



**ORDINARY COUNCIL MEETING  
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## **ORDINARY COUNCIL MEETING**

**Minutes of the Ordinary Meeting of the City of South Perth Council  
held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 24 March 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**

Mayor's Activities Report for the month of February 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.

#### **3.3 Presentation Director Development and Community Services**

The Mayor presented a floral tribute to Steve Cope, Director Development and Community Services who is leaving to take up a position with the City of Melville. He wished him well for the future and thanked him for all his work in the planning and building areas. Mr Cope thanked the Mayor for his good wishes.

### **4. ATTENDANCE**

#### Present:

Mayor J Best

#### Councillors:

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

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr S Cope	Director Development and Community Services
Mr M Kent	Director Financial and Information Services
Mr S Camillo	Manager Environmental Health and Regulatory Services (until 7.45pm)
Mr R Kapur	Manager Development Assessment
Ms D Gray	Manager Financial Services
Mr M Taylor	Manager City Environment (until 9.15pm)
Mr R Bercov	Strategic Urban Planning Adviser
Mrs K Russell	Minute Secretary

Gallery There were approximately 30 members of the public present.

**4.1 Apologies**

Nil

**4.2 Approved Leave of Absence**

Cr G W Gleeson Civic Ward

**5. DECLARATION OF INTEREST**

The Mayor reported on a Declaration of Interest received from Cr Hearne in relation to Agenda Items 10.3.8 and 10.3.9. He further stated that in accordance with *Local Government (Rules of Conduct) Regulations 2007* that the Declaration would be read out immediately before the Items in question was discussed.

**6. PUBLIC QUESTION TIME**

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

At the Council meeting held 24 February 2009 the following question were taken on notice:

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

Summary of Question

What is the annual running cost of the light vehicle fleet, excluding depreciation? If possible broken down into fuel, registration, insurance, repairs and maintenance.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 March 2009, a summary of which is as follows:

The annual running cost of the City of South Perth's passenger sedans (i.e. light fleet) are as follows:

Fuel	\$62,692 to date - estimated to be \$95,000 for a full year
Registration	\$ 6,700
Insurance	\$10,400
Repairs	\$21,000 approximately

Summary of Question

Last October I asked a question regarding the cost of the legal expenses in three contentious town planning matters:

- Gorrill and others vs City of South Perth
- Canning Mews vs City of South Perth
- No. 12-14 Stone Street, South Perth

that have come before the City in recent years. The CEO's response was that it would take a huge amount of time and resources. If any of these matters were subject to an insurance claim, will the City write to the insurer and ask the value of the claim?

Summary of Response

A response was provided by the Chief Executive Officer, by email dated 5 March 2009, a summary of which is as follows:

It is acknowledged that you received a response to the question asked in October 2008. That reply was provided to you on the 5 November 2008. In response to your recent request for further information, of the matters listed only one involved an insurance claim. The matter was handled by the LGIS and was settled in November 2005. The City did not incur legal costs. It is not normal practice nor do I believe it is appropriate to provide details of the claim.

**6.2 PUBLIC QUESTION TIME : 24.3.2009**

Opening of Public Question Time

As part of the new process of dealing with Public Question Time the Mayor asked that the public write their questions down and he would then read them out. He then opened Public Question Time at 7.08pm.

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

**Note:** *Written Question Time Form tabled. Questions read aloud by the Mayor.*

Summary of Question

1. Why do the City of South Perth have Public Question Time?
2. Why am I not permitted to read by questions at meetings?
3. Why aren't the questions I ask about 11 Heppingstone Street answered?
4. Why has the City changed public Question Time format?
5. Will this change of format be permanent?

Summary of Response

The Mayor responded as follows:

1. It is a legal requirement under the *Local Government Act*.
2. We are keen to make Council meetings more efficient and as such are following the practice of some other local governments by requesting questions be provided in advance of the meeting in order that succinct answers can then be provided.
3. We have been providing responses to these questions over a number of years and believe the answers have been fair and accurate.
4. To ensure meetings are run smoothly. By receiving written questions prior to the meeting it gives time for more detailed responses to be prepared rather than having to take Questions on Notice at the Council meeting.
5. The new process is for a trial period and will be reviewed at the end of the year.

**6.2.2 Mr Warren Marshall, 22A Pepler Avenue, Salter Point**

**Note:** *Written Questions tabled.*

The Mayor advised that there were over 14 questions relating to:

- “Conditions of Approval for the granting of Building Licenses”; and
- Comments in the press on “Labelling people who reuse, reduce and recycle collection waste from street verges as being scavengers”.

and as such the questions would be handled as correspondence by the Administration.

The Mayor further stated that detailed questions resulted in the questions not being answered on the night and having to be taken on notice. He suggested Mr Marshall contact him direct by telephone or email to progress the issues raised.

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

Summary of Question

At the last Council meeting I asked the cost of the legal expenses in three contentious town planning matters and if any of the matters were subject to an insurance claim. The CEO’s response stated only one involved an insurance claim. Does the CEO know the cost of that claim?

Summary of Response

The Mayor said that responses had previously been provided on a number of occasions on this issue that goes back a long time. He further stated that most Councillors here were not involved in the issue and that he could see no point in going back again when a response had already been provided.

Summary of Questions

**Note:** *Written questions tabled*

1. Clause 1.7: Interaction between Council Members and Applicants for Development Approval:
  - By agreeing to this clause are Councillors acknowledging that they cannot be trusted and/or that they may be possibly corrupt?
  - Can Council staff meet development applicants without being accompanied by another staff member or Councillor?
  - Does this mean that Council staff can be trusted but Councillors cannot be trusted?
2. Clause 3.3 Register of Interests in Professional and Community Associations:
  - Does this include any association ie golf club, bridge club, the Communist Part, Al Qaeda etc?
3. Question Time Procedure
  - Is the Council aware of the Local Government Operational Guideline No. 3 (Managing Public Question Time) and in particular paragraph 33 which states *a person not prepared to submit a question in writing is denied the opportunity to ask a question?*

Summary of Response

The Mayor advised that the tabled questions would be handled as correspondence by the Administration.

**6.2.4 Mr Warren Marshall, 22A Pepler Avenue, Salter Point**

Summary of Question

Is it the intention of Council to force ratepayers not to ask questions?

Summary of Response

The Mayor said he was trying to avoid the storing up of questions until the end of the month and would prefer residents contacted their Ward Councillors as soon as issues arise or to alternatively send an email to the Administration or contact the CEO or Mayor direct. He further stated that by requesting that questions be provided in writing and in advance of the Council Meetings is so that they can be researched and a detailed response provided. The public gallery were not here to listen to a detailed discussion on administrative policies and practices, they are in attendance to hear outcomes of items on the Council Agenda.

Close of Public Question Time

The Mayor closed Public Question Time at 7.23pm

**7. CONFIRMATION OF MINUTES / BRIEFINGS**

**7.1 MINUTES**

**7.1.1 Ordinary Council Meeting Held: 24.2.2009**

**COUNCIL DECISION ITEM 7.1.1**

Moved Cr Trent, Sec Cr Burrows

That the Minutes of the Ordinary Council Meeting held 24 February 2009 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

**7.1.2 Audit and Governance Committee Meeting Held: 10.3.2009**

**COUNCIL DECISION ITEM 7.1.2**

Moved Cr Doherty, Sec Cr Grayden

That the Minutes of the Audit and Governance Committee Meeting held 10 March 2009 be received.

CARRIED (12/0)

**7.2 BRIEFINGS**

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

**7.2.1 Agenda Briefing - February Ordinary Council Meeting Held: 17.2.2009**

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



**7.2.2 Concept Forum - Major Capital Projects, EBA Update and Budget Update - Meeting Held: 3 March 2009**

Officers of the City presented information in relation

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

**7.2.3 Concept Forum - South Perth Railway Station Precinct Update - Meeting Held: 11 March 2009**

Officers of the City presented an update on the South Perth Railway Station Precinct progress. Notes from the Concept Briefing are included as **Attachment 7.2.3**

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.3 INCLUSIVE**

Moved Cr Trent, Sec Cr Ozsdolay

That the comments and attached Notes under Items 7.2.1 to 7.2.3 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 24 February 2009 be noted.

CARRIED (12/0)

**8. PRESENTATIONS**

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

Nil

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

Nil

**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 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.8, 10.3.9 and 10.4.1 were heard at the March Council Agenda Briefing held on 17 March 2009.

Opening of Deputations

The Mayor opened Deputations at 7.25pm

**8.3.1 Mr Lyle Kenny, Immediate Past President Wesley-South Perth Hockey Club  
Agenda Item 10.4.1**

Mr Kenny, in support of the officer recommendation on the proposed additions/alterations to the Thomas Pavilion, Richardson Park spoke on the following topics:

- history of the club / his association with the club / club make-up
- background on proposed refurbishment project
- project fits within the City's Needs Study / Strategic Financial Plan
- CSRFF funding
- volunteers support club
- important infrastructure
- ask Council proceed to tender and support this project

**8.3.2 Mr Steve Barry, President of South Perth Cricket Club Agenda Item 10.4.1**

Mr Barry, in support of the officer recommendation on the proposed additions/alterations to the Thomas Pavilion, Richardson Park spoke on the following topics:

- background / history of club
- volunteers and hours of contribution to support the club
- South Perth Hockey a registered charity for under privileged kids
- school holiday programs / community activities
- both clubs a valuable asset to South Perth community
- ask Council support project.

Close of Deputations

The Mayor closed Deputations at 7.38pm and thanked the presenters for their comments.

**8.4 COUNCIL DELEGATES**

Delegate's written reports to be submitted to the Minute Secretary prior to **6 March 2009** for inclusion in the Council Agenda.

**8.4.1. Council Delegate: River Regional Council : 19 February 2008**

A report from Delegate Cr Trent, summarising his attendance, together with the CEO and Manager Environmental Health and Ranger Services at the Rivers Regional Council Meeting held 19 February 2009 is at **Attachment 8.4.1**.

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting held on 19 February 2009 have also been received and are available on the *iCouncil* website and in the Council Lounge.

RECOMMENDATION

That the Delegate's Report in relation to the River Regional Council Meeting held 19 February 2009 be received.

**COUNCIL DECISION ITEM 8.4.1**

Moved Cr Trent, Sec Cr Burrows

That the Delegate's Report at **Attachment 8.4.1** in relation to the River Regional Council Meeting held 19 February 2009 be received.

CARRIED (12/0)

**8.4.2. Council Delegate: WALGA South East Metropolitan Zone Special Meeting: 25 February 2008**

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Special Meeting held 25 February 2009 is at **Attachment 8.4.2**.

The Minutes of the WALGA South East Metropolitan Zone Special Meeting of 25 February have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.2** in relation to the WALGA South East Metropolitan Zone Special Meeting held 25 February 2009 be received.

**COUNCIL DECISION ITEM 8.4.2**

Moved Cr Trent, Sec Cr Doherty

That the Delegates' Report at **Attachment 8.4.2** in relation to the WALGA South East Metropolitan Zone Special Meeting held 25 February 2009 be received.

CARRIED (12/0)

**8.4.3. Council Delegate: South East Districts Planning Committee Meeting: 5 February 2008**

A report from Cr Cala summarising his attendance at the South East Districts Planning Committee Meeting held 5 February 2009 is at **Attachment 8.4.3**.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.3** in relation to the South East District Planning Committee Meeting held 5 February 2009 be received.

**COUNCIL DECISION ITEM 8.4.3**

Moved Cr Cala, Sec Cr Trent

That the Delegates' Report at **Attachment 8.4.3** in relation to the South East District Planning Committee Meeting held 5 February 2009 be received.

CARRIED (12/0)

**8.5 CONFERENCE DELEGATES** Delegate's written reports to be submitted to the Minute Secretary prior to **6 March 2009** for inclusion in the Council Agenda.

**8.5.1. National Conference on Climate Change 3-5 August 2008 Coffs Harbour, NSW**

A report from Mayor Best summarising his attendance at the National Conference on Climate Change held in Coffs Harbour 3 - 5 August 2008 is at **Attachment 8.5.1**.

RECOMMENDATION

That the Delegate's Report in relation to Mayor Best's attendance at the National Conference on Climate Change held in Coffs Harbour between 3 and 5 August 2008, at **Attachment 8.5.1**, be received.

**COUNCIL DECISION ITEM 8.5.1**

Moved Cr Ozsdolay, Sec Cr Hearne

That the Delegate's Report in relation to Mayor Best's attendance at the National Conference on Climate Change held in Coffs Harbour between 3 and 5 August 2008, at **Attachment 8.5.1**, be received.

CARRIED (12/0)

**8.5.2. Council of Local Government Inaugural Meeting 18 November 2008 Canberra**

A report from Mayor Best summarising his attendance at the Inaugural Meeting of the 'Council of Local Government' on 18 November 2008 in Canberra is at **Attachment 8.5.2**

RECOMMENDATION

That the Delegate's Report in relation to Mayor Best's attendance at the Inaugural Meeting of the 'Council of Local Government' on 18 November 2008 in Canberra at **Attachment 8.5.2**, be received.

**COUNCIL DECISION ITEM 8.5.2**

Moved Cr Cala, Sec Cr Trent

That the Delegate's Report in relation to Mayor Best's attendance at the Inaugural Meeting of the 'Council of Local Government' on 18 November 2008 in Canberra at **Attachment 8.5.2**, be received.

CARRIED (12/0)

**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 Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 17 March 2009.

The Chief Executive Officer stated that all items under Section 10 'Reports' were included in the Agenda Briefing.

**WITHDRAWN ITEMS**

The following items were withdrawn for discussion / debate:

- Item 10.3.2 Alternative Motions proposed
- Item 10.3.3 Alternative Motion proposed
- Item 10.3.4 Alternative Motion proposed
- Item 10.3.6 Alternative Motion proposed
- Item 10.3.7 Alternative Motion proposed
- Item 10.3.8 Alternative Motion proposed / Declaration of Interest
- Item 10.3.9 Alternative Motion proposed / Declaration of Interest
- Item 10.4.1 Alternative Motion proposed

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

That with the exception of Withdrawn Items 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.7, 10.3.8, 10.3.9 and 10.4.1 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.3.1, 10.3.5, 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2, 10.6.3, 10.6.4, and 10.7.1 be carried en bloc.

CARRIED (12/0)

**Note:** Manager Environmental Health and Regulatory Services retired from the meeting at 7.45pm

**10. REPORTS**

**10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

<b>10.0.1 Design Advisory Consultants: Appointment of Members</b> <i>(Item 10.0.5 of 25 March 2008 Council Meeting)</i>
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Location:	City of South Perth
Applicant:	Council
Lodgement Date:	N/A
File Ref:	DB/501
Date:	3 March 2009
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director Development and Community Services

**Summary**

Council has adopted Policy P371 'Design Advisory Consultants' (DAC) which provides guidelines for the selection and appointment of members of the DAC group and for the operation of the group. The City has invited expressions of interest from architects wishing to be appointed, both existing members and others. This report recommends that four of the existing members be reappointed and that one additional architect also be appointed.

### **Background**

Prior to adopting Policy P371, the Council had resolved that the reappointment of members of the DAC group was to be deferred pending adoption of that Policy. The current membership was to remain unchanged in the meantime.

When adopting Policy P371, Council resolved that the current membership of the DAC be reviewed and that expressions of interest be sought for six positions pursuant to the Policy. As part of that resolution, the present DAC members were to be invited to re-nominate, for consideration along with any other interested architects. The invitation for expressions of interest has been circulated in the form of an article included in the December 2008 and January 2009 issues of the Newsletter of the Australian Institute of Architects. The responses received are described in the Comment section below.

**Attachment 10.0.1** to this report is a submission received from an architect who is not currently a member of the DAC.

### **Comment**

Clause 5 of Policy P371, titled 'Membership', deals with the composition of the DAC and eligibility for membership; the process for selection and appointment of members; and the term of appointment. This Clause contains provisions to the following effect:

- The DAC is to comprise up to six architects selected by the Council and appointed by the Chief Executive Officer.
- Eligibility for membership is based on the following criteria:
  - detailed knowledge of the composition and character of the City of South Perth;
  - experience in sustainable design and heritage preservation;
  - architectural expertise in any other special field relevant to the City;
  - eligibility to membership of the Australian Institute of Architects;
- The method of sourcing eligible architects is at the discretion of the Chief Executive Officer. One suggested method is consultation with the Australian Institute of Architects.
- When a vacancy occurs, details of interested and eligible architects are to be presented to a Council meeting. The Council then determines which architect is to be selected.
- Members are appointed for a four year term, however any serving member may be reappointed for additional terms.

Four of the current members of the DAC, being Peter Jodrell, Bill Hames, Fred Zuideveld and Ian Harris have served in this capacity for more than 21 years. In response to the recent invitation, each of those architects has lodged an expression of interest for continuation of their membership. Each makes reference to the excellent service they have provided to the City over a lengthy period and it is clear that they all remain enthusiastic about continuing as members of the DAC.

Neil Loftus is also a current member of the DAC, although he has not been able to attend meetings for more than four years. It is understood that Mr Loftus currently resides in the south-west of the State. It is not intended that his membership will continue.

Apart from the submissions from currently serving DAC members, only one submission was received, the submitter being architect, Patrick Pinder, **Attachment 10.0.1** refers. Mr Pinder's submission and the accompanying CV suitably address the Selection Criteria. In summary, his submission conveys the following information:

- Resident of the City of South Perth (Forrest Street and Wattle Street) for 20 years, with detailed knowledge of the composition and character of the City of South Perth and an appreciation of the lifestyle facilitated by the City;
- Extensive experience in implementation of sustainable design, throughout his architectural training and practice;
- Previously a member of the Early Buildings Committee of the National Trust of South Australia;
- Involvement in restoration of, and additions to public and private buildings in South Australia and Western Australia;
- Architectural expertise: extremely wide range of experience and associated activities as identified in the CV;
- Life Fellow of Royal Australian Institute of Architects.

Mr Pinder has now retired from full-time architectural practice, but is very active within the architectural profession in an advisory capacity. Among other current positions, he is a member of the Builders Registration Board and Building Disputes Tribunal. He is also a Senior Sessional Member of the State Administrative Tribunal, involved with planning and building technical matters and conducting mediations.

#### **Consultation**

As previously mentioned, the invitation for expressions of interest was circulated via the Australian Institute of Architects newsletter.

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

The procedure for selection and appointment of members of the DAC group is being implemented in the manner prescribed in Council Policy P371.

#### **Financial Implications**

The DAC members are paid a meeting fee for each meeting they attend. If Mr Pinder is appointed, his meeting fees would constitute additional expenditure. Funding is available in the current budget and will be included in subsequent budgets, consistent with long-established practice.

#### **Strategic Implications**

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

The proposed Policy P371 also relates to Goal 5 “Organisational Effectiveness”, which is expressed as follows: *To be a professional, effective and efficient organisation.*

#### **Sustainability Implications**

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

As noted above, one of the selection criteria for DAC membership refers to experience in sustainable design. In addition to reappointment of the current members, if Mr Pinder is appointed to the DAC, this should have further positive sustainability implications.

### Conclusion

Having regard to the submissions received, the recommendation is that Peter Jodrell, Bill Hames, Fred Zuideveld and Ian Harris be reappointed to the DAC and that Patrick Pinder be appointed as a new DAC member. This will leave one vacancy which could be filled at any future time if a suitable architect came to the City's notice.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1</b>
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That ...

- (a) Messrs Peter Jodrell, Bill Hames, Fred Zuideveld and Ian Harris be invited to accept reappointment as members of the City's Design Advisory Consultants for a period of four years; and
- (b) Mr Patrick Pinder be invited to accept appointment as a member of the City's Design Advisory Consultants for a period of four years; and
- (c) a letter be sent to Mr Neil Loftus thanking him for his extended period of service as a member of the Design Advisory Consultants and advising that he has not been reappointed.

CARRIED EN BLOC RESOLUTION

<b>10.0.2 Proposed Amendment No. 8 to Town Planning Scheme No. 6 relating to certain development requirements in the 'Karawara Special Area' (Item 10.0.3 of February 2008 Council Meeting)</b>
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Location:	Karawara
Applicant:	City of South Perth
Lodgement Date:	Not Applicable
File Ref:	LP/209/8
Date:	3 March 2009
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Development and Community Services

### Summary

The proposed Amendment No. 8 to Town Planning Scheme No. 6 (TPS6) relating to portions of Karawara, had its origin at the December 2006 Council meeting when Council resolved to initiate this Scheme Amendment. However, the Scheme Amendment did not progress further due to other commitments and also the complexity of the task. In due course it became apparent that it would be necessary to engage an external consultant. Alternative quotes from consultants have been obtained and it is now recommended that 'Development Planning Strategies' be appointed to undertake extensive community consultation and to prepare the necessary Scheme Amendment documents.

### Background

This report includes the Evaluation Panel Recommendation Report at **Attachment 10.0.2**, relating to expressions of interest from consultants .

In relation to the proposed Amendment No. 8 to TPS6, while accepting that further progress would be extensively delayed, at its February 2008 meeting, Council resolved that this matter was to remain on the monthly Status Report of outstanding matters. The Status Report circulated following the December 2008 Council meeting contained the following information:

*“Due to the complexity of this Amendment, the City has invited three consultant firms to submit expressions of interest and these are currently being assessed with a view to appointing one firm to undertake this community-based project. A final selection will be made in the near future.”*

The evaluation of the Consultants’ submissions and fee proposals has now been completed. This is discussed further in the Comment section below.

#### **Comment**

Expressions of interest were received from the following firms:

- Taylor Burrell Barnett
- The Planning Group
- Development Planning Strategies, in conjunction with Creating Communities

**Attachment 10.0.2** is the Evaluation Report relating to the three firms who lodged expressions of interest. The Evaluation Report contains all relevant information concerning the process involved in inviting expressions of interest and in arriving at a recommendation regarding the appointment of one firm.

Funding for this project will need to be included in the 2009/10 Budget.

#### **Consultation**

With regard to the correct procedures towards identifying a preferred consultant, the Chief Executive Officer and the City’s Legal and Governance Officer have been consulted.

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

When the formalised Scheme Amendment text is presented for Council’s endorsement in draft, this will enable the required advertising and consultation procedures to be implemented in accordance with the *Town Planning Regulations* and Council’s Policy P104 or the replacement Policy P355.

#### **Financial Implications**

The issue has impact in relation to the consultant’s fee. The cost incurred is necessary due to ‘in-house’ staff resource limitations and also the need to secure appropriate external expertise. The project is anticipated to run for approximately 9 months suggesting that around 1/3 of the project funding will be required in the current year and 2/3 in 2009/2010. Funding is available in the current year’s Budget for the 1/3 in the current year.

#### **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**

In its present state, Karawara has a number of difficulties brought about by the challenges associated with the Radburn design of the estate. To bring about a sustainable outcome in terms of improvement to the locality, it is necessary to implement the proposed Scheme Amendment and the associated extensive research and community consultation. The engagement of a suitable consultant is necessary to accomplish these tasks.



<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2</b>
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That.....

- (a) Development Planning Strategies, in collaboration with Creating Communities, be appointed as the consultants to prepare Amendment No. 8 to the City's Town Planning Scheme No. 6 and to undertake all associated research and consultation in accordance with the Project Outline dated 30 April 2008, for the sum of \$66,577.50 (including GST); and
- (b) adequate funding for the remainder of the consultant's fee be considered in the Development Services area's 2009/2010 operating budget.

CARRIED EN BLOC RESOLUTION

**10.1 GOAL 1 : CUSTOMER FOCUS**

Nil

**10.2 GOAL 2: COMMUNITY ENRICHMENT**

Nil

**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

<b>10.3.1 Proposed Planning Policy P355 "Consultation for Planning Proposals"</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	A/CM/7
Date:	3 March 2009
Authors:	Gina Fraser, Senior Strategic Planning Officer and Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director Development and Community Services

**Summary**

This report presents a new Planning Policy P355 'Consultation for Planning Proposals', for Council consideration. The Policy arose from a comprehensive review of the currently operative Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. Policy P355 is intended to replace Policy P104 as the Council's consultation policy for Planning proposals of all kinds. The recommendation is that the draft Policy P355 be endorsed for public advertising and the lodging of submissions.

**Background**

Planning Policy P104 'Neighbour and Community Consultation in Town Planning Processes' was adopted on 26 July 2005 as the City's first comprehensive consultation Policy relating to Planning processes. Policy P104 and the replacement Policy P355 are 'Planning Policies'. Therefore, for advertising and adoption, review or rescission of these policies, the Council must follow the procedures prescribed in clause 9.6 of Town Planning Scheme No. 6 (TPS6).

