



**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 22 June 2010 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. She then paid respect to the Noongar peoples, past and present, the traditional custodians of the land we are meeting on, and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Deputy Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

Mayor / Council Representatives Activities Report for the month of May 2010 attached to the back of the Agenda.

3.2 Public Question Time

The Deputy Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer for anyone wanting to submit a written question. If anyone required help in this regard the Manager Governance and Administration, Phil McQue is available to assist. She further stated that it was preferable that questions were received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 Audio Recording of Council meeting

The Deputy Mayor reported that the meeting may be audio recorded (currently experiencing technical difficulties) 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 she gave his permission for the Administration to record proceedings of the Council meeting.

3.4 Manager Environmental Health and Regulatory Services

The Deputy Mayor reported that this was the last Council meeting for the Manager Environmental Health and Regulatory Services, Mr Sebastian Camillo and called upon the CEO to say a few words. The Chief Executive Officer, on behalf of Councillors and staff, congratulated Sebastian on his appointment to the Shire of Gingin as Director Corporate Services / Acting CEO. He thanked him for a job well done, for his loyal and dedicated service to the City of South Perth over the past 20 years and wished him well for the future. Mr Camillo responded.

4. ATTENDANCE

Present:

Deputy Mayor Doherty (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
L P Ozsdolay	Manning Ward
T Burrows	Manning Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
C Cala	McDougall Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
M V Lummer	Director Development and Community Services
Mr M Kent	Director Financial and Information Service
Mr S Camillo	Manager Environmental Health and Regulatory Services (until 7.28pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 9.25pm)
Mr P McQue	Manager Governance and Administration
Mrs K Russell	Minute Secretary

Gallery

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

4.1 Apologies

Cr R Wells, JP McDougall Ward - ill health

4.2 Approved Leave of Absence

Mayor James Best

5. DECLARATION OF INTEREST

The Deputy Mayor reported having received Declarations of Interest from Cr Cridland in relation to Agenda Item 10.1.1 and the CEO in relation to Agenda Item 15.1.2. She further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Items in question were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Note: At the Council Meeting held 25 May 2010 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME: 22.06.2010

Opening of Public Question Time

The Deputy Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. She said that questions are to be in writing and questions received 5 working days prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. The Deputy Mayor then opened Public Question Time at 7.15pm.

Note: *Written Questions submitted prior to the meeting were provided (in full) in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Mr Andrew Rooke, 1B Hopetoun Street, South Perth

(Written Question submitted prior to the meeting)

Summary of Question

With regards to the proposed development of 46 Onslow Street, the Northern Right of Way access was granted for beneficial use of 1 owner, for side access where verge parking is presently available and utilised at the front. Would the proposed green titles for 3-5 buildings be expected to be granted access rights given increased purpose and use? What is the process for such rights of access to be granted?

Summary of Response

The Deputy Mayor requested the Director Development and Community Services to respond.

Ms Lummer advised as follows:

The garage serving the existing house at 46 Onslow Street is accessible solely from Right-of-Way No. 9 which adjoins the northern boundary of the site. Two of the proposed houses shown on the redevelopment plans will have access to garages via this ROW.

The Certificate of Title records that, in 1904, "Robert Thomson Robinson" became the owner of ROW No.9. The ROW remains as part of his deceased estate.

The site at 46 Onslow Street already has a legal right-of-access over ROW No. 9 as shown on the Certificate of Title for that property. This right-of-access applies to any number of dwellings for which development approval may be granted. Therefore no further action is required in relation to access rights.

Where a paved ROW is available for vehicular access to proposed dwellings, the Residential Design Codes require the development to be designed so that vehicular access will be gained solely from the ROW.

There has been concern expressed about builders and their vehicles potentially blocking the ROW during the construction of the proposed development. To overcome this concern, at the Building Licence stage, the Building Surveyor will request the Site Management Plan indicating how potential conflicts are to be avoided, indicating where vehicles will park and how other adjoining owners can be informed when deliveries are made which may temporarily obstruct the ROW. These issues are not insurmountable with a good management plan and co-operation between parties.

6.2.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

Summary of Question

1. Will the Mayor apologise for his statement referring to my May questions as offensive and defamatory?
2. Will the City apologise for the Mayor's statement made on behalf of the City referring to my May questions as offensive and defamatory?

Summary of Response

The Deputy Mayor responded as follows:

1. The response to your questions by the Mayor and recorded in last months Council minutes was "*the questions may be offensive and defamatory*". The response did not say that the questions were offensive and defamatory only that the questions may have been offensive and defamatory. Under the circumstances, there is no need for the Mayor to make an apology.
2. The response to your questions by the Mayor and recorded in last months Council minutes was "*the questions may be offensive and defamatory*". The response did not say that the questions were offensive and defamatory only that the questions may have been offensive and defamatory. Under the circumstances, there is no need for the City to make an apology.

6.2.3 Ms Shelah Perrot, 35/2 Bruce Street, Como ..CPV

(Written Question submitted prior to the meeting)

Summary of Question

My question concerns the Library / Community Centre Project. Although the library services have been satisfactorily extended at the Manning Library, progress appears to be very slow on the Community Centre project. What is the estimated date of completion of the Community Project?

Summary of Response

The Deputy Mayor requested the Director Financial and Information Services to respond. Mr Kent advised as follows:

Progress on the project sees construction remaining close to the scheduled project timeline - albeit that certain works have necessarily been re-sequenced to address issues related to inclement weather and availability of specified trades. All factors considered, there is no major threat to our ability to achieve project completion in accordance with the overall project timeline.

Major works undertaken during the last month include the completion of roof timbers and roof sheeting to the Community Facility foyer, main hall and rear hall as well as installation of walls to the classrooms and craft areas of the Learning Centre and Infant Health Clinic. The steel riggers have made significant and highly visible progress on the structural steel to the front section of the upper level of the Library building - with structural steel rigging expected to be completed before mid June. The full skeleton of the building structure is now discernable to casual observers from both the car park and the oval - and the 'presence' of the building is now readily apparent. Further sections of the concrete slabs for the Library and new mayoral office are being progressively formed and poured as related works are completed.

Block-work to the lift shaft and toilet areas of the upper levels of the Community Facility is continuing. Installation of hydraulic services on the upper level and mechanical and fridge piping (air conditioning) ducting on both levels is also well progressed. Pre-lays (cable trays and wall chasing) for electrical services on the lower level of the building are continuing in accordance with the program schedule.

The emphasis on project works is now moving towards external trades such as the installation of alucabond cladding to the Library. Tradesman have already undertaken site measuring, installed formwork and scaffolding and are currently fabricating framing in readiness for installation of this cladding - which is a significant component of the external structure.

Infrastructure Australia have been kept informed with progress documentation of the project and all deadlines have been met to date. The remaining timelines are on track and on budget with the construction stage anticipated to conclude in early November and the fit out completed in November/December. The plan is that the building will be open to the public in January 2011.

Note: The Manager Environmental Health and Regulatory Services retired from the meeting at 7.28pm

6.2.4 Mr John Stewart, 7 Keaney Place, Waterford

(Written Questions submitted prior to the meeting)

Summary of Question

1. Regarding Manning Road between Kent Street and Centenary Avenue with the Cygnia Cove subdivision due for release in early 2011, the continuing heavy traffic flows relating to Curtin and to a lesser extent, the popularity of the Clontarf Saturday markets. Is the City engaged or intending to engage in, further monitoring of peak traffic flows in that section? Would such monitoring need to be in conjunction with Main Roads?
2. Have there been any developments in relation to a south entry to the Kwinana Freeway from Manning Road that the City can advise of?

Summary of Response

The Deputy Mayor requested the Director Infrastructure Services to respond. Mr Bell advised as follows:

1. In 2009 the City undertook an investigation into the new traffic signals at the southern access to Curtin University off Manning Road. The investigation revealed that there was insufficient green arrow time during the peak AM and PM travel times. Consequently, this resulted in:
 - traffic queuing back to Centenary Drive;
 - traffic flow at both Manning Road and Centenary Drive being adversely impacted; and
 - access to and from Clontarf College being extremely difficult and unsafe during the peak school times.

Following the investigation, the City liaised with Main Roads Western Australia (MRWA) to get the signal phasing changed to provide more green time at the southern access to Curtin University. Since making the necessary changes to the signal phasing in March this year, the queue length back to Centenary Avenue has reduced and traffic flow at Manning Road improved.

In addition to the changes to traffic signal phasing, the City met with officers from Clontarf College in May this year. The City agreed to investigate alternative intersection treatments to Clontarf College to improve accessibility and safety.

It is expected that over time traffic volumes and delays will increase at Manning Road between Kent Street and Centenary Drive and this is only likely to be exacerbated by new developments such as Cygnia Cove. Consequently, in 2010/2011 the City is undertaking a traffic study for Manning Road with a view to coming up with viable and cost effective options to improve traffic flow and safety on this vital road connection. The study will be completed by late 2011.

2. The City has long advocated the need for the WA State Government to fund the construction of a southbound on-ramp from Manning Road to the Kwinana Freeway. The on-ramp has never been included on any Main Roads program but is identified on the Metropolitan Regional Scheme (MRS) drawings.

The City considers that the on-ramp is urgently needed to:

- improve connectivity and accessibility to the Kwinana Freeway;
- ease traffic congestion at Canning Bridge and Canning Highway, and
- improve safety for motorists using the regional and local road system.

Consequently, in January this year the City sought quotations from Consultants to develop concept drawings for the southern on-ramp, confirm the land requirements for the future road reservation, obtain a valuation of the land required to accommodate the road reservation, undertake detailed financial analysis and prepare a Business Plan for the project.

Once completed, it was the City's intention to use the Business Case to lobby the State Government and Treasury for funding to be allocated in the State budget to facilitate construction of this much needed and missing link in the State road network.

In March this year the Mayor, Deputy Mayor, CEO and Director Infrastructure met with the Minister for Transport the Hon.Simon O'Brien MLA to discuss a number of key strategic issues facing the City, one being the southbound on-ramp from Manning Road to the Kwinana Freeway. At that meeting, the Minister gave a commitment that the State would progress the matter for the betterment of the City. At this time, the City has held off engaging a Consultant to complete the Business Case until more information is known about the level of State Government involvement progressing the southern on-ramp project.

6.2.5 Mrs Sally Cook John Stewart, 7 Keaney Place, Waterford

(Written Questions submitted at the meeting)

Summary of Question

1. Will the Council arrange for a Public Meeting to enable business owners, ratepayers and residents of South Perth to comment on the proposed restaurant redevelopment on the Mends Street Jetty?
2. When will the plans showing the exact dimensions of the proposed restaurant redevelopment, plus its patron capacity, be made available for public viewing?

Summary of Response

1. The Chief Executive Officer advised that the Swan River Trust is engaged in a community consultation process whereby the Trust is seeking views from the community on the proposal. When the Swan River Trust has received these comments it will refer them for comment to the City of South Perth. At this stage and without knowing exactly what is being proposed for the Mends Street jetty, it is difficult to say what Council will do with the application. He stated that it was certainly a more 'down-scale' development proposal than that considered 4/5 years ago. Since that time Council has developed Major Town Planning Developments Briefings which are open to the public and this forum may provide an opportunity for wider community participation - however this stage is many months away.
2. The Chief Executive Officer said that this questions has been answered. He further stated that the application is currently in the hands of the Swan River Trust who will make their own decision based on submissions received by them. The matter will then be referred to the City for comment. He said that the earliest he believed the application would come to a Council meeting would be August 2010.

Close of Public Question Time

The Deputy Mayor stated that over 15 minutes had been taken up with Public Question Time, and as such she was seeking a Motion to close Question Time.

COUNCIL DECISION – CLOSE PUBLIC QUESTION TIME

Moved Cr Cala, Sec Cr Skinner

That Public Question Time now be closed at 7.38pm.

CARRIED (11/0)

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held:25 May 2010

COUNCIL DECISION ITEMS 7.1.1

Moved Cr Trent, sec Cr Burrows

That the Minutes of the Ordinary Council Meeting held 25 May, 2010 be taken as read and confirmed as a true and correct record.

CARRIED (11/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, 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 - May Ordinary Council Meeting Held: 18.05.2010**
Officers of the City presented background information and answered questions on items identified from the May 2010 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**
- 7.2.2 Concept Forum: Major Capital Projects Meeting Held: 12.05.2010**
Director of Infrastructure Services and Director of Development and Community Services presented information about upcoming projects. Notes from the Concept Briefing are included as **Attachment 7.2.2.**
- 7.2.3 Concept Forum: Canning Bridge Precinct Vision Meeting Held: 17.05.2010**
Officers from the City of South Perth and the City of Melville presented information in relation to the Canning Bridge Precinct Vision and the process so far. Notes from the Concept Briefing are included as **Attachment 7.2.3.**
- 7.2.4 Concept Forum: Waterford Triangle Project Meeting Held: 19.05.2010**
Officers of the City along with consultants outlined the project objectives of the Waterford Triangle Urban Design Study and presented details about Community Forum 1. Notes from the Concept Briefing are included as **Attachment 7.2.4.**
- 7.2.5 Concept Forum: Old Mill Concept Plan Meeting Held: 31.05.2010**
Officers of the City and consultant presented an update on the Old Mill Concept Plan. Notes from the Concept Briefing are included as **Attachment 7.2.5.**
- 7.2.6 Concept Forum 2010/2011 Draft Budget Presentation Meeting Held: 1.06.2010**
The Director Financial and Information Services presented the Draft Budget for 2010/2011. Notes from the Concept Briefing are included as **Attachment 7.2.6.**
- 7.2.7 Concept Forum: Town Planning Major Development Meeting Held: 2.06.2010**
Officers of the City and applicants presented background on the proposed development at No. 46 Onslow Street, South Perth. Questions were raised by members and responded to by applicants/officers. Notes from the Concept Briefing are included as **Attachment 7.2.7.**

COUNCIL DECISION ITEMS 7.2.1 AND 7.2.7

Moved Cr Trent, Sec Cr Skinner

That the comments and attached Notes under Items 7.2.1 and 7.2.7 inclusive on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (11/0)

8. PRESENTATIONS

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

8.1.1 Petition received 17 June 2010 from John and Jane Hughes, 96 Comer Street, Como together with 12 Signatures in Relation an Application for Planning Approval at 297 Canning Highway. Como

Text of petition reads: *“That the City of South Perth rejects the Application for Planning Approval for a ‘Mixed Development – comprising single house, café, local shop and multiple dwellings at 297 Canning Highway, Como.”*

RECOMMENDATION

That the petition received 17 June 2010 from John and Jane Hughes, 96 Comer Street, Como together with 12 signatures in relation to an Application for a Mixed Development at No. 297 Canning Highway, Como be received and forwarded to the Development and Community Services Directorate to be taken into account when assessing the application.

The Deputy Mayor read aloud the text of the Petition.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Trent, Sec Cr Best

That the petition received 17 June 2010 from John and Jane Hughes, 96 Comer Street, Como together with 12 signatures in relation to an Application for a Mixed Development at No. 297 Canning Highway, Como be received and forwarded to the Development and Community Services Directorate to be taken into account when assessing the application.

