8 of the City's Standing Orders that an item of 'New Business of an Urgent Nature' had been received in the form of a Memorandum from the Mayor relating to a Code of Conduct complaint.

Following a discussion by Elected Members, Cr Hasleby moved the following Motion.

MOTION

Moved Cr Hasleby, Sec Cr Ozsdolay

That the item of 'New Business of an Urgent Nature' relating to a Memorandum from the Mayor relating to a Code of Conduct complaint be introduced for discussion.

The Mayor put the Motion.

LOST (4/9)

**15. MEETING CLOSED TO PUBLIC**

**15.1 Matters for which the Meeting May be Closed.**

**COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC**

Moved Cr Ozsdolay, Sec Cr Grayden

That the meeting be closed to the public at 9.28pm in accordance with the *Local Government Act Section 5.23(a), (c) and (d)* while Item 15.1.1 is discussed as it relates to a matter affecting employees.

CARRIED (13/0)

**Note:** The remaining members of the public gallery left the Council Chamber at 9.28pm.

**Note:** Cr Gleeson left the Council Chamber at 9.28 and returned at 9.30pm

**Note:** Council Chamber doors were closed at 9.30pm

**15.1.1 City of South Perth EBA Proposal *CONFIDENTIAL Not to be Disclosed*  
REPORT**

Location: City of South Perth  
Applicant: Council  
Date: 7 July 2009  
Author: Helen Cardinal, Manager Human Resource Services  
Reporting Officer: Cliff Frewing - Chief Executive Officer

***Confidential***

The CEO has designated this item as ***Confidential*** under the *Local Government Act Sections 5.23(a) (c) and (d)* as it relates to:

- a matter affecting employees;
- a contract entered into by the local government which relates to a matter to be discussed at the meeting.

**Note:** *Report circulated separately*

**COUNCIL DECISION ITEM 15.1.1**

Moved Cr Ozsdolay, Sec Cr Grayden

That....

- (a) in relation to the EBA proposals, Council acknowledges the recommendations as identified in *Confidential* Report Item 15.1.1 of the July 2009 Council Agenda; and
- (d) the contents of this *Confidential* report be released from the *Confidential* file when the arrangements detailed at part (a) have been finalised.

CARRIED (13/0)

**COUNCIL DECISION : MEETING OPEN TO THE PUBLIC**

Moved Cr Trent, Sec Cr Doherty

That the meeting be again open to the public at 10.02pm

CARRIED (13/0)

**15.2 Public Reading of Resolutions that may be made Public.**

For the benefit of the 5 members 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 10.05pm.



**DISCLAIMER**

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

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

**These Minutes were confirmed at a meeting on 25 August 2009**

**Signed** \_\_\_\_\_  
**Chairperson at the meeting at which the Minutes were confirmed.**

**17. RECORD OF VOTING**

28/07/2009 7:17:42 PM

**Items 7.1.1 and 7.1.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:18:12 PM

**Items 7.2.1 - 7.2.6 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:19:21 PM

**Item 8.1.1 Petition - Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:42:03 PM

**Item 8.4.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:42:47 PM

**Item 8.5.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:43:21 PM

**Item 8.5.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:46:41 PM

**Item 9.0 En Bloc Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 7:54:40 PM

**Item 10.0.1 Officer Recommendation LOST 4/9**

Yes: Cr Peter Best, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

No: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Roy Wells

Absent: Casting Vote

MINUTES: ORDINARY COUNCIL MEETING: 28 JULY 2009

28/07/2009 8:16:08 PM

**Item 10.0.1 Motion Passed 8/5**

Yes: Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Roy Wells

No: Mayor James Best, Cr Peter Best, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

Absent: Casting Vote

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28/07/2009 8:19:36 PM

**Item 10.2.2 Motion Passed 11/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Les Ozsdolay, Cr Kevin Trent, Casting Vote

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28/07/2009 8:22:16 PM

**Item 10.2.4 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells

No: Absent: Cr Colin Cala, Casting Vote

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28/07/2009 8:28:15 PM

**Item 10.3.1 Motion Passed 12/1**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Roy Wells, Cr Colin Cala

No: Cr Rob Grayden

Absent: Casting Vote

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28/07/2009 8:32:19 PM

**Item 10.3.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 8:36:20 PM

**Item 10.3.3 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 8:45:34 PM

**Item 10.3.4 Motion Passed 11/2**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Roy Wells, Cr Colin Cala

No: Cr Les Ozsdolay, Cr Rob Grayden

Absent: Casting Vote

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28/07/2009 9:00:43 PM

**Item 10.3.6 Motion Passed 11/2**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Colin Cala

No: Cr Rob Grayden, Cr Roy Wells

Absent: Casting Vote

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28/07/2009 9:01:32 PM

**Item 11.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 9:02:42 PM

**Item 12.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 9:06:51 PM

**item 14 New Business be Introduced - Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 9:16:48 PM

**Item 14.0 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

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28/07/2009 9:29:41 PM

**Item 14 - Further Item of New Business be Introduced - Motion LOST 4/9**

Yes: Cr Bill Gleeson, Cr Ian Hasleby, Cr Travis Burrows, Cr Les Ozsdolay

No: Mayor James Best, Cr Brian Hearne, Cr Peter Best, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

Absent: Casting Vote

**Item 15.0 - Meeting Closed to the Public CARRIED 13/0**

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28/07/2009 10:03:36 PM

**Item 15.1.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Casting Vote

**Item 15.0 - Meeting Open to the Public CARRIED 13/0**