The current review is the first to have been undertaken since Policy P104 was adopted. This review has been so extensive that the revised document is considered to be a new Policy. The changes are explained in detail in the 'Comment' section below.

This report includes the following attachments:

**Attachment 10.3.1(a)** Currently operative Policy P104.

**Attachment 10.3.1(b)** Draft Policy P355 'Consultation for Planning Proposals'.

The review of Policy P104 began in 2006 and subsequently has been the subject of various Council Members' Concept Forums, updating Members on the progress of the review and providing opportunities for officers to respond to Council Members' questions. All of the issues raised have been taken into account in the course of preparing the final revised version i.e. the new Policy P355, which is now being presented for Council endorsement.

The attached draft Policy P355 reflects a comprehensive review of the currently operative Policy after taking into account all of the following:

- Desirable improvements identified through working experience of Planning Officers since July 2005.
- Ongoing examination and Officer discussions on all aspects of the format and content of the entire document.
- Councillor input in response to an invitation to all Council Members to suggest improvements to the Policy in 2007.
- Input from the Director, Development and Community Services.
- Input from the City's Legal and Governance Officer.
- The Western Australian Planning Commission's adoption of the *Residential Design Codes 2008*.

#### **Comment**

The changes incorporated into the draft Policy P355 are summarised as follows:

#### General

- Due to both Policy P104 and draft Policy P355 being "Planning" Policies, a more fitting relocation from Goal 1 'Customer Focus' to Goal 3 "Environmental Management", and resultant change of Policy number from P104 to P355. This change is appropriate because the Policy relates purely to Planning proposals of all kinds and will be used only in this context. The number 'P355' reflects that the Policy derives from Goal '3' and that it sits alongside other Planning policies, including the major Policy P350 'City-wide Residential Policies'.
- A change to the title of the Policy, from 'Neighbour and Community Consultation in Town Planning Processes', to the more streamlined 'Consultation for Planning Proposals'.
- Addition of 'Contents' pages for both the Policy as a whole and separately for the Consultation Matrix, for easy reference.
- Addition of a 'Guide to using Policy P355', to further assist in the use of the document. As well as explaining the content of the document, the 'Guide' advises how to use the Matrix in cases where more than one line item relate to a particular kind of proposal.
- Extensive restructuring throughout the entire Policy, and improvements in relation to clarity, consistency, correctness, correlation with the 2008 R-Codes, and rectification of omissions. As part of this restructuring, some clauses have been re-ordered in a more logical sequence.
- The Chief Executive Officer and the Director, Development and Community Services are authorised to expand the extent or manner of consultation beyond the prescribed minimum, as appropriate.
- Provision of certain limited areas of discretion to the Manager Development Services and the Strategic Urban Planning Adviser to assist in the smooth operation of various Planning functions.
- Reformatting of Policy P355 to more closely match the structure of other recently adopted Planning Policies.

Rationale

- Substantially simplified, with some statements relocated to form Policy provisions.
- Identifies the City's core values and the key benefits of community consultation.

Clause 1 'Status of Policy P355 and relationship to Policy P103'

- As a result of Councillor input, this clause clearly explains the link between Policy P355 and the City's over-arching Policy P103 relating to 'Community and Consultation'.

Clause 2 'Objectives'

- Relocation from the 'Rationale'.
- General expansion and text improvements.

Clause 3 'Scope'

- Relocation from the 'Rationale'.
- General expansion and text improvements.

Clause 4 'Definitions'

- A new clause containing definitions of key terms used throughout the Policy.

Clause 5 'Opportunities for submitters' comments to contribute to decision-making'

- Previously comprised clause 2.
- General text improvements with a more positive perspective.

Clause 6 'Preparation of submissions'

- This is a predominantly new clause for the benefit of submitters. It explains the manner in which submissions should be prepared, and the timing.
- Arises from Councillor input in 2007.

Clause 7 'Processing and consideration of submissions'

- As a result of Councillor input, this predominantly new clause explains the City's administrative and assessment procedures when submissions are received. Importantly, it informs submitters that, where their comments are formulated in an appropriate manner, they assist the Council by highlighting local issues which need to be considered.
- Further explains that the Council has a duty to properly balance submitters' comments against all other relevant considerations drawn from the statutory documents.

Clause 8 'Geographic extent, method and duration of consultation'

- Previously comprised clauses 3 and 4.
- Explains geographic basis for consultation.
- Numerous structural and text improvements.
- Highlights that the prescribed consultation requirements are the minimum, and that wider consultation may be required in some cases.
- Includes discretionary provisions for CEO and Director to require wider consultation - replaces previous clause 13.
- Includes new provisions relating to avoidance of consultation during public holiday periods for all Planning processes.
- Describes mailing procedures for buildings containing more than 12 dwellings for all Planning processes.
- Introduces new procedures where consultation extends beyond City boundaries.

- Improvements to geographic areas of consultation, including:
  - expansion of consultation areas for proposals generally;
  - deletion of the previous narrowest area of consultation, being the former 'Area 1', as this is no longer applicable, having regard to the general expansion of consultation for many proposals;
  - renumbering of former Areas '2' and '3' as Areas '1' and '2', in view of deletion of the former more confined Area 1;
  - wider geographic coverage of the new Areas 1 and 2; and
  - improved explanatory diagrams and descriptions.

Clause 9 'Development applications'

- Previously comprised clause 5.
- Clearly identifies the Part of the Matrix that relates to this kind of Planning proposal.
- Clarifies that where a State or Federal agency is the decision-maker in respect of development applications and not the Council, the Council does not undertake neighbour consultation. If any neighbour consultation is to be undertaken, that will be decided and undertaken by the State or Federal Government decision-maker.
- Clarifies that, irrespective of any neighbour consultation undertaken by applicants, the City will undertake consultation as prescribed in the Policy, better reflecting current practice and ensuring that the City retains control of the process.
- Addition of new provisions relating to readvertising of modified proposals where new or extended areas of discretion arise.
- Improved provisions relating to consultation during named public holiday periods, in response to representations by submitters from time to time. The consultation period has been extended by the number of holiday days. There is not a total moratorium on consultation during the mid-December to early January period as this would unreasonably delay the issuing of decisions on development applications, to the detriment of applicants. Ordinary weekends and school holidays are not given special consideration.
- Clarifies details relating to inspection of applications at Council offices.
- Provides advice as to how neighbours may obtain 'take-away' copies of development plans.

Clause 10 'Amendments to Town Planning Scheme No. 6'

- Previously clause 7.
- Clearly identifies the Part of the Matrix that relates to this kind of Planning proposal.
- Addition of new provisions advising that, where there is a requirement to consult owners of a building containing more than 12 dwellings, the City will forward the consultation letters to the Strata Company, which should then advise its members of the contents of the letter. The currently operative Policy only contains provisions to this effect in relation to development applications.
- Clarifies process at both preliminary and statutory consultation stages.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 11 'Planning Policies'

- Previously clause 8.
- Clearly identifies the Part of the Matrix that relates to this kind of Planning proposal.
- Various minor text improvements, resulting in simplification and removal of duplicated material which is contained in the Matrix.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 12 'Heritage List'

- Introduces a new clause not included in the current Policy.
- Clearly identifies the Part of the Matrix that relates to this kind of Planning proposal.
- Explains that the Heritage List is a special kind of Planning Policy under TPS6 and that the consultation requirements for the Heritage List are as set out in TPS6.
- Includes process for preliminary consultation in relation to possible new places for listing.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 13 'Local heritage inventory'

- Clause uses a generic term for the 'Municipal Heritage Inventory', recognising that this document could undergo a name change in the future.
- Introduces a new clause not included in the current Policy.
- Clearly identifies the Part of the Matrix that relates to this kind of Planning proposal.
- Includes process for preliminary consultation in relation to possible new places for listing.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 14 'Road closures'

- Previously comprised clause 10.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 15 'Right-of-way closures'

- Previously comprised clause 9.
- Includes a provision advising that no consultation will take place during the mid-December to mid-January period.

Clause 16 'Subdivisions'

- Previously comprised clause 6.
- Expansion and clarification of provisions, particularly in relation to requirements for the erection of site notices.

Clause re 'Mediation'

- Previously comprised clause 11.
- The existing clause has been deleted because mediation can always be undertaken where appropriate.

Clause re 'Council meetings'

- Previously comprised clause 12.
- The existing clause has been deleted because it did not contain any policy provisions, but merely described certain administrative processes.

Consultation Matrix

- Comprises the main part of the Policy for daily use by the City's officers, and contains precise requirements in relation to the extent, method and duration of consultation for every kind of Planning proposal dealt with by the City.
- Extensive expansion of the Matrix by the addition of new items to more comprehensively cover the range of Planning proposals processed by the City.
- Significant expansion of consultation (area, method and duration) for numerous development proposals, to the following extent:

CURRENT POLICY P104	Number of items in Matrix			
	Area 1	Area 2	Area 3 or wider	Other
	15	35	9	5

DRAFT POLICY P355	Number of items in Matrix			
	<i>(Former Area 1 discontinued)</i>	Area 1	Area 2 or wider	Other
		49	14	25

- The particular Planning proposals to which the widest consultation applies (Area 2 or wider), are listed below:
  - Item 1.2.1 Higher density adjacent to lower density;
  - Item 1.2.2 Replacement of 'over-sized' buildings;
  - Item 1.2.3 Non-residential development with impact;
  - Item 1.2.4 Development involving demolition on heritage sites;
  - Item 1.4.3 Child Day Care Centre (in Residential zone);
  - Item 1.4.4 Cinema / Theatre (whether 'D' or 'DC');
  - Item 1.4.12 Hospital (where 'DC');
  - Item 1.4.13 Hotel (where 'DC');
  - Item 1.4.23 Night Club (where 'DC');
  - Item 1.4.28 Reception Centre (where 'DC');
  - Item 1.4.36 Tavern (where 'DC');
  - Item 1.4.37 Telecommunications Infrastructure (where not 'low impact');
  - Item 1.4.39 Tourist Accommodation (where 'DC'); and
  - Item 2.2 Scheme Amendments - Consultation after Amendment process has been initiated.
- More specific listing of 'sources' from which the consultation requirement originates.
- Extensive restructuring into much more user-friendly, self-explanatory sections for ease of use, with a dedicated section for 'development applications', being the whole of Part 1 of the Matrix, and clear headings and sub-headings, as follows:

**Part 1** 'Development applications'

- Sub-part 1.1 'Administrative processes' -
  - a new part relating to procedural aspects of dealing with development applications, including modified applications, matters referred to Council meetings, resubmission of applications, review of delegated and Council decisions and consultation during holiday periods.
- Sub-part 1.2 'General aspects of development' -
  - includes improved descriptions and several new line-items, making the document extremely comprehensive.
- Sub-part 1.3 'Residential Uses listed in Table 1 of TPS6' -
  - clearer explanation in regard to 'P', 'D' and 'DC' uses, particularly where the permissibility of uses differs between zones;
  - wider extent of consultation in many cases.
- Sub-part 1.4 'Non-Residential Uses listed in Table 1 of TPS6' -
  - clearer explanation in regard to 'P', 'D' and 'DC' uses, particularly where the permissibility of uses differs between zones;
  - wider extent of consultation in many cases.
- Sub-part 1.5 'Other Use-related issues' -
  - a new section, including Uses not listed in TPS6, Temporary Uses, change of Non-Conforming uses, and use of closed roads.
- Sub-part 1.6 'Aspects where neighbour consultation not required' -
  - a new section inserted for clarity and to make the Policy as comprehensive as possible.

- Significant widening of the consultation (area, method and duration) for numerous development proposals.

**Part 2** 'Amendments to TPS6'

- General clarification and improvement.

**Part 3** 'Planning policies'

- General clarification and improvement.
- Introduction of the Heritage List and identification as a Planning Policy, with additional consultation requirements as prescribed in clause 6.11 of TPS6.

**Part 4** 'Local heritage inventory'

- Introduction of consultation requirements for the local heritage inventory.

**Part 5** 'Road closures'

- General clarification and improvement with respect to both major and minor road closures.

**Part 6** 'Right-of-way closures'

- General clarification and improvement.

**Part 7** 'Subdivisions'

- General clarification and improvement.

**Part 8** 'Any other Planning proposal'

- A new section to cover Planning proposals which are not development applications and which do not fit within any other category, but do constitute a City Planning function. The two items under this heading relate to fences higher than 1.8 metres and the naming of roads and rights-of-way.

**Consultation**

The currently operative Policy P104 was adopted in July 2005. The review of this Policy began in 2006 and various forms of consultation have taken place since then:

**(a) Council Members' Concept Forum May 2007**

An early draft revised version of Policy P104 was considered at a Council Members' Concept Forum briefing held on 8 May 2007, at which a range of matters relating to the draft revised Policy P104 were discussed.

**(b) Independent Council Members' input**

As part of the review process in 2007, Council Members were invited to suggest improvements to the current Policy P104. In response to this general invitation, a comprehensive submission was received from one Councillor. Many of these suggestions have been incorporated into the draft Policy P355, while others have triggered a new direction of thinking which has resulted in very useful improvements to the Policy.

**(c) Council Members' Concept Forum June 2008**

The issue of providing paper or electronic copies of development application plans to members of the public was examined in detail by City officers and presented to a Concept Forum briefing on 10 June 2008. The City's solicitor, Denis McLeod, also attended this Forum, and described legal difficulties that would be encountered if the City were to engage in this procedure. A number of alternative solutions were agreed at this Forum, and since that time, officers have been progressively

implementing new procedures aimed at facilitating the availability of information to consulted neighbours. The new initiatives were explained in an article in the Council Members Bulletin on 20 June 2008.

When endorsed by the Council, the draft Policy P355 will be advertised for community comment. Policy P355 has the status of a 'Planning Policy' and is therefore required to be advertised and adopted pursuant to the provisions of clause 9.6 of TPS6. Clause 9.6(2) states that a Planning Policy shall become operative only after the following procedures have been completed:

- (a) *Following endorsement of a draft Planning Policy, the Council shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Planning Policy may be inspected, the subject and nature of the draft Planning Policy, and in what form and during what period (being not less than 21 days) submissions may be made.*
- (b) (Not relevant for present purposes.)
- (c) *The Council shall review the draft Planning Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Planning Policy with or without modification, or not to proceed with the draft Planning Policy.*
- (d) *Following final adoption of a Planning Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*

Clause 9.6 further states that any proposed amendment to an operative Planning Policy shall be implemented in the same manner as required for the making of the original Policy.

The currently operative Policy P104 goes further in that it also makes reference to the need for any draft revised Policy to be advertised at the Civic Centre, in the City libraries, and on the City's web site. This is standard practice, and is proposed to be continued for Policy P355.

Based upon the requirements of TPS6 and the currently operative Policy P104, the draft revised Policy would be advertised in the following manner:

- (i) Method:
  - Newspaper (once a week for two consecutive weeks);
  - Notices and documents in Civic Centre, Libraries, web site.
- (ii) Time period:
  - Not less than 21 days

**Policy, Legislative and Administrative Implications**

The statutory process for amending and revising Planning Policies has been discussed in the 'Consultation' section above. The process as it relates to draft Policy P355 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Process	Estimated Time
'Advance' copies of draft Policy P355 provided to Council Members for familiarisation	20 February 2009
Council Members Concept Forum briefing	17 March 2009
Council resolution to endorse the draft Policy P355 for advertising purposes	24 March 2009
Community consultation as prescribed in TPS6 and Policy P104	April / May 2009
Report to Council Meeting on any submissions received in response to advertising of draft Policy P355	June 2009
Notice of final adoption published in <i>Southern Gazette</i> newspaper	Early July 2009



### **Financial Implications**

This matter has implications to the extent of the cost of advertising draft Policy P355 in the manner outlined above.

### **Strategic Implications**

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

This matter also relates to Goal 1 “Customer Focus”, identified within the Council’s Strategic Plan. Goal 1 is expressed in the following terms: *“To be a customer focused organisation that promotes effective communication and encourages community participation.”*

The comprehensive review of Policy P104, culminating in the presentation of draft Policy P355 also relates and to Goal 5 “Organisational Effectiveness”, identified within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *“To be a professional, efficient and effective organisation.”*

### **Sustainability Implications**

The proposed Policy P355 contributes to the City’s sustainability by promoting effective communication and encouraging community participation to the most effective level in various Planning processes. The currently operative consultation policy, P104, has been well tested since its initial adoption in 2005, and has been extensively reviewed over a period of more than two years. The proposed Policy P355 incorporates many forms of improvement to make it a more comprehensive and user-friendly document. The policy provisions themselves expand the extent of consultation to a considerable degree, ensuring the most appropriate level of consultation is undertaken throughout the community for every kind of Planning proposal.

Despite all of the very useful and constructive consultation with Council Members at different times during the review period, the revised document has not yet been made available for community input. The draft Policy P355 is now in an appropriate form to be endorsed for community consultation, before being referred to a later Council meeting for reconsideration along with any submissions received, and for eventual final adoption.

When finally adopted, Policy P355 should be sustainable for several years without the need for further modification.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1</b>
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That...

- (a) under the provisions of clause 9.6 of Town Planning Scheme No. 6, Council endorse draft Policy P355 ‘Consultation for Planning Proposals’ at **Attachment 10.3.1(b)** for the purpose of public consultation; and
- (b) the draft Policy P355 be advertised in the following manner:
  - (i) Method:
    - Newspaper (once a week for two consecutive weeks);
    - Notices and documents in Civic Centre, Libraries, web site.
  - (ii) Time period:
    - Not less than 21 days; and
- (c) following the conclusion of the advertising period a further report on submissions received be presented to the first available Council meeting.

**CARRIED EN BLOC RESOLUTION**

**10.3.2 SAT request for Review - Proposed Single House including “Bed and Breakfast Accommodation” - Lot 20 (No. 3) Philp Avenue, Como**

Location: Lot 20 (No. 3) Philp Avenue, Como  
 Applicant: Dale Alcock Homes Pty Ltd.  
 Lodgement Date: 14 August 2008  
 File Ref: 11.2008.377 PH1/3  
 Date: 3 March 2009  
 Author: Laurence Mathewson, Planning Officer  
 Reporting Officer: Steve Cope, Director Development and Community Services

**Summary**

To consider an application for planning approval for a Single House that includes “Bed and Breakfast Accommodation”. The proposed development was previously considered at the November 2008 Council meeting. As the earlier proposal was observed to conflict with a number of planning requirements, in line with the officer recommendation, the application was refused at the Council meeting. The application is currently before the State Administrative Tribunal (SAT) for determination, pursuant to section 31(1) of the *SAT Act 2004 (WA)*, in accordance with the SAT Order, the Council has been invited to reconsider its decision. The applicant has submitted amended drawings for reconsideration. Accordingly, the matter is now being referred to this Council meeting for reconsideration. Based upon favourable comments received from the relevant City departments with respect to the manner in which the previously identified issues have been resolved, this report recommends that the proposal be approved subject to conditions.

**Background**

Council considered the previous planning application for a bed and breakfast use on the subject lot at the November 2008 Council meeting and resolved to refuse it for the following reasons:

- (a) The proposed boundary wall will impact the amenity of the adjoining property and therefore does not comply with Clause 5(a) (iii) of P350 (1.2) “*Residential Design Policy Manual*”.
- (b) The proposed development does not comply with City Policy P370 “*General Design Guidelines for Residential Development*” specifically in relation to the extent of landscaping and paving within the front setback area.
- (c) Noting the low density coding R15 of the lot, the proposal is likely to have a detrimental impact on the focus area and therefore conflict with Clause 1.6(2) (f) “Scheme Objectives” of TPS6.
- (d) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of TPS6.
- (e) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 7.5 of TPS6.

The comments section of the report discusses the manner in which the above reasons have been dealt with in the proposal currently before the Council.

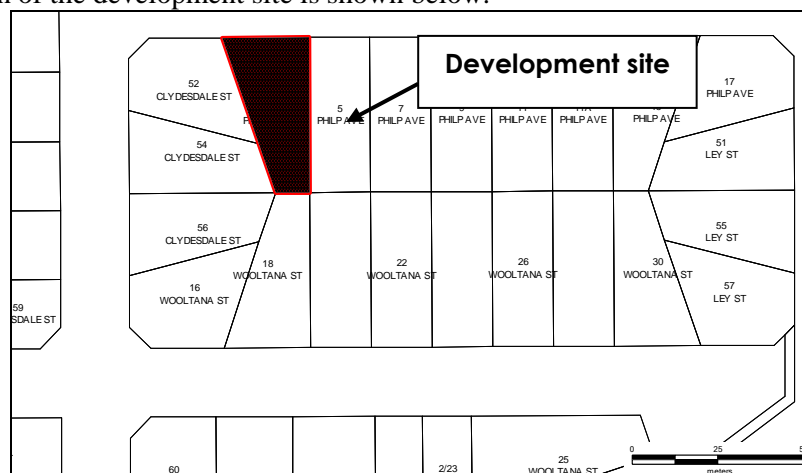
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	799 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.  
**Attachment 10.3.2(b)** House rules.  
**Attachment 10.3.2(c)** Brochure on “TurfPave” material used for parking cars.  
**Attachment 10.3.2(d)** Environmental Health comments.

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 two categories described in the delegation:

**2. Major Developments**

*This power of delegation does not extend to approving applications for planning approval in the following categories:*

- (d) *Development ... which, in the opinion of the delegated officer, is contentious or is of significant community interest.*

and;

**6. Amenity Impact**

*In considering any application for planning approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If, in the opinion of the delegated officer, any significant doubt exists, the application shall be referred to Council for determination*

Council should have regard to both the significant community interest which the development application has generated and the extent of amenity impact (if any) arising from the proposed “Bed and Breakfast Accommodation” use within a residential area.

**Comment**

**(a) Description of the proposal**

The subject site is currently developed with a 1950’s style Single House. The proposal involves a new single-storey Single House with a proposed ‘bed and breakfast’ use. No signs are proposed as part of the development application.

“Bed and Breakfast Accommodation” is defined in the City of South Perth Town Planning Scheme No. 6, as follows:

*“Bed and Breakfast Accommodation” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.*

**(b) Appropriateness of the use**

TPS6 does not specify prescriptive requirements for “Bed and Breakfast Accommodation”. However TPS6 Table 1 shows that “Bed and Breakfast Accommodation” is a DC Use (Discretionary Use with Consultation) in a residential zone. In exercising its discretionary power, Council’s decision is based upon the consideration of submissions received during the consultation period, examination of the potential issues, compliance with the statutory provisions and the likely amenity impact of the development proposal.

The development site is situated in a low density area assigned an R15 density coding. The amenity of the area is central to consideration of this application. It is apparent that the proposed development will accommodate guests on a short term basis including business people and holidaymakers. There is a likelihood of the guests arriving and leaving at different times of the day and night. Parties and other gatherings held by guests could also impact the amenity of adjoining residential properties.

The City therefore acknowledges that implementation of a practical and effective management plan is essential to ensure that the amenity of the area is maintained. To this effect, the applicant has prepared a set of “house rules” for guests, refer **Attachment 10.3.2(b)**. The “house rules” outline the behaviour expected of guests during their stay. One of the “house rules” is as follows:

*“No parties or get-togethers are permitted in guest suites. With prior arrangement with the owner, small gatherings such as business breakfasts, cocktail parties may be permitted in the guest lounge / dining area.”*

The applicant has indicated that contravention of the “house rules” may result in the termination of the guest’s stay. The house rules provided by the applicant are therefore deemed to address the concerns related to the likely amenity impact of the proposed ‘bed and breakfast’ use.

**(c) Traffic movement**

Concerns have been raised by adjoining property owners in relation to the impact of the proposed “Bed and Breakfast Use” on traffic movement along Philp Ave. Accordingly the drawings provided by the applicant were referred to the City’s Engineering and Infrastructure Services Department to enable them to provide comment. The Manager, Engineering Infrastructure Services advises as follows:

*“Typically a residential property is expected to generate between 7 to 10 vehicle trips per day. Philp Avenue has considerable capacity even though it carries traffic from Wooltana Street. There will be no traffic impact on the capacity of the street by the use of the site as a Bed and Breakfast.”*

The proposed use is seen to have no likely impact on traffic movement and congestion along Philp Ave, and therefore observed to **comply** with the City’s requirements.