CARRIED (11/0)

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

8.2.1 Certificate of Appreciation to City of South Perth from the Local Chambers

A Certificate of Appreciation from the Local Chambers, in recognition of the City of South Perth’s support and sponsorship, was presented to the City by Deputy Mayor Doherty. The City’s Annual Award to the business community this year was made to SIDS and Kids Western Australia in Kensington. The City was represented at the Local Chamber of Commerce and Industry Awards Presentation at Burswood on 18 June by Deputy Mayor Doherty, Crs Burrows, Hasleby and Trent and the Chief Executive Officer. Cr Grayden, as a Member of the Board of SIDS provided an overview of the work / role SIDS and Kids Western Australia plays within the community.

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 and 10.3.3 were heard at the June Council Agenda Briefing held on 15 June 2010.

Opening Deputations

The Deputy Mayor opened Deputations at 7.44pm

Mr Barrie Drake, 2 Scenic Crescent, South Perth Agenda Item 10.0.1

Mr Drake spoke against the officer recommendation at Agenda Item 10.0.1 (*Standing Orders Local Law*) on the following points:

- do not agree with proposed changes to Clause 6.6 *Procedures for Public Question Time*
- a fair question time procedure is important
- verbal questions should be permitted to be asked
- Local Government is for the people – refer LG Guidelines for Public Question Time
- questions should be allowed to be asked and honestly answered

Mr Geoff Defrenne, 24 Kennard Street, Kensington Agenda Item 10.0.1

Mr Defrenne spoke against the officer recommendation at Agenda Item 10.0.1 (*Standing Orders Local Law*) on the following points:

- believe Standing Orders poorly advertised
- acknowledge advertising done is legal but was the minimum required
- loss of accountability
- current question time procedures - against the law - specifically aimed at two people
- Standing Orders Local Law poorly drafted – changes proposed reflect ‘sloppy drafting’
- where is report on proposed ‘trial’ of public question time procedures
- wording of question time guidelines is flawed
- the CEO should spend more time responding to questions than going to functions

Cr Hasleby - Point of Order – that Mr Defrenne’s comments against an officer be withdrawn.

Deputy Mayor Doherty asked that Mr Defrenne withdraw his comments and respect the Chair. Mr Defrenne declined to withdraw the comments.

COUNCIL DECISION – MR DEFRENNE NO LONGER BE HEARD

Moved Cr Cala, Sec C Hasleby

That Mr Defrenne no longer be heard in relation to his Deputation on Item 10.0.1.

CARRIED (11/0)

STATEMENT ON ADDITIONAL DEPUTATIONS RECEIVED

Deputy Mayor Doherty reported that a further two Deputation Requests had been received from Mr Defrenne in relation to Agenda Items 10.6.4 (Member Entitlements) and 15.1.2 (CEO Contract). In accordance with Clause 6.9(2)(b) of the Standing Orders Local Law a Council determination is required as to whether these Deputations be heard.

COUNCIL DECISION – ADDITIONAL DEPUTATIONS

Moved Cr Cala, Sec Cr Skinner

That Mr Defrenne's 'Request for Deputation to Address Council' in relation to Agenda Item 10.6.4 (Member Entitlements) and Agenda Item 15.1.2 (CEO Contract) not be heard.

CARRIED (10/1)

Close of Deputations

The Deputy Mayor closed Deputations at 8.08pm

8.4 COUNCIL DELEGATES

8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 26 May 2010

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 26 May 2010 is at **Attachment 8.4.1**.

Note: The Minutes of the WALGA South East Metropolitan Zone meeting of 26 May 2010 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.1** in relation to the WALGA South East Metropolitan Zone Meeting held 26 May 2010 be received.

8.4.2. Council Delegate: South East Regional Centre for Urban Landcare (SERCUL) Meeting Held: 13 May 2010

Cr Skinner attended the SERCUL Group meeting held at the City of Belmont on 13 May 2010. The Minutes of the South East Regional Centre for Urban Landcare (SERCUL) meeting are available at **Attachment 8.4.2**.

Note: The Minutes of the South East Regional Centre for Urban Landcare meeting held 13 May 2010 are also available on the *iCouncil* website.

RECOMMENDATION

That the Minutes, at **Attachment 8.4.2**, of the South East Regional Centre for Urban Landcare meeting (SERCUL) held at the City of Belmont on 13 May 2010 be received.

COUNCIL DECISION ITEMS 8.4.1 AND 8.4.2

Moved Cr Trent, Sec Cr Grayden

That...

- the Delegate's Report at **Attachment 8.4.1** in relation to the:WALGA South East Metropolitan Zone Meeting held 26 May 2010; and
- the Minutes, at **Attachment 8.4.2**, of the South East Regional Centre for Urban Landcare meeting (SERCUL) held at the City of Belmont on 13 May 2010 be received.

CARRIED (11/0)

8.5 CONFERENCE DELEGATES

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Deputy Mayor advised the meeting that in the interests of maintaining efficiency in Council operations, the Council utilises en-bloc voting during its meetings. Voting en-bloc can be defined as voting on a motion to adopt, by one resolution, a number of items as set out in this Agenda. This Council utilises en-bloc voting as a device to efficiently address matters that the elected body believe can be determined without debate. The Deputy Mayor then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 15 June 2010.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.1 Amended Officer Attachment
- Item 10.1.1 Declaration of Interest
- Item 10.3.2 Proposed Amendment to Motion
- Item 10.3.3 Alternative Motion
- Item 10.6.4 Council decision required

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Cala, Sec Cr Grayden

That with the exception of Withdrawn Items 10.0.1, 10.1.1, 10.3.2, 10.3.3 and 10.6.4 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.3.1, 10.6.1, 10.6.2, 10.6.3, 10.6.5 and 10.6.6 be carried en bloc.

CARRIED (11/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Standing Orders Amendment Local Law 2010 (Item 10.7.2 March 2010 Council Meeting)

Location: City of South Perth
Applicant: Council
Date: 4 June 2010
Author: Jelette Jumayao
Reporting Officer: Phil McQue, Manager Governance and Administration

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 8 March 2010 and public submissions received relating to a review of the Standing Orders Local Law 2007.

The *Local Government Act* (the Act) sets out the procedural requirements for the making of a local law. The process is initiated by Council resolving to give State-wide public notice of the proposed local law; and subsequently, by Council considering any submissions received before proceeding to make the local law.

Background

The City's current Standing Orders Local Law was adopted by Council in 2006 and gazetted in May 2007. The purpose of the review of the Standing Orders Local Law is to bring it into line with current procedures and recent Amendments to the *Local Government Act Regulations*.

A draft of proposed Amendments to the Standing Orders Local Law document was presented to the Audit and Governance Committee Meeting held on 22 February 2010. At that meeting and following a discussion as a result of input from Mr Neil Douglas of McLeods Barristers and Solicitors in relation to recent amendments to the *Local Government Act Regulations* the Committee recommended:

That consideration of the Standing Orders Local Law 2007 document be deferred and workshopped at a Special Meeting of the Audit and Governance Committee, at the first available opportunity, in order to take into consideration the recent Amendments to the Local Government Act Regulations.

Mr Douglas further reviewed the *draft* Standing Orders and provided a summary of the proposed Amendments which were then 'workshopped' at the Audit and Governance Committee meeting on 8 March 2010 attended by ten Council Members. The 'marked up' copy of the *draft* Standing Orders Local Law document incorporating the amendments is at **Attachment 10.0.1(a)**.

Comment

Procedural Requirements for the making of a local law

Section 3.12 of the Act and regulation 3 of the *Local Government (Functions & General) Regulations 1996* set out the procedural requirements for the making of a local law.

Purpose and effect

At a Council Meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law and ensure that it is included in the Agenda for that meeting, and the Minutes of the Council Meeting.

Standing Orders Amendment Local Law 2010

The purpose of the proposed Standing Orders Local Law is to provide rules and guidelines for the orderly conduct of meetings of Council, Committees and other meetings as prescribed.

The effect of the proposed Standing Orders Local Law is that all Council Meetings, Committee Meetings and other meetings as prescribed, shall be governed by these Standing Orders, unless otherwise provided by the Act, regulations or other written law.

Public consultation

Section 3.12(3) of the Act requires the local government to give State-wide public notice stating that the local government proposes to make a local law the purpose and effect of which is summarised in the notice.

Notices were placed in the *West Australian* on Saturday 27 March 2010 and in the *Southern Gazette* on Tuesday 6 April 2009. In addition, notices were placed on the notice boards at the Civic Centre and branch libraries and in the out for comment section on the City's website.

Submissions about the proposed local law were invited for a period of 47 days. After the last day for submissions, being Wednesday 12 May 2010 Council may consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

There were 2 submission received from the public during the submission period, and a submission from the Department of Local Government regarding formatting changes. The 2 submissions from the public are contained in a summary table below summarising the comments and the Officer's response on behalf of the City. Following consideration of the comments, the City has not significantly modified the Standing Orders Local Law from what was proposed.

The major comment from the Department of Local Government related to reformatting the local law so that it was *Government Gazette* ready, which has now occurred with the deletion of legislation boxes.

These changes have made the proposed amendment local law more clear and illustrates how the published amendment local law will look. Council may now decide, by absolute majority, to make the amendment local law as set out in **Attachment 10.0.1(b)**.

Summary of Submitter's Comments	Officer's Responses
This proposed law has been poorly advertised.	Advertising the Standing Orders Local Law has exceeded the compliance of the LGA Act 1995. Advertising was placed in the West Australian and in the public notices section of the Southern Gazette. Notices were placed on notice boards at the Civic Centre and branch libraries and in the out for comment section on the City's website.

Summary of Submitter's Comments	Officer's Responses
Background	
Current procedures - Yes, these changes may make the current procedures legal, but it reinforces that the so called current procedures are illegal. On the grounds of fairness, equity and compliance, the City should prosecute the councillors for accepting and endorsing the current procedures it is attempting to legalise.	All current procedures are legal and any changes from the Standing Orders Local Law 2007 have been decisions of Council.
Changes to the regulations are not recent, the change was made in October 2007 and nearly two and a half years ago. To say the changes are recent are deceptive. This is not good governance. I think there is only two changes to the regulations. Most changes are to public questions time.	There have been major changes to the Local Government Act 1995 in 2007 and 2009.
Clause 1.4 Interpretation	
"Employee" means an employee of the City This is a welcome change and is in line with the mayors earlier statements that the staff of the council should be referred as employees rather than officers and it implies a lessor standing	The City acknowledges this comment.
Clause 1.5 Repeal	
These have already been repealed in 2007, so it does not need to be repealed again.	The only change will be to the removal of the "; and". It does not mean the previous Standing Orders Local Laws will be repealed again.
Clause 3.2 Calling Council Meetings	
This section is totally surplus to requirements, it is just a repeat of the Local Government Act 1995.	This legislation box will be removed and is no longer required in the local law.

Clause 3.5 to 4.11	
This section is totally surplus to requirements, it is just a repeat of the Local Government Act 1995.	The legislation boxes will be removed as it is no longer required in the local law.
Clause 5.2 Order of Business	
The confirmation of minutes should be kept separate from the tabling of notes etc.	The reason for this is to be in line with the current practice of Confirmation of Minutes/ Briefings being under the same heading on the Agenda.
Clause 6.1 Meetings Generally Open to the Public	
This section is totally surplus to requirements, it is just a repeat of the Local Government Act 1995.	This legislation box will be removed as it is no longer required in the local law.
Limiting the asking of up to 3 questions is illegal as question time is to be a minimum of 15 minutes, question time may finish early when members of the public still have questions that can be lawfully asked.	The proposed Standing Orders Local Law meets the statutory requirements in relation to public question time.
Clause 6.6 Procedures for question time for the public	
6.6 (5) ... refers to section 5.60 ... this needs amplification/ explanation.	This legislation box will be removed as it is no longer required in the local law.

Summary of Submitter's Comments	Officer's Responses
Clause 6.7 Other procedures for question time for the public	
6.7 1(b) ... this is grossly unfair. It is unduly restrictive and runs counter to the spirit of the Act.	The proposed Standing Orders Local Law meets the statutory requirements in relation to public question time.
6.7(2) Limiting the asking of up to 3 questions is illegal as question time is to be a minimum of 15 minutes, question time may finish early when members of the public still have questions that can be lawfully asked.	The proposed Standing Orders Local Law meets the statutory requirements in relation to public question time.
6.7(2) ... should read ... "a person may usually/ normally ask up to 3 questions at a time at a meeting.	The proposed Standing Orders Local Law meets the statutory requirements in relation to public question time.
6.7(3) highlights the whole stupidity of the proposed law. It prevents the emailing, faxing, writing of questions in advance of the meeting, something the mayor has been asking for. Or perhaps the questions have to be put in the tray as well as giving advance notice.	This clause does not prevent anyone from providing questions beforehand as stipulated on the question time form.
6.7 (3a) ... "must" is aggressive/ you will comply or else. This is hardly conciliatory. This, in concert with parts (4) to (8), takes away the very freedom of a person to stand up and speak to their council, their elected body. It is not in keeping with the spirit and intent of the Act; and it avoids the principles of openness accountability and transparency. If the City has to deal with vexatious questioners it needs to adopt other measures. All the City does is force debate onto the front page of the newspaper, Letters to the Editor or talkback radio and reinforce the misgivings of an already cynical electorate.	<p>This is taken from Local Government (Operational Guidelines) provided by the Department of Local Government</p> <p>Clause 54 " Where a person submits a question in writing for public question time but fails to attend the meeting, the presiding member may decide that the question is not to be put to the meeting. In which case, the CEO may reply in writing at a time other than at the meeting."</p>
6.7(6c) The Local Government Act 1995 allows for any question to be asked. It is not for the council to disallow a question to be asked. If this is implemented it will be a breach of he Local Government Act 1995.	<p>Under Regulation 7(4) a response does not have to be given to questions that do not relate to a matter affecting the local government; at special council meetings that do not relate to the purpose of the meeting; and at committee meetings that do not relate to the functions of the committee.</p> <p>The proposed Standing Orders Local Law meets the statutory requirements in relation to public question time.</p>

Summary of Submitter's Comments	Officer's Responses
Clause 6.7 Other procedures for question time for the public	
6.7(6f) This is the only reason a question could not be asked.	The City notes this comment.
6.7 (6) ... if a question is rejected I believe it is incumbent upon the Presiding Member to indicate how the questioner can proceed ... and the standing orders should reflect this.	It is incumbent upon the Presiding Member on how to proceed.

Summary of Submitter's Comments	Officer's Responses
6.7(7a) I assume "correspondence" is to be answered by correspondence by the city. How can correspondence be answered if there is no contact details. Further research is no reason to take a question as correspondence, a question as correspondence is to deny a person the right to ask a question. If the question is a lawful question, it may be taken on notice, the answer should appear in the council minutes. The questions and answers should not be hidden under any circumstances.	"Correspondence" refers to a letter, fax or email being sent to the person asking the question. The form allows for contact details to be written down. Further research is sometimes needed for a question and may not be answered at the meeting. The person still has the right to ask the question, the answer will just be sent to them and not appear in the minutes. This is standard practice for many local governments. Questions taken on notice appear in the Council Minutes of the next month.
6.7 (7b)... the only person who should decide if a question is to be answered in writing or not is the Mayor, not the CEO. This is an abrogation of responsibility on the part of the elected members. Any decision to refuse to answer a question must be noted and documented.	Proposed clause 6.7(7a) states that the Presiding Member will determine how a question will be treated as 'correspondence' or is to be taken on notice.
6.7(7b) If the CEO has the opinion that substantial resources would be diverted, the CEO should state the estimated time it would take by the various city employees.	The City will not provide an estimated time.
6.7(7c) If there is an answer, there is no reason not to record the answer in the minutes. There is nothing to hide. The council is to be open and accountable.	In line with current practices all questions treated as correspondence will not be recorded in the Minutes.
6.7(8a) It is a bit hard to electronically display the question if the question is only put in the tray before the meeting. Poor thought in this section	Clause 6.7(8a) provides for the Presiding Member to either read out each question or display it electronically.
6.7(8b) Need to add a section here that a question has to be answered with integrity, honestly and truthfully. Answers are not to be deceptive.	All answers provided by the City are always with integrity and honesty.
6.7(10) The Local Government Act 1995 states question time is a MIMIMUM of 15 minutes, and this should not be treated as a maximum.	The Presiding Member has discretion over the time limit for Public Question Time.

Clause 6.15 Confidentiality of information withheld

I fully support this clause and is really a repeat from the regulations.	The City agrees with this comment.
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Clause 6.16 Recording of Proceedings

Why have the presiding member continually giving his permission for the recording of meetings. The section should state. All council and committee meetings and briefing secessions will be recorded where possible. It's very simple.	Due to only some meetings being voice recorded it is pertinent for Council to advise when they are recording a meeting, as is current practice.
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Clause 14.1 Keeping of Minutes	
This section is totally surplus to requirements, it is just a repeat of the Local Government Act 1995 and does not add or clarify anything.	This legislation boxes will be removed as it is no longer required in the local law. The Minutes are an accurate record of the meeting.
What this should include is that the minutes need to be an accurate record of the meeting.	

Summary of Submitter's Comments	Officer's Responses
Clause 18.1-18.11 Meetings of electors	
These sections are totally surplus to requirements, it is just a repeat of the Local Government Act 1995 and does not add or clarify anything.	The legislation boxes will be removed as it is no longer required in the local law.
An example of poor drafting and review by Mr Neil Douglas of McLeods.	
Clause 20 Enforcement	
The council needs to state that enforcement will be carry out ethically and without prejudice.	All council enforcement matters are carried out ethically and without prejudice, the City does not need to state this in the clause.
The council need a policy on who and how enforcement will take place.	

Consultation

The draft Standing Orders Local Law document was forwarded to Neil Douglas of McLeods, Barristers and Solicitors for comment and advice at the Audit and Governance Committee Meetings held 22 February and 8 March 2010.

Policy and Legislative Implications

Section 3.12 of the *Local Government Act* and regulation 3 of the *Local Government (Functions & General) Regulations* set out the procedural requirements for the making of a local law.

The *Standing Orders Amendment Local Law 2010* is consistent with the relevant statutory requirements and principles of good governance.

Financial Implications

There have been minor costs for the advertising and officer time taken to draft up the Standing Orders Local Law.

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.0.1

That Council resolves to adopt* the Standing Orders Amendment Local Law 2010, at **Attachment 10.0.1(b)**, pursuant to section 3.12 of the *Local Government Act 1995*.

* *Absolute majority required*

STATEMENT CEO ON ITEM 10.0.1 ATTACHMENT

The Chief Executive Officer addressed comments / issues raised during Deputations in relation to the Standing Orders Local Law document. He stated that the City had advertised, the LL in excess of statutory requirements and that the proposed LL would now be sent to the Government Standing Committee for Delegated Legislation for approval. He then referred Members to **Attachment 10.0.1(b)** of the report which identifies proposed changes to the Local Law and in particular to the Amendment to Section 12, Clause 6.9 of this attachment which was circulated prior to the meeting. He stated that the amendment proposes that Deputations can be made at a Council meeting with Council approval as we recognise that there will always be reasons / circumstances why Deputations cannot be made at Council Agenda Briefings.

Note: The CEO then read aloud the proposed Amendment to Attachment 10.0.1(b) for the benefit of the public gallery.

MOTION

Cr Best Moved the officer recommendation, Sec Cr Ozsdolay

AMENDMENT

Cr Grayden Moved the Amendment to Section 12, Clause 6.9 of **Attachment 10.0.1(b)** of the officer report, Sec Cr Trent

The Deputy Mayor put the Amendment.

CARRIED (11/0)

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1</p>

The Deputy Mayor put the Amended Motion

That Council resolves to adopt* the Standing Orders Amendment Local Law 2010, as amended, at **Attachment 10.0.1(b)**, pursuant to section 3.12 of the *Local Government Act 1995*.

CARRIED (11/0)

And by Required Absolute Majority

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

DECLARATION OF INTEREST : CR CRIDLAND : ITEM 10.1.1

The Deputy Mayor read aloud the following Declaration of Interest from Cr Cridland:

In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Agenda Item 10.1.1 - 'Community Sport and Recreation Facility Fund (CSRFF) – July Small Grants Round' - on the Council Agenda for the meeting to be held 22 June 2010. I disclose that I am a member of the South Perth Lawn Tennis Club (a recipient of the funding program) but I do not consider it will affect my decision making and intend to remain in the Council Chamber for this item.

Note: Cr Cridland remained in the Council Chamber.

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - July Small Grants Round

Location: City of South Perth
Applicant: Council
File Ref: GS/109 10/11
Date: 4 June 2010
Author: Matthew Hunt, Recreation Development Coordinator
Reporting Officer: Sandra Watson, Manager Community, Culture and Recreation

Summary

To consider applications for the Community Sporting and Recreation Facilities Fund (CSRFF) grants.

Background

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. In addition, priority is given to projects that lead to facility sharing and rationalisation.

Several changes have been made to the CSRFF program for 2010/2011. The State Government has increased its investment from \$9M in previous years to \$20M in 2010/2011. This is comprised of approximately \$1.5M for small grants, \$3M for annual grants in the next financial year and \$15.5 M for forward planning grants.

Examples of projects which will be considered for funding include:

- Upgrades and additions to existing facilities where they will lead to an increase in physical activity or a more rational use of facilities;
- Construction of new facilities to meet sport and active recreation needs;
- Floodlighting projects; and
- New, resurfacing or replacement of synthetic surfaces or courts.

The maximum grant awarded by the Department of Sport and Recreation will be no greater than one-third of the total cost of the project. The CSRFF grant must be at least matched by the applicants own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the part of the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful projects within its boundaries.

As stated in the CSRFF guidelines and in accordance with the City's funding guidelines, annual grants for this round of applications must be claimed in the next financial year, in this case 2010/2011. It is also important to note that the City's inclusion of funds for consideration on the 2010/2011 draft budget does not guarantee funds should the club be successful in its application to the Department of Sport and Recreation.

Comment

One (1) application for funding was received for the July small grants round by a City based sporting club. Details are as follows:

South Perth Lawn Tennis Club (SPLTC)

CSRFF Grant Sought	\$10,811
City's Contribution	\$10,811
Club's Contribution	\$10,811
Estimated Total Project Cost	\$32,433 (ex gst)

Assessment

A panel comprising the Manager Community Culture and Recreation, Community Development Coordinator, Manager City Environment, Buildings Coordinator, and the Recreation Development Coordinator assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

These results are summarised below.

Applicant	Project	Ranking	Rating	City's Contribution	Total project Cost
South Perth Lawn Tennis Club	Resurface of the four (4) existing hard courts for safety, sustainability and operational requirements.	1	B	\$10,811 (ex. GST).	\$32,433 (ex GST)

This project has been rated 'B -Well planned and needed by applicant' and in making this assessment the panel noted:

- The upgrade will assist continued and possible broader community usage throughout the year;
- The upgrade project benefits the club and will impact directly on sustainability, growth and competency in competition and social play; and
- The proposed upgrade is consistent with the Sporting Facilities Needs Study undertaken on behalf of the City in March 2006, and associated strategic plans of the relevant state sporting association (Tennis West).

South Perth Lawn Tennis Club (SPLTC)

The project entails the resurfacing of the four (4) floodlit hard courts at the South Perth Lawn Tennis Club, located on Lot 3279, cnr McNabb Loop and Murray Street, Como. The primary purpose of the project is to allow continued use of the courts as the current synthetic surface is nearing the end of its life span and close to being unsafe to play on. Consequences of not resurfacing the courts include an anticipated reduction in revenue and hiring opportunities available to the club, including a significant number of casual users who play at night (up to 200 people per annum not included in the club's membership statistics), the loss of substantial school and church activity and without playable floodlit courts members of the pennants competition will be forced to move to another club.

The resurfacing project will also improve the Club's ability to attract more casual hirers to the venue, improve the sustainability of the courts well into the future, as well as to assist the Club to provide a safe environment in terms of sun and skin cancer risks through extended night play across all hard courts. It is also worth noting that a number of other activities take place at the South Perth Lawn Tennis Club including a Playgroup and social activities and if the Club were not sustainable into the future, these community activities may be required to seek alternative venues from which to operate.

The SPLTC have been communicating with the City since late 2009 with concerns about their viability into the future and had requested a review of their current loan (with the City) and other support mechanisms. As a direct result, City officers have responded with a number of strategies in partnership with Club including, measures to reduce ongoing maintenance costs, review of annual fundraising activities, and collaborative forward planning strategies to support ongoing operations.

The Club has been planning for this project for some time and as a result have accumulated sufficient funds to support a CSRFF contribution for the resurfacing of all four (4) hard courts. Although the Club does not have a documented strategic plan, they are working on plans for the future and have improved their financial position, including gleaning \$9000 from the new annual fundraiser.

Tennis West (the Western Australian Tennis Association), fully support the South Perth Lawn Tennis Club's application for this project and has advised the City in writing that the project aligns with Tennis West's Strategic Facilities Plan. From the City of South Perth's perspective, this project is also supported by the outcomes of the Council endorsed, 'Future Directions and Needs Study for Sport and Recreational Clubs undertaken in March 2006.

It is recommended that the City rate the application for funding from SPLTC as a medium priority and allocate supporting funds accordingly, to the extent of funding 1/3 of the cost of the project, with the Department of Sport and Recreation to fund 1/3 and the SPLTC to fund the remaining 1/3.

Should the project proceed, strict conditions would apply, as is standard for all projects involving the upgrade of buildings and built facilities within the City. These conditions include the applicant's requirement to;

- Submit further detailed specifications of the project to the City and obtain appropriate approvals;
- Liaise with the City at all stages of the project and to ensure that the works do not impact on other regular or casual users of the facility; and
- The applicant (SPLTC) to bear all pre-site requirements, maintenance and operating costs with no cost to the City.

Comments from the City Environment Department

The project will yield demonstrated benefits and is supported, given attention to the following areas:

- The City supports synthetic court surfaces as an alternative method for tennis courts to reduce the higher costs associated with turf court maintenance and operational needs;
- This project enables ongoing and increased utilisation of the facility with benefits of night play and usage in winter periods of the season;
- The Club is to liaise with the City on an ongoing basis with periodic reporting, to ensure the future financial and operational sustainability of the facility; and
- The Club and City to strengthen relationships to assist and support financial and committee development into the future.

Consultation

Local sporting clubs were advised of the CSRFF funding round via a direct mail-out and advertisements in the community newspaper, City publications and the West Australian newspaper. In addition, the City's Club Development Officer maintains regular contact with sporting clubs in the area ensuring that opportunities to participate in the CSRFF program are notified.

Specific to this proposed resurfacing of the four (4) existing hard courts (which are the only floodlight courts on site), located on Lot 3279, Cnr McNabb Loop and Murray Street, Como, the Club provided the City with positive support letters from current users including schools and local advocates for the project. There will be no impact upon the wider community in terms of disturbance and as such no consultation with the community was undertaken for this project.

Policy and Legislative Implications

This report relates to Policy P222 - Support and Community & Sporting Groups.

Financial Implications

A provisional amount of funds is incorporated into the annual budgeting process to support CSRFF applications including the amount of \$10,811 for this proposed project.

Strategic Implications

This report is complimentary to Strategic Directions:

1. Community - Create opportunities for a safe, active and connected community
- 1.3 Encourage the community to increase their social and economic activity in the local community.
- 1.4 Develop, prioritise and review facilities and relevant activities, taking advantage of Federal and State Government funding.
4. Places - Plan and develop safe, vibrant and amenable places
- 4.1 Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable.

Sustainability Implications

The project will allow the continued use of hard courts on site and enhance the social and physical benefits that are a by-product of increased active involvement by the community in sport and leisure pursuits. In addition, the product chosen for the resurfacing works has an added anti-fungal treatment to help minimise algae maintenance issues and have a significant life expectancy of seven (7) to ten (10) years.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1
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Moved Cr Trent, Sec Cr Skinner

That...

- (a) the application for funding from South Perth Lawn Tennis Club through the CSRFF program be supported, rated as a medium priority and submitted to the Department of Sport and Recreation together with the supporting information and the following assessment:

Applicant	Ranking	Rating
South Perth Lawn Tennis Club	1	B

- (b) an amount of \$10,811 (ex. GST) be supported as the City's 1/3 contribution for this project, subject to the application being successful with the Department of Sport and Recreation.

CARRIED (11/0)

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Application for Planning Approval for Proposed Change of Use from 'Multiple Dwelling' to 'Tourist Accommodation' for one unit (unit 45) within a 9-Storey Building. Lot 10 (No. 45-1) Hardy Street, South Perth

Location: Lot 10 (No. 45-1) Hardy Street, South Perth
 Applicant: Brian Nathan Wiese
 Lodgement Date: 25 February 2010
 File Ref: 11.2010.96 HA3/1
 Date: 2 June 2010
 Author: Emmet Blackwell, Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for a Change of Use from 'Multiple Dwelling' to 'Tourist Accommodation' for one unit (unit 45) out of 64 units on Lot 10, (No. 45-1) Hardy Street, South Perth. The proposal conflicts with the City's Town Planning Scheme No. 6, specifically:

- (i) Table 1; and
- (ii) 1.6 (Scheme Objectives);
- (iii) 7.5 (Matters to be Considered by Council).

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

Element on which discretion is sought	Source of discretionary power
Discretionary land use: 'Tourist Accommodation' in a 'Residential' zone	TPS6 - Table 1 & Clause 7.3(4)

It is recommended that the proposal be refused.

Background

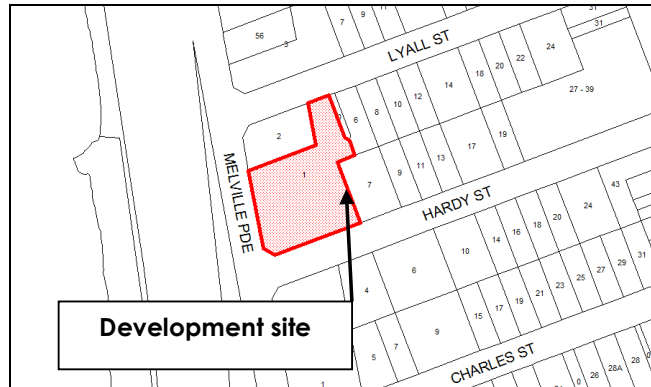
The development site details are as follows:

Zoning	Mixed Use Commercial
Density coding	R60/80
Lot area	4077 sq. metres
Building height limit	N.A.
Development potential	N.A.
Plot ratio limit	N.A.

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Floor plan of level 4.
- **Attachment 10.3.1(b)** Applicant’s supporting letter.
- **Attachment 10.3.1(c)** Site photos (street and aerial views).

The location of the development site is shown below:



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

1. **Specified uses**
 - (i) Tourist Accommodation; and
 - (ii) Non-residential “DC” uses within the Residential zone.
2. **Amenity impact**
In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.
3. **Neighbour comments**
In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.