(d) **Car parking**

There is no prescribed car parking ratio for the “Bed and Breakfast Accommodation” use. In this situation Clause 6.3(2) of TPS6 requires car parking bays to be provided to the number determined by the Council, having regard to the likely demand. The City’s practice in dealing with ‘bed and breakfast’ proposals has been to require one parking bay for every bedroom used by paying guests in addition to the two parking bays required for a new Single House. With three guest rooms proposed, the applicant is therefore required to demonstrate the provision of on-site parking for a total of 5 car bays. The applicant has provided five on-site car-parking bays, however of the three guest car parking bays provided, only one is located behind the front setback area. Under Clause 4.3(1) (j) of TPS6 Council does have discretion to permit unroofed car parking bays within the front setback area, provided that:

- (i) *the parking bays and associated accessways are screened by dense landscaping at least 1.5 metres in width; and*
- (ii) *such bays and accessways will not have an excessively dominant visual impact on the streetscape or adjoining properties; and*
- (iii) *pedestrian access from the street is not impeded,*

The revised drawings provided by the applicant demonstrate compliance with points (ii) and (iii) above. However, the landscaping strip separating the proposed bays from the lot front is only 1.0 metre in lieu of 1.5 metres in width and therefore **does not comply** with Clause 4.3(1) (j) of TPS6. The setback from the front boundary can be achieved by minor modification to the drawings and therefore such a requirement has been placed as a condition of approval.

(e) **Landscaping**

When assessing landscape compatibility within the focus area the City is to have due regard to Policy P370\_T “*General Design Guidelines for Residential Development*” the policy objectives include:

- (a) *To preserve or enhance desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings.*

When determining whether a development application demonstrates compliance with the policy objectives, the City is to take into account:

- *Site landscaping in front of buildings (extent and characteristics); and*
- *Vehicle pavement visible from the street.*

Original drawings had proposed a significant percentage of paving within the front setback area, and to the extent that it was not supported by the City. Revised drawings received by the City propose a “grass-thru-rubber” system known as “TurfPave”. This system is marketed as a grassed alternative to concrete and paved surfaces for vehicle parking for homes.

This proposal was referred to the City Environment Department for comments. City Environment has advised that they are satisfied with the use of this type of product, as proposed for the subject development.

The City’s Engineering and Infrastructure Services department were also invited to comment on the proposal. The advice is that the material is satisfactory for intermittent use, for guest parking bays, but the success of the system will depend on the willingness of the owner to maintain the system.

Given that the system will be supporting guest vehicles, use of the proposed “TurfPave” system coupled with grass cover is seen to achieve the extent of landscaping visible from the street in order to demonstrate compatibility with the existing streetscape character.

Officers also observed that the applicant has not provided any examples of existing developments where such a material has been successfully used. However, based upon the above favourable comments received from the relevant City departments, the proposed landscaping is seen to **comply** with City Policy P370\_T “*General Design Guidelines for Residential Development*”. Accordingly, appropriate conditions of approval have been recommended.

**(f) Number of guest rooms**

The applicant is proposing three guest rooms as part of the development application. However, the drawings provided by the applicant shows that Bed 2 has direct access from the Guest Area, this means that Bed 2 could potentially be used as an additional Guest Room. The provision of a wall or some form of internal modification is therefore required to ensure that Bed 2 is not directly accessible from the Guest Area and will not be used as an additional Guest Room. Accordingly, appropriate conditions of approval have been recommended.

**(g) Boundary wall**

A boundary wall is proposed as part of this application. Revised drawings provided by the applicant show that the portion of the proposed boundary wall that was previously non-compliant and seen to have an adverse visual amenity impact upon the adjoining outdoor living area of No. 5 Philp Ave has now been set back 1.0 metre from the common boundary, in accordance with the R-Codes requirements. The proposed boundary wall, as proposed now, **complies** with the objectives of City Policy P350.2 “*Residential Boundary Walls*”.

**(h) Crossover**

Upon advice from City Environment Department, the proposed crossover must maintain a minimum distance of 3.0 metres from the edge of the proposed crossover to the centre of the existing street tree. The applicant has provided revised drawings that depict the required 3.0 metre setback from the centre line of the existing street tree. The proposed crossover therefore **complies** with City requirements.

**(i) Noise**

Comment was sought from the City’s Environmental Health Department in relation to the potential noise impact of the proposed “Bed and Breakfast” use. The Environmental Health advised that “any amplified music, mechanical ventilation services, motors and pumps will need to be located in a position so as not to create noise nuisance as determined by the *Environmental Protection Act, 1986* and *Environmental Protection (Noise) Regulations 1997*”. Other than this requirement the development proposal was not seen to have a negative impact. The development proposal therefore complies with the City’s requirements for noise levels. Health comments on other aspects of the development proposal are outlined in **Attachment 10.3.2(d)**.

**(j) Signage**

No signage is proposed by the applicant for this application. If the applicant requests a sign at a later date, a sign application will be required. In the past the City has specified that signage for a “Bed and Breakfast Use” should not exceed 0.2 sq. m, and should be non-illuminated. Given the strong residential character of the street, the low density R15 development and lack of through-traffic, these requirements are considered appropriate.

**(k) Other planning controls:**

The development application complies with the following planning controls:

- (a) Primary and rear setbacks;
- (b) Side setbacks;
- (c) Building height limit;
- (d) Open space;
- (e) Outdoor living area;
- (f) Ground and finished floor levels; and
- (g) Visual privacy requirements.

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

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

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

The proposed Bed and Breakfast Accommodation is listed as a residential use in accordance with Table 1 of the City's Town Planning Scheme No. 6.

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality;*
- (n) *the extent to which the 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.*

Based upon the receipt of revised drawings and favourable comments received from the relevant City departments, the proposed development is observed to be consistent with the matters listed above.

**Consultation**

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

DAC comment was not sought in relation to this development proposal as the proposed built form demonstrates compatibility with the streetscape character.

**(b) Neighbour consultation**

The development proposal was previously advertised to adjoining neighbours to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". A strong community response was received and during the advertising period the City received 11 submissions. All submissions were opposed to the development proposal.

On 18 February 2009, the City advertised the revised drawings to adjoining property owners to the extent and in the manner required by Policy P104 "*Neighbour Community Consultation in the Town Planning Processes*". Property owners were invited to view plans and submit comment during a 14-day period which ended on 5 March 2009. A total of 9 neighbour consultation notices were mailed to individual property owners. A strong community response has been received during the advertising period, with the City receiving 14 submissions, including submissions from neighbours that were not advertised to. A summary of the submissions is provided below.

<b>Submitter's Comments</b>	<b>Officer Response</b>
Proposed "Bed and Breakfast" use and the number of guest rooms are not in keeping with the R15 density coding.	The proposed "Bed and Breakfast" use is discretionary "Residential" use under Town Planning Scheme No. 6. Having considered the revised drawings which address the issues raised in the previous application, and having received favourable comments with respect to the traffic impact on the street and the extent of landscaping visible from the street from Engineering Infrastructure and City Environment departments, evidence indicates that the proposal will not have an adverse amenity impact on the street. It is considered that the combined effect of the revisions to the previous drawings and the proposed conditions of approval will be to adequately safeguard the amenity of the locality. The comment is <b>NOTED</b> .
Proposed use will create the potential for an increase in crime and safety issues.	There are no planning controls that can assist in the assessment of potential issues of this nature. No evidence has been presented to substantiate the submitter's contention. The comment is <b>NOTED</b> .
Proposed "Bed and Breakfast" use will disrupt the sense of community.	The perceived impact of the proposed use on the sense of community in the street is subjective, and is not possible to assess against the available planning controls. The comment is <b>NOTED</b> .
Potential for increased traffic and parking problems.	Advice received from the City's Engineering and Infrastructure Services Department suggests that Philp Ave has extra traffic capacity and can therefore accommodate the proposed "Bed and Breakfast" use without impacting traffic movement along the street. Also, specific conditions of approval have been recommended that require the resident and guest parking to be contained on-site. The comment is <b>NOT UPHOLD</b> .



Submitter's Comments	Officer Response
Visual impact of car parking within the front setback area.	City's Town Planning Scheme permits the street setback for car parking to be varied in accordance with the provisions of Clause 4.3 and a specific condition has been recommended to comply with this requirement. Additionally, the provision of landscaping and grass-through-rubber parking material has received favourable comments from the City's relevant departments. The comment is <b>NOTED</b> .
The proposed "Bed and Breakfast" use will have a negative impact on property values.	There are no planning controls that can assist in the assessment of potential issues of this nature. The comment is <b>NOTED</b> .
Potential use of the building for illegal uses.	If a change of use is contemplated by the owner / resident, a formal approval will be required from the City prior to commencing such a use. A future proposal for a change of use may require neighbour consultation. Any use of the premises without obtaining necessary approval will be investigated as a compliance matter. The comment is <b>NOTED</b> .
Increased noise as a result of the "Bed and Breakfast" use.	Comment has been sought from the City's Environmental Health Department, they advise that other than the requirement for amplified music, mechanical ventilation services, motors and pumps to be located in a position so as not to create noise nuisance, the development proposal is not seen to have a negative impact on noise levels. The comment is <b>NOT UPHELD</b> .
Proposed landscaping is not in keeping with the existing streetscape character.	Comment has been sought from City Environment Department in relation to both the proposed landscaping plan, and the use of the Turfpave System for parking. City Environment advises that the proposed material will enable the landscaping visible from the street to be compatible to the existing streetscape character. The comment is <b>NOT UPHELD</b> .

### 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 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

Noting that the proposed development is single storey, there will be ample solar access to the outdoor living area even though it is facing south, due to the orientation of the lot. Use of TurfPave material in the car parking bays at the front is observed to further support the principles of sustainability.

### Conclusion

The proposal meets all of the relevant Scheme and R-Codes objectives and provisions. Provided that all conditions are applied as recommended, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION ITEM 10.3.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Single House including “Bed and Breakfast Accommodation” on Lot 20 (No. 3) Philp Avenue, Como **be approved** subject to the following conditions :

- (a) In accordance with the definition of “Bed and Breakfast Accommodation” contained within the City’s Town Planning Scheme No. 6, the proposed development shall be used by the resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
- (b) The applicant is to submit revised drawings prior to the issue of a Building Licence. The revised drawings shall show the following:
  - (i) To ensure that Bedroom 2 is used in conjunction with the residents’ dwelling at the rear, and not as the fourth “Guest Room”, internal modifications to the configuration of the proposed development shall be carried out.
  - (ii) The front parallel car parking bay is to be set back a minimum distance of 1.5 metres from the front boundary of the lot and screened by dense landscaping in accordance with Clause 4.3(1) (j) of TPS6.
- (c) A maximum of three bookings shall be accepted at any one time for the use of the proposed Bed and Breakfast Accommodation.
- (d) No more than 1 guest car shall be permitted for each booking.
- (e) All occupier and guest car parking shall be contained on site.
- (f) No guests are permitted to park a trailer, caravan, boat or the like, on the subject property or the adjacent verge or street.
- (g) Hard standing areas including areas paved with the proposed “TurfPave” material, approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of clause 6.3 (10) of Town Planning Scheme No. 6.
- (h) The attached copy of “house rules”, submitted to the City along with this application, shall be made available for viewing by all guests at all times. Having regard to the amenity of the adjoining properties, the owners shall be responsible for ensuring compliance with these house rules at all times.

**Standard Advice Notes**

648	building licence required	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
660	validity of approval	661	validity of approval

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

**Specific Advice Note**

The applicant and owners are advised of the need to obtain all necessary approvals from the City prior to commencing the proposed development.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Best, Sec Cr Hearne

That the officer recommendation be amended by:

- the additional words “*Bed and Breakfast Accommodation shall not be used as a lodging house or for permanent accommodation*” being added at the end of Clause (a);
- the addition of a new Clause (b) and (c) as follows:
  - (b) the number of bedrooms offered for guests’ accommodation shall be reduced to 2 bedrooms; and
  - (c) a permanent manager or owner of the Bed and Breakfast Accommodation shall reside on site; and
- the existing Clauses being renumbered accordingly:

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best Opening for the Motion

- motion proposed to reduce number of bedrooms to two
- a lot of consultation on this matter / Deputations at Council Briefing
- conditions of approval should be designed to safeguard amenity of neighbourhood
- B & B’s exist around Perth with few in South Perth - in Fremantle they are a way of life
- TPS6 allows for B & B’s but as yet there is no policy
- should be looking at developing a policy for B & B accommodation
- Perth is a popular tourist / student destination
- many students reside around the Curtin University
- student accommodation is an alternative that could be used without particular conditions
- specific details in relation to parking, walls, crossovers etc have had a lot of discussion
- main issue is how much B & B will change the street in an R15 neighbourhood
- there are concerns that a B & B will affect the ‘feel’ of the street
- to address concerns raised propose we reduce number of bedrooms from 3 to 2 this will also bring it into line with B & B policies in Rockingham, Fremantle and other Municipal areas
- the new part (c) of the Motion requires the owner to live on site
- ask Elected Members support the modified Motion as proposed.

Cr Hearne for the Motion

- support Cr Best’s proposal
- feel for the applicant and ratepayers in Philp Avenue
- fact is we do not have a B & B policy
- residents do not want this proposal
- Motion as proposed is a fair alternative
- believe three rooms proposed will only be used 10% of the year
- support Motion to reduce number of bedrooms for guest accommodation

Cr Cala against the Motion

- outcome will not affect our lives but residents of Philp Avenue see it as a life style change
- families bought into a street that was purely residential ie R15 zoning with all its appeal
- R15 appeal is being used as marketing for this B & B as being in a quiet little street
- SAT have indicated that Council will represent community on this matter
- Council is the residents' only voice - officer recommendation in total opposition to their wishes
- believe Council has a duty to convey these concerns to SAT
- applicant has not moved into the street
- use proposed totally different to how street is being used today
- there is a feeling of resignation that the residents will have to give a little, particularly in the way SAT has returned the application to Council
- believe the way forward is for one guest room only to be approved as a compromise as it is an R15 coding - it should mirror the one bedroom B & B approval last year in Ley Street at the cnr Bickley Crescent.

FORESHADOWED MOTION

Cr Cala Foreshadowed that if the current Motion is Lost that he would be moving that the guest accommodation be limited to one bedroom.

- to proceed with a three guest room operation without Guidelines / policy is just not good process
- even those local governments that have policies in place, restrict such operations to either a maximum of two guest rooms or six persons
- scale of operation is fundamentally a 'change of use' in Philp Avenue
- TPS6 does allow discretion for B & B's
- Council is the residents' voice at SAT - advise SAT the street will accept a one bedroom operation but no more - otherwise it will be bad governance on their part

Cr Smith against the Motion

- we are the voice of the people - the people are opposed to this development
- residents bought into the area with the clear understanding it was a Single Residential R15 area
- residents in their wildest dreams would not have thought this would happen
- if we support this we go against our position of representing residents
- we have a situation where SAT are seeking negotiation
- in fairness to ratepayers, go for minimum impact that can be sustained in an argument
- proposal is an assault on the amenity of the residents of Philp Avenue
- speak up for our ratepayers
- against the Motion

Cr Best closing for the Motion

- appreciate facts/values of Crs Cala and Smith in their argument
- TPS6 we operate under includes the possibility for a B & B to be approved
- appreciate also feelings of residents of that street - however have concerns it will be approved by SAT
- commend alternative Motion for reduction to two bedroom accommodation to Members

The Mayor put the Motion

LOST (3/9)

MOTION

Moved Cr Cala, Sec Cr Doherty

That the officers Recommendation be amended at clauses (b) and (c) and include an additional clause (i) as follows:

- (b) the applicant is to provide revised drawings prior to the issue of a building licence that show the number of bedrooms offered for guest accommodation is limited to one guest room.
- (c) a maximum of one booking shall be accepted at any one time for the use of the proposed Bed and Breakfast Accommodation.
- (i) The owner of the Bed and Breakfast Accommodation will reside on site.

Cr Cala Opening for the Motion

- endorse previous comments
- residents in the street against this proposal do not have representation at SAT - we as a Council are their only voice
- officer recommendation is in total contradiction to wishes of residents in the street
- believe this Council owes a duty to convey these wishes to the SAT.
- number of bedrooms for guest accommodation should be limited to one guest room
- one guest room is a significant compromise for the community, given the R15 coding
- as the City has no B & B policy believe development should mirror B & B recently approved on the corner of Ley Street and Bickley Crescent
- the City not having a policy has severely exposed the residents to this type of application
- not good governance to proceed with approval of a three guest room operation without guidelines
- even those local governments that have policies in place, restrict such operations to either a maximum of two guest rooms or six persons
- City of South Perth and residents of Philp Avenue are being asked to support an application that exceeds these figures without a policy
- scale of the application represents a fundamental change of use for Philp Avenue
- City's town planning scheme does allow for discretionary approval for B&B's
- would be difficult to show a single bed operation would have a detrimental effect on street.
- we accept one bedroom accommodation - cannot accept more
- believe modified proposal shows good will

Cr Doherty for the Motion

- Philp Avenue a unique part of Como - only designated area in McDougall Park area zoned R15 with R15 attractions
- majority of people living in Philp Avenue are long -term residents who also share a dream of living in an area with amenity
- proposed large scale purpose built B & B with 5 bedrooms/bathrooms/ parking bays does not meet amenity of the area
- proposed development built scale is excessive
- acknowledge it is permissible under the Town Planning Scheme but not in keeping with the street
- cannot see how residents' objections have been addressed
- have looked at other sites with B & B accommodation - zoning has been R20 / R40
- parking bays not compatible with existing streetscape amenity
- officer report states proposal does not meet Scheme Objectives
- amenity of the locality needs to be preserved
- support Motion

Cr Ozsdolay point of clarification - what is the practicality of granting planning approval and then placing conditions that changes the application?

Director Development and Community Services - stated that the conclusion is that the land use is not changing only the number of guest bedrooms allowed to be used and it is therefore an acceptable amendment.

Cr Hearne against the Motion

- acknowledge Cr Cala's comments
- if we cannot approve 2 bedrooms / cannot approve 1 bedroom

FORESHADOWED MOTION

Cr Hearne Foreshadowed he would be moving to refuse the application if the current Motion is Lost.

Cr Trent point of clarification - explain the connection between a B & B and land use for R15, R20 etc - is there a connection?

Strategic Urban Planning Advisor stated that B & B Accommodation is a DC use ie 'Discretionary Use with Consultation'. In the absence of a policy there is no distinction to be drawn between a B & B in the lower or higher density areas.

Cr Wells for the Motion

- support Cr Cala's comments
- is Philp Avenue an ideal spot for a commercial business
- B & B's in Rockingham are away from residences - main feature is the beach

Cr Hasleby against the Motion

- it is a matter of degrees - whether 3, 2 or 1 guest bedrooms
- residents in Philp Avenue have made their feelings clear
- residents want quiet amenity ie no increased traffic / parking in their street
- do not believe it is our role to pre-empt what another jurisdiction will do
- previous applications for B & B's have been from long term residents in the area with a feel for the clientele / community expectations
- on this occasion have a proposal that does not meet that criteria
- cannot ignore wishes of the people in this quiet area near a lake
- reinforce residents of Philp Avenue do not want this

Cr Trent against the Motion

- proposal not in keeping with R15 density coding for Philp Avenue
- residents do not want purpose built B & B
- under no obligation to allow it to go through
- support Cr Hearne's foreshadowed Motion for refusal
- against the Motion

Cr Smith for the Motion

- suggest caution in relation to proposed foreshadowed refusal Motion
- Cr Cala's Motion is trying to make the proposal uneconomical
- SAT requested Council negotiate to a satisfactory level or SAT will make the decision
- if we do not show SAT we have negotiated SAT will decide for us
- we are saying to SAT that we have listened to community concerns and negotiated down the number of guest rooms
- if we do not bend a little we run the risk of having proposal approved - will then have no control
- support Cr Cala's proposal / support Motion

Cr Trent point of clarification - if Council approve one guest bedroom and the original proposal was for three could the applicant go back to SAT. The Mayor responded that the matter is already with SAT and that Council is honouring SAT's request to negotiate.

Cr Cala closing for the Motion

- Cr Smith has encapsulated all my thoughts on this matter
- SAT have sent this back for negotiation
- one guest bedroom will have a negligible impact on the street
- obviously no B & B would be the preferred decision
- SAT have stated they will make the decision if we do not give a little
- ask Members support Motion

<b>COUNCIL DECISION ITEM 10.3.2</b>
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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 Single House including "Bed and Breakfast Accommodation" on Lot 20 (No. 3) Philp Avenue, Como **be approved** subject to the following conditions :

- (a) in accordance with the definition of "Bed and Breakfast Accommodation" contained within the City's Town Planning Scheme No. 6, the proposed development shall be used by the resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
- (b) the applicant is to provide revised drawings prior to the issue of a building licence that show the number of bedrooms offered for guest accommodation is limited to one guest room.
- (c) a maximum of one booking shall be accepted at any one time for the use of the proposed Bed and Breakfast Accommodation.
- (d) no more than 1 guest car shall be permitted for each booking.
- (e) all occupier and guest car parking shall be contained on site.
- (f) no guests are permitted to park a trailer, caravan, boat or the like, on the subject property or the adjacent verge or street.
- (g) hard standing areas including areas paved with the proposed "TurfPave" material, approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of clause 6.3 (10) of Town Planning Scheme No. 6.
- (h) the attached copy of "house rules", submitted to the City along with this application, shall be made available for viewing by all guests at all times. Having regard to the amenity of the adjoining properties, the owners shall be responsible for ensuring compliance with these house rules at all times.
- (i) the owner of the Bed and Breakfast Accommodation will reside on site.

**Standard Advice Notes**

648	building licence required	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT
660	validity of approval	661	validity of approval

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

**Specific Advice Note**

The applicant and owners are advised of the need to obtain all necessary approvals from the City prior to commencing the proposed development.

CARRIED (8/4)

Reason for Change

The State Administrative Tribunal has indicated that the Council will represent the community's view on this matter and they do not need a representative to present their case. Council are their only voice. The officer recommendation is in total contradiction to the wishes of the existing residents in the street and Council owes a duty to convey these wishes to the SAT. The number of bedrooms offered for guest accommodation should be limited to one guest room. Even this is a significant compromise for the community, given the R15 residential coding for their street.

<b>10.3.3 Retrospective additions to three Multiple Dwellings : Increased height of boundary wall - Lot 1 (No. 17) South Perth Esplanade, South Perth</b>
---

Location: Lot 1 (No. 17) South Perth Esplanade, South Perth.  
 Applicant: Greg Rowe & Associates  
 Lodgement Date: 30 April 2008 (Revised plans received on 3 December 2008)  
 File Ref: 11.2008.580 SO1/17  
 Date: 3 March 2009  
 Author: Lloyd Anderson, Senior Planning Officer  
 Reporting Officer: Steve Cope, Director, Development and Community Services

**Summary**

On 5 November 2008, City Officers refused a retrospective application for planning approval for additions to three multiple dwellings under delegated authority. The addition was an increase in the height of the boundary wall on the northern boundary from 3.0 metres to 3.34 metres. The applicant has requested that this delegated officer decision be reviewed at a Council meeting. For reasons provided in the report, the officers recommend that the refusal decision be upheld.

**Background**

The development site details are as follows:

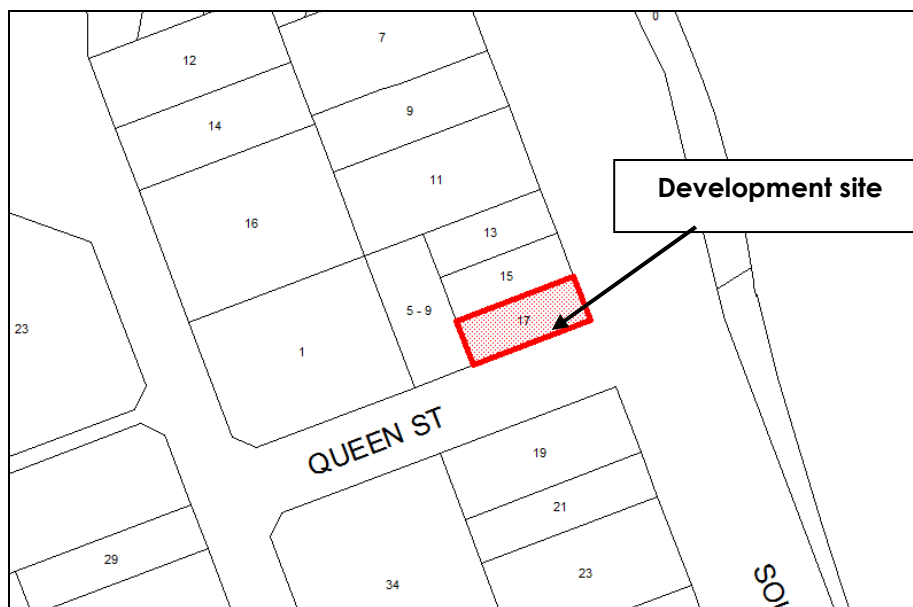
<b>Zoning</b>	Residential
<b>Density coding</b>	R80
<b>Lot area</b>	812 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Four (4) Multiple Dwellings
<b>Maximum plot ratio</b>	1.0



This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the increased in height of the boundary wall dated 4 December 2008.
- Attachment 10.3.3(b)** Letter from Greg Rowe & Associates.