Comment

(a) **Background**

The proposal is for a Change of Use from ‘Multiple Dwelling’ to ‘Tourist Accommodation’ for one unit only within a 9-Storey Building at Lot 10 (No. 45-1) Hardy Street, South Perth. Refer to **Attachments 10.3.1(b)** and **10.3.1(c)**.

(b) Description of the Surrounding Locality

The subject site has a southern frontage to Hardy Street, a western frontage to Melville Parade and a vehicular access to Lyall Street, as seen above. The uses adjoining the site are residential Multiple Dwellings to the north and a mixture of office and consulting rooms to the east.

(c) Land Use

The proposed land use of 'Tourist Accommodation' is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In examining this discretionary use, it is considered that due to the significant number of planning related issues raised in objection to the proposal contained within the submissions received from neighbours who were consulted (see section Neighbour Consultation), that the use is not supported by the City.

(d) Car Parking

The required number of car bays for a Tourist Accommodation use is 1 bay per unit; whereas the required number of car bays for a Multiple Dwelling is 2 bays. Therefore, the proposed development complies with the car parking requirement of TPS6.

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

The following general Scheme objectives are not met:

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

The subject site contains a total of 64 units. All of the units are currently approved as 'Multiple Dwellings', none of the other units on site have received planning approval for a change of use to a non-residential use such as 'Tourist Accommodation'. The proposed use of a single unit as 'Tourist Accommodation' is not in harmony with the existing residential use on the site. The proposed use is likely to impact on the amenity of the properties permanent residents. 'Tourist Accommodation' is considered to be an inappropriate use on the site. Therefore it is recommended that the proposed change in use not be supported by the Council.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

- (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;*
- (p) any social issues that have an effect on the amenity of the locality; and*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4.***

The proposed change of use to 'Tourist Accommodation' for a single unit (unit 45) out of 64 existing units currently approved as 'Multiple Dwellings' is not considered to be orderly and proper planning. The submissions received from the consulted neighbours identify a range of potential amenity impacts and social impacts that the proposal is likely to cause on the sites permanent residents. The most significant potential impacts are reduced security and safety within the complex, increased noise and lack of appropriate on-site management for 'Tourist Accommodation'. The proposed development is considered unsatisfactory in relation to all of these matters. Therefore it is recommended that the proposed change in use not be supported by Council.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Consultation for Planning Proposals'. Individual property owners, occupiers and/or strata bodies at No. 1-19 Hardy Street, No. 2-18 Lyall Street, No. 54 & 56 Melville Pde and No. 1 Charles Street were invited to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). In addition, signs were placed on site inviting comment from any other interested person.

During the advertising period, a total of 65 consultation notices were sent and 9 submissions were received, all of them against the proposal. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitters' Comments	Officer's Responses
Increased safety and security risk to permanent tenants, there is no access restrictions to floors and common areas, short term guests may let unsuitable visitors inside the complex. It defeats the purpose of having secured entry. x5	Generally agreed. The comment is UPHELD .
No onsite staff to oversee tourist use and deal with related behavioural problems x2	
Increased noise impact to neighbouring units – no investment in being a 'good neighbour'. x3	
Potential parking issues – misuse of bays and hoon drivers.	Potential impact only, no evidence to support. The comment is NOTED .
The unit has previously been used for an unauthorised commercial premises "massage parlour", this application may be an attempt to legitimise such a business.	This allegation is not confirmed – no planning compliance records within the City. The comment is NOTED .
Devaluation of residential units.	Not a planning consideration. The comment is NOT UPHELD .
Potential damage to communal facilities by short term tenants. x3	This is a strata issue, not a planning consideration. The comment is NOT UPHELD .

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.

Strategic Implications

This matter relates to Strategic Direction 6 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

There are no sustainability implications relating to this application.

Conclusion

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Change of Use from ‘Multiple Dwelling’ to ‘Tourist Accommodation’ at Lot 10 (No. 45-1) Hardy Street, South Perth, **be refused** for the following reasons:

(b) Specific Reasons

- (i) The proposal is for a ‘DC’ use. After conducting the appropriate neighbour consultation in accordance with P355 it is clear that the potential impact on neighbours is not acceptable.
- (ii) The proposed development does not comply with clause 1.6.2 (Scheme Objectives) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically subclauses a, f and g.
- (iii) The proposed development does not comply with clause 7.5 (Matters to be Considered by Council) of the City of South Perth Town Planning Scheme No. 6 (TPS6), specifically subclauses b, i, p and w.

(c) Standard Advice Notes

- 642 Strata note- comply with the Act
- 643 Strata note- seek their approval
- 651 appeal rights- SAT

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

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed 4 x Two-Storey Grouped Dwellings - Lot 286 (No. 41) River Way, Salter Point

Location: Lot 286 (No. 41) River Way, Salter Point
Applicant: Sam Teoh Architects
Lodgement Date: 30 December 2009
File Ref: 11.2009.597 RI3/41
Date: 3 June 2010
Author: Patricia Wojcik, Trainee Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

To consider an application for planning approval for four, two-storey Grouped Dwellings on Lot 286 (No. 41) River Way, Salter Point. It is proposed to replace the four existing Multiple Dwellings on the lot with four Grouped Dwellings under the provisions of Clause 6.1 ‘Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits’ of Town Planning Scheme No. 6. It is recommended that the proposal be approved subject to conditions.

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

Element on which discretion is sought	Source of discretionary power
Density – replacement of 4 existing Multiple Dwellings with 4 Grouped Dwellings	TPS6 clause 6.1(3)
Visitor parking – variation of 1 visitor bay	TPS6 clause 7.8(1)
Boundary walls – 2 proposed boundary walls	P350.2

Background

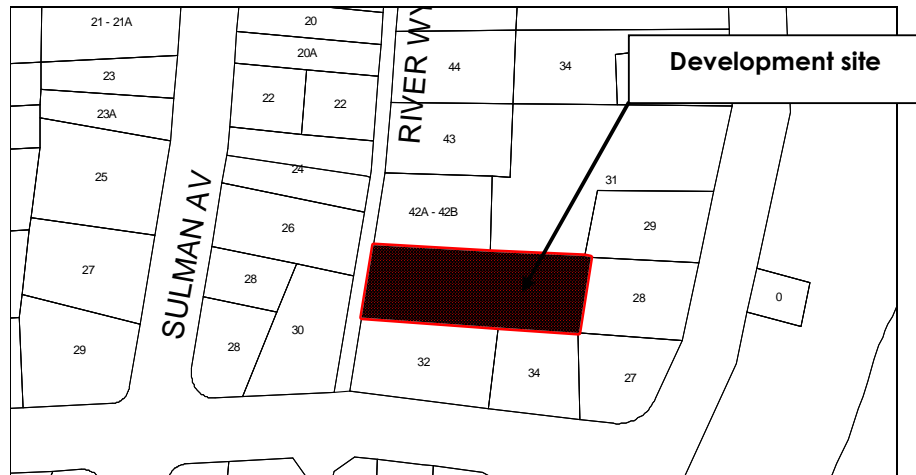
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1,776 sq. metres
Building height limit	7.0 metres
Development potential	3 Dwellings (in accordance with Table 1 of the R-Codes) 4 Dwellings (in accordance with cl. 6.1 of the Scheme)

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Site photographs
- Attachment 10.3.2(c)** Streetscape analysis

The location of the development site is shown below:



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

3. Developments involving the exercise of a discretionary power

This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:

(c) Applications involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.

The applicant is seeking approval to replace four existing Multiple Dwellings with four Grouped Dwellings under Clause 6.1 of the Scheme.

Comment

(a) Existing Development on the Subject Site

The existing development on the subject site currently features four Multiple Dwellings contained within a three-storey building, as depicted in the site photographs at **Attachment 10.3.2(b)**.

(b) Description of the Proposal

The proposal involves the demolition of the existing development and construction of four Grouped Dwellings within two-storey buildings on Lot 286 (No. 41) River Way, South Perth (the site), as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment as illustrated in **Attachment 10.3.2(b)**.

The proposal complies with *Town Planning Scheme No. 6 (TPS6; the Scheme)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council policies as discussed below.

(c) Residential Density and Streetscape Amenity

The proposal involves removal of the existing four x three-storey Multiple Dwellings and replacement with four x two-storey Grouped Dwellings in accordance with the provisions of Clause 6.1 'Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits' of Town Planning Scheme No. 6 (TPS6). Sub-clause (1) states that (emphasis added):

(1) Notwithstanding the provisions of the Codes but subject to the provisions of sub clause (3), if, on the date of gazettal of the Scheme a site contained a residential development that exceeded:

(a) the density coding indicated on the Scheme Maps; or

(b) the Building Height Limit; or

(c) both the density coding and the Building Height Limit; the Council may approve redevelopment of that site:

(i) to the same density or height or both, and with the same use as those of the development which existed on the site on the date of gazettal of the Scheme; and

(ii) with a plot ratio exceeding the maximum prescribed by the Residential Design Codes.

Sub-clause (2) applies to sites containing a non-residential development, and therefore is not applicable to the current proposal. Sub-clause (3) states (emphasis added):

(3) The power conferred by sub-clauses (1) and (2) may only be exercised if:

(a) in the opinion of the Council, the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct than the building which existed on the site on the date of gazettal of the Scheme; and

(b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the Council, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 7.3.

Clause 6.1.1(a) does not prevent a change of land use from Multiple Dwellings to Grouped Dwellings. Grouped Dwellings are seen to be more in keeping with the existing development within the streetscape and is therefore supported on this basis.

In accordance with subclause (3) of this clause, the proposed replacement of the 4 multiple dwellings by 4 grouped dwellings is observed to contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area in the following terms:

- (i) Replacement of the existing 1960s multiple dwelling building with the contemporary proposed building is observed to contribute positively to the visual amenity of the streetscape character.
- (ii) The proposed roof orientation whereby the pitched roof face faces the street has been justified by the Architect as being compatible to the existing streetscape character, and was substantiated with evidence in terms of photographs that form a part of Attachment 10.3.2(c), the streetscape analysis. The photographs show a great number of dwellings in the street that have gable ended roofs whereby their pitched roof faces face River Way. In reality, when viewed from the street, the roof will be visible as a three dimensional entity with one of its gable end along with the pitched roof face.
- (iii) Even though the proposed street facing dwelling is situated closer to the street when compared to the existing dwelling with parking bays at the front, the proposed setback is observed to be compliant with the provisions of Clause 6.2.1 of the R-Codes and is observed to have regard to the setbacks of the existing buildings on either side of the subject site.
- (iv) The grouped dwellings also provide better amenity for the future residents of these dwellings who will have access to sufficient floor area for family living and associated activities. These dwellings also have direct access to their private outdoor living areas unlike the existing building.
- (v) Where the current development has a total of 8 car parking spaces on site for the residents as well as for the visitors, the proposed development will have a total of 15 car parking bays (8 for the residents of the dwellings and 7 for the visitors). Noting that there is no facility to park vehicles on River Way, the proposal will result in increasing the on-site parking capacity.

(d) Significant Views

City Planning Policy P350.9 (“Significant Views”) requires the consideration for the loss of significant views from neighbouring properties. The neighbouring properties of the subject site currently enjoy views of the Canning River (a significant view), and written objection to the loss of those views has been lodged with the City.

City officers have considered the proposal in relation to the views of adjoining properties, having regard to the applicant’s normal development entitlements with respect to density, building height and setbacks. It was found that they comply as mentioned in section (a), (g) and (i) of this report. Considering the above, and the reduction in roof pitch to 27 degrees, it is considered that the proposed development complies with the policy.

(e) Car Parking, Access, Siting and Design

The required number of car bays is eight whereas the proposed number of car bays is eight (two per dwelling); therefore the proposed development complies with the car parking requirement of the R-Codes.

Policy P375 (Development of properties abutting River Way) prescribes two visitor parking spaces to be provided on site in addition to the two spaces normally required. The applicant is proposing 7 visitor bays on site as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**, therefore the proposed development does not comply with policy.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- (c) the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.

As there are a significant number of proposed visitor bays on the site, the shortfall is considered to be a minor variation. In addition, the proposed development is adding three extra bays to what currently exists.

In addition, a condition is recommended for the turning bay for unit 4 to be so marked or signposted to avoid potential disputes amongst neighbours, especially given that the adjoining neighbour (unit 3) is deficient of one visitor bay.

In addition, the proposed crossover will be interfering with an existing Western power pole. A condition is recommended stating that written agreement from the service provider is to be provided, prior to the issuing of a building license.

For the objectives of the Scheme, please refer to section Scheme Objectives, which have been satisfied.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

(f) Boundary Wall – south

A boundary wall is proposed on the southern boundary of the lot. The wall is observed not to have an adverse effect on neighbouring amenity when assessed against the following “amenity factors” referred to in Policy P350.2 (emphasis added):

- The effect on the existing streetscape character;
- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadowing of adjoining habitable room windows or outdoor living areas; and
- Impact of bulk on adjoining outdoor living areas.

Through the course of the assessment, it was identified that the proposed southern boundary wall is adjacent to a portion of a pool at 34 Howard Parade, which meets the R-Codes definition of an outdoor living area. The applicant has since provided a justification in relation to this and has dropped the height of the wall to 2.7m, in accordance with clause 6 of policy P350.2, which states that boundary walls adjacent to outdoor living areas shall be no higher than 2.7m. Therefore it is considered to comply with clause 6 of P350.2.

Additionally however, the proposal still needs to meet the associated amenity factors identified above, the factors specific to this case would be the overshadowing of adjoining outdoor living areas and impact of bulk on adjoining outdoor living areas. In relation to this, the applicant has stated that the vegetation on the adjoining property will ameliorate the visual impact of the proposed boundary wall. In relation to overshadow, the acceptable setback for a wall of this nature would be 1.0m from the boundary which would still overshadow a portion of the adjoining pool. The proposed development overall also conforms to the R-Codes requirements for overshadow as stated elsewhere within this report. Coupled with the overshadow cast by the existing vegetation, the boundary wall is therefore supported on this basis and is recommended for approval.

(g) Boundary Wall - east

A boundary wall is proposed on the eastern boundary of the lot. The wall is observed not to have an adverse effect on neighbouring amenity when assessed against the following “amenity factors” referred to in Policy P350.2:

- The effect on the existing streetscape character;
- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadowing of adjoining habitable room windows or outdoor living areas; and
- Impact of bulk on adjoining outdoor living areas.

Accordingly, it is recommended that the boundary wall be approved.

(h) Streetscape / Building Design

In relation to the design, the applicant has provided a streetscape elevation showing the adjoining residential properties with the proposed development depicted in the submitted plans at **Confidential Attachment 10.3.2(a)** and **Attachment 10.3.2(c)**. In addition, the applicant has provided detailed photographs showing the proposed gable roof achieving consistency with the existing streetscape illustrated at **Attachment 10.3.2(c)**. It was observed that the proposed roof pitch of 35 degrees is excessively

steep and subsequently the applicant has lowered the roof pitch to 27 degrees to demonstrate compliance with the provisions of Policy P370 (General Design Guidelines for Residential Development). Therefore, it is considered that the proposed development complies with the streetscape policy.

(i) Driveway Gradient

Clause 6.10(2) of TPS6 prescribes a maximum driveway gradient of 1:12 within 3.6 metres of the street alignment and 1:8 for the remainder of the driveway. However, where topography creates difficulties in adhering to these maximum gradients, the City may allow a steeper gradient subject to the applicant complying with the following sub clause:

(i) Where the driveway gradient at any point is steeper than the maximum prescribed in Clause 6.10(2) of TPS6 but not steeper than 1:6, the applicant is to submit a letter which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth.

As the proposed gradient is beyond 1:6 (1:31 to 1:8), it is considered that the gradient requires no further attention.

(j) Finished Ground and Floor Levels - minimum

The required minimum finished *habitable room floor* is 2.3 metres above AHD whereas the proposed finished floor levels range from 2.4 metres above AHD. Therefore the proposed development complies with Clause 6.9.2 “Minimum Ground and Floor Levels” of TPS6.

(k) Finished Ground and Floor Levels - maximum

The proposed floor levels range from 2.4 metres to 6.4 metres above AHD and the surrounding ground levels comply with Clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

(l) Street and Side Setbacks

The primary street setbacks, secondary street setbacks, side boundary setbacks and rear boundary setbacks are considered to comply with clause 6.3.1 of the R-Codes.

(m) Open Space

The required minimum open space is 50% of each survey strata lot; whereas the open space provided per proposed strata lot ranges between 59% and 69%. Therefore the proposed development complies with the open space element of the R-Codes.

(n) Building Height

The permitted building height limit for the subject lot is 7.0 metres, whereas the proposed buildings range from 0.4 to 0.8 metres below this height; it is therefore considered that the proposed development complies with clause 6.2 “Maximum Building Height Limit” of TPS6.

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

The maximum area of overshadowing permitted is 25% of each adjoining lot, whereas the proposed overshadowing on the two adjoining lots is 16% and 17% as specified in the table below. Therefore the proposed development complies with the solar access element of the R-Codes.

Adjoining Site address	Maximum area overshadow allowed		Overshadow proposed	
No. 32 Howard Parade	25%	294m ²	16%	187m ²
No. 34 Howard Parade	25%	194m ²	17%	132m ²

(p) **Visual Privacy and Related Setbacks**

All visual privacy setbacks comply with the Acceptable Development standards contained within Clause 6.8.1 of the R-Codes.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (b) *Introduce performance-based controls supported by planning policies and Precinct Plans;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls; and*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*

- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site; and*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4.*

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

Consultation

(a) Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. A sign was placed on site and mail notices were sent to a total of 31 surrounding properties. A total of 4 submissions were received all against the proposal. The submissions have been summarised below.

Submitter’s Comments	Responses (based upon information received from the applicant and officer assessment)
Significant views of the Canning River will be obstructed by the proposed roof. Submitter have requested that the roof ridgeline be rotated to an east-west orientation to minimise impact on views or else that the roof be flat.	Applicant had agreed to drop the roof pitch to 27 degrees to alleviate loss of views and as mentioned elsewhere in the report, the development complies with the City’s Planning Policy P350.9 “Significant Views” which also states that views enjoyed over neighbouring properties can only be regarded as borrowed views. Furthermore, as explained in the section on Residential Density and Streetscape Amenity, the proposed orientation of the roof is observed to be compatible with existing buildings on the street. Attachment 10.3.2(c) Streetscape Analysis provides photographic evidence in this regard. The comment is NOTED and the development is observed to be compliant.
The proposed 35 degree pitch roof is incompatible with the streetscape.	Applicant had agreed to drop the roof pitch to 27 degrees to ensure streetscape compatibility. The comment is NOTED .
Request that the screen wall to the dining room of House 2 be extended.	The proposed development already complies with the Visual Privacy requirement contained within clause 6.8.1 of the R-Codes as stated elsewhere in the report. The comment is NOTED and the development is observed to be compliant.
Existing trees on the boundary be preserved.	With regards to the existing trees, in accordance with City Policy P350.5, these trees are not necessary for retention as they are situated less than 3.0m from the boundary. The comment is NOT UPHELD .

Policy and Legislative Implications

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

Financial Implications

There are no financial implications in relation to this development.

Strategic Implications

This matter relates to Strategic Direction 6 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

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

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions and will not have a detrimental impact on adjoining residential neighbours. Provided that 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 four × two-storey Grouped Dwellings on Lot 286 (No. 41) River Way, Salter Point, **be approved** subject to:

(a) Standard Conditions

390	crossover standards	455	dividing fence- standards
358	driveway gradient letter	456	dividing fence- timing
410	crossover affects infrastructure	377	screened clothes drying
393	verge and kerbing works	550	plumbing hidden
625	sightlines for drivers	427	colours and materials- details
340	parapet walls- finish of surface	471	retaining walls- timing
470	retaining walls- if required	660	expiry of approval

(b) Specific Conditions

- (i) The proposed tree indicated on the site plan shall be not less than 3.0 metres in height at the time of planting and of a species approved by the City. The tree shall be planted prior to occupation of the dwelling and shall be maintained in good condition thereafter.
- (ii) The turning bay for unit 4 shall be so marked or signposted to avoid potential disputes amongst neighbours, especially given that the adjoining neighbour (unit 3) is deficient of one visitor bay.

(c) Standard Advice Notes

648	building licence required	649A	minor variations – seek approval
646	landscaping standards – general	651	appeal rights - SAT
646A	masonry fence requires BA		

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

MOTION

Moved Cr Ozsdolay, Sec Cr Burrows

That the officer recommendation be amended by the inclusion of the following additional Specific Conditions:

Specific Conditions

- (iii) The roof of the proposed dwelling No.1 be amended so that the roof ridge height as measured from the AHD level of 7.83 is no higher than the ridge height of the existing roof of the current development.
- (iv) The roof pitches of all proposed dwellings to be the same so as to achieve a consistent built form.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay Opening for the Motion

- support officer recommendation with inclusion of additional specific conditions
- Council is being asked to exercise discretion on the DA in the areas of density, parking and boundary walls – to this end Cr Ozsdolay read aloud part 6.1(1) and Sub-clause 3 of TPS6
- appreciate application is compliant with respect to height but equally it is not compliant with the density requirements. Part 6.1 Clause (1) says Council may exercise discretion
- application, as is, does not meet the *“the preservation or improvement of the amenity of the area”* requirement
- its height is more than the existing building therefore adverse impact on amenity of some neighbours
- given Sub-clause 3 cannot be met by the current application it should not be approved
- Council should not exercise its discretion on density
- issue can be addressed by the ‘height’ condition proposed because the amenity (view) would be preserved
- refer Residential Design Codes under the heading “Views” - Cr Ozsdolay read aloud the relevant clause from the Codes
- Codes clearly direct Councils to protect views where it can
- amendment proposed, through design changes in the roof pitch (significant reduction) and/or lower floor levels ie more cutting allows all requirements of the Codes and TPS 6 to be met
- application should not be approved without amendment as it would not comply with TPS6 in the exercising of discretion on density
- ask Members support the Amended Motion

Cr Burrows for the Motion

- support officer recommendation with inclusion of additional specific conditions
- endorse Cr Ozsdolay’s comments
- ask Members support the Amended Motion

AMENDMENT

Cr Trent moved an Amendment to Special Condition (iii) to include the word “metres” after the figure of 7.83 in the second line.

The Mover and Seconder concurred with the inclusion of the word “metres” after the figure of 7.83 in the second line of Special Condition (iii).

COUNCIL DECISION ITEM 10.3.2

The Deputy Mayor Put the Amended Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for four × two-storey Grouped Dwellings on Lot 286 (No. 41) River Way, Salter Point, **be approved** subject to:

(a) Standard Conditions

390	crossover standards	455	dividing fence- standards
358	driveway gradient letter	456	dividing fence- timing
410	crossover affects infrastructure	377	screened clothes drying
393	verge and kerbing works	550	plumbing hidden
625	sightlines for drivers	427	colours and materials- details
340	parapet walls- finish of surface	471	retaining walls- timing
470	retaining walls- if required	660	expiry of approval

(b) Specific Conditions

- (j) The proposed tree indicated on the site plan shall be not less than 3.0 metres in height at the time of planting and of a species approved by the City. The tree shall be planted prior to occupation of the dwelling and shall be maintained in good condition thereafter.
- (ii) The turning bay for unit 4 shall be so marked or signposted to avoid potential disputes amongst neighbours, especially given that the adjoining neighbour (unit 3) is deficient of one visitor bay.
- (iii) The roof of the proposed dwelling No.1 be amended so that the roof ridge height as measured from the AHD level of 7.83 metres is no higher than the ridge height of the existing roof of the current development.
- (iv) The roof pitches of all proposed dwellings to be the same so as to achieve a consistent built form.

(d) Standard Advice Notes

648	building licence required	649A	minor variations – seek approval
646	landscaping standards – general	651	appeal rights - SAT
646A	masonry fence requires BA		

Footnote:	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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CARRIED (11/0)

Reason for Change

Council were of the view that the inclusion of the additional Specific Conditions incorporating design changes in the roof pitch (significant reduction) and/or lower floor levels ie more cutting, allows all requirements of the Codes and TPS 6 to be met.

10.3.3 Application for Planning Approval for Proposed Two x 3-Storey Single Houses. Lot 5 (No. 46) Onslow Street, South Perth

Location: Lot 5 (No. 46) Onslow Street, South Perth
 Applicant: Devrite Constructions
 Lodgement Date: 31 March 2010
 File Ref: 11.2010.170 ON1/46
 Date: 17 June 2010
 Author: Matt Stuart, Senior Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

To consider an application for planning approval for two 3-storey Single Houses on Lot 5 (No. 46) Onslow Street, South Perth. The proposal complies with the City’s Town Planning Scheme No. 6, the 2008 R-Codes and City policies, subject to minor variations being accepted by the Council.

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

Element on which discretion is sought	Source of discretionary power
Finished Ground and Floor Levels (minor variation)	TPS6 clause 7.8(1)

It is recommended that the proposal be approved.

Background

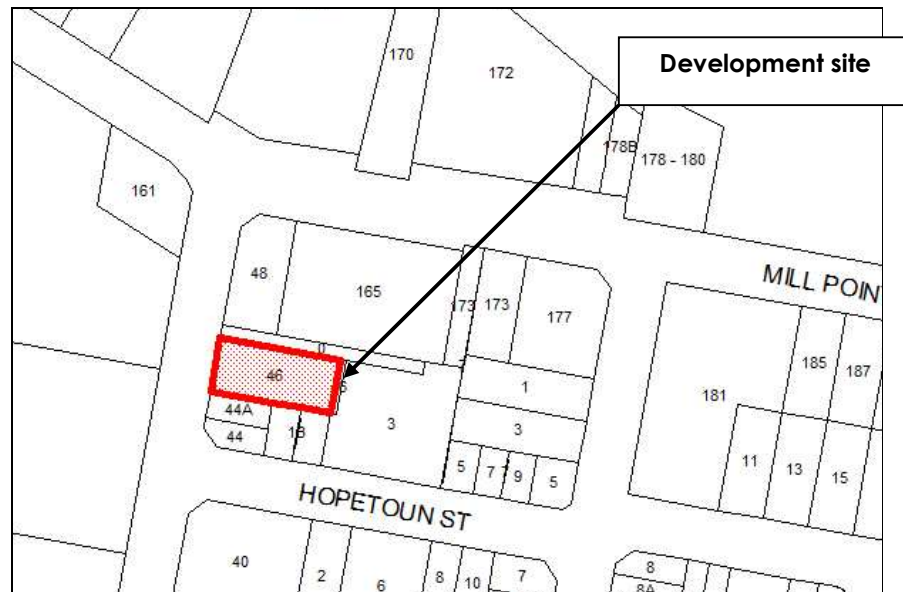
The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	956 sq. metres (161 sq. metres each new lot)
Building height limit	10.5 metres
Development potential	5 dwellings
Plot ratio limit	N.A.

This report includes the following attachments:

- **Confidential Attachment 10.3.3(a)** Plans of the proposal
- **Attachment 10.3.3(b)** Site photographs

The location of the development site is shown below:



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

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
- (c) Development of the kind referred to in items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.

7. Neighbour comments

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

Comment

(a) Description of the Surrounding Locality

The subject site has a frontage to Right of Way (ROW) No. 9 (with a 3-storey block of flats opposite) and Onslow Street, located adjacent to two-storey Grouped Dwellings to the east and south.

(b) Existing Development on the Subject Site

The existing development on the subject site currently features land uses of 'Single House', as depicted in the site photographs at **Attachment 10.3.3(a)**.

(c) Description of the Proposal

The proposal involves the construction of two 3-storey Single Houses on Lot 5 (No. 46) Onslow Street, South Perth (the site), as depicted in the submitted plans at **Attachment 10.3.3(a)**. The site photographs at **Attachment 10.3.3(b)** show the relationship of the site to the surrounding development.

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

- (i) Finished Ground and Floor Levels.

The proposal complies with the TPS6, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council Policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

(d) Land Use

The proposed land use of Single House is classified as a 'P' (Permitted) land use in Table 1 (Zoning - Land Use) of TPS6. Accordingly, it is considered that the proposed use complies with the Table 1 of the Scheme.

(e) Residential Density

The permissible number of dwellings is 5 dwellings (R60), whereas the proposed development comprised of 3 dwellings (R31). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

(f) Finished Ground and Floor Levels- maximum

The *maximum* finished *ground* levels permitted are RL 8.11-8.21 metres; whereas the proposed finished ground levels are 8.264 metres (plus 5 - 15cm). Therefore, the proposed development does not comply with clause 6.10.3 "Maximum Ground and Floor Levels" of TPS6.

The *maximum* finished *floor* levels permitted are RL 8.21-8.31 metres; whereas the proposed finished floor levels are 8.350 metres (plus 4cm - 14cm). Therefore, the proposed development does not comply with clause 6.10.1 "Maximum Ground and Floor Levels" of TPS6.

Council discretion- cl. 6.10

Council has discretionary power under clause 6.10 of TPS6 to approve the proposed ground / floor levels, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed ground / floor levels be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) approval of the proposed development would be consistent with the **orderly and proper planning** of the precinct and the preservation of the **amenity** of the locality;
- (b) the non-compliance will not have any **adverse effect** upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- (c) the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.

It is noted that the development site has a frontage to a ROW to the north, which is a less sensitive streetscape, as well as internal boundaries to the west. In addition, the proposal abuts a property to the south (the rear) which features grounds higher than the proposed development. To the west, the development site abuts a Grouped Dwelling at a lower level, however the proposal is only for an additional 64cm difference between the two sites, with that neighbour not complaining.

It is also noted that the variation of ground and floor levels from the required “equal cut and fill” is a very minor 4cm – 15cm.

For the objectives of the Scheme, please refer to section Scheme Objectives, which have been satisfied.

In this instance, it is considered that the proposal complies with the discretionary clause and is therefore supported by the City.

(g) Street Setback

The permissible average street setback is 1.5 metres, whereas the proposed building setback was a minimum of 4.0 metres; therefore, the proposed development complied with Table 1 of the R-Codes. However due to concerns from the DAC and southern neighbours, the Applicant has since chosen to successfully amend the plans with a reduced setback no less than 1.5 metres, therefore, the proposed development also complies.

(h) Solar Access for Adjoining Site

The maximum area of overshadow permitted is 50 percent, whereas due to recently amended plans the proposed overshadowing ranges between 1 percent and 17 percent (2m² - 38m²). Therefore, the proposed development complies with the solar access element of the R-Codes.