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



### Comment

**(a) Description of the proposal**

The addition under consideration represents an increase of 0.34 m or 340 mm above the approved height of the boundary wall. The purpose of the increased height was to screen air-conditioning plant and equipment located on this side of the building adjacent to the boundary.

**(b) Boundary wall - North-west**

The permitted height of this boundary wall is controlled by Planning Policy No. P350.2 "Residential Boundary Walls". The boundary wall has been assessed in accordance with the policy and it is considered that the addition under consideration does not comply and is not acceptable. The increased wall height will have an adverse effect on the amenity of the adjoining residential property, having regard to the outlook from the front of an adjoining dwelling or its front garden and the visual impact of the building bulk as the boundary wall is situated alongside a balcony on the adjoining property. Accordingly, reducing the height of the parapet wall to no greater than 3.0 metres would rectify this matter.

The applicant is claiming that this increase in height is to screen the plant and equipment (air-conditioning) located along this boundary. An acoustic report submitted by the applicant and assessed by the City's Environmental Health Department states that the calculated noise levels exceed the applicable Assigned Noise levels by up to 9 dB(A). It is also proposed that the addition under consideration will reduce the calculated noise levels to achieve compliance. It is considered that this additional wall height will further impact the amenity of the adjoining property and therefore it is considered that the plant and equipment (air-conditioning) should be moved to another location on the site so as to not impact the amenity of the adjoining property.

The 3.0 metre wall was approved under the previous Planning Policy No. P376 which was a maximum of 3.0 metres, the approved wall complied with the policy. The applicant has applied for a wall height of 3.36 metres which also does not comply with the previous policy. In addition the neighbour has object to any boundary wall higher than 3.0 metres. Stating:

*“The additional wall height adds to the bulk and scale of the wall, which adversely affects the amenity of the front verandah of the house on No. 15 South Perth Esplanade and the outlook from a window to the house’s living area.”*

The assessing officer has viewed the plans for the adjoining property and agrees with the neighbours comments, essentially the addition under consideration to the boundary wall has an adverse impact on the amenity of the adjoining property as it adjoins a verandah of the adjoining property and impacts the outlook from this adjoining properties living area. The visual impact of the increase is also considered detrimental to the amenity of the adjoining property.

**(c) Other planning controls**

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

**(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 additional height of the boundary wall that will impact the amenity of the adjoining property, it is therefore, determined that the proposal does not comply with Clause 1.6 of TPS6.

**(e) 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 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 wall height should be lowered to assist the amenity of the adjoining property and minimise the impact on the adjoining property. It is therefore, determined that the proposal does not comply with Clause 7.5 of TPS6.

### **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 proposal was referred to the adjoining neighbour in respect to a boundary wall. The owner of the property at No. 15 South Perth Esplanade was invited to inspect the application and submit comments during a 14-day period. During the advertising period one submission was received, against the boundary wall. The comments in relation to the boundary wall have been discussed in sub-section (b) of the comments section of this report.

#### **(b) Environmental Health**

Comments in relation to Environmental Health have been discussed in sub-section (b) of the comments section of this report.

### **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 increase in the height of the boundary wall by 340 mm will have negligible sustainable implications, possibly in terms of the views from the adjoining property. Since the wall is located on the south-east side of the adjoining property, there will be no overshadowing issues.

<b>OFFICER RECOMMENDATION ITEM 10.3.3</b>
---

That ...

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective additions to three Multiple Dwellings : Increased height of the boundary wall - Lot 1 (No. 17) South Perth Esplanade, South Perth **be refused**, for the following reasons:
- (i) Increase in the boundary wall height is inconsistent with the provisions contained within Clause 5 of Council Policy P350.2 ‘Residential Boundary Walls’, specifically the proposed increase in wall height is located forward of the adjoining dwelling and adversely impacts upon the existing outlook from that dwelling.

- (ii) Having regard to the matter identified above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of the Town Planning Scheme No. 6 (TPS6).
  - (iii) Having regard to the matter identified above, the proposed development conflicts with the “Matters to be Considered by Council” in Clause 7.5 of the City of South Perth Town Planning Scheme No. 6.
- (b) As a consequence of the Council’s refusal to approve the application for retrospective approval, the applicant is advised that the height of the boundary wall be brought into compliance with the approved drawings within 28 days from the date of issue of this planning refusal, failing which the City will take necessary actions.

**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.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Grayden, Sec Cr Cala

That pursuant to the provisions of the City of South Perth Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective additions to three Multiple Dwellings: Increased Height of the boundary wall- Lot 1 (No.17) South Perth Esplanade, South Perth **be approved**.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Grayden opening for the Motion

- heard a lot about amenity in the last debate
- only issue is whether increased height of wall will effect neighbouring property
- wall is 0.36m higher than it should be
- increased height of wall has little effect on amenity of adjoining property.
- outlook from adjoining property is predominantly away from the subject wall
- effect of lowering the height of the boundary wall will result in the outlook from the neighbouring property being directed to the roof of the subject property, a less favourable outlook than currently exists
- ask Members support Motion

Cr Cala for the Motion

- believe it is important to view situation
- believe there is no amenity issue
- solution proposed is of benefit to adjoining neighbour
- support Motion

Cr Smith point of clarification - are we able to approve this wall keeping in mind problems we have had recently at 41 Angelo Street - is there discretion?

Director Development and Community Services - responded yes, as this issue is about Council Policy.

<b>COUNCIL DECISION ITEM 10.3.3</b>
-------------------------------------

The Mayor put the Motion

That pursuant to the provisions of the City of South Perth Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for retrospective additions to three Multiple Dwellings: Increased Height of the boundary wall- Lot 1 (No.17) South Perth Esplanade, South Perth **be approved.**

CARRIED (12/0)

Reason for Change

Council was of the opinion the minor increased height of the boundary wall has little, if any, deleterious effect on the amenity of the adjoining property.

<b>10.3.4 Amendments to conditions relating to an approved two storey Single House - Lot 505 (No. 133A) Hensman Street, South Perth</b>
---

Location: Lot 505 (No. 133A) Hensman Street, South Perth  
 Applicant: Greg Rowe & Associates  
 File Ref: 11.2008.424 HE3/133  
 Date: 3 March 2009  
 Author: Lloyd Anderson, Senior Planning Officer  
 Reporting Officer: Steve Cope, Director, Development and Community Services

**Summary**

On 22 December 2008, conditional planning approval was granted under delegated authority for a new two storey Single House on Lot 505 (No. 133A) Hensman Street, South Perth. The applicant has requested that two of the listed conditions of approval be deleted at a Council meeting. The conditions requiring consideration by the Council are:

- “(1) *Revised drawings shall be submitted, to the satisfaction of the City, and such drawings shall incorporate the following:*
- (i) *The eastern parapet wall shall be no closer than 6.0 metres to the front boundary, in accordance with Clause 7 of Policy P350.2; and*
  - (ii) *Mid level roofing to be incorporated into the design over the front of the garage.”*

The applicant seeks to remove the above conditions. The applicant is requesting that the eastern parapet wall be 5.5 metre setback from the front boundary. The City policy normally requires a 6.0 metre setback and this requirement is consistent with the streetscape. In addition the application is requesting a flat roof over the garage in lieu of mid level pitched roof. The flat roof over the garage projecting forward of the pitched roof portions of the main dwelling is also observed to be inconsistent with the streetscape character. The modifications sought by the applicant are considered to have an adverse amenity impact on the streetscape character. Therefore, the officers recommend that the request to delete the conditions not be supported by Council.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R40
<b>Lot area</b>	568 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 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(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 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” and Council Policy P350.2 “Residential Boundary Walls”.

**Comments**

**(a) Description of the proposal**

The proposed development is a two storey 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 proposed changes which are sought to the conditions**

**Condition (1)(i) - Boundary wall : North-west**

A boundary wall has been proposed at 5.5 metres from the front setback street alignment. Boundary (parapet) walls in the City’s residential zone are controlled by Planning Policy P350.2 “Residential Boundary Walls”. Boundary walls are not normally permitted forward of the 6.0 metre setback from the front street alignment unless reduced setbacks is a characteristic of the streetscape character. The boundary wall has been assessed in accordance with the variations permitted by the policy; it is considered that a reduction in the front street setback is not acceptable. The wall forward of the 6.0 metre mark will have an increased effect on the amenity of the streetscape, having regard to the streetscape character. As per the condition of planning approval, if the setback to the street to the boundary wall is 6.0 metres then the wall is considered to meet the amenity factors within Planning Policy P350.2 “Residential Boundary Walls”.

**Condition (1) (ii) - Mid level roofing**

The applicant's drawings show a flat roof over the garage. City Officers consider that a pitched roof is more in keeping with the streetscape and will be more in common with traditional housing within the focus area. One of the objectives of the City Policy P370\_T "General Design Guidelines for Residential Developments" is:

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

The assessing officer considers that the proposed flat roof over the garage would not be consistent with this policy objective. Clause 3 "Streetscape Character" of this policy supports the above policy objective and complements the abovementioned provisions of the Town Planning Scheme No. 6. The policy provision deals with the need for design compatibility between the proposed building and the existing buildings within the focus area, having regard to the primary and secondary contributing elements. building 'form' is one of those primary elements.

Other houses have portions of flat roof which are either in line with, or set back behind the pitched roofed portions of these houses. This creates a streetscape with pitched roofs as the dominant element and flat roofs noticeable to a lesser degree. However, the proposed development would have a flat roof over the garage which projects forward of the pitched roof portions of the main dwelling, making it more prominent as viewed from the street and inconsistent with the streetscape character.

A flat roof projecting forward of the main pitched roof gives a high degree of prominence to the flat roof. Such a projecting flat roof becomes an undesirable centre of attention to an even greater extent when this arrangement is not seen in any other house on the street. On the other hand, a pitched roof over the garage situated in front of the main dwelling, also having a pitched roof, enhances the streetscape character.

**(c) 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.

**(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 compatible with the character and scale of existing residential development in the focus area. It is therefore, determined that the proposal does not comply with Clause 1.6 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:

- “(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, as the flat roof over the garage projecting forward of the pitched roof portions of the main dwelling is seen as inconsistent with the streetscape character, the proposed flat roof is not supported. In addition, the proposed boundary wall forward of the 6.0 metre setback from the front street alignment should not be supported as it is not a characteristic of the streetscape.

**Consultation**

Neighbour Consultation was undertaken for this proposal, prior to issuing a determination at the delegated authority, to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners of lot 504 (No. 133) Hensman Street were invited to inspect the application and to submit comments during a 14-day period on the 17 September 2008. A total of one (1) neighbour consultation notice was mailed to individual property owners. A number of comments were received from the adjoining landowner on the 28 January 2009. The comment that is relevant to the subject conditions of planning approval, together with officer responses, is summarised as follows:

Submitter’s Comment	Officer Response
Will have the potential to restrict views of the street from the neighbouring property.	A boundary wall with a front setback of less than 6.0 metres will be incompatible to the existing streetscape. However, at the prevailing R40 density coding for the subject lot and observing similar setbacks of some existing developments in the street, the development if provided with sufficient side setbacks, could have an average front setback of 4.0 metres in accordance with Table 1 of the Residential Design Codes. The comment is <b>NOTED</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.

**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**

Sustainability implications have been taken into consideration. It is observed that the matters relating to the conditions of approval will affect sustainability in terms of the impact on the existing streetscape character.



**OFFICER RECOMMENDATION ITEM 10.3.4**

That, with respect to the applicant's request for the deletion of Conditions:

- 1.(i) *The eastern parapet wall shall be no closer than 6.0 metres to the front boundary, in accordance with Clause 7 of Policy P350.2; and*
- 1.(ii) *Mid level roofing to be incorporated into the design over the front of the garage."*

of planning approval for a proposed two storey Single House on Lot 505 (No. 133A) Hensman Street, South Perth, the applicant be advised that Council is not prepared to delete the conditions, as this would result in a development that is not in keeping with the existing streetscape character.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Doherty, Sec Cr Cala

That....

- (a) the officer recommendation not be adopted:
- (b) with respect to the applicant's request for the deletion of Conditions 1(i) and 1(ii) of planning approval:
  - (i) *The eastern parapet wall shall be no closer than 6.0 metres to the front boundary, in accordance with Clause 7 of Policy P350.2; and*
  - (ii) *Mid level roofing to be incorporated into the design over the front of the garage."*

for a proposed two storey Single House on Lot 505 (No. 133A) Hensman Street, South Perth, the applicant be advised that Council:

- (i) is not prepared to delete condition 1(i), as the deletions of this condition would result in a development that is not in keeping with the existing streetscape character;
- (ii) agreed to delete Condition 1(ii) as it is of the opinion the proposed flat roof over the double garage will not have a detrimental visual amenity on the existing streetscape.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty Opening for the Motion

- proposed amendment does not delete Condition (i) relating to setback
- proposed development can be moved to maintain the 6m setback
- proposed flat roof over the double garage will not have a detrimental visual amenity impact on the existing streetscape character
- house is on a narrow lot and the pitched roof above the main building, behind the garage, will be clearly visible from the street, thus demonstrating streetscape compatibility.

Cr Cala for the Motion

- dominant feature of house is pitched roof
- in respect to setback - no reason why development can not go back 500mm
- support Motion

**COUNCIL DECISION ITEM 10.3.4**

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted:
- (b) with respect to the applicant's request for the deletion of Conditions 1(i) and 1(ii) of planning approval:

- (i) *The eastern parapet wall shall be no closer than 6.0 metres to the front boundary, in accordance with Clause 7 of Policy P350.2; and*
- (ii) *Mid level roofing to be incorporated into the design over the front of the garage."*

for a proposed two storey Single House on Lot 505 (No. 133A) Hensman Street, South Perth, the applicant be advised that Council:

- (i) is not prepared to delete condition 1(i), as the deletions of this condition would result in a development that is not in keeping with the existing streetscape character;
- (ii) agreed to delete Condition 1(ii) as it is of the opinion the proposed flat roof over the double garage will not have a detrimental visual amenity on the existing streetscape.

CARRIED (12/0)

Reason for Change

Council is of the opinion that the proposed flat roof over the double garage will not have a detrimental visual amenity impact on the existing streetscape character.

**10.3.5 Proposed street names for Cygnia Cove - Lots 83, 829 and 9001 Manning Road, Waterford**

Location:	Lots 83, 829 and 9001 City of South Perth
Applicant:	Alex Gregg
File Ref:	RO/801
Date:	3 March 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Steve Cope, Director Development and Community Services

**Summary**

To consider the street names within the subdivision of Lots 83, 829 and 9001 Manning Road, Waterford. The applicant has provided a list of suggested street names for consideration by the Council. The recommendation is that the 'naming' process be initiated.

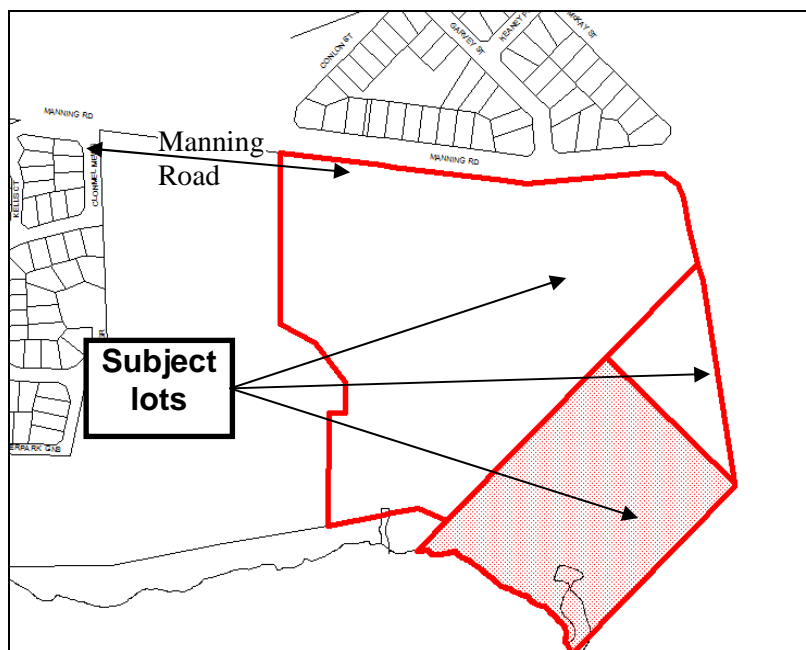
**Background**

This report includes the following attachments:

- Attachment 10.3.5(a)** Proposed naming map.
- Attachment 10.3.5(b)** Name information.

Location

Lots 83, 829 and 9001 are located in the south-eastern most corner of the City of South Perth, bounded by Manning Road to the north, Centenary Avenue to east and Clontarf College to the west as indicated in red on the map below:



Subject site

The subject site is currently vacant.

The proposed names

The applicant has chosen the names of Australian birds as a 'theme' as detailed in **Attachment 10.3.5(b)**. The recommendation for this 'theme' was made by City officers and therefore the names have been supported, comments below have been provided by City officers.

**Comment**

The Strategic Planning Department suggested that the City's *'Municipal Heritage Inventory'* and the *'Birds of South Perth'* would provide rational names which coincide with the location of the Waterford Wetlands and the birds that live in this area. This area is also used by people to view the birdlife and walk along the river foreshore. It is recommended that the names proposed being Australian Birds which are local be supported as this is a 'theme' reflective of the locality.

The 'theme' does not continue on the previous 'theme' for the Waterford subdivision. The 'theme' for the Waterford subdivision was reflecting the Irish heritage of the Christian Brothers. The Brothers owned and operated the former Clontarf Boy's Home and farm on about 200 hectares between Manning Road and the Canning River. It is considered acceptable to not continue the Irish 'theme' given the geographical division between Cygnia Cove and Waterford of Clontarf College.

The Department for Planning and Infrastructure's Geographic Names Committee (GNC) has a policy on naming streets (quoted in 'Policy and Legislative Implications' section of this report). The policy states that: *"New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale."*

Advice was sought from the GNC in relation to the names and the applicant has had discussions with the GNC and the applicant has received preliminary approval for all of the proposed road names for the Cygnia Cove Estate.

### **Consultation**

Advice was also sought from the Team Leader, Building Services on the matter of street numbering and that advice was to remove New Holland Street as a proposed street name. The Team Leader, Building Services has advised hyphenated words in place names shall only be used where they have been adopted in local usage. (e.g. City of Kalgoorlie-Boulder) as per the GNC Policy.

### **Policy and Legislative Implications**

Council does not have a policy to guide decisions as to whether or not the naming of particular street names will be supported, and if so, how names will be selected. The Geographic Names Committee policy is the best guide for City officers and has been followed.

### **Financial Implications**

The street naming has no financial implications for the City. As advised by the Manager of Engineering Infrastructure, the Developer is to pay for supplies and installation of the signs.

### **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**

Nil

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5</b>
--

That ...

- (a) the Council recommends the proposed street names for Cygnia Cove, Lots 83, 829 and 9001 Manning Road, Waterford (bounded by Manning Road to the north, Centenary Avenue to east and Clontarf College to the west);
- (b) the Minister for Lands be advised of the Council’s recommendation; and
- (c) the applicant and the owners of the subject lots be notified of the Council’s recommendation to the Minister for Lands.

CARRIED EN BLOC RESOLUTION

<b>10.3.6 Proposed two storey additions / alterations to single storey Single House - Lot 44 (No. 37) Carr Street, South Perth</b>
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Location:	Lot 44 (No. 37) Carr Street, South Perth
Applicant:	Optimum Resource Architects
Lodgement Date:	21 October 2008; revised plans received 3 March 2009
File Ref:	11.2008.493 CA12/37
Date:	3 March 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

### **Summary**

The subject application for planning approval relates to proposed two storey additions / alterations to an existing single storey Single House on Lot 44 (No. 37) Carr Street, South Perth. Council’s determination is sought in relation to streetscape compatibility with the existing buildings within the focus area in terms of roof form and compliance with the

provisions of Council Policy P370\_T “General Design Guidelines for Residential Development”. The Design Advisory Consultants consider that the proposed development does not comply with Council Policy P370\_T “General Design Guidelines for Residential Development” requirements and this view is supported by City officers. Another issue relates to the provision of a visual truncation alongside a driveway. The proposed development complies with all other statutory provisions. The officer recommendation is for refusal.

**Background**

The development site details are as follows:

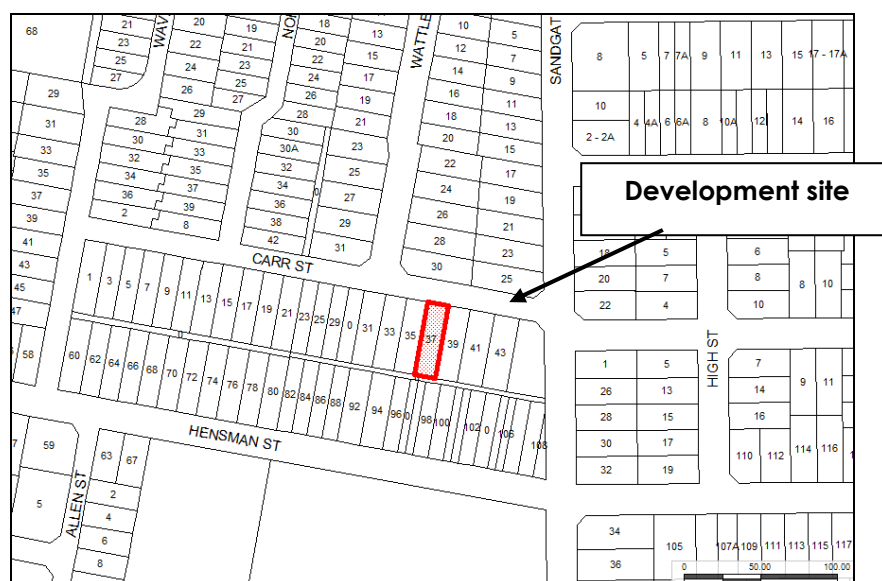
<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	685 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One (1) Single House
<b>Maximum plot ratio</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.6(a)** Amended plans of the proposal dated 3 March 2009.
- Attachment 10.3.6(b)** Letters from Optimum Resource Architects dated 21 October 2008 and 3 March 2009.

**History of application**

The site is adjoined by residential zoned land and has street frontage to Carr Street and vehicle access from a rear right of carriageway. 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 for two storey additions and alterations to an existing single storey Single House. The applicant's letter, **Attachment 10.3.6(b)**, 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)**

The main objective of Council Policy P370\_T is as follows:

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

The proposal does not comply with the overriding objective of P370\_T. Policy P370\_T provides, under Clause 3 "Streetscape Character" that:

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

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

The Policy provision deals with the need for design compatibility between the proposed building and the existing buildings within the focus area, having regard to the primary and secondary contributing elements. Building 'form' is one of those primary elements.

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

Predominant characteristics of the focus area are as follows:

- Single storey and two storey Single Houses (upper floors incorporating mid level roofing);
- Roof form - Pitched, gable and hipped (traditional roof form); and
- Roof materials - Tiled / colourbond.

As viewed from Carr Street the applicant's drawings show a significant departure from the streetscape character with a flat roof design. City officers consider that the design could be more sympathetic with the streetscape and therefore more in common with the traditional housing within the focus area.

Other houses have pitched roofing and several have mid-level roofing over the ground floor, hence the continuation of the same shape and scale of the houses in the streetscape. This creates a streetscape with pitched roofs as the dominant element. There are no examples of flat roofs projecting forward in the street, only examples of flat roofs over a garage to the side of a dwelling. The proposed development would have a flat roof over the majority of the dwelling making this shape more prominent as viewed from the street and inconsistent with the streetscape character.

(c) **Visual truncations**

Visual truncations within 1.5 metres of any vehicle driveway where it meets a street alignment are required to be kept clear of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge in accordance with the provisions of Clause 6.2.6 (A6) of the Residential Design Codes 2008. No structures in these truncations should exceed the 0.75 metre limit.

The proposal does not comply with this requirement as the visual truncation along the eastern side of the proposed garage has not been provided. This can be achieved by moving the driveway and garage away from the eastern boundary.

(d) **Other planning controls**

The proposed development has no plot ratio implications. In relation to open space, building height, setbacks, visual privacy, and ground and floor levels, the development complies with the relevant requirements.

(e) **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.

(f) **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 (DAC) at their meeting held on 27 November 2008 and 9 February 2009. The proposal was not well received by the consultants. The DAC specific comments are summarised below:

##### Advisory Architects' comments

*Concerns about:*

- *Roof form;*
- *Aesthetics;*
- *Lack of visual relief;*
- *Connectivity of form and activity (entry and stairs not near laundry);*
- *Creepers will die, redesign shading - solar pergola (see sketches);*
- *Materials not clear; and*
- *Positive design for energy efficiency.*

Further to the comments provided at the 27 November 2008 DAC meeting, the Architects stated on the 9 February 2009 that:

- *It is possible to achieve both solar design and streetscape compatibility.*
- *The applicant or the City of South Perth to consider asking owners of other properties in the street what they considered reasonable in relation to streetscape compatibility and the future of Carr Street.*

Issues relating to the roof design are still outstanding, however all other comments have been noted by the Applicant.

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

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The proposal has been referred to the adjoining neighbour who has commented on the proposal but does not want that comment to be made available to the public.

### **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 applicant stated in **10.3.6(b)** that the design is sustainable in terms of Council Policy P350.1. City officers agree that the design is sustainable however note the Design Advisory Committee comments which state: *“It is possible to achieve both solar design and streetscape compatibility.”*

It is considered that mid level roofing could be incorporated into the design above the ground floor level and the upper floor could be setback 1.5 metres behind the ground floor with a pitched roof over the upper floor.

<b>OFFICER RECOMMENDATION ITEM 10.3.6</b>
---

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed two storey Single House on Lot 44 (No. 37) Carr Street, South Perth **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 driveway conflicts with the provisions of Clause 6.2.6 (A6) of the Residential Design Codes 2008, which require the visual truncation within 1.5 metres of any vehicle driveway, where it meets a street alignment, to be kept clear of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge if above the height of 0.75 metres.
- (c) 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.
- (d) 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**

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 Trent moved the officer recommendation. Sec Cr Cala

FORESHADOWED MOTION

Cr Ozsdolay foreshadowed he would be moving to approve the application if the current Motion is Lost.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.6**

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 proposed two storey Single House on Lot 44 (No. 37) Carr Street, South Perth 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 driveway conflicts with the provisions of Clause 6.2.6 (A6) of the Residential Design Codes 2008, which require the visual truncation within 1.5 metres of any vehicle driveway, where it meets a street alignment, to be kept clear of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge if above the height of 0.75 metres.
- (c) 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.
- (d) 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**

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.

CARRIED (9/3)

**10.3.7 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 25 February 2009
File Ref:	11.2008.243 CR3/33
Date:	3 March 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

**Summary**

The subject application for planning approval relates to a proposed two storey Single House on Lot 80 (No. 33) Crawshaw Crescent, Manning. Council’s determination is sought in relation to streetscape compatibility with the existing buildings within the focus area in terms of roof form and compliance with the provisions of Council Policy P370\_T “General Design Guidelines for Residential Development”. The Design Advisory Consultants consider that the proposed development does not comply with Council Policy P370\_T “General Design Guidelines for Residential Development” requirements and this view is supported by City officers. Other areas of non-compliance have also been dealt with in the report. The officer recommendation is for refusal.

### 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 10.3.7(a)** Amended plans of the proposal dated 25 February 2009.

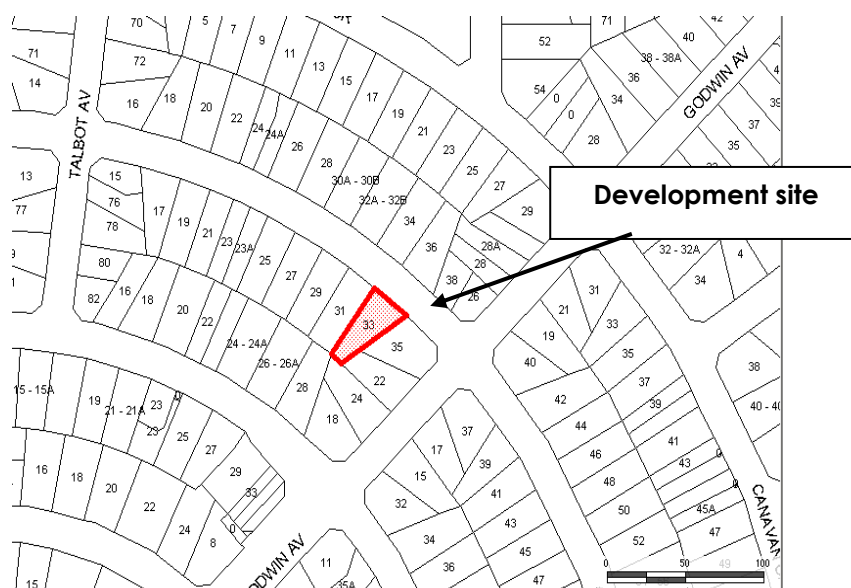
**Attachment 10.3.7(b)** Letters from Beilby Design dated 24 February 2009, 29 January 2009 and 20 December 2008.

### History of application

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

- 29 May 2008 - Application lodged for planning approval;
- 18 July 2008 - Revised plans requested by the City;
- 10 September 2008 - Revised plans received by the City;
- 1 October 2008 - Item referred to Council meeting to determine streetscape compatibility;
- 22 October 2008 - Revised plans received, item withdrawn from Council meeting;
- 10 November 2008 - Revised plans requested by the City to address planning issues;
- 20 December 2008 - Revised plans submitted to the City of a dwelling with totally new design (plan and elevations) and built form;
- 13 February 2009 - Revised plans requested by the City following Design Advisory Consultants' meeting in February; and
- 25 February 2009 - Revised plan 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 10.3.7(b)**, 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)**

The main objective of Council Policy P370\_T is as follows:

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

The proposal does not comply with the overriding objective of P370\_T. Policy P370\_T provides, under Clause 3 “Streetscape Character” that:

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

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

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

Predominant characteristics of the focus area are as follows:

- Single storey Single Houses;
- Roof form - pitched; and
- Roof materials - Tiled / Colourbond.

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; 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.

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

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.

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

The proposed floor levels of the dwelling are 9.428 metres relative to the datum shown on the site plan. The floor level of the building (not including the garage) shall be lowered to a level of 9.25 metres relative to the datum shown on the site plan in order to avoid unreasonably adversely affecting the amenity of neighbouring properties in relation to visual impact and overshadowing, having regard to the provisions of Clause 6.10(1) of Town Planning Scheme No. 6. Following a discussion with the City's Building Department there is no structural reason why the building can not be lowered to the level by the City's Scheme.

(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 location of the outdoor living area could have been located to the north of the development site to maximise solar access.

**OFFICER RECOMMENDATION ITEM 10.3.7**

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 9.25 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 Best

FORESHADOWED MOTION

Cr Hasleby foreshadowed he would be moving to approve the application if the current Motion is Lost.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.7**

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 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 9.25 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.

CARRIED (7/6)  
Carried on the Casting Vote of the Mayor

DECLARATION OF INTEREST : CR HEARNE : ITEMS 10.3.8 AND 10.3.9

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

*"As I have a relative who lives diagonally across from the proposed development site in Barker Avenue I wish to declare a Conflict of Interest in Agenda Items 10.3.8 and 10.3.9 on the March 2009 Council Agenda. In view of this conflict of interest I will leave the Council Chamber and not participate in the discussion / vote on this matter at the Agenda Briefing on 17 March and the Council Meeting on 24 March 2009."*

**Note:** Cr Hearne left the Council Chamber at 8.58pm

<b>10.3.8 Proposed two storey Office Development - Lot 391 (No. 5) Barker Avenue, Como</b>
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Location:	Lot 391 (No. 5) Barker Avenue, Como
Applicant:	Karl Woolfitt Architect
Lodgement Date:	24 September 2008
File Ref:	11.2008.447 BA3/3
Date:	3 March 2009
Author:	Laurence Mathewson, Planning Officer
Reporting Officer:	Steve Cope, Director, Development and Community Services

**Summary**

To consider an application for planning approval for a two storey office development located on Lot 391 (No. 5) Barker Avenue, Como. This application was referred to the February 2009 Council meeting for determination, but was withdrawn from consideration at the request of the applicant. It is recommended that the proposal be **refused** mainly due to an unacceptable shortfall in car parking bays.



**Background**

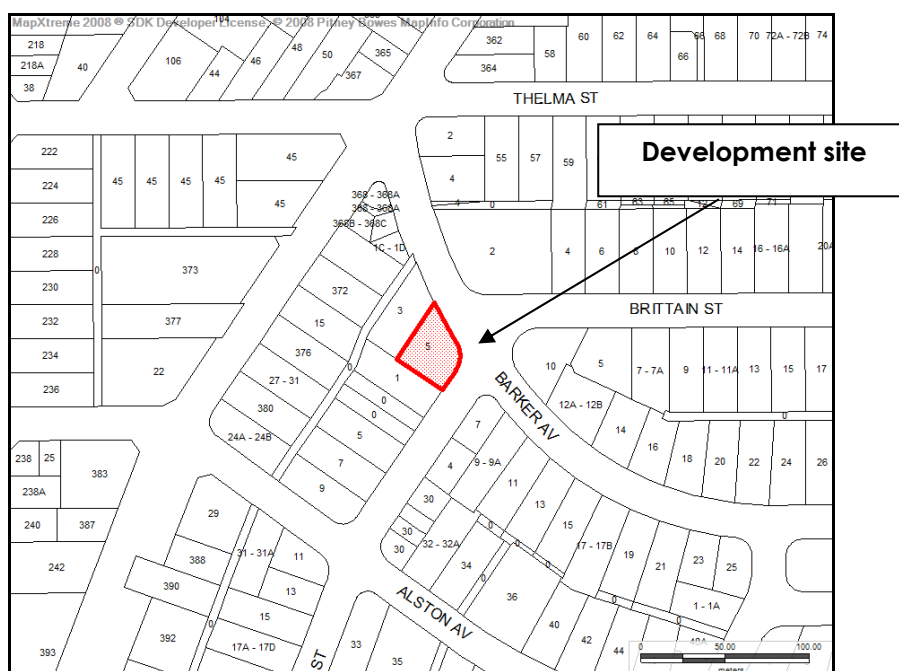
The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	1027 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Maximum permissible plot ratio</b>	0.50

This report includes the following attachments:

- Confidential Attachment 10.3.8(a)** Plans of the proposal.
- Attachment 10.3.8(b)** Site photographs.
- Attachment 10.3.8(c)** Applicant’s supporting report.
- Attachment 10.3.8(d)** Engineering Infrastructure comments.
- Attachment 10.3.8(e)** Environmental Health comments.
- Attachment 10.3.8(f)** City Environment comments.

The location of the development site is shown below.



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

- 1. Large scale development proposals**  
Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.

**Comment**

**(a) Description of the proposal**

The subject lot is currently vacant and fronts Barker Avenue, as depicted in the site photographs in **Attachment 10.3.8(b)**. Located opposite the subject site is the South Perth Bridge Club, to the north is a vacant lot which is also the subject of a development application for a two storey-office development. In addition, a Single House adjoins the site on the south-western boundary.

The proposal involves the construction of a two-storey office building as depicted in the submitted plans of **Confidential Attachment 10.3.8(a)**. The applicant has requested that the office development be considered as two separate applications. This request is due to the fact that there are two separate lots and submission of separate applications was seen by the applicant to be advantageous at the planning approvals stage of the development assessment.

The planning consultant's letter, **Attachment 10.3.8(c)**, describes the proposal in more detail.

**(b) Finished ground and floor levels**

The maximum floor level permitted is RL 18.55 metres; the proposed floor level is RL 18.55 metres. Therefore the proposed development complies with Town Planning Scheme No. 6 Clause 6.10 "*Maximum Ground and Floor Levels*".

**(c) Building height**

Drawings show that the highest point of natural ground level below the building is RL 18.87 metres; the raised level limit is therefore RL 29.37 metres. The proposed building height is RL 27.15 metres, which equates to 8.3 metres in wall height. The drawings therefore show that the building complies with the building height limit of 10.5 metres prescribed by TPS6.

**(d) Provision of car parking bays**

Table 6 of TPS6 prescribes the ratios for car parking as being 1 bay per 20 sq. metres of gross floor area for offices. Based on a gross floor area of 641 sq. metres, the development is required to provide 33 bays on site. The applicant has proposed 23 bays on site (1:28 sq. metres) which is a deficit of 10 parking bays (30 percent).

The applicant has provided the following justification for the 10 bay shortfall.

- (i) *There are opportunities for reciprocal car parking for visitors on the two properties for any visitors visiting either of the premises;*
- (ii) *The proximity of shops to the west allowing for a multi-purpose trip as opposed to the single purpose trips that car parking standards are based on;*
- (iii) *There is a reduced demand for car parking due to the use of alternative modes of transport, in particular the use of buses along Canning Highway and through Como.*

*It should be noted that car parking standards are based on single purpose trips where there are opportunities for multi-purpose trips within the development or the precinct, including the shops. There are also opportunities for reduced car parking due to alternative modes of transport. It is not sound planning practice to over-supply car parking and, accordingly, you are requested research appropriate reductions in car parking (e.g. Town of Vincent "Parking and Access" Policy).*

*In terms of the width of the bays, Australian Standard AS2890.1 requires bay widths 2.4 metres and an extra 0.3 metres where there are obstructions such as walls. The bays can be designed to comply with these requirements and it should be dealt with as a condition of approval.*

Officers are of the opinion that the office development has not been designed in a manner that would allow reciprocal car parking for visitors, due to:

- The presence of a landscaping strip which would prevent vehicular access;
- Security gates which will prevent vehicular access; and
- The general proximity and location of the respective car parking bays which will hinder pedestrian access.

As a consequence of the above, reciprocal car parking is not considered a valid justification.

Town of Vincent policies are not relevant to this development proposal owing to the difference in intensity of activity (e.g. the development site is not located in a town centre) as well as the respective differences in urban structure between the built environment within the Town of Vincent and City of South Perth. The proposed development needs to comply with the parking requirement prescribed in the City of South Perth Town Planning Scheme No. 6. While the applicant contends that this will result in an over-supply of car parking, no evidence has been provided in relation to the actual demand for parking space, to support this contention.

The applicant also contends that there is an opportunity for reduced car parking due to the use of alternative modes of transport, noting the close proximity of the subject site to Canning Highway, as well as the location of the bus stop directly opposite the subject site. However, the applicant is seeking a dispensation for 10 car parking bays which is effectively 30 percent of the total number of required car parking bays. The applicant has failed to demonstrate that this shortfall will be adequately compensated by the use of alternative modes of transport, and therefore the proposed number of car parking bays is not supported.

The applicant has also proposed two on-street car parking bays. Comment has been obtained from the Manager, Engineering Infrastructure in relation to this proposal. He advises that although on-street parking is technically possible it is not supported by Engineering Infrastructure. His reasons for not supporting on-street parking are outlined in the comments section of this report. The City therefore has not included the proposed on-street car parking bays in the car-parking calculations.

Similar applications that have sought a car parking bay dispensation in 2008 include an application for amended floor and car-parking layout at Waterford Plaza and a development application for an change of use to offices at No. 69 Manning Road, Como. These applications sought to provide fewer car parking bays than that prescribed by the City's Town Planning Scheme No. 6. The Waterford Plaza development application proposed a car parking rate of 1:20.2 sq. metres and was approved by the Council, whilst the Manning Road development application proposed a rate of 1:46 sq. metres and was refused by the City.

If the development was approved as currently proposed with a ratio of 1 bay per 28 sq. metres of gross floor area, it is the opinion of City officers that the development would result in an overflow of parking into the adjoining surrounding residential streets, which would significantly impact streetscapes and the general amenity of local residents.

The proposal does not comply with the car parking bay requirements prescribed in TPS6 Table 6, nor is the proposed variation in line with previous determinations by the City and Council.

(e) **Car parking bay dimensions**

In accordance with TPS6 Clause 6.3(8) car parking bay dimensions shall be increased by 0.3 metres where a wall column, pier or fence abuts a side of a car parking bay. Drawings provided by the applicant show that bay No. 12 is abutting a wall and a brick pier on either side and therefore requires a minimum width of 3.1 metres. The drawings show a width of 2.8 metres has been provided. Therefore, bay 12 does not comply and needs to be widened, which will require a redesign for the adjacent foyer and stairs. Such a redesign may have flow-on effects to planning considerations and/or useability of the spaces.

(f) **Bicycle parking**

Table 6 of TPS6 prescribes the ratio for bicycle parking as being 1 bay per 200 sq. metres of gross floor area for offices. Based on the gross floor area of the proposed development there is a requirement for the provision of 4 bicycle parking bays. The applicant has provided 4 bicycle parking bays as well as the required end of trip facilities, the proposal therefore complies with the requirements of TPS6 Clause 6.4(5).

(g) **Landscaping**

The required minimum landscaped area is 154.2 sq. metres (15 percent of the site area); the proposed landscaping area is 160 sq. metres (15.6 percent). However TPS6 Clause 6.14(1) specifies that the landscaping shall not be paved other than for vehicular or pedestrian access. The City considers that a significant percentage of the paved landscaping fronting Barker Avenue is not required for pedestrian access and therefore should be replaced with organic landscaping. This will also soften the visual impact of the hard surfaces. The proposed landscaping therefore does not comply with the landscaping requirements of Table 3 of TPS6.

(h) **Setbacks**

TPS6 does not prescribe a setback for an office use with the Highway Commercial zone on Barker Avenue. However TPS6 Clause 5.1 "Development Requirements for Non-Residential Use in Non-Residential Zones" prescribes the following;

(4) *Notwithstanding the minimum setbacks prescribed in Table 3:*

(a) *in any non-residential zone where a development site has a common boundary with land in the Residential zone:*

(i) *the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site.*

Further consideration of the setbacks of the existing streetscape is required under TPS6 Clause 7.5 "Matters to be Considered by Council" which requires Council, when assessing an application for planning approval, to have due regard to;

(n) *the extent to which a proposed building is visually in harmony with the 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 existing setbacks within the focus area are as follows:

- 4 Barker Avenue (North) - 6.0 metres.
- 2 Brittain Avenue (North-east) - 3.5 metres.
- Shops (North-west of subject site) - Nil setback.

Given the existing setbacks, a setback of 3.0 metres from Barker Avenue is considered to be in-keeping with the focus area. The drawings provided by the applicant show a proposed setback of 3.0 metres. The proposed setback therefore complies with the requirements of TPS6 Clause 5.1 “Development Requirements for Non-Residential Use in Non-Residential Zones” and TPS6 Clause 7.5 “Matters to be Considered by Council”.

Lot 391 (No. 5) Barker Avenue also has a frontage to Park Street. Given the strong residential character of the Park Street a setback of 6.0 metres is considered to be in-keeping with the “focus area”. The drawings provided by the applicant show a proposed setback of 6.0 metres. The proposed setback therefore complies with the requirements of TPS6 Clause 5.1 “Development Requirements for Non-Residential Use in Non-Residential Zones” and TPS6 Clause 7.5 “Matters to be Considered by Council”.

**(i) Plot ratio**

In accordance with Table 3 of TPS6, the prescribed maximum plot ratio is 0.5 (514 sq. metres), the proposed plot ratio is 0.49 (508 sq. metres), the proposal therefore complies with the plot ratio element of TPS6.

**(j) 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 inconsistent with the following objectives:

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
- (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.*

The proposed development does not meet the car parking requirements prescribed in the City’s Town Planning Scheme No. 6 Table 6 “Car and Bicycle Parking” and therefore is considered to be inconsistent with the objectives of Clause 1.6 of Town Planning Scheme No. 6.

**(k) 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:

- (i) *the preservation of 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;*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is not consistent with the matters listed above, specifically in relation to the proposed number of car parking bays.

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 10 November 2008. The proposal was generally not favourably received by the consultants and their comments are summarised below:

<b>DAC Comment</b>	<b>Project Architect Response</b>	<b>Officer Comment</b>
<i>The architects were concerned about the total width of the crossovers for the proposed development and the existing crossover of the adjoining residential property. A landscaping strip provided between the two while separating them, will ensure that the maximum width is no more than 6.0 metres and compliant.</i>	<i>The number and width of the crossovers for the whole development has been kept to a minimum, with only one per site.</i>	Proposed crossover complies with planning requirements. DAC is referring to the existing crossovers which will need to be removed, kerb reinstated and landscaping established as a condition of planning approval. The comment is <b>NOTED</b> .
<i>A metre wide blind aisle is required for car bay No. 14.</i>	<i>If a landscape strip is required, this can be a condition of planning approval.</i>	Engineering Infrastructure has advised that current accessway dimensions are appropriate. The comment is <b>NOTED</b> .
<i>Some of the car parking bays are required to be wider to allow for clearances from columns and other obstructions as per TPS6 provisions. To ensure safe pedestrian and vehicular movement, the parking area will need to be adequately designed.</i>	<i>This can be a condition of approval. Note that bays 15 to 24 can be reduced in width to 2.4 m, giving an extra 1.0m anyway.</i>	Applicant has provided revised drawings since DAC comments were sought. The only non-complying bay is No. 12 which requires an additional 0.3 metres width. The comment is <b>UPHELD</b> .
<i>The landscaping strip along the property boundary is required to be at least 1.5 metres wide in accordance with the TPS6 requirements.</i>	<i>It is not clear which property boundary is being referred to. The bay complies with Australian Standards.</i>	Revised drawings have been received since DAC comments showing a landscaping strip 3.0 metres wide along Barker Avenue. The comment is <b>NOT UPHELD</b> .
<i>To allow for pedestrian movement around disabled bay No. 5, the proposed landscaping will need to be adjusted.</i>		Revised drawings received which address the matter. The comment is <b>UPHELD</b> .
<i>A separate pedestrian access has not been provided from the car park to the office building.</i>	<i>We draw your attention to the two paths connecting the car park to the rear entries in both developments.</i>	Pedestrian access has been provided via the rear door and paving. The comment is <b>NOT UPHELD</b> .
<i>More information was sought on the use of concrete tilt panels proposed above the windows.</i>	<i>Details can be provided if required or as part of the building license.</i>	Not a planning issue and can be addressed at the building license stage if this information is required by the Building Department. The comment is <b>NOTED</b> .

DAC Comment	Project Architect Response	Officer Comment
<i>The proposed built form in general, and specifically the corner feature in concrete, were not supported. It was proposed the building follows the curved truncation of the street.</i>		Applicant has not responded directly to this comment, but has provided justification that the development has been “ <i>designed to suit the locality and site</i> ”. Officer notes that the applicant has since submitted drawings with modified design addressing this issue. The comment is <b>NOTED</b> .
<i>The architects recommended that street setbacks should be adjusted to demonstrate compatibility with the existing streetscape character in accordance with Clause 5.1 of TPS6.</i>	<i>Sound urban design practice is for development to front the street and for development to be continuous with no gaps in streetscapes. Car parking (and landscaping) in front of the building would not be best urban design practice.</i>	Revised drawings show a 3.0 metres setback in accordance with Planning requirements. The comment is <b>NOTED</b> .
<i>The elevations could be modified by providing relief in terms of breaking up the continuous building mass.</i>	<i>The building has been designed to be contemporary and is designed to suit the locality and site.</i>	Elevation design relates to the designer’s concept of the building rather than a particular planning requirement. The comment is <b>NOTED</b> .
<i>A flat roofed canopy could be incorporated over the pedestrian pathway along Barker Avenue with 45° car parking, subject to favourable comments from the City’s Engineering Infrastructure department.</i>	<i>This is not likely to be supported and would cause problems with existing infrastructure and street trees.</i>	Not a planning requirement. The comment is <b>NOTED</b> .
<i>The applicant to check BCA requirements of whether disabled access is required to the upper level of the office building.</i>	<i>This is a matter that relates to compliance with the building regulations and will be suitably addressed at the building licence stage.</i>	Revised drawings show a lift space on the ground and first floors, if the Building department require more information this can be provided at the building license stage. 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”. Surrounding property owners were invited to inspect the application and to submit comments during the period from 6 November 2008 to 21 November 2008. During this period four submissions were received.