(i) Boundary Wall- west

Under Council Policy P350.2, the permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour’s ground level, whereas the proposed wall height is 3.0 metres; therefore, the proposed development does not comply with Policy P350.2.

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

- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;
- Impact of bulk on adjoining Outdoor Living Areas; and
- The wall is internal to the development site and therefore neighbour comments are not applicable (see neighbour consultation).

In this instance, it is considered that the proposal complies with the objectives of the policy and is therefore supported by the City.

(j) Boundary Wall- east

Under Council Policy P350.2, the permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour’s ground level, whereas the proposed wall height is 3.3 metres; therefore, the proposed development does not comply with Policy P350.2.

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

- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;
- Impact of bulk on adjoining Outdoor Living Areas; and
- No objecting comments from the neighbour (see neighbour consultation).

In this instance, it is considered that the proposal complies with the objectives of the policy and is therefore supported by the City.

(k) Car Parking

As the car parking facilities for the existing dwelling will be demolished to make way for the additional dwellings proposed, car parking is an unresolved matter. However, the Applicant has stated that the existing dwelling will be demolished once the resident can occupy one of the proposed dwellings. As a consequence, it is considered that the resident needs onsite car parking facilities during the construction phase, but it would seem unreasonable to require one of those bays to be covered by a carport or garage, as is normally the case.

Therefore, as a compromise it is recommended that a condition be imposed to facilitate onsite car parking without a covering structure for no longer than later than 18-months, for construction purposes. If however the situation were to change due to unforeseen circumstances or changes to the landowner's commitment, then covering structure shall be constructed.

(l) Primary Access from a Right Of Way

The proposed development includes primary access from a privately owned Right Of Way (ROW), which is covered by Council Policy P388, which allows such development if the ROW is paved and drained. As a site inspection reveals that the ROW is paved and drained, no further action is required (**Attachment 10.3.3(b)**).

(m) Sustainable Design

Council Policy P350.1 (Sustainable Design) strongly encourages all proposed development to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. However, it is acknowledged that Policy P350.1 does not override other TPS6, R-Codes and Policy requirements via clause 5(h). As a consequence of the development complying in all other respects (see relevant sections of this report), it is considered that the policy is not relevant to this application.

(n) Building Height

The building height is 10.5 metres (18.7 metres AHD) and the proposed building height is 0.9 metres less than that (17.8 metres AHD). Therefore, the proposed development complies with Clause 6.2 "Building Height Limit" of TPS6.

(o) Visual Privacy Setbacks

As there are not any Major Openings or viewing platforms above 0.5 metres above the natural ground level that are not suitably screened, the proposed development complies with the visual privacy element of the R-Codes.

(p) Open Space

The required minimum open space is 45 percent of the site (72.41m²), whereas the proposed open space is 46.3 percent (74.43 m²). Therefore, the proposed development complies with the open space element of the R-Codes.

(q) Plot Ratio

There is no plot ratio control for this site in TPS6 or the R-Codes.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

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

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

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2010. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Officer's Comments
<p>The Architects observed that since the proposed dwellings could be shifted closer to the right-of-way (the northern boundary) as a lesser setback is required in accordance with the Clause 6.2.1 provisions of the R-Codes, it will result in the following benefits:</p> <ol style="list-style-type: none"> 1. The proposed dwellings will have access to larger outdoor living areas for their outdoor private activities. 2. The proposed overshadowing of the properties on the adjoining southern boundary will reduce. Additionally, replacing the gable roofs facing the southern boundary with hipped roofs will assist in reducing overshadowing. 	<p>There is no planning requirement to amend the appearance or impact of the proposed building to its southern neighbours, due to compliance with the required setbacks and overshadowing provisions. However the Applicant has since chosen to successfully amend the plans to address the concerns of the DAC and abutting neighbours to the south.</p>
<p>Larger windows should be provided at the rear for better access to natural light as well as to enhance the visual appeal of the building.</p>	<p>The comment is NOTED.</p>
<p>In order to comply with the rear setback requirements, officers are to consider the reduction in the size of the rear balcony which will result in the reduction of the height of the wall.</p>	<p>The rear setbacks and building height fully comply. Furthermore, the impact of the building has been reduced due to the above comment.</p> <p>The comment is NOTED.</p>
<p>Bigger north facing balconies were recommended for better access to sunlight and views of the foreshore and beyond.</p>	<p>There is no planning requirement to increase access to sunlight or views. Furthermore, views of the foreshore and beyond is not available to the site.</p> <p>The comment is NOTED.</p>
<p>To enhance the streetscape and the visual impact of the dwellings as viewed from the entry into the right-of-way, the dwellings should be staggered whereby the dwelling on the western side is set back approximately 600mm to 900mm more than the dwelling on the eastern side.</p>	<p>Not a planning requirement, especially in relation to the streetscape character of a ROW.</p> <p>The comment is NOTED.</p>

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Consultation for Planning Proposals'. Individual property owners, occupiers and/or strata bodies at Nos 44, 44A and units 1-4 of 48 Onslow Street; Nos 1A, 1B and units 1-9 of 3 Hopetoun; and No. 165 Mill Point Road were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 28 consultation notices were sent and 6 submissions were received, 2 in favour and 4 against the proposal. The comments of the submitters, together with officer responses, are summarised as follows:

Submitters' Comments	Officer's Responses
Object to raised ground and floor levels due to amenity reasons.	Amended plans including lowering the ground and floor levels. The comment is UPHELD .
Concern that proposed development will undermine the foundations of the neighbouring development. Request planning condition that if damage occurs then repairs be made immediately.	Potential structural issues are not a planning consideration and will be dealt with by a qualified structural engineer at the Building Licence phase. The comment is NOTED .
The existing dividing fence should not be removed or undermined.	The amended plans do not propose to remove or undermine the existing dividing fence, nor is any retaining required. Furthermore, complying dividing fences are a civil matter under the <i>Dividing Fences Act 1961</i> . The comment is NOTED .
Concern that if the dividing fence is removed then the neighbouring site will be left unsecure. Request planning condition to replace fence immediately.	Standard condition recommended. The comment is UPHELD .
The proposed development does not comply with policy P350.1 (Sustainable Design), for multiple reasons, in relation to overshadowing and energy efficiency.	P350.1.5 "Any design measures that will achieve the above objectives will be considered on merit. A proposal which complies with all other TPS6, R-Codes and Policy requirements will not be refused by the City if it fails to incorporate such measures." As the development complies in all other respects, the sustainability policy is not relevant to the assessment of this application. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .
Request city independently review the compliance of overshadowing in accordance with the R-Codes.	Standard procedure (see section Solar Access for Adjoining Sites). Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOTED .

Submitters' Comments		Officer's Responses
In relation to amenity, the proposed development does not comply with the objectives of the Scheme, objectives of R-Codes and planning policy, due to the following:	Bulk and form of the proposed development being three-storeys and setback 1.4 metres from the boundary.	The aforementioned wall complies with the required wall setback of the R-Codes, which is "deemed to comply" with the Performance Criteria. Accordingly, although the proposed development is not matching setbacks of surrounding buildings, it is considered that the proposed setback is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the R-Codes. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. The comment is NOT UPHELD .
	Overshadowing of adjoining outdoor living areas and windows to living areas.	The proposed overshadow complies with the designing for climate provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. In addition, the impact upon future solar collectors which may or may not be installed is not a reasonable or enforceable consideration. Furthermore, tripling the required rear setback will heavily and unreasonably constrain the ground-floor design on this very small but complying lot. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .
Recommended that the R-Codes Explanatory Guidelines and Performance Criteria of overshadowing be assessed in lieu of the Acceptable Development standards.		
The Council should require the building be reduced to 2-stories and set back from the rear boundary by 3.5 metres due to significantly reduced sunlight to our clothes drying area, large glass doors and windows, as well as potential solar collectors.		
The development does not comply with clause 7.5 of the Scheme (Matters to be Considered by Council):	The proposed overshadowing of the neighbouring north-facing outdoor living area will considerably reduce the future enjoyment and solar performance of this area.	
	The proposed development has little recognition of the surrounding built form due to a blank 2-storey wall set back only 1.3m from the common boundary in contrast to the adjoining 3.0m set backs, which is a visual amenity issue.	The aforementioned wall complies with the required wall setback of the R-Codes, which is "deemed to comply" with the Performance Criteria. Accordingly, although the proposed development is not matching setbacks of surrounding buildings, it is considered that the proposed setback is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the R-Codes. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .

Submitters' Comments		Officer's Responses
	The proposed development (3-storeys) will not be consistent with the scale of the neighbouring buildings (2-storeys), which are well articulated in shape and rhythm.	Whilst it is acknowledged that the proposed development has a different height (3-storeys) to the neighbouring southern and eastern dwellings (2-storeys), the proposal is consistent with the neighbouring northern development [a large block of 3-storey flats; see Attachment 10.3.3(b)]. Furthermore, the western neighbouring dwelling is part of the development site which is due to be demolished. In addition, the subject site is not on a transitional Scheme boundary between small and large building height controls (or density controls). Conversely, the subject site is embedded within block of medium-height control (10.5m), to which the proposed development complies. Accordingly, although the proposed development is not matching the heights and scales of surrounding buildings, it is considered that the transition between two and three storeys is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the City's height and density controls. The comment is NOT UPHELD .
The development is not considered to represent a desirable built form in conjunction scale of the neighbouring residential development, and therefore does not comply with the scheme requirement for 'buildings in visual harmony'.		
A two-storey development is still achievable and be compatible with the dwellings in the surrounding area, as none are three storeys high.		
Object to proposed development as it is not appropriate development, given:	The design of the surrounding properties.	The proposed overlooking complies with the visual privacy provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. In addition, the proposed overshadow complies with the designing for climate provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .
	The significant impact of the proposed development on our lifestyle as a result of loss of privacy and sunlight.	
Loss of privacy due to the proposed third-storey terrace/balconies overlooking our house and outdoor living area. Request planning condition for privacy screen.		The proposed overlooking complies with the visual privacy provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. However, there is a concern that the screens are considerable and therefore may be removed by future occupiers. Accordingly a standard planning condition is recommended. The comment is UPHELD .
Object to any balconies or windows looking into neighbouring bedroom window.		
Would like to be able to negotiate finish of parapet wall.		The preference of the finish was requested by the City as part of the consultation. A standard condition is recommended. The comment is UPHELD .
Request finish of parapet be of a uniform material and complimentary colours to neighbouring dwelling.		
Request planning condition for colours of the rear wall is of the same materials and colours as the surrounding four dwellings.		Whilst information on the colours and materials are required as per a standard condition, having them strictly matching surrounding development is not a requirement. The comment is NOTED .

Policy and Legislative Implications

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

Financial Implications

The determination has a no financial implications.

Strategic Implications

This matter relates to Strategic Direction 6 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

No outstanding issues (see section Sustainable Design).

Conclusion

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

OFFICER RECOMMENDATION ITEM 10.3.3

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for two 3-storey Single Houses on Lot 5 (No. 46) Onslow Street, South Perth , **be approved** subject to:

(a) **Standard Conditions**

615	screening- amended plans required	456	dividing fence- timing
616	screening to be permanent	377	screened clothes drying
390	crossover standards	550	plumbing hidden
625	sightlines for drivers	427	colours & materials- details
340	parapet walls- finish of surface	578	new titles prior to BL
470	retraining walls- if required	664	inspection (final) required
471	retaining walls- timing	660	expiry of approval
455	dividing fence- standards		

(b) **Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) Two car parking bays shall be provided for the existing dwelling on its lot. Furthermore, if the dwelling is not demolished within 18 months, then one of those car parking bays shall be provided with permanent covering (such as a carport or a garage), subject to further applications and approvals as required within the City of South Perth; and
 - (B) A 25 degree roof pitch for the rear portion of the dwellings, as requested by the Applicant.

(c) **Standard Advice Notes**

648	building licence required	649A	minor variations- seek approval
646A	masonry fence requires BA	651	appeal rights- SAT

(d) **Specific Advice Notes**

The applicant is advised that:

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

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

MOTION

Moved Cr Skinner, Sec Cr Grayden

That in respect of the application for planning approval for Application for Planning Approval for a Proposed Two x 3-Storey Single Houses. Lot 5 (No. 46) Onslow Street, South Perth, a decision **be deferred** to the July 2010 Council Meeting to allow negotiations between the applicant and neighbours' to take place regarding the proposed development.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Skinner Opening for the Motion

- aware negotiations have taken place between builders / neighbours
- builders / neighbours are to consider options and consolidate
- believe deferral for one month preferred option - allows consultation to take place
- ask Members support deferral

Cr Grayden for the Motion

- quite clear proposed development will impact on neighbours
- anything that can be done to reach a compromise will benefit all
- support Motion for deferral

COUNCIL DECISION ITEM 10.3.3

The Mayor Put the Motion

That in respect of the application for planning approval for Application for Planning Approval for a Proposed Two x 3-Storey Single Houses. Lot 5 (No. 46) Onslow Street, South Perth, a decision **be deferred** to the July 2010 Council Meeting to allow negotiations between the applicant and neighbours' to take place regarding the proposed development.

CARRIED (11/0)

Reasons for Change

Council were of the view deferral will allow the applicant and neighbours' an opportunity to negotiate outcomes with regards to any compromises and changes for the proposed development.

Note: Manager Developments Services retired from the meeting at 9.25pm.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - May 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	07 Jun 2010
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then 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 last 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. This schedule reflects a reconciliation of movements between the 2009/2010 Adopted Budget and the 2009/2010 Amended Budget including the introduction of the capital expenditure items carried forward from 2008/2009 (after August 2009).

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)(A) and 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 May 2010 is \$38.28M which represents 101% of the \$38.02M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Interest revenues are 2% over budget expectations but this relates to Reserve interest rather than Municipal Fund interest. This is a pleasing result given weak investment rates in the early part of the year. Rates revenue is right on budget. Property management revenue shows a small favourable variance due to the impact of the new commercial lease.

Reflecting the positive tone of WA's economic climate, Planning revenues are now ahead of the (upwards) revised revenue budget expectations. Recreation revenue is slightly ahead of budget expectations due to a higher than expected use of the recreation centre whilst halls revenue have benefitted from recognising revenues associated with the use of the Moresby Hall. Collier Park Village revenue is 2% behind budget expectations due to several units being vacant whilst the Hostel revenue is now favourable due to a retrospective adjustment to commonwealth subsidies and the early receipt of some Retained accommodation Bond monies - although the overall retention from bonds (under statute) will be \$30K less than budgeted due to the number of concessional / non bond-paying residents. Meter parking revenue is comfortably ahead of budget and infringement revenue is now on target following the downwards revision to the budget in the Q3 Budget Review. Golf Course revenue is now 1% ahead of budget targets after the upwards revision to the target in the Q3 Budget Review. Infrastructure Services revenue is largely on budget in most areas.

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

Operating Expenditure to 31 May 2010 is \$33.80M which represents 98% of the year to date budget of \$34.37M. Operating Expenditure to date is 3% under budget in the Administration area, on budget in the Infrastructure Services area and 4% under budget for the golf course.

For a portion of the year there have been budgeted (but vacant) staff positions (currently covered to some extent by consultants) in the CEO Office, Building Services and Rangers areas. The later two of these have recently been filled. Previously noted timing differences in areas including Libraries, Finance, Community Promotions, Planning and the Collier Park Village have reversed in May and these areas are now close to budget overall.