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

Submitter's Comment	Officer Response
Expressed concern regarding the potential increase in traffic that this development may generate, and the implications that this may have for traffic safety in the immediate vicinity.	<p>Applicant has provided the following response:</p> <p><i>The site is zoned Highway Commercial, therefore planned for intensive land uses / development, which would generate a lot more traffic.</i></p> <p>The development proposal has been referred to Engineer Infrastructure Services and they have not expressed any concerns regarding traffic safety.</p> <p>The comment is <b>NOTED</b>.</p>
Opposed the development on the basis that the street is part of a residential area, and that the land area is best served with the current residential development.	<p>The subject site is zoned Highway Commercial, and TPS6 lists a number of residential and non-residential uses that can potentially be approved subject to proper consideration by the City.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
Expressed support for the office development	The comment is <b>NOTED</b> .

(c) **Manager, Engineering Infrastructure and Manager, City Environment**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic arising from the proposal, referred to as **Attachment 10.3.8(d)**.

The Manager is generally satisfied with the proposal and a summary of his advice follows:

- No part of the footpath is to be raised or lowered to meet the needs for internal driveways, closing gates etc.
- Drainage to be in accordance with Policy 415 and Management Practice M415.
- The soak well size and capacity is to be determined by an appropriately qualified person to cater for a 1 in 10 year storm event.
- The City will require upgrading of Poppy Lane as the primary access to the car park.
- Proposed crossover is to be constructed to Council specifications.
- Existing concrete crossings in Barker Avenue are to be removed, the kerbing re-instated and the verge area re-established.

Additional comment was sought from Engineering Infrastructure in relation to the potential for on-street parking along Barker Avenue, he advised that the “embayed parking while technically possible over half the development site is to be discouraged”, he provided the following reasons:

- Limits tree planting opportunities within the road reserve.
- As street trees are placed no closer to the street boundary than 2.7 metres not closer to the road edge than 2 metres any embayed parking would be behind the line of the street trees creating a real sightline issue for motorists entering and leaving the bay.
- Embayed parking dimensions for on street application are 6.7 metres by 2.3 metres
- Embayed parking adjacent to the pedestrian refuge / roundabout “splitter” island is not possible.
- Parking is not permitted within 20 metres of a bus stop (approach side) and 10 metres on the departure side.



- Overall there is possibly only enough space for two parking bays once street trees are included. For so few bays, the cost and inconvenience is difficult to justify.

On-street parking is therefore generally not supported by Engineering Infrastructure.

**(d) Environmental Health**

Officers from Environmental Health and Regulatory Services were invited to comment on all health-related matters, referred to as **Attachment 10.3.8(e)**.

The relevant officer has advised the following:

- All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance.
- All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971.
- Environmental Health confirmed that a suitable bin enclosure(s) will need to be provided.

**(e) City Environment Coordinator, City Environment**

The City Environment Coordinator provided comment on the proposed development referred to as **Attachment 10.3.8(f)**, and advised as follows:

- The street trees should be the London Plan tree for the Barker Street commercial precinct and Pink Flowering Marri on Park Street as per the City of South Perth tree management plan.
- A waterwise garden using native species should be installed wherever possible including the verge.
- Local species should be used for the car parking area.

**(f) Council Briefing**

The applicant gave an overview of the proposed development highlighting the deficiency of parking bays at the Major Development Briefing held on 9 February 2009. During the briefing session Elected Members made a number of comments on the proposed development for consideration by the applicant in the preparation of revised plans.

**Policy and Legislative Implications**

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

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

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

**Sustainability Implications**

The proposed development is observed to promote sustainability principles by placing non-residential development close to the high density development along Canning Highway and public transport routes.

**OFFICER RECOMMENDATION ITEM 10.3.8**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Two Storey Office Development at Lot 391 (No. 5) Barker Avenue, Como **be refused**, for the following reasons:

- (a) The proposed development does not provide the 33 bays required by the City's Town Planning Scheme No. 6 Table 6 "*Car and Bicycle Parking*".
- (b) The development proposal does not provide landscaping in accordance with the requirements of Town Planning Scheme No. 6 Table 3 "*Development Requirements for Non-Residential Uses in Non-Residential Zones*".
- (c) The dimensions of bay 12 do not comply with the requirements of the City's Town Planning Scheme No. 6 Clause 6.3 "*Car Parking*".
- (d) 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.
- (e) Having regard to the matter identified in the reasons above, the proposed development conflicts with the "Scheme Objectives" identified in Clause 7.5 of TPS6.

**Standard Advice Notes**

651 (Appeal rights).

**Specific Advice Notes**

Should this application be amended to resolve the above non-complying issues, then the following matters shall be suitably addressed by the applicant:

- (a) **Engineering and Infrastructure Services**
  - No part of the footpath is to be raised or lowered to meet the needs for internal driveways, closing gates etc.
  - Drainage to be in accordance with Policy 415 and Management Practice M415.
  - The soak well size and capacity is to be determined by an appropriately qualified person to cater for a 1 in 10 year storm event.
  - The City will require upgrading of Poppy Lane as the primary access to the car park.
  - Proposed crossover is to be constructed to Council specifications.
  - Existing concrete crossings in Barker Avenue are to be removed, the kerbing re-instated and the verge area re-established.
- (b) **Environmental Health**
  - All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance.
  - All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971.
  - Environmental Health confirmed that a suitable bin enclosure(s) will need to be provided.
- (c) **City Environment**
  - The street trees should be the London Plan tree for the Barker Street commercial precinct and Pink Flowering Marri on Park Street as per the City of South Perth tree management plan.
  - A waterwise garden using native species should be installed wherever possible including the verge.
  - Local tree species should be used for shading the car parking area.

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

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.8. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Trent

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 Two Storey Office Development at Lot 391 (No. 5) Barker Avenue, Como **be approved** subject to the following conditions:
  - (i) the number of parking bays provided shall be based on that required for a Local Commercial Centre, that is, 1 bay per 25m<sup>2</sup> of gross floor area.
  - (ii) a legally binding agreement will be drawn up with the adjoining Lot 390 (No. 3) Barker Avenue, which is the subject of another application, which will provide for a reciprocal parking arrangement for the occupiers of Lot 391.
  - (iii) the dimensions of parking bay no. 12 shall conform to the City's Town Planning Scheme No. 6 Clause 6.3 "Car Parking".
  - (iv) The gross floor area of the building shall be reduced by 13 sq. metres.

Standard Conditions

390	crossover standards	550	plumbing hidden
427	colours & materials- details	625	sightlines for drivers
455	dividing fence standards	660	expiry of approval
470	retraining walls- if required	664	inspection (final) required
508	landscaping approved & completed		

Standard Important Notes

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

Specific Advice Notes

1. The applicant is advised to comply with the requirements of City's Environmental Health and Engineering Infrastructure departments.
2. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes."

Cr Cala opening for the Motion

- Even though site is zoned Highway Commercial Centre it is located off the highway and situated on the corner of Park Street
- commercial activity will primarily be of a professional office type and is in effect a site better classified as a Local Commercial Centre
- geometry of the site restricts effective use of the site and justifies some concession
- connection of this development is more closely linked to that of the existing corner shops than the residential area
- applicant has designed the building to fit in with the theme of these shops on the corner of Barker Ave and Canning Highway by the use of a canopy along the street aspect
- design picks up on the canopies around the existing shop fronts and will create a more village character to the development, which is not consistent with a landscaping strip.
- proposal before us will have a lesser impact on the neighbourhood
- applicant has presented a proposal with a 'village feel'
- ask Members support the Motion

Cr Trent for the Motion

- support Cr Cala's comments
- do not see why we should pay heed to zoning when development not on highway
- support the Motion

Cr Grayden point of clarification - with this new classification and reduction in floor area - will it conform? Cr Cala responded yes.

<b>COUNCIL DECISION ITEM 10.3.8</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 Two Storey Office Development at Lot 391 (No. 5) Barker Avenue, Como **be approved** subject to the following conditions:
  - (i) the number of parking bays provided shall be based on that required for a Local Commercial Centre, that is, 1 bay per 25m<sup>2</sup> of gross floor area.
  - (ii) a legally binding agreement will be drawn up with the adjoining Lot 390 (No. 3) Barker Avenue, which is the subject of another application, which will provide for a reciprocal parking arrangement for the occupiers of Lot 391.
  - (iii) the dimensions of parking bay no. 12 shall conform to the City's Town Planning Scheme No. 6 Clause 6.3 "Car Parking".
  - (iv) The gross floor area of the building shall be reduced by 13 sq. metres.

Standard Conditions

390	crossover standards	550	plumbing hidden
427	colours & materials- details	625	sightlines for drivers
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Specific Advice Notes

1. The applicant is advised to comply with the requirements of City's Environmental Health and Engineering Infrastructure departments.
2. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes."

CARRIED (11/0)

Reason for Change

Council believes that even though the site is zoned as a Highway Commercial Centre, it is located off the highway and situated on the corner of Park Street therefore any commercial activity will primarily be of a professional office type and is in effect a site better classified as a Local Commercial Centre.

**10.3.9 Proposed two storey Office Development - Lot 390 (No. 3) Barker Avenue, Como**

Location: Lot 390 (No. 3) Barker Avenue, Como  
 Applicant: Karl Woolfitt Architect  
 Lodgement Date: 24 September 2008  
 File Ref: 11.2008.447 BA3/3  
 Date: 3 March 2009  
 Author: Laurence Mathewson, Planning Officer  
 Reporting Officer: Steve Cope, Director Development & Community Services

**Summary**

To consider an application for planning approval for a two storey office development located on Lot 390 (No. 3) Barker Avenue, Como. This application was referred to the February 2009 Council meeting for determination, but was withdrawn from consideration, at the request of the applicant. It is recommended that the proposal be **refused** mainly due to an unacceptable shortfall in car parking bays.

**Background**

The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	1050 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Maximum permissible plot ratio</b>	0.50

This report includes the following attachments:

- Confidential Attachment 10.3.9(a)** Plans of the proposal.
- Attachment 10.3.9(b)** Site photographs.
- Attachment 10.3.9(c)** Applicant's supporting report.
- Attachment 10.3.9(d)** Engineering Infrastructure comments.
- Attachment 10.3.9(e)** Environmental Health comments.
- Attachment 10.3.9(f)** City Environment comments.

The location of the development site is shown below:



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

**1. Large scale development proposals**

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

**Comment**

**(a) Description of the proposal**

The subject lot is currently vacant and fronts Barker Avenue as depicted in the site photographs in **Attachment 10.3.9(b)**. The South Perth Bridge Club is located opposite across Barker Avenue. To the north of the lot are a number of shops, these shops are separated from the subject site by Poppy Lane. On the eastern side of the subject site is another vacant lot (Lot 391), which is also the subject of a development application for a two storey office development. In addition, a Single House is located adjoining the south-western boundary.

The proposal involves the construction of a two-storey office building as depicted in the submitted plans of **Confidential Attachment 10.3.9(a)**. The applicant has requested that the office development be considered as two separate applications. This request is due to the fact that there are two separate lots and submission of separate applications was seen by the applicant to be advantageous at the planning approvals stage of the development assessment.

The planning consultant's letter, **Attachment 10.3.9(c)**, describes the proposal in more detail.

**(b) Finished ground and floor levels**

The maximum floor level permitted is RL 19.15 metres; the proposed floor level is RL 19.15 metres. Therefore the proposed development complies with Town Planning Scheme No. 6 Clause 6.10 "*Maximum Ground and Floor Levels*".

**(c) Building height**

Drawings show that the highest point of natural ground level in accordance with Clause 6.2 of TPS6 is a relative level (RL) of 19.2 metres. The permissible building height of 10.5 metres equates to an RL of 29.7 metres. The proposed building height is RL 26.95 metres, which equates to 7.75 metres in wall height. The drawings therefore show that the building complies with the building height limit of 10.5 metres.

**(d) Car parking**

Table 6 of TPS6 prescribes the ratios for car parking as being one bay per 20 sq. metres of gross floor area for offices. Based on a gross floor area of 647 sq. metres, the development is required to provide 33 bays on site, the applicant has proposed 28 bays on site (1:23 per sq. metres) which is a deficit of five parking bays (15 percent).

The applicant has provided the following justification for the five bay shortfall.

- (i) *There are opportunities for reciprocal car parking for visitors on the two properties for any visitors visiting either of the premises;*
- (ii) *The proximity of shops to the west allowing for a multi-purpose trip as opposed to the single purpose trips that car parking standards are based on;*
- (iii) *There is a reduced demand for car parking due to the use of alternative modes of transport, in particular the use of buses along Canning Highway and through Como.*

*It should be noted that car parking standards are based on single purpose trips where there are opportunities for multi-purpose trips within the development or the precinct, including the shops. There are also opportunities for reduced car parking due to alternative modes of transport. It is not sound planning practice to over-supply car parking and, accordingly, you are requested research appropriate reductions in car parking (e.g., Town of Vincent "Parking and Access" Policy.*

*In terms of the width of the bays, Australian Standard AS2890.1 requires bay widths 2.4m and an extra 0.3m where there are obstructions such as walls. The bays can be designed to comply with these requirements and it should be dealt with as a condition of approval.*

Officers are of the opinion that the office development has not been designed in a manner that would allow reciprocal car parking for visitors, due to:

- The presence of a landscaping strip which would prevent vehicular access;
- Security gates which will prevent vehicular access; and
- The general proximity and location of the respective car parking bays which will hinder pedestrian access.

As a consequence of the above, reciprocal car parking is not considered a valid justification.

Town of Vincent policies are not relevant to this development proposal owing to the difference in intensity of activity (e.g. the development site is not located in a town centre) as well as the respective differences in urban structure between the built environment within the Town of Vincent and City of South Perth. The proposed development needs to comply with the parking requirement prescribed in the City of South Perth Town Planning Scheme No. 6. While the applicant contends that this will result in an over-supply of car parking, no evidence has been provided in relation to the actual demand for parking space, to support this contention.

The applicant also contends that there is an opportunity for reduced car parking due to the use of alternative modes of transport, noting the close proximity of the subject site to Canning Highway, as well as the location of the bus stop directly opposite the subject site. However, the applicant is seeking a dispensation for 5 car parking bays which is effectively 15 percent of the total number of required car parking bays. The applicant has failed to demonstrate that this shortfall will be adequately compensated by the use of alternative modes of transport, and therefore the proposed number of car parking bays is not supported.

The applicant has also proposed two on-street car parking bays. Comment has also been obtained from the Manager, Engineering Infrastructure in relation to this proposal. He advises that although on-street parking is technically possible it is not supported by Engineering Infrastructure. His reasons for not supporting on-street parking are outlined in the comments section of this report. The City therefore has not included the proposed on-street car parking bays in the car-parking calculations.

Similar applications that have sought a car parking bay dispensation in 2008 include an application for amended floor and car-parking layout at Waterford Plaza and a development application for an change of use to offices at No. 69 Manning Road, Como. These applications sought to provide fewer car parking bays than that prescribed by the City's Town Planning Scheme No. 6. The Waterford Plaza development application proposed a car parking rate of 1:20.2 sq. metres and was approved by the Council, whilst the Manning Road development application proposed a rate of 1:46 sq. metres and was refused by the City.

If the development was approved as currently proposed with a ratio of 1 bay per 23 sq. metres of gross floor area, it is the opinion of City officers that the development would result in an overflow of parking into the adjoining surrounding residential streets, which would significantly impact streetscapes and the general amenity of local residents.

The proposal does not comply with the car parking bay requirements prescribed in TPS6 Table 6, nor is the proposed variation in line with previous determinations by the City and Council.

**(e) Car parking and vehicle access**

The proposal complies with the requirements of TPS6 Schedule 5 "Minimum Dimensions of Car Parking Bays and Accessways".

**(f) Bicycle parking**

Table 6 of TPS6 prescribes the ratio for bicycle parking as being 1 bay per 200 square metres of gross floor area for offices. Based on the gross floor area of the proposed development there is a requirement for the provision of 4 bicycle parking bays. The applicant has provided 4 bicycle parking bays as well as the end of trip facilities in accordance with TPS6 Clause 6.4(5).



(g) **Landscaping**

The required minimum landscaped area is 156.5 sq. metres (15 percent of the site area); the proposed landscaping area is 158 sq. metres (16.3 percent). However TPS6 Clause 6.14(1) specifies that the landscaping shall not be paved other than for vehicular or pedestrian access. The City considers that a significant percentage of the paved landscaping fronting Barker Avenue is not required for pedestrian access and therefore should be replaced with organic landscaping. This will also soften the visual impact of the hard surfaces. The proposed landscaping therefore does not comply with the landscaping requirements of Table 3 of TPS6.

(h) **Setbacks**

TPS6 does not specifically prescribe a setback for an office use with the Highway Commercial zone on Barker Avenue. However Clause 5.1 of TPS6 “Development Requirements for Non-Residential Use in Non-Residential Zones” states as follows;

(4) *Notwithstanding the minimum setbacks prescribed in Table 3:*

(a) *in any non-residential zone where a development site has a common boundary with land in the Residential zone:*

(i) *the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site.*

Further consideration of the setbacks of the existing streetscape is required under TPS6 Clause 7.5 “Matters to be Considered by Council” which requires Council, when assessing an application for planning approval, to have due regard to;

(n) *the extent to which a proposed building is visually in harmony with the 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 existing setbacks within the focus area are as follows:

- 4 Barker Avenue (North) - 6.0 metres
- 2 Brittain Avenue (North-east) - 3.5 metres
- Shops (North-west of subject site) - nil setback

Given the existing setbacks, a setback of 3.0 metres from Barker Avenue is considered to be in-keeping with the focus area. The drawings provided by the applicant show a proposed setback of 3.0 metres. The proposed setback is therefore observed to comply with the requirements of TPS6 Clause 5.1 “Development Requirements for Non-Residential Use in Non-Residential Zones” and TPS6 Clause 7.5 “Matters to be Considered by Council”

(i) **Plot ratio**

In accordance with Table 3 of TPS6, the prescribed maximum plot ratio is 0.5 (525 sq. metres). The proposed development has a plot ratio is 0.49 (522 sq. metres), the proposal therefore complies with the plot ratio element of TPS6.

**(j) 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 inconsistent with the following objectives:

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
- (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.*

The proposed development does not meet the car parking requirements prescribed in the City's Town Planning Scheme No. 6 Table 6 "*Car and Bicycle Parking*" and therefore is considered to be inconsistent with the objectives of Clause 1.6 of Town Planning Scheme No. 6.

**(k) 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:

- (i) *the preservation of 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;*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is not consistent with the matters listed above, specifically in relation to the proposed number of car parking bays.

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 10 November 2008. The proposal was not favourably received by the consultants. However the applicant has since submitted revised drawings which are seen to address a number of the issues identified by the DAC. The DAC comments, based on the superseded drawings, are summarised below:

DAC Comment	Project Architect Response	Officer Comment
<p><i>Car parking has been provided too far away from Barker Avenue, making the parking area obscure from the street. A location closer to the street was preferred by redesigning, moving the building back, and providing car parking forward of it</i></p>	<p><i>Sound urban design practice is for development to front the street and for development to be continuous with no gaps in streetscapes.</i></p>	<p>Moving the building back to accommodate parking in front of the building may result in an adverse amenity impact on the residential dwellings at the rear in terms of overshadow and visual bulk therefore a design that accommodates parking at the rear is preferred.</p> <p>The comment is <b>NOT UPHELD.</b></p>
<p><i>The assessing officer to ensure that any existing trees on site are referred to the City Environment Department and comments sought with respect to their retention.</i></p>	<p><i>Existing mature trees can, and will, be retained.</i></p>	<p>Subject lot is vacant, therefore does not contain any mature trees. City Environment has provided comment in relation to the required tree species. Applicant is advised of the need to contact City Environment prior to the issue of building license.</p> <p>The comment is <b>NOTED.</b></p>
<p><i>A 4.0 metre wide accessway was seen to be a sufficient width as it catered to less than 30 cars for the development.</i></p>	<p><i>We note support for the 4.0 metre laneway catering for less than 30 cars.</i></p>	<p>The comment is <b>NOTED.</b></p>
<p><i>Some of the car parking bays are required to be wider to allow for clearances from columns and other obstructions as per TPS6 provisions.</i></p>	<p><i>The bays can be designed to comply with these requirements and it should be dealt with as a condition of planning approval.</i></p>	<p>Applicant has provide amended drawings which comply with the requirements of TPS6 Clause 6.3.</p> <p>The comment is <b>NOTED.</b></p>
<p><i>The applicant was advised to check that if the maximum distance to the fire escape from any portion of the building / floor is 20 metres, then in accordance with the BCA requirements, there is no need for a second fire escape route. The same area could be utilised as office space.</i></p>	<p><i>This is a matter that relates to compliance with the building regulations and will be suitably addressed at the building licence stage.</i></p>	<p>Applicant will need to demonstrate compliance with BCA requirements prior to the issue of building license.</p> <p>The comment is <b>NOTED.</b></p>
<p><i>The proposed form of the building was observed to lack visual appeal as it does not address the corner with the proposed hard edges which should be replaced with soft rounded corners.</i></p>	<p><i>The building has been designed to be contemporary and is designed to suit the locality and site.</i></p>	<p>Applicant has provided revised drawings which are seen to address these issues.</p> <p>The comment is <b>NOTED.</b></p>

DAC Comment	Project Architect Response	Officer Comment
<i>The architects recommended that street setbacks should be adjusted to demonstrate compatibility with the existing streetscape character in accordance with Clause 5.1 of TPS6. If seen appropriate, a canopy could go over the footpath.</i>	<i>... a greater setback would mean this development would be inconsistent with the shops located to the west and would also prevent the tree planting required by City Environment and the awning required by the DAC.</i>  <i>In addition, a canopy cannot be provided over the building if the setback is greater than 3.0 metres.</i>	Applicant has provided revised drawings which include a canopy over the Barker Avenue footpath. The revised drawings are therefore seen to address the DAC comment.  The comment is <b>NOTED</b> .
<i>A separate pedestrian access has not been provided from the car park to the office building.</i>	<i>We draw your attention to the two paths connecting the car park to the rear entries to both developments.</i>	A small footpath has been provided from the edge of the disabled car parking to the rear entry.  The comment is <b>NOTED</b> .
<i>The applicant to check BCA requirements of whether disabled access is required to the upper level of the office building.</i>	<i>This is a matter that relates to compliance with the building regulations and will be suitably addressed at the building licence stage.</i>	Applicant will need to demonstrate compliance with BCA requirements prior to the issue of building license. The comment is <b>NOTED</b> .

**(b) Neighbour consultation**

Area 3 neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. Surrounding property owners were invited to inspect the application and to submit comments during the period from 6 November 2008 to 21 November 2008. During this period four submissions were received.

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

Submitter's Comment	Officer Response
Expressed concern regarding the potential increase in traffic that this development may generate, and the implications that this may have for traffic safety in the immediate vicinity.	Applicant has provided the following response:  <i>The site is zoned Highway Commercial, therefore planned for intensive land uses / development, which would generate a lot more traffic.</i>  The development proposal has been referred to Engineer Infrastructure Services and they have not expressed any concerns regarding traffic safety. The comment is <b>NOTED</b> .
Opposed the development on the basis that the street is part of a residential area, and that the land area is best served with the current residential development.	The subject site is zoned Highway Commercial, and TPS6 lists a number of residential and non-residential uses that can potentially be approved subject to proper consideration by the City. The comment is <b>NOT UPHELD</b> .
Expressed support for the office development provided that there is sufficient parking provided by on-site, and that the development includes provision for the continued maintenance of Poppy Lane into the future.	Upon advice from the Engineering Department, the City will require upgrading of Poppy Lane as the primary access to the development. The comment is <b>NOTED</b> .
Expressed support for the office development	The comment is <b>NOTED</b> .

(c) **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, referred to as **Attachment 10.3.9(d)**.