Waste collection site fees have resulted in a favourable variance against budget to date due to the City having (correctly) budgeted for the increased State Waste Levy from 1 Jan 2010 but a much lesser charge has been incurred.

Timing differences at the Golf Course expenditure including pest and weed control activities and some minor maintenance activities have now reversed but a favourable variance on promotional activities still exists. Most other items in the administration areas remain close to budget expectations to date other than minor timing differences.

Following the (cost neutral) re-distribution of parks maintenance budgets earlier in the year to reflect the in-use maintenance regimes at SJMP, EJ Oval and in the Manning Ward, this area has been close to budget for most of the year. Reinstatement costs after events on SJMP (offset by recoup revenue) along with accelerated expenditure on parks in Manning Ward, Karawara and George Burnett Park have again pushed maintenance costs up. These are under investigation and an immediate scale back on maintenance activities has been put in place. Streetscape maintenance reflects the reversal of an earlier favourable timing difference - but the program is slightly under budget overall.

Currently there are favourable variances relating to drainage maintenance but as these works are seasonal the variance is of a timing nature only and will reverse as invoices are received in June. There are also favourable variances on street lighting and street sweeping (which is expected to reverse in June). Cash fleet and mobile plant operating costs are very close to budget and a retrospective adjustment has been made to plant charge out recoveries. Operating overheads in the Infrastructure area are currently showing some improvement following adjustment over the last three months.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is now around 1.41% under the budget allocation for the 217.6 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

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

Capital Revenue is disclosed as \$3.95M at 31 May against a year to date budget of \$2.98M. There are two major factors contributing to this significant favourable variance. Firstly, there is a \$0.21M favourable variance on lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village. This is after two units were settled during the month - with a further two vacant at present. The other factor is an unbudgeted \$0.79M accounting 'revenue' resulting from a (temporary) return of funds paid to Western Power for the Stage 4 UGP project - pending costing and scheduling of the Murray St precinct of the UGP area - which has yet to be undertaken although it is part of the submitted UGP Stage 4 project area. These funds will be temporarily transferred to the UGP Reserve and then returned to the Muni Fund in next financial year once the costing and scheduling is known with more certainty.

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 31 May 2010 is \$12.25M representing 80% of the year to date budget and some 67% of the full year budget (after the inclusion of carry forward works approved by Council in August). Management has closely monitored the delivery of the capital program - and used the staged capital program approach of running a 'Deliverable' and a 'Shadow' capital program to ensure that organisational capacity and expectations are appropriately matched. Most informed predictions suggest that a program of approximately \$13.0M (80% of the total program) will be achieved by year end - with the remainder of the projects being carried forward into 2010/2011. This is consistent with previous advice to council - most recently at the Draft Budget Briefing held on 1 June.

Delays attributable to public consultation and clashes with major events on certain high profile locations (eg: SJMP) have had an adverse impact on completion of some projects. The Library and Community facility project is currently showing a favourable variance of some \$0.56M but this is a merely a timing difference because we have not yet been billed for some construction elements. This amount plus other identified carried forward works in the Infrastructure and Planning & Community Services area will, when added to the works completed by 30 June, represent the full 2009/2010 capital program.

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.

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	4,630,000	4,002,718	86%	7,130,000
Financial & Information Services *	555,000	418,485	75%	655,000
Planning & Community Services	835,350	545,105	65%	930,350
Infrastructure Services	8,896,868	6,929,762	78%	9,034,490
Golf Course	418,200	357,047	85%	418,200
Total	15,335,418	12,253,117	80%	18,168,040

* Financial and Information Services is also responsible for the Library building project which constitutes the majority (\$6.96M) of the capital expenditure under the CEO Office

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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That

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

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 June 2010
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 funds held in 'cash backed' Reserves. As 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 these 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 same 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 \$35.67M compare favourably to \$29.80M at the equivalent stage of last year. Reserve funds are almost identical to the level they were at for the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV & CPH (\$2.1M higher) but \$3.0M less holdings in the Future Building Works Reserve as monies are applied to the new Library and Community Facility project. The Waste Management and Plant Replacement Reserves are \$0.3M higher and several other Reserve balances are modestly changed when compared to last year.

Municipal funds are \$5.8M higher although this relates primarily to very favourable timing of cash outflows for capital major projects (we still have \$2.4M of programmed works to be completed and \$3.5M of carried forward projects).

Collections from rates and reimbursements from the Office of State Revenue for pensioner rebates are also in advance of last year's cash position thanks to very successful and timely follow up actions from the Financial Services team.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have continued to have the desired effect in relation to our cash inflows. 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 \$8.61M (compared to \$11.35M last month) It was \$2.87M at the same time in 2008/2009. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$35.26M compared to \$29.32M at the same time last year. This is due to the higher holdings of Municipal Funds as investments as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 96.9% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

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

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603.

Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. 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 \$1.67M - well down from \$2.05M at the same time last year. This result is attributable to the substantially lower interest rates available early in the year - notwithstanding higher levels of cash holdings. Rates were particularly weak during July and much of August but have strengthened progressively (albeit modestly) since late September as banks undertook capital management initiatives and the Reserve Bank lifted cash rates throughout the year.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding, investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 4.68% with the anticipated weighted average yield on investments yet to mature now sitting at 5.38% (compared with 5.32% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 4.25% since 5 May - although this is a significant improvement on the 2.75% on offer early in the year.

(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 debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of May 2010 (after the due date for the fourth instalment) represent 96.9% of total rates levied compared to 96.4% at the equivalent stage of the previous year. This means that the year end KPI of 95% has already been achieved - the challenge now is to see how much it can be bettered by at year end.

This is a particularly pleasing result in spite of the improving economic climate. It reflects a good community acceptance of the rating and communication strategies applied by the City in developing the 2009/2010 Annual Budget. 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) has again been 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 \$2.61M at month end (\$2.09M last year) excluding UGP debtors - and compared to \$1.64M last month. Major changes in the composition of the outstanding debtors balances (year on year) are a \$0.10M decrease in the amount of GST refundable - and a \$0.2M decrease in Balance Date debtors (accruals). Offsetting these improvements is a \$0.8M increase in Sundry Debtors - attributable to a \$0.8M invoice to Western Power to facilitate the temporary return of progress claims paid until the final component of the Stage 4 UGP project - Murray St can be costed and undertaken. When paid to the City in June, the money will be quarantined in the UGP Reserve until the time that this part of the project is undertaken. The balance of parking infringements outstanding is now similar to last year. Debtors relating to pensioner rebates, outstanding CPH fees and other sundry debtors are less than the previous year balance.

The majority of the outstanding amounts are government & semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.77M billed for UGP (allowing for adjustments), some \$5.67M was collected by 31 May with approximately 75.6% of those in the affected area electing to pay in full and a further 23.7% opting to pay by instalments. The remaining 0.7% has yet to make a payment. However, most of these 18 remaining properties are disputed billing amounts and are now the subject of escalating collection actions by the City as they have not been satisfactorily addressed in a timely manner. Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 but on the negative side, resulted in somewhat less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue 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 UGP service charge - 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 collectability of debts.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

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 31 May 2010 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 June 2010
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 May 2010 and 31 May 2010 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 (regular supplier) or Non Creditor (once only supply) 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 report format now reflects 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 included a payment to Creditor number 76357 (Australian Taxation Office).

- **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 are no longer 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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3

That the Listing of Payments for the month of May as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Members Allowances & Entitlements - 2010/2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 June 2010
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Information on suggested entitlements for Council Members (determined in accordance with the provisions of Section 5.98 and 5.99 of the *Local Government Act*) is presented for consideration by Council following a request for the amount established in May 2009 to be reviewed

Background

The Local Government Financial Management Regulations that complement the Local Government Act prescribe the maximum allowable limits for Council Members meeting fees and allowances. They also establish limits on the Local Government Allowances payable to the Mayor and Deputy Mayor of a local government. Meeting Fees, Communication Allowances and the Technology Allowance are set at a flat rate irrespective of the size or scale of the local government's operations. Mayoral Allowances are required to be set at an amount less than the specified percentage of the local government's total revenue budget - and the Deputy Mayoral Allowance is set at 25% of the figure determined by Council for the Mayoral Allowance.

Comment

The Local Government Act recognises that Council Members are required to attend numerous meetings and briefing sessions in undertaking Council business. This is essential to ensure that they are well informed and able to make effective decisions for the good governance of the district. In recognition of the commitment of time that Council Members are required to make, they are paid a fee for their meeting / briefing session attendance. Typically, metropolitan local governments adopt 100% of the maximum prescribed annual meeting fee set by the Department of Local Government. This fee has been payable at a rate of \$7,000 per Council Member and \$14,000 for the Mayor of any local government since mid 2005.

The Local Government Act also provides for the payment of a Communication Allowance of \$2,400 per Council Member to meet the costs of staying in touch with their constituents. The City pays this annual allowance at the prescribed rate to each Council Member but in return, it does **not** reimburse any telephone, facsimile or internet costs - nor does it provide Council Members with home fax machines, telephones or broadband connections.

The City will also pay the \$1,000 per year Technology Allowance to each Council Member for 2010/2011 - which the Council Members may choose to apply to any technology application of their choosing. The City does not issue Council Members with desktop or notebook computers or printers for home use - although shared generic computer facilities are available in the Council Members Resource Room and appropriate technology is made available in the Mayor's Office.

The Local Government Act also recognises the significant commitment that the Mayor makes in serving the local community - and particularly in relation to attending the many community and official events required of him. Accordingly, it permits the payment of a Mayoral Allowance. The maximum permissible amount for the allowance is 0.2% of the City's total revenue budget or \$60,000 in total - whichever is the lesser.

Although the maximum permissible allowance is \$60,000 the current allowance is only paid at \$48,500 or 81% of the permitted maximum.

The Mayoral Allowance was set for 2 years at \$48,500 in 2009. CPI since that time has been 3.4%.

Whatever amount is determined as appropriate for the Mayoral Allowance will establish the Deputy Mayoral Allowance - which must represent 25% of the Mayoral Allowance.

A CPI style increase would suggest a Mayoral Allowance figure in the range of \$50,000 - and a total cash remuneration of \$67,400 plus use of a vehicle etc. An alternative case may be presented for payment of 100% of the maximum allowable Mayoral Allowance figure of \$60,000 - and a total cash remuneration of \$77,400 plus private use of a vehicle etc

Consultation

Consultation has occurred with the Department of Local Government to validate the allowable limits and calculation methods for each of the various Council Member entitlements. Consultation has also taken place with neighbouring local governments in relation to the quantum of mayoral allowances and other entitlements paid.

Policy and Legislative Implications

This report is consistent with the legislative requirements of the Local Government Act - in particular Sections 5.98 & 5.99 which deal with Council Members allowances and fees. Policy P511 - Members Entitlements is also relevant to this matter as it largely re-states the provisions of these sections of the Local Government Act.

Financial Implications

The adoption of the recommendation in this report will establish the financial accommodation that must be provided in the 2010/2011 Annual Budget for Council Member Entitlements.

Strategic Implications

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

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource and also addresses the social dimension of sustainability by reflecting some compensation for the time that Council Members are required to put into effectively fulfilling their duties as elected members.

OFFICER RECOMMENDATION ITEM 10.6.4

That

- (a) the Meeting Fee for the 2010/2011 year be set at \$7,000 per Council Member and \$14,000 for the Mayor - payable quarterly in advance;
- (b) a Communication Allowance of \$2,400 per annum per Council Member be paid quarterly in advance;
- (c) a Technology allowance of \$1,000 per annum per Council Member be paid quarterly in advance;
- (d) the Mayoral Allowance for 2010/2011 be set at \$_____ payable in quarterly instalments in advance;
- (e) the Deputy Mayoral Allowance for 2010/2011 be set at \$_____ payable in quarterly instalments in advance.

** Absolute majority required*

MOTION

The Deputy Mayor called for a Motion.

Point of Order : Cr Ozsdolay – there is an officer recommendation for consideration.

The Chief Executive Officer indicated that the recommendation presented requires a Council determination to fill-in the 'blanks'.

MOTION

Moved Cr Grayden, Sec Cr Skinner

That for the 2010/12 period:

- (a) the Mayoral Allowance be set at 100% of the State Local Government Regulations maximum permissible allowance, payable in quarterly instalments in advance;
- (b) the Deputy Mayoral Allowance be set at 100% of the State Local Government Regulations maximum permissible allowance, payable in quarterly instalments in advance;
- (c) the Attendance Fee per Council Member be set at 100% of the State Local Government Regulations maximum permissible allowance, payable in quarterly instalments in advance;
- (d) a Communication Allowance of \$2,400 per annum per Council Member be paid quarterly in advance; and
- (e) a Technology allowance of \$1,000 per annum per Council Member be paid quarterly in advance.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Grayden Opening for the Motion

- last resolution on Member Entitlements covered only 1 year – this needs to be addressed
- issue is Mayoral allowance – point out this is not a wage but simply an allowance to recognise role/commitment
- Mayoral Allowance goes towards time away from ordinary employment
- important role – unrealistic for it to be a part time position with a full time job as well
- role of Mayor requires dedication and skill to achieve best outcomes for the City – this can not be done on a part time basis
- last year Council voted against Mayoral Allowance being increased to 100% whereas Councillors entitlements are 100%
- Mayoral candidates who give up their earning capacity for 4 years should not suffer financially while fulfilling this role
- Mayoral Allowance base amount is not adequate for the role – amount should reasonably compensate for Mayor to do job properly
- ask Councillors to support the Motion.

Cr Skinner for the Motion

- support Motion
- support Cr Grayden's comments

Cr Trent point of clarification – the original Alternative Motion does not mention anything about which years – is it necessary to mentioned the years covered - do we need to limit?

Chief Executive Officer responded that the City would continue to pay allowances at 100% regardless and this would also apply to Councillors and the Deputy Mayor. If the time period only applies to 2010/2012 then Council would have to re-consider this matter in two years time.

AMENDMENT

Cr Trent Moved – That the words *for the 2010/12 period* at the beginning of the Motion be deleted.

Amendment Lapsed for Want of a Seconder

LAPSED

Cr Cala Against the Motion

- do not want to take away from Cr Grayden's comments
- acknowledge role of Mayor is demanding
- take exception to statement that Mayor is not reimbursed adequately

FORESHADOWED MOTION

Cr Cala foreshadowed that if the current Motion is Lost he would be proposing a modest CPI increase.

- Mayoral Allowance package substantial, includes meeting / technology fees, vehicle etc
- do not want to dispel role as just ceremonial – acknowledge it is a demanding job
- Motion suggests 20% increase – that is the message that would go out to ratepayers
- cannot remove ourselves from the public perception – embarrassing every time this issue comes up
- cannot dispel ratepayers reading the newspaper – Mayor has 20% increase – do not want the City to go through what it went through last year with Inside Cover.
- suggest modest increase of CPI to \$50,000 for Mayoral Allowance.

Cr Ozsdolay Against the Motion

- acknowledge Mayoral allowance is not a wage ie no sick leave, annual leave allowance
- role provides leadership – acknowledge it is an important role but believe it can be done part time – have issue with full time position
- believe it is part time and Mayoral Allowance more than fair – we knew what allowances were before nominating – we are here by choice
- accept the Mayor needs to find time to carry out Mayoral duties – however he chose to give up his business – do not believe it should be an excuse for an increased allowance
- role of Mayor is a leadership role – important we set a standard – or do we say do as we say not as we do
- what is in the best interests of the ratepayers of the City – believe it is to show modesty and approve a responsible increase

Cr Grayden closing for the Motion

- hope focus is not on the 'person' but on the role of Mayor
- not practical in light of commitment, meetings / functions etc for position to be part time
- why should role be limited to people who run their own business – anyone should be able to take on role of Mayor without suffering financially
- do not want decision dictated by newspapers or public perception
- should be basing decision on skills required for Mayoral role
- role requires huge commitment and a great level of skill and should have the remuneration to match
- ask Members support the Motion

The Deputy Mayor Put the Motion

LOST 5/6

MOTION

Moved Cr Cala, Sec Cr Ozsdolay

That ...