The proposal has been supported, and the following advice has been provided:

- No part of the footpath is to be raised or lowered to meet the needs for internal driveways, closing gates etc.
- Drainage to be in accordance with Policy 415 and Management Practice M415.
- The soak well size and capacity is to be determined by an appropriately qualified person to cater for a 1 in 10 year storm event.
- The City will require upgrading of Poppy Lane as the primary access to the car park.
- Proposed crossover is to be constructed to Council specifications.
- Existing concrete crossings in Barker Avenue are to be removed, the kerbing reinstated and the verge area re-established.

Additional comment was sought from Engineering Infrastructure in relation to the potential for on-street parking along Barker Avenue, he advised that the “embayed parking while technically possible over half the development site is to be discouraged”, he provided the following reasons:

- Limits tree planting opportunities within the road reserve.
- As street trees are placed no closer to the street boundary than 2.7 metres not closer to the road edge than 2 metres any embayed parking would be behind the line of the street trees creating a real sightline issue for motorists entering and leaving the bay.
- Embayed parking dimensions for on street application are 6.7 metres by 2.3 metres
- Embayed parking adjacent to the pedestrian refuge / roundabout “splitter” island is not possible.
- Parking is not permitted within 20 metres of a bus stop (approach side) and 10 metres on the departure side.
- Overall there is possibly only enough space for two parking bays once street trees are included. For so few bays, the cost and inconvenience is difficult to justify.

On-street parking is therefore generally not supported by Engineering Infrastructure

(d) **Environmental Health**

Officers from Environmental Health and Regulatory Services were invited to comment on all health-related matters, referred to as **Attachment 10.3.9(e)**.

The relevant officer has advised the following:

- All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance.
- All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971.
- Environmental Health confirmed that a suitable bin enclosure(s) will need to be provided.

(e) **City Environment**

The City Environment Coordinator provided comment on the proposed development referred to as **Attachment 10.3.9(f)**, and advised as follows:

- The street trees should be the London Plan tree for the Barker Street commercial precinct and Pink Flowering Marri on Park Street as per the City of South Perth tree management plan.
- A waterwise garden using native species should be installed wherever possible including the verge.
- local species should be used for the car parking area.

(f) **Council Briefing**

The applicant gave an overview of the proposed development highlighting the deficiency of parking bays at the Major Development Briefing held on 9 February 2009. During the briefing session Elected Members made a number of comments on the proposed development for consideration by the applicant in the preparation of revised plans.

**Policy and Legislative Implications**

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

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

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

**Sustainability Implications**

The proposed development is observed to promote sustainability principles by placing non-residential development close to the high density development along Canning Highway and public transport routes.

**OFFICER RECOMMENDATION ITEM 10.3.9**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Two Storey Office Development at Lot 390 (No. 3) Barker Avenue, Como **be refused**, for the following reasons:

- (a) The proposed development does not provide the 33 bays required by the City's Town Planning Scheme No. 6 Table 6 "*Car and Bicycle Parking*".
- (b) The development proposal does not provide landscaping in accordance with the requirements of Town Planning Scheme No. 6 Table 3 "*Development Requirements for Non-Residential Uses in Non-Residential Zones*".
- (c) 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.
- (d) Having regard to the matter identified in the reasons above, the proposed development conflicts with the "Scheme Objectives" identified in Clause 7.5 of TPS6.

**Standard Advice Notes**

651 (Appeal rights).

**Specific Advice Notes**

Should this application be amended to resolve the above non-complying issues, then the following matters shall be demonstrated by the applicant:

- (a) **Engineering and Infrastructure Services**
  - No part of the footpath is to be raised or lowered to meet the needs for internal driveways, closing gates etc.
  - Drainage to be in accordance with Policy 415 and Management Practice M415.
  - The soak well size and capacity is to be determined by an appropriately qualified person to cater for a 1 in 10 year storm event.
  - The City will require upgrading of Poppy Lane as the primary access to the car park.
  - Proposed crossover is to be constructed to Council specifications.
  - Existing concrete crossings in Barker Avenue are to be removed, the kerbing re-instated and the verge area re-established.
- (b) **Environmental Health**
  - All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance.
  - All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971.
  - Environmental Health confirmed that a suitable bin enclosure(s) will need to be provided.
- (c) **City Environment**
  - The street trees should be the London Plan tree for the Barker Street commercial precinct and Pink Flowering Marri on Park Street as per the City of South Perth tree management plan.
  - A waterwise garden using native species should be installed wherever possible including the verge.
  - Local tree species should be used for shading the car parking area.

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

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.9. The officer recommendation Lapsed.

**Note:** Cr Wells left the Council Chamber at 9.06pm

MOTION

Moved Cr Cala, Sec Cr Smith

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 Two Storey Office Development at Lot 390 (No. 3) Barker Avenue, Como **be approved** subject to the following conditions:
  - (i) the number of parking bays provided shall be based on that required for a Local Commercial Centre, that is, 1 bay per 25m<sup>2</sup> of gross floor area.
  - (ii) a legally binding agreement will be drawn up with the adjoining Lot 391 (No. 5) Barker Avenue, which is the subject of another application, which will provide for a reciprocal parking arrangement for the occupiers of Lot 390.

Standard Conditions

393	verge & kerbing works	550	plumbing hidden
427	colours & materials- details	625	sightlines for drivers
455	dividing fence standards	660	expiry of approval
470	retaining walls- if required	664	inspection (final) required
508	landscaping approved & completed		

Standard Important Notes

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

Specific Advice Notes

1. The applicant is advised to comply with the requirements of City's Environmental Health and Engineering Infrastructure departments.
2. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes."

Cr Cala opening for the Motion

- Even though site is zoned Highway Commercial Centre it is located off the highway and situated on the corner of Park Street
- commercial activity will primarily be of a professional office type and is in effect a site better classified as a Local Commercial Centre
- geometry of the site restricts effective use of the site and justifies some concession
- connection of this development is more closely linked to that of the existing corner shops than the residential area



- applicant has designed the building to fit in with the theme of these shops on the corner of Barker Ave and Canning Highway by the use of a canopy along the street aspect
- design picks up on the canopies around the existing shop fronts and will create a more village character to the development, which is not consistent with a landscaping strip.
- proposal before us will have a lesser impact on the neighbourhood
- applicant has presented a proposal with a ‘village feel’
- ask Members support the Motion

<b>COUNCIL DECISION ITEM 10.3.9</b>
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The Mayor put the Motion

That....

- the officer recommendation not be adopted;
- pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Two Storey Office Development at Lot 390 (No. 3) Barker Avenue, Como **be approved** subject to the following conditions:
  - the number of parking bays provided shall be based on that required for a Local Commercial Centre, that is, 1 bay per 25m<sup>2</sup> of gross floor area.
  - a legally binding agreement will be drawn up with the adjoining Lot 391 (No. 5) Barker Avenue, which is the subject of another application, which will provide for a reciprocal parking arrangement for the occupiers of Lot 390.

Standard Conditions

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Standard Important Notes

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Specific Advice Notes

- The applicant is advised to comply with the requirements of City’s Environmental Health and Engineering Infrastructure departments.
- The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City’s panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes."

CARRIED (10/0)

Reason for Change

Council believes that even though the site is zoned as a Highway Commercial Centre, it is located off the highway and situated on the corner of Park Street therefore any commercial activity will primarily be of a professional office type and is in effect a site better classified as a Local Commercial Centre.

**Note:** Cr Hearne returned to the Council Chamber at 9.08pm

**Note:** Cr Wells returned to the Council Chamber at 9.10pm

**10.4 GOAL 4: INFRASTRUCTURE**

**10.4.1 WCG Thomas Pavilion - Proposed Alterations and Additions. Review of Tender Submissions**

Location: Richardson Park, South Perth  
 Applicant: Council  
 File Ref: Tender 2/2009  
 Date: 11 March 2009  
 Author: Gil Masters, Buildings and Assets Coordinator  
 Reporting Officer: Stephen Bell, Director Infrastructure Services

**Summary**

Tenders have been received for proposed additions and alterations to the WCG Thomas Pavilion (Tender 2/2009). This report outlines the assessment process followed and will recommend to Council that the tender submitted by ZD Constructions 93 Pty Ltd be accepted, but seek a price amendment with the company prior to entering into a contract, to ensure that the project meets budgetary constraints.

**Background**

WCG Thomas Pavilion is located on Richardson Park and is positioned adjacent to the Royal Perth Golf Club and Perth Zoo. The Pavilion is currently used in the summer by the South Perth Cricket Club and in winter by the Wesley South Perth Hockey Club. Both clubs are thriving, particularly with their junior programs.

The WCG Thomas Pavilion has not been refurbished since the 1980's and is in urgent need of modernisation and renovation, particularly the change rooms.

The "Future Directions and Needs Study for Sporting and Recreational Clubs" prepared for the City in 2006 recommended that the WCG Thomas Pavilion be upgraded in accordance with the "Regional Sporting Pavilion" model which as a minimum should include:

- Four toilet change rooms;
- Equipment storage rooms;
- Kitchen suitable for professional catering;
- Function room with bar facilities;
- Administration office;
- Meeting room;
- First aid room; and
- Shaded spectator seating.

A preliminary design was prepared by the City's Consultant Architect. Following a comprehensive consultation process with all stakeholders the drawings were finalised and signed off by all parties. In the latter stages of the design phase, a full set of detailed drawings and documentation to facilitate the tender process were prepared.

**Comment**

Tenders were called on 31 January 2009 and during the tender period twenty four (24) sets of tender documents were distributed to building companies. Tenders closed at 12 noon on Tuesday 3 March 2009 and four (4) compliant tenders were received. The prices submitted are listed below in no apparent order:

Tenderer	Tendered Price (ex GST)
Connolly Building Company	\$1,542,380
ZD Constructions 93 Pty Ltd	\$1,580,300
Metrocon Pty Ltd	\$1,599,815
Classic Contractors	\$1,662,967

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

Qualitative Criteria	Weighting %
Demonstrated ability to complete projects within designated timelines	15%
Works record and experience	10%
Financial capacity and commitment together with other work commitments	10%
Demonstrated resources to complete works	5%
Industrial Relations and safety record.	10%
Price	50%
Total	100%

The evaluation process has resulted in the following scores:

Connolly Building Company	ZD Constructions 93 Pty Ltd	Metrocon Pty Ltd	Classic Contractors
9.00	9.43	9.36	8.81

Analysis of the tenders against the assessment criteria show that the tender submitted by ZD Constructions 93 Pty Ltd to be the best value for the City and is therefore recommended for acceptance by Council. The Tender Assessment Report is provided at **Attachment 10.4.1** and details the process followed.

### Consultation

This project has involved extensive liaison with the South Perth Cricket Club and Wesley South Perth Hockey Club about design aspects for the refurbished pavilion.

Representatives from the State Department of Sport and Recreation (DSR) have also been consulted throughout the project.

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

### Policy and Legislative Implications

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

The value of the 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*.

Regulation 20 of the Local Government (Functions and General) Regulations - *Variations of Requirement before entering into Contract* states:

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

**Financial Implications**

The pre-tender estimate for this project was \$1,220,000 which was calculated by a reputable quantity surveying firm. However, the estimate does not include:

- Sewer connection and sewer head works. A provisional sum of \$290,000 for this component of the work has been allocated in the tender pricing schedule;
- A number of other items which were not considered in the estimate, that have been added to the tender pricing schedule. These include:
  - roof repairs (gutters and downpipes);
  - upgrades to the main switch board;
  - installation of a new security system;
  - gas supply to the building;
  - upgrades to existing handrails and balustrades;
  - telephone and data lines to the building.

It can therefore be confidently reported that the recommended tender for this project is a competitive price (\$1,580,300). Please note that this price includes a contingency sum of \$75,000 to account for any unforeseen variations should they arise.

The City was successful (April 2008) in receiving \$326,000 from the DSR under the Community Sport and Recreation Facilities Fund (CSRFF). This has been allocated over two financial years with \$200,000 granted in 2008/09 and the remaining \$126,000 to be provided in 2009/10.

The City has allocated \$445,000 in the 2008/09 Infrastructure Capital Works program for this project. If Council accepts the recommended tender as it stands, then the City will be required to allocate a further \$935,000 in the 2009/10 program to fully fund the project (see table below).

Activity	Budget / Income
2008/09 Infrastructure Capital Works budget	\$445,000
2008/09 CSRFF Grant	\$200,000
2009/10 CSRFF Grant	\$126,000
2009/10 Capital Works budget (proposed)	\$935,300
<b>Total Budget</b>	<b>\$1,705,300</b>

Activity	Expenditure
Consultant Fees	\$125,000
Recommended Tender	\$1,580,300
<b>Total Expenditure</b>	<b>\$1,705,300</b>

The City’s current Strategic Financial Plan suggests an allocation of \$750,000 for Building works in the 2009/10 Infrastructure Capital Works program. If this is followed then there will be a project budget shortfall of nearly \$185,000. Several choices were therefore discussed as part of the tender deliberation process:

- Seek additional funding in the 2009/2010 annual budget;
- Reduce the scope of the design to meet the budget constraint;
- Look for innovation and alternatives which won’t compromise the design and function of the pavilion.

As mentioned previously in this report, a provisional sum of \$290,000 was provided for a sewer connection, as the pavilion is currently on a septic system. There is no legal requirement to connect to the sewer due to the distance of the pavilion to the nearest sewer main. Officers have therefore investigated an on site disposal system to reduce the cost of the project. An environmentally acceptable system can be supplied and installed for approximately \$110,000. This should realise a saving in the vicinity of \$180,000 and ensure that the project remains within existing and proposed budget allocations.

It is therefore recommended that this amendment be negotiated with the preferred tenderer prior to entering into a contract. This is permissible under Regulation 20 of the Local Government (Functions and General) Regulations (discussed previously).

The South Perth Cricket Club and Wesley South Perth Hockey Club are not contributing financially to the works contained in this tender. The clubs will however be responsible for the fitting out of the cool room and bar area and other improvements in and around the facility.

#### **Strategic Implications**

This item is consistent Goal 4 “Infrastructure” of the City’s Strategic Plan - *To sustainably manage, enhance and maintain the City’s infrastructure assets and in particular Strategy 4.1 - Develop plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level.*

#### **Sustainability Implications**

The City engaged Ecologically Sustainable Development (ESD) Consultants to carry out a BCA Part J DTS Energy Efficiency Conformance Audit. The audit addressed the following issues:

- Thermal Efficiency;
- Roof and Ceiling Insulation;
- Lighting;
- Walls;
- Floors and Coverings;
- Glazing;
- Air Conditioning;
- Artificial and Natural Lighting;
- Power; and
- Hot Water Supply.

Addressing all of these areas not only will have the benefit of reducing the City’s greenhouse gas emissions, but will also reduce the cost of operating the building over time with the added benefit of assisting sporting club sustainability.

A sustainability assessment was carried out into the choice of connecting to the main sewer or utilising an on-site system. A basic triple bottom line assessment reveals that the on-site system is cheaper (economic implications), environmentally benign (environmental implications), will not affect use of the toilet / change areas, as well as eliminating the need to reduce the scope of the project to meet the budget constraints (social implications).

<b>OFFICER RECOMMENDATION ITEM 10.4.1</b>
---

That....

- (a) the tender submitted by ZD Constructions 93 Pty Ltd for proposed additions and alterations to the WCG Thomas Pavilion be accepted, and
- (b) Council delegate the Chief Executive Officer authority to negotiate with ZD Constructions 93 Pty Ltd, prior to entering into a contract, to vary the provisional sum for sewerage disposal.

MOTION

Cr Best moved the officer recommendation. Sec Cr Burrows

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best Opening for the Motion

- Richardson Park one of several focus points
- proposed refurbishment of Pavilion the subject of a number of Briefings/meetings
- briefings on South Perth Railway Station in relation to Richardson Park
- the number of children using the Richardson Park facility is amazing
- facilities well and truly worn out
- concerns about funding - issues have been addressed
- commend officers report on evaluation of tenders
- ask Members support Motion

Cr Burrows for Motion

- raised comments at Agenda Briefing about funding contribution by clubs
- memorandum circulated by CEO addressed the funding issues
- support officer recommendation

AMENDMENT

Moved Cr Hearne, Sec Cr Grayden

That the Motion be amended by the inclusion of the following additional clause (c):

- (c) the South Perth Cricket Club and Wesley South Perth Hockey Club be:
- (i) advised that whilst the City is pleased to upgrade the Richardson Park Sports Pavilion and Club House the extent of the upgrading is limited to the structural integrity of the building only. Any further improvements that require fitting out of internal features such as the cool room and bar facilities and provision of external features such as shade features shall be at the expense of the clubs. Further, the clubs shall be responsible for all operating costs associated with the sports pavilion and club house; and
  - (ii) encouraged to form a combined Sports Association (or equivalent) to enable the effective management of the Richardson Park Sports Pavilion and Clubhouse.

Cr Hearne for the Amendment

- we are caught between a rock and a hard place
- was wanting clubs to contribute towards this project
- had briefings - believed funding was on a 1/3 each CSRFF, Council, Clubs basis - my recollection was wrong
- additional items included in tender - our contribution to project now increased to 63%
- support benefit to community of this facility
- do not support 63% increase in tender at this stage
- proposed Amendment is to highlight the clubs' responsibility for operating costs
- do not want to hold up the project as we risk losing the CSRFF grant
- how can we better tie these things down and not end up with something 63% over budget
- should be able to accurately assess position of clubs
- if improvements done - who owns them?
- support project
- Amendment proposed lets ratepayers know the clubs are contributing

Cr Grayden for the Amendment

- do not see any difficulty in including clause (c)(i)
- we are putting in writing what clubs are already agreeing to
- second part of the amendment may well be a step in the right direction
- support the Amendment

Cr Smith against the Amendment

- look at social side of Richardson Park / cricket club history in community
- Richardson Park has provided facilities for a lot of young players
- both these hockey and cricket clubs rarely come to this Council for support
- clubs have a long history and have demonstrated they are good managers
- do not believe the Amendment proposed will achieve much
- proposal an opportunity for Council to look at clubs long tenure and accept the situation as a chance to upgrade Thomas Pavilion facility which has deteriorated badly
- lets support these clubs with the backing of this Council
- acknowledge the integrity of clubs - get on with project before we lose the funding

Cr Ozsdolay point of clarification - with respect to clause (c)(i) proposed is there anything in there not already in the existing lease - in particular the last 2 sentences - what does it mean?

Chief Executive Officer said that he understood that Cr Hearne wished to draw attention to the increase of \$635,000 in tender price. He said he would like to place on record that the sewerage connection of \$290,000, although not included in the application for funding, was included as a separate item in the 2006/07 Budget but at that time the project did not proceed. As the information indicates there was a deficiency in the grant sought against that approved. He further believed that the clubs do not have a Lease but a Licence which allows each of them to use the facilities for part of the year. In relation to operating costs, the intention from the Amendment is that the same costs would be borne by the Clubs in respect of the upgraded sports pavilion and club as applies to the existing facility..

Cr Ozsdolay point of clarification - in relation to clause (c)(ii) - is there anything to be gained by forming another sports association to co-manage?

Mayor Best - said clause (c)(ii) is that the clubs consider the suggestion, it is not binding.

Chief Executive Officer - stated that the City would only deal with one organisation and not two. There would also be only one lease/licence agreement not two.

Cr Cala for the Amendment

- see the Amendment as not being detrimental to the Motion
- there is a history of 1/3 - 1/3 - 1/3 funding for sporting clubs
- acknowledge we want to go ahead with the project
- Amendment identifies the clubs' responsibility to contribute something to project
- support Amendment

AMENDMENT

Following discussion and with the concurrence of the Mover and Seconder, the wording of Clause (c)(i) of the Amendment was modified as follows:

- (c) the South Perth Cricket Club and Wesley South Perth Hockey Club be:
- (i) advised that whilst the City is pleased to upgrade the Richardson Park Sports Pavilion and Club House the extent of the upgrading is limited to the ~~structural integrity of the building only~~ **tender**. Any further improvements that require fitting out of internal features such as the ~~cool room and~~ bar facilities and provision of external features such as shade features shall be at the expense of the clubs. ~~Further, the clubs shall be responsible for all operating costs associated with the sports pavilion and club house;~~ and
- (ii) encouraged to form a combined Sports Association (or equivalent) to enable the effective management of the Richardson Park Sports Pavilion and Clubhouse.

Cr Hearne closing for the modified Amendment

- support the project to upgrade Thomas Pavilion, Richardson Park
- want other clubs to be aware we are looking at proposals closely
- ask Members support

The Mayor put the Amendment.

CARRIED (10/2)

<b>COUNCIL DECISION ITEM 10.4.1</b>
-------------------------------------

The Mayor put the Amended Motion

That....

- (a) the tender submitted by ZD Constructions 93 Pty Ltd for proposed additions and alterations to the WCG Thomas Pavilion be accepted, and
- (b) Council delegate the Chief Executive Officer authority to negotiate with ZD Constructions 93 Pty Ltd, prior to entering into a contract, to vary the provisional sum for sewerage disposal; and
- (c) the South Perth Cricket Club and Wesley South Perth Hockey Club be:
- (i) advised that whilst the City is pleased to upgrade the Richardson Park Sports Pavilion and Club House the extent of the upgrading is limited to the tender. Any further improvements that require fitting out of internal features such as the bar facilities and provision of external features such as shade features shall be at the expense of the clubs; and
- (ii) encouraged to form a combined Sports Association (or equivalent) to enable the effective management of the Richardson Park Sports Pavilion and Clubhouse.

CARRIED (12/0)

Reason for

The additional clause (c) records the agreement in principle negotiated with the clubs during the finalisation of the building plans and records the clubs' contribution to the project.



**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:	Not applicable
Date:	3 March 2009
Author:	Rajiv Kapur, Manager, Development Services
Reporting Officer:	Steve Cope Director, Development &Community Services

**Summary**

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of February 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 February 2009, forty two (42) development applications were determined under delegated authority, refer **Attachment 10.5.1**.

**Policy and Legislative Implications**

The issue has no impact on this particular area.

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

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

**Sustainability Implications**

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

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.5.1**

That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of February 2009, be received.

CARRIED EN BLOC RESOLUTION

**10.5.2 Use of the Common Seal**

Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 6 March 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.

**February 2009**

Surrender of CPV Lease	CoSP (Beth Taylor)	5.2.2009
Surrender of CPV Lease	CoSP (Daisy Fennell)	5.2.2009
Deed of Assignment - Funcats Licence	CoSP & Province Holdings PL & John Freeman & Graham Burvill	12.2.2009
CPV Hostel Residency Agreement	CoSP & Jean Finnie	19.2.2009
Collaborative Agreement - River bank funding Redmond Revetment Wall & Sulman Stairs	CoSP & Swan River Trust	27.2.2009
Collaborative Agreement - Emergency Works Como Beach Seawall	CoSP & Swan River Trust	27.2.2009

**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>
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That the report on the use of the Common Seal for the month of February 2009 be received.

CARRIED EN BLOC RESOLUTION

<b>10.5.3 Rivers Regional Council - Draft Deed of Amendment of Establishment Agreement</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GR/207
Date:	4 March 2009
Author:	Sebastian Camillo, Manager Environmental Health
Reporting Officer:	Steve Cope, Director Development & Community Services

**Summary**

A draft Deed of Amendment was presented at the River Regional Council (RRC) meeting on 19 February 2009 requiring that Member Councils respectively consider the admission of the Shire of Waroona to the RRC.

It was resolved that:

*"the Draft Deed of Amendment that follows, dealing with the admission of the Shire of Waroona to the Rivers Regional Council be forwarded to Member Councils for adoption".*

Following the RRC Council meeting, the RRC Chief Executive wrote to the Member Councils, requesting that the matter of considering the admission of the Shire of Waroona to the RRC be dealt with expeditiously by the respective Member Councils.

The officer recommendation is that the RRC be advised that Council agrees with the admission of the Shire of Waroona as a participant of the Rivers Regional Council on the terms and conditions of the existing Establishment Agreement and that the Council authorise the Mayor and Chief Executive Officer to enter into a deed to that effect.

### **Background**

The first Establishment Agreement was formed with the Cities of South Perth, Armadale and Gosnells to establish a regional local government named the South East Metropolitan Regional Council (SEMRC). It was approved by the Minister in July, 2001.

The first Establish Agreement was reviewed by SEMRC and resolved that the scope and purpose was beyond the issues of waste management. It was agreed by the SEMRC and Member Councils that it be amended by revoking it and substituting it with the second Establishment Agreement. The purpose of the second Establishment Agreement was to investigate and progress waste management issues on behalf of the Member Councils.

In 2007, discussions were held with the City of Mandurah, Shire of Murray and Shire of Serpentine/Jarrahdale, inviting membership to the SEMRC, expanding its membership to six local governments. The City of Mandurah, Shire of Murray and Shire of Serpentine/Jarrahdale respectively resolved to join the SEMRC. It was agreed that the second Establishment Agreement between the three original members be amended by revoking it and substituting it with the third Establishment Agreement to include the City of Mandurah, Shire of Murray and Shire of Serpentine/Jarrahdale as “new participants”. The Minister approved the third Establishment Agreement to include the additional three members and also the name change to Rivers Regional Council (RRC).

### **Comment**

In respect of considering the admission of the Shire of Waroona to the RRC, the City is now in receipt of a draft Deed of Amendment at **Attachment 10.5.3** prepared by the RRC’s Solicitor Mr John Woodhouse, for adoption of the Member Councils.

The Shire of Waroona staff have been actively involved in the recent Strategic Waste Management Plan and Regional Investment Plan. Several Councillors and management staff have shown a great interest in the RRC business by attending workshops, Technical Advisory Committee (TAC) meetings and Ordinary Council Meetings.

Most recently, officers from the Shire of Waroona participated in the workshop and contributed valuable technical advice for the RRC submission to the Standing Committee on Environment and Public Affairs. The admission of the Shire of Waroona to the RRC will have significant benefits to the RRC by additional contributions, membership growth and representation on the TAC and other committees. Should the Council agree to the admission of the Shire of Waroona to the RRC as a new participant, on the terms and conditions of the existing Third Establishment Agreement, the draft Deed of Amendment will then be forwarded to the Shire of Waroona for endorsement.

In accordance with part 2 of the Draft Deed of Amendment, (Amendment of the Third Establishment Agreement) it states: ***The Participants agree that the Third Establishment Agreement is taken to be amended to include the new participant as one of the “Participants” and the new participant agrees to be bound by the Third Establishment Agreement as one of the “Participants”***

### **Consultation**

- City of South Perth/Executive Management Team
- SEMRC/Technical Advisory Committee
- SEMRC City of South Perth Elected Member Representatives

### **Policy and Legislative Implications**

*Local Government Act s3.61*

**Financial Implications**

The membership contributions by Shire of Waroona to the RRC will have a minor impact in the reduction of contributions for the other member Councils.

**Strategic Implications**

In line with Strategic Plan 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.**

**Sustainability Implications**

The City is committed to sustainability by demonstrating the establishment of a Sustainability Policy, Sustainability Strategy and Action Plan, and various sustainability programs.

Waste and waste management is a significant theme in the City's commitment to the ICLEI Cities for Climate Protection program and the Planet Footprint data management program which calculates and measures the City's greenhouse gas emissions from corporate and community waste generation. These programs over time will be integrated with the City's Strategic Waste Management Plan as a result of the partnership with the Rivers Regional Council.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3</b></p>
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That Council agrees to the admission of the Shire of Waroona, as a participant of the Rivers Regional Council, on the terms and conditions of the existing Establishment Agreement and the Council authorise the City of South Perth Mayor and Chief Executive Officer to enter into a deed to that effect.

CARRIED EN BLOC RESOLUTION

**10.6 GOAL 6: FINANCIAL VIABILITY**

<p><b>10.6.1 Monthly Financial Management Accounts - February 2009</b></p>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 March 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**

The major components of the monthly management account summaries presented are:

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue & Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure-Infrastructure **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1A) and 10.6.1(B)**

Operating Revenue to 28 February 2009 is \$32.95M which represents 99% of the \$33.26M year to date budget. Revenue performance is now being impacted by a number of factors related to the global financial situation. A number of downwards revisions to revenue targets have been made as a consequence of the triple hit of - reduced interest revenue rates, the VGO making a number of significant downwards adjustments to GRVs after rates were levied and a downturn in the property market. With the financial impact of these events now being felt, the importance and validity of the revenue decisions that were taken during the 2008/2009 budget development process last year is strongly reinforced - because the rigour of our budget process and the responsible, prudent decisions taken have placed the City in a much better position than it might otherwise have been.

Adjustments have also been made to planning and building revenue targets as development activity contracts. Revenues from vehicle trade-in are lagging budget targets as some scheduled trade-ins have been delayed - but are now progressing. The Q2 Budget Review adjustments are all reflected in the February management accounts. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 28 February 2009 is \$22.66M which represents 99% of the year to date budget of \$22.84M. Operating Expenditure to date is 3% under budget in the Administration area, 2% over budget in the Infrastructure Services area and 1% under budget for the golf course.

There are some favourable variances in the administration areas that relate to budgeted (but vacant) staff positions - but these are largely offset by increased use of consultants to assist in maintaining service delivery in the face of the ongoing staff shortage. There are a number of favourable variances relating to asset carrying amounts for motor vehicles not traded as scheduled for the same reasons as noted in the revenue comments above. Most other items in the administration areas are close to or slightly under budget expectations to date.

Operational and maintenance programs in the Infrastructure services area are now in full swing. Higher than anticipated park reinstatement costs at SJMP and accelerated park works in Manning & Karawara and Richardson Park have had an adverse impact on park maintenance costs. Further investigation is ongoing into strategies to smooth the impact of these variances over the remainder of the year. Golf Course expenditure is close to budget overall - but has favourable variances in salaries due to vacant staff positions and delays in incurring promotional expenditure offset by unfavourable variances on weed control, machinery use and several minor maintenance activities.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 8.6% under the budget allocation for the 216.3 FTE positions approved by Council in the budget process - after all agency staff invoices were received at month end. Increased use of external consultants is assisting in covering for current vacancies which exist in areas such as Engineering, Aged Care, Building Services and Information Technology - but costs overall are within the approved budget allocations.

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

Capital Revenue is disclosed as \$1.27M at 28 February against a year to date budget of \$1.36M. Items adjusted in the Q2 Budget Review such as CPV lease premiums and road grant revenue have now been included following the adoption of the review. Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5).**

Capital Expenditure at 28 February 2009 is \$10.58M which represents 98% of the year to date budget - and some 55% of the full year budget. Approximately 38% of this year to date capital expenditure relates to payment of cash calls on the UGP project with the remainder attributable to infrastructure works. The year to date result suggests that the City's staged capital program approach of creating both a 'Deliverable' capital program and a 'Shadow' capital program is delivering a positive outcome to this stage of the year in that organisational capacity and expectations are now perhaps more appropriately matched.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein are provided bi-monthly from the finalisation of the October management accounts onwards.

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	135,000	108,572	80%	1,551,000
Financial & Information Services	166,500	155,382	93%	486,500
Planning & Community Services	837,500	897,848	107%	1,622,344
Infrastructure Services	5,578,425	5,287,071	95%	9,661,464
Golf Course	165,000	99,704	60%	278,800
Underground Power	3,940,000	4,034,853	102%	5,500,000
<b>Total</b>	<b>10,822,425</b>	<b>10,583,430</b>	<b>98%</b>	<b>19,100,108</b>

### Consultation

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

### Policy and Legislative Implications

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

### Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

### Strategic Implications

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



### **Sustainability Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1</b>
--

That ....

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

CARRIED EN BLOC RESOLUTION

<b>10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 March 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 \$34.63M overall compare favourably to \$33.90M at the equivalent stage of last year. Reserve funds are some \$6.0M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV and accumulated funds relating to the civic buildings refurbishment.

Municipal funds are \$5.6M lower due the capital program being much more advanced at this time in the current year - including cash outflows for the UGP project cash calls (\$4.0M). The free cash position is still solid - with collections from rates currently around 1% behind last year's excellent result. Early collections were very positive with convenient and customer friendly payment methods in place - supplemented by the Rates Early Payment Incentive Prizes (all prizes donated by local businesses) and timely and effective follow up debt collection actions by the City's Financial Services officers. These actions are an extremely important and prudent action given the current global financial situation.

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 \$9.0M (compared to \$14.5M at the same time in 2007/2008). **Attachment 10.6.2(1)**.

Approximately half of the difference relates to monies that were transferred to the Future Building Works Reserve after the Q3 Budget Review last year. The remainder is attributable to slightly slower cash collections, yet to occur borrowings to offset the UGP Project cash calls and higher cash outflows on operating items to date this year.

#### **(b) Investments**

Total investment in money market instruments at month end was \$32.9M compared to \$33.3M at the same time last year. This is due to the higher holdings of Reserve Funds but significantly lesser holding of Municipal Funds.

The portfolio currently comprises at-call cash and term deposits only. Bank accepted bills are permitted - but are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 87.7% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix has been adjusted through a re-balancing of the portfolio during February to reduce exposure to Citibank (Australia) and to place more funds with two larger Australian Banks (NAB & Westpac).

The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Interest revenues (received and accrued) for the year to date total \$1.71M - significantly up from \$1.52M at this time last year. This result is attributable to the much higher reserve cash holdings and timely, effective treasury management - despite the significant falls in interest rates. Rates are weak and can be quite volatile even for safe financial instruments such as term deposits. The date on which an investment is placed is a critical determinant of the rate of return 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. However, several large cuts to official rates over recent months have required a significant downward budget adjustment to Municipal Fund interest revenue - although Reserve Fund interest is still on target (and ahead of the previous year) to higher cash holdings. In future years, this shortfall against earlier SFP expectations will be much more severe - a potential impact of 3-4 times as much. A big portion of current year funding was put out on longer term high yielding investments before the severe rate cutting began - and is currently helping to alleviate the harsh impact on investment returns.

Investment performance will continue to be monitored in the light of decreasing interest rates to ensure pro-active identification of any further potential budget closing position impact. Throughout the year it is necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date has fallen now to 6.52% (compared with 6.80% last month) with the anticipated yield on investments yet to mature falling dramatically to 4.69% (compared with 5.38% last month). This represents a drop of 1.7% real return in just 2 months. Investment results so far reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs are now providing a return of only 3.00% (since 3 Feb) - down from 5.75% in early October.

(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 February 2009 represent 90.4% of total rates levied compared to 91.4% at the equivalent stage of the previous year. This is still regarded as a very good result to date - 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 \$1.75M at month end excluding UGP debtors - which compares to \$1.85M at the same time last year. GST Receivable is \$0.20M higher than at the same time last year - but month end accruals for grant funds relating to events and road works are lower (\$0.10M). 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 \$4.31M was collected by 31 January with approximately 59.5% of those in the affected area electing to pay in full and a further 39.7% opting to pay by instalments. The remaining 0.8% has yet to make a payment and is the subject of follow up collection actions by the City. As previously noted, a small number of properties have necessarily had the UGP charges adjusted downwards after investigations revealed eligibility for concessions that were not identified by the project team before the initial invoices were raised.

Collections in full are currently better than expected which has the positive impact of allowing us to further defer UGP related borrowings (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 & 49 are also relevant to this report as is the DOLG Operational Guideline 19.

### **Financial Implications**

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

### **Strategic Implications**

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

### **Sustainability Implications**

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

## **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2**

That Council receives the 28 February 2009 Monthly Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

### **10.6.3 Listing of Payments**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 March 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 February 2009 and 28 February 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*'.  
*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>
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That the Listing of Payments for the month of February 2009 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

<b>10.6.4 Capital Projects Review to 28 February 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	12 March 2009
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

#### **Summary**

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 28 February 2009. Officer comment is provided only on the significant identified variances as at the reporting date.

### **Background**

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

### **Comment**

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also effected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the (revised) Capital Program represents 98% of the year to date target - and 55.4% of the (revised) full year's budget.

The Executive Management Team acknowledges the challenge of delivering the remaining capital program and has recognised the impact of:

- contractor and staff resource shortages
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore continues to closely monitor and review the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility. The City has also successfully implemented the 'Deliverable' & 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.4(1)** and **Attachment 10.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

### **Consultation**

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

### **Policy and Legislative Implications**

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



### **Financial Implications**

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

### **Strategic Implications**

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

### **Sustainability Implications**

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4</b>
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 28 February 2009, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

## **10.7 AUDIT & GOVERNANCE COMMITTEE RECOMMENDATIONS**

<b>10.7.1 Audit and Governance Committee Recommendations - Meeting held 10 March 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	11 March 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### **Summary**

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 10 March 2009.

### **Background**

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

**Comment**

The Minutes of the Committee meeting held on 10 March 2009 are at **Attachment 10.7.1**. The background to the Committee recommendations, which incorporate the officer reports on a review of the Code of Conduct, the annual Compliance Audit Return 2008 and a Review of Policy P518 “Management of Corporate Records” are set out in the Minutes.

The Committee recommendations adopted for Council consideration are as follows:

**(a) Code of Conduct Review 2008** (*Item 5.1 Audit & Governance Committee 10.3.09*)

Committee Recommendation

That the revised Code of Conduct set out at **Attachment 10.7.1(a)** be adopted.

Comment

Since its adoption in September 2008, there has been minimal activity under the current Code, with the exception of a complaint lodged in December 2008 in relation to the distribution of anonymous correspondence. Experience gained from this episode suggests that the Code may benefit from the insertion of additional sub-clauses in two sections - one in section 5 dealing with making statements to the media and one in section 7 dealing with lodging complaints. In addition, in conducting a review of the Code, it was noted that references to complaints against the Mayor or the CEO had been inadvertently omitted from the September 2008 draft. These modifications have now been included in the Code at **Attachment 10.7.1(a)** identified in **red**.

**(b) Compliance Audit Return 2008** (*Item 5.2 Audit & Governance Committee 10.3.09*)

Committee Recommendation

That Council adopt the Compliance Audit Return 2008 at **Attachment 10.7.1(b)** for submission to the Department of Local Government and Regional Development.

Comment

The Committee reviewed the Return for 2008 and recommends that Council adopt the Annual Audit at **Attachment 10.7.1(b)** and submit it to the Department of Local Government and Regional Development.

**(c) Policy P518 “Management of Corporate Records” Review**

Committee Recommendation

That Policy P518 “Management of Corporate Records”, as revised, at **Attachment 10.7.1(c)** be adopted.

Comment

A review of Policy P518 “Management of Corporate Records” was brought about by the following two recent events:

- (1) In November 2008 Cr Wells lodged a complaint with the City and the Western Australian Ombudsman in relation to the distribution of anonymous correspondence.
- (2) In January 2009, the City received advice from the Director of State Records that due to a recent decision of the Information Commissioner, the State Records Commission proposed to revise its existing policy on the record-keeping requirements for Elected members.

In light of this Policy P518 has been revised to address the issues raised by these events consistent with the City's obligations under the *Local Government Act*, *State Records Act*, *Defamation Act*, *Public Interest Disclosure Act* and *Corruption & Crime Commission Act*. The policy review has also been framed in consideration of the Information Privacy Principles adopted under the federal *Privacy Act*, there being no Western Australian privacy legislation. Marked-up Policy P518 at **Attachment 10.7.1(c)** refers.

**Consultation**

N/A

**Policy and Legislative Implications**

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

**Financial Implications**

Nil

**Strategic Implications**

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

**Sustainability Implications**

The sustainability implications arising out of matters discussed or recommendations made in this report are consistent with the City's Sustainability Strategy 2006 - 2008.

<b>COMMITTEE RECOMMENDATION AND COUNCIL DECISION ITEM 10.7.1</b>
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That Council adopt the following recommendations of the Audit and Governance Committee meeting held on 10 March 2009:

- (a) the revised Code of Conduct as set out at **Attachment 10.7.1(a)**;
- (b) the Compliance Audit Return 2008 at **Attachment 10.7.1(b)** for submission to the Department of Local Government and Regional Development; and
- (c) Policy P518 - "Management of Corporate Records" as revised, at **Attachment 10.7.1(c)**.

CARRIED EN BLOC RESOLUTION

**Note:** Manager City Environment retired from the meeting at 9.15pm

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

<b>11.1 Application for Leave of Absence : Cr T Burrows</b>
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I hereby apply for Leave of Absence from all Council Meetings for the period 7 to 21 April 2009 inclusive.

<b>11.2 Application for Leave of Absence : Mayor Best</b>
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I hereby apply for Leave of Absence from all Council Meetings for the period 8 to 15 April and 8 to 13 June 2009 inclusive.

**COUNCIL DECISION ITEMS 11.1 AND 11.2**

Moved Cr Cala, Sec Cr Ozsdolay

That....

- (a) Cr Burrows be granted Leave of Absence from all Council Meetings for the period 7 to 21 April inclusive; and
- (b) Mayor Best be granted Leave of Absence from all Council Meetings for the period 8 to 15 April and 8 to 13 June 2009 inclusive.

CARRIED (12/0)

**11.3 Application for Leave of Absence : Cr Wells**

I hereby apply for Leave of Absence from all Council Meetings for as yet, an indeterminate period of time.

**COUNCIL DECISION ITEMS 11.3**

Moved Cr Trent, Sec Cr Smith

That it be noted, that Cr Wells will be seeking Leave of Absence from all Council Meetings for a yet to be confirmed period of time.

CARRIED (12/0)

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE**  
Nil

**13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.2.1 Parks of Boats on Verges/ Streets.....Cr Hasleby**

Summary of Question

What is the Council Policy in relation to the parking of boats on verges and in the street. It seems because there is a shortage of river moorings that this is happening more frequently and sends the wrong message. Do we have a policy/guidelines on this problem?

Summary of Response

The Mayor responded that the question was Taken on Notice.

**13.2.2 Bed & Breakfast Policy .....Cr Trent**

Summary of Question

I did not realise until discussion tonight that other Councils had B & B policies in place. Why have we not taken one of those policies to use as a basis for a draft policy out for public comment and have our own policy in the near future?

Summary of Response

The Chief Executive Officer stated that a Bed and Breakfast Policy has not been a priority of Council at this point in time. He further advised that some research could be done in this regard and that it would be added to the list of projects currently with the Strategic Urban Planning Adviser.

**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 CrTrent, Sec Cr Ozsdolay

That the item of new business introduced be discussed.

CARRIED (12/0)

**14. Retaining Wall and Fence Addition to Educational Establishment (St Columba's Primary School) South Perth (Item 10.0.8 February 2008 Council)**

Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 24 March 2009  
Author: Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to consider revoking a condition of planning approval issued at the February 2008 Council meeting in relation to the construction of a school oval involving a retaining wall on land bounded by Alexandra, Hopetoun and Forrest Streets, South Perth.

**Background**

The construction of the oval and walls is at an advanced stage and will be completed within a couple of weeks. One of the conditions of approval of the development required relocation of a section of the footpath on the western side of Forrest street from its existing location to the edge of the kerb. That part of the Council resolution is as follows:

**Specific Condition**

*(b)(iv) The realignment of the footpath along Forrest Street shall be undertaken at applicants cost and shall have a minimum width of 1.8 metres.*

**Comment**

Whilst St Columbas is willing to comply with this condition, the need for relocation of the footpath is questioned. The section of footpath involved is approximately 30 metres in length. Approximately 5 or so metres the footpath is above the level of the constructed oval and for 25 metres the footpath gradually slopes down to the low point at the corner of Forrest Street and Hopetoun Street.

The original reason for the condition was that it would enable an embankment to be constructed to minimise the appearance of the height of the wall. The wall however as constructed can be observed not to be excessive in height.

One of the main disadvantages of relocating the footpath is that it will result in pedestrians being closer to the road and given that St Columbas is a primary school increased interaction by school children with road traffic should be minimised. There are no technical reasons why the footpath needs to be relocated. The existing footpath will function adequately in its existing alignment.

At on-site meeting on Tuesday 24 March , the Mayor, CEO and Principal of the School confirmed the view that there is no need or benefit to relocate the footpath. The picture below demonstrates quite clearly the position and height of the wall at the junction of Forrest and Hopetoun Streets before the ground at the corner is shaped to form an embankment from the natural ground level to the wall.

Given the very short distance that the footpath is required to be relocated in accordance with the previous Council resolution, the negligible impact (if any) on the visual appearance on a small section of the wall and the obvious safety advantage in it not being relocated, it is suggested that the condition be revoked.



*Picture taken from the corner of Hopetoun and Forrest Streets. Existing pathway is covered by dirt and would retain its existing alignment for approximately 12 paces to the corner.*

**Consultation**

The CEO and Mayor met with the Principal of St Columbas School..

**Policy and Legislative Implications**

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme addressed in the original 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**

Replacement of existing footpath would be avoided.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 14</b>
--

Moved Cr Grayden, Sec Cr Trent

That....

- (a) that consideration be given to revoking **Specific Condition (b)(iv)** at Item 10.0.8 insofar as it relates to the Minutes of the Council Meeting dated 26 February 2008 as follows:

**Specific Condition**

*(b)(iv) The realignment of the footpath along Forrest Street shall be undertaken at applicants cost and shall have a minimum width of 1.8 metres.*

CARRIED (12/0)

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

- (b) Specific Condition (b)(iv) at Item 10.0.8 insofar as it relates to the Minutes of the Council Minutes dated 26 February 2008 be revoked:

CARRIED (12/0)

And By Required Absolute Majority

**15. MEETING CLOSED TO PUBLIC**

**15.1 Matters for which the Meeting May be Closed.**

Nil

**15.2 Public Reading of Resolutions that may be made Public.**

Nil

**16. CLOSURE**

The Mayor closed the meeting at 9.50pm and thanked everyone for their attendance.

**DISCLAIMER**

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

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

**These Minutes were confirmed at a meeting on 28 April 2009**

Signed \_\_\_\_\_  
**Chairperson at the meeting at which the Minutes were confirmed.**



**17. RECORD OF VOTING**

24/03/2009 7:21:08 PM

**Item 7.1.1 :Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:21:35 PM

**Item 7.1.2 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:22:02 PM

**Item 7.2.1 - 7.2.3 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:37:07 PM

**Item 8.4.1 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:37:35 PM

**Item 8.4.2 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:38:37 PM

**Item 8.4.3 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:39:08 PM

**Item 8.5.1 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:39:39 PM

**Item 8.5.2 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 7:44:18 PM

**Item 9 En Bloc Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:02:56 PM

**Item 10.3.2 Motion LOST 3/9**

Yes: Cr Brian Hearne, Cr Peter Best, Cr Kevin Trent

No: Mayor James Best, Cr Ian Hasleby, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

Absent: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:25:16 PM

**Item 10.3.2 Motion Passed 8/4**

Yes: Mayor James Best, Cr Peter Best, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Ian Hasleby, Cr Brian Hearne, Cr Travis Burrows, Cr Les Ozsdolay

Absent: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:30:38 PM

**Item 10.3.3 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:35:23 PM

**Item 10.3.4 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:40:18 PM

**Item 10.3.6 Motion Passed 9/3**

Yes: 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

No: Cr Ian Hasleby, Cr Travis Burrows, Cr Les Ozsdolay

Absent: Cr Bill Gleeson, Casting Vote

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24/03/2009 8:53:38 PM

**Item 10.3.7 Motion Passed on Casting Vote of Mayor 7/6**

Yes: Mayor James Best, Cr Brian Hearne, Cr Peter Best, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala, Casting Vote

No: Cr Ian Hasleby, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Roy Wells

Absent: Cr Bill Gleeson

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24/03/2009 9:03:32 PM

**Item 10.3.8 Motion Passed 11/0**

Yes: Mayor James Best, Cr Ian Hasleby, 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: Cr Bill Gleeson, Cr Brian Hearne, Casting Vote

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24/03/2009 9:04:42 PM

**Item 10.3.9 Motion Passed 10/0**

Yes: Mayor James Best, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Bill Gleeson, Cr Brian Hearne, Cr Roy Wells, Casting Vote

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24/03/2009 9:38:34 PM

**Item 10.4.1 Amendment Motion Passed 10/2**

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Travis Burrows, Cr Les Ozsdolay

Absent: Cr Bill Gleeson, Casting Vote

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24/03/2009 9:39:06 PM

**Item 10.4.1 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 9:40:03 PM

**Item 11.1 - 11.2 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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MINUTES : ORDINARY COUNCIL MEETING : 24 MARCH 2009

24/03/2009 9:42:00 PM

**Item 11.3 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 9:46:31 PM

**Item 14 Motion to Introduce New Business - Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote

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24/03/2009 9:49:30 PM

**Item 14 Motion Passed 12/0**

Yes: Mayor James Best, 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: Cr Bill Gleeson, Casting Vote