- (a) the Meeting Fee for the 2010/2011 year be set at \$7,000 per Council Member and \$14,000 for the Mayor - payable quarterly in advance;
- (b) a Communication Allowance of \$2,400 per annum per Council Member be paid quarterly in advance;
- (c) a Technology allowance of \$1,000 per annum per Council Member be paid quarterly in advance;
- (d) the Mayoral Allowance for 2010/2011 be set at \$50,000 payable in quarterly instalments in advance;
- (e) the Deputy Mayoral Allowance for 2010/2011 be set at \$12,500 payable in quarterly instalments in advance; and
- (f) parts (d) and (e) above be reviewed biannually in line with CPI movements.

Cr Cala Opening for the Motion

- we ask staff to be modest in wage claims
- believe Members should do the same
- ask Members support Motion

Cr Ozsdolay for the Motion

- proposal fair, reasonable and responsible - shows type of leadership we want
- ask Members support Motion

Cr Grayden point of clarification – what is the rationale for Motion in relation to EBA and CEO contract etc?

Cr Cala stated that he was not privy to the staff EBA, however when reviewing the CEO contract we look at CPI – if we are to make a decision believe CPI is a reasonable base.

Cr Best point of clarification – which CPI are we using National or WA?

Chief Executive Officer confirmed that typically we use the CPI for Perth.

Cr Grayden against the Motion

- believe CPI not a considered basis
- if Council is to show consistency should be at least what we are going to ask ratepayers to fork out
- believe CPI as a basis is inadequate
- against the Motion

Cr Cala closing for the Motion

- Mayoral Allowance of \$67,400 plus a car is not ‘breadline’ stuff
- do not believe we are under paying the Mayor
- proposal is for a respected amount of money
- ask Members support Motion

COUNCIL DECISION ITEM 10.6.4

The Deputy Mayor Put the Motion

That ...

- (a) the Meeting Fee for the 2010/2011 year be set at \$7,000 per Council Member and \$14,000 for the Mayor - payable quarterly in advance;
- (b) a Communication Allowance of \$2,400 per annum per Council Member be paid quarterly in advance;
- (c) a Technology allowance of \$1,000 per annum per Council Member be paid quarterly in advance;
- (d) the Mayoral Allowance for 2010/2011 be set at \$50,000 payable in quarterly instalments in advance;
- (e) the Deputy Mayoral Allowance for 2010/2011 be set at \$12,500 payable in quarterly instalments in advance; and
- (f) parts (d) and (e) above be reviewed biannually in line with CPI movements.

CARRIED (9/2)

By Required Absolute Majority

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 4 June 2010
Author: Rajiv Kapur, Manager Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of May 2010.

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 May 2010, forty-six (46) development applications were determined under delegated authority at **Attachment 10.6.5**.

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 Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.

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 10.6.5
--

That the report and **Attachment 10.6.5** relating to delegated determination of applications for planning approval during the month of May 2010, be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	4 June 2010
Author:	Jelette Jumayao, Research and Administration Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

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.

May 2010

Nature of document	Parties	Date Seal affixed
Deed of Agreement	CoSP and Trustees of Christian Brothers in Western Australia Inc.	11 May 2010
Agreement	CoSP and West Australian Landfill Services Pty Ltd	11 May 2010
Renewal of Lease	CoSP and Vodafone Network Pty Ltd	25 May 2010
Deed of Agreement to Lease	CoSP and Peter Gerard Gee and Norrie Gee	25 May 2010
Lease	CoSP and Peter Gerard Gee and Norrie Gee	25 May 2010
Notification under Section 70A	CoSP and Amanda Jane Goodier	31 May 2010

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 Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6

That the report on the use of the Common Seal for the month of May 2010 be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Mayor Best

I hereby apply for Leave of Absence from all Council Meetings for the period 15 to 24 June 2010 inclusive.

11.2 Application for Leave of Absence : Cr V Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 28 July to 2 August 2010 inclusive.

11.3 Application for Leave of Absence : Cr P Best

I hereby apply for Leave of Absence from all Council Meetings for the period 28 June to 2 July 2010 inclusive.

COUNCIL DECISION ITEMS 11.1 TO 11.3

Moved Cr Trent, Sec Cr Ozsdolay

That Leave of Absence from all Council Meetings be granted to:

- Mayor Best for the period 15 to 24 June 2010 inclusive.
- Cr Lawrance period 28 July to 2 August 2010 inclusive; and
- Cr Best for the period 28 June to 2 July 2010 inclusive.

CARRIED (11/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Neighbourhood Watch Newsletters Cr K Trent

MOTION

That the CEO provide sufficient funds in the 2010-2011 budget to enable 20,000 Neighbourhood Watch Newsletters to be printed and distributed within the City of South Perth six times per annum.

MEMBER COMMENT

- Neighbourhood Watch system is a reliable method of increasing Community Safety and supporting the Police in keeping our communities safe.
- Media besides the City's website needs to be used to make the public more aware about Community Safety.
- The newsletter was previously delivered by volunteers who are keen to promote community safety. With members of the Community delivering the hardcopy newsletter they are extending the eyes of the police.
- One of the points raised in the Visioning was the need to develop strategies for a safer community, which is what the Neighbourhood Watch program is doing.

COMMENT CEO

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

A thorough review of the Neighbourhood Watch (NHW) services was conducted in 2006-2007 by an independent external organisation known as ARID who were also engaged to prepare the previous Community & Safety Crime Prevention Plan 2005-08. At the time of the review it was found that volunteers were frustrated by the lack of community interest in the service and in particular the lack of use of the Community Resource Centre at Mends Street by the members of the community following the withdrawal of the police presence.

Since the review period community response to new NHW initiatives has been tremendous and is due to strategies being developed to increase visibility of NHW activities and these included:

- development of a series of community BBQ's;
- attendance at the Totally Best Family Day Ever; and
- significant increased contact by NHW volunteers with members of the community

In further efforts to increase the effectiveness of NHW, the officers asked the committee to review the newsletter. The newsletter only contains very general information as it is not suburb specific and is often repeated in the quarterly Community Safety Update in the Gazette.

It has been the practice to produce 18 000 newsletters every two months which were hand delivered by volunteers. The cost of printing the newsletters alone amounts to \$ 10,800pa (6 times \$1,800). The City only received back 170 *Perception of Safety & Crime within your Community* surveys attached to a NHW newsletter out of a delivered quantity of 18 000. The low response to the community safety survey in relation to the NHW newsletter indicated low readership and poor use of significant volunteer time distributing the newsletters.

No suggestions were forthcoming from the committee.

The newsletters were initially distributed to Suburb Managers who in turn distribute them to Street representatives who hand deliver the publication to residences. Issues associated with this process included:

- Difficulty in obtaining street representatives;
- Shortage of street representatives, particularly in the Como area;
- Claims that the newsletter was not distributed to residences;
- Unequal distribution of newsletters to each street representative; and
- Likelihood that the newsletter was being treated as junk mail and not read.

It became clear that increased efficiency and effectiveness could be achieved by the City if the funds used for printing the newsletters were reallocated to a more productive use to meet increased demand for other related NHW services and events. The community BBQ's and the Totally Best Family Day Ever NHW event were funded by an Office of Crime Prevention grant which ends at the end of July. No further funding is available for this purpose.

Given the popularity of the BBQ's and events which provide a greater opportunity for exchange of information, it was felt that funding should be re-directed to where the community could interact more efficiently with NHW representatives. If this did not occur and the status quo remained, additional budget funds would need to be allocated as it is presumed that the current successful method of communicating with residents would want to be continued by Council. In this regard it is also noted that there is already a substantial cost increase of producing the quarterly Community Safety Update in the Gazette.

It is considered that the quarterly Community Safety Update in the Southern Gazette is a satisfactory means of communicating all relevant safety messages to the community. It is noted that in many instances, messages contained in the newsletters are repeated in the quarterly Community Safety Update and as a result are duplicated. Whilst it is acknowledged that the Southern Gazette may not be delivered to all residences in the district, the paper is made available at the City offices, the two City libraries, the two Senior Citizen centres, at most local cafes and some other local businesses such as newsagents and real estate agents.

As a consequence, the practice of printing 18,000 newsletters every two months was discontinued.

The program of BBQ's, revised promotion of events including direct mail to residents, and increased visibility has proved to be very successful. For example, at the last BBQ held on 30 Jan 2010 at GBLC Park, 150 residents attended. Events have been supported by police, community, staff, volunteers and Councillors. The increased contact with residents has led to increased distribution of safety information, increased membership of NHW and increased capacity and role for NHW volunteers.

In light of the above, the following changes have been in place since the October / November period 2009:

- the newsletter is being produced and printed in house;
- 400 copies are presently being distributed to Suburb Managers for distribution to street representatives every two months, who distribute on a needs basis;
- A data base is being created and maintained with email addresses of those residents who would like an electronic version of the newsletter;
- the number of paper copies is expected to reduce over time as more residents register for electronic copies of the newsletter;
- newsletters can be posted directly to members together with any other information that will be of benefit for those residents that do not have access to a home computer;
- 400 copies of the newsletter are left at all civic places for interested members of the public; and
- the newsletters and related information is also readily available on the City's website www.southperth.wa.gov.au

It is considered that the changes will lead to increased benefits for members and will further enhance the relationship with residents. The newsletters will now be more targeted and given to interested parties as well as being a more sustainable option for the City and the environment. All members of the public can access the information and NHW newsletter on the City's website. A quarterly safety feature appears full page in the Southern Gazette which has had a good response. In addition a survey conducted by an independent Market research firm is presently being conducted to identify residents communication needs.

In the Bulletin dated 18 June, information was provided to elected members of another initiative known as “Neighbourhood Watch Burglary Prevention - Cocooning Project” which is an example of a more targeted service being delivered to residents of our community. This initiative was also discussed and strongly supported by representatives of the WA police present at the Safety and Crime Prevention meeting held on Wednesday 16 June 2010.

The revised arrangements for the newsletter have been discussed by the Neighbourhood Watch Committee and is also supported by this Group.

There has been no budget cut to the Neighbourhood Watch program - only a re-direction of funds to ensure a continued improvement in value for money.

Finally, in terms of sustainability, it would therefore not be appropriate to return to the previous system of producing well in excess of 100,000 paper newsletters and would continually increase each year as the City grows in population. This action is in line with the City’s Sustainability policy and strategy which encourages the conservation of resources (paper and ink) and promotes the behaviour of accessing information in a digital format which is a direction that the City is inexorably heading.

COUNCIL DECISION ITEM 12.1

Moved Cr Trent, Sec Cr Cala

That the CEO provide sufficient funds in the 2010-2011 budget to enable 20,000 Neighbourhood Watch Newsletters to be printed and distributed within the City of South Perth six times per annum.

CARRIED (7/4)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Burrows, Sec Cr Grayden

That the meeting be closed to the public at 9.28pm in accordance with the *Local Government Act Section 5.23(a) and (d)* while Items 15.1.1 and 15.1.2 are discussed as they relates to legal advice and a matter affecting an employee.

CARRIED (11/0)

Note: The remaining members of the public gallery left the Council Chamber at 9.53pm.

Note: Council Chamber doors were closed at 9.53pm

15.1.1 State Administrative Tribunal - Proposed Two Storey Residential Building for use as Student Accommodation - Lot 47 (No. 227) Manning Road, Waterford *CONFIDENTIAL Not to be Disclosed Report*

Location: Lot 47 (No. 227) Manning Road, Waterford
Applicant: Charlie Haddad (BGC Residential)
File Ref: 11.2009.322 MA3/227
Date: 2 June 2010
Author/Reporting Officer: Vicki Lummer, Director Development & Community Services

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act 1995* Sections 5.23(d) as it relates to legal advice, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Note: *Confidential report circulated separately.*

Note: Cr Hasleby left the Council Chamber at 9.53pm and returned at 9.56pm

MOTION

Moved Cr Ozsdolay, Sec Cr Burrows

That....

- (a) Council endorse the mediated outcome as described in *Confidential* report Item 15.1.1 of the June 2010 Agenda; and
- (b) advise the State Administrative Tribunal of Council's decision.

The Deputy Mayor Put the Motion

LOST (4/7)

COUNCIL DECISION ITEM 15.1.1

Moved Cr Cala, Sec Cr Trent

That....

- (a) the officer Recommendation not be adopted;
- (b) before Council considers its position in relation to the mediation process to date in relation to the proposed two storey residential student accommodation at Lot 47 (No. 227) Manning Road, Waterford, it engage a consultant to provide a report on the actual ratio of car ownership to student numbers to:
 - (i) the Off-Campus Curtin Student Housing; comprising Erica Underwood House and Guild House, located in Karawara and the impact of the traffic/parking situation that presently exists there;
 - (ii) the On-Campus Curtin Student Housing; namely Vickery House, Don Watts House, George James House, Japan House and Rotary International House;
- (c) the State Administrative Tribunal be advised that until this report is available:
 - (i) there is no substantive evidence for the Council to make an informed decision. Anecdotal evidence indicates a significant problem with parking in Karawara with insufficient parking at the student housing between Kent Street and Walanna Drive, causing a spill-out to street verges. Whilst this is a significant amenity issue in Karawara, the location of the proposed development along Manning Road makes such a spill-over impossible. All resident parking and visitor parking must occur on-site – there being no capacity for on- street or verge parking on this section of Manning Road; and
 - (ii) evidence provided to date by the applicant is that of, “A Guide to Student Accommodation in Monash” – not a report on the actual working situation in relation to the success or failure of the car parking numbers recommended by this guide. As there is evidence of spill-out parking occurring outside Erica Underwood House there is a need for a current study to be prepared to provide Council with statistical evidence to provide it with a sound basis to evaluate the safety and amenity issues for the student residents living in any proposed dedicated student development and that of the adjoining residents; and
- (d) with the benefit of the results of this study, Council review its current Policy in relation to Student Accommodation parking requirements.

CARRIED (10/1)

Reason for Change

Council were of the view that the Alternative Motion provides Council with the opportunity to make an informed decision. Without the benefit of a study of the ratio of actual car numbers to the number of students being accommodated in Student Housing around Curtin University, any position taken can only be based on anecdotal observations – not good planning decisions.

DECLARATION OF INTEREST: CEO: ITEM 15.1.2

The Deputy Mayor read aloud the following Declaration of Interest from the CEO:

I wish to declare a Financial / Conflict of Interest in Agenda Item 15.1.2 "CEO – Contract Allowance" on the Agenda for the Ordinary Council Meeting to be held 22 June 2010. As I am the subject of the report in question I will leave the Council Chamber while this item is being debated.

Note: The CEO left the Council Chamber at 10.15pm

15.1.2 CEO – Contract Allowance *CONFIDENTIAL Not to be Disclosed REPORT*

Location: South Perth
Applicant: Council
Date: 9 June 2010
Author & Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act 1995* Sections 5.23(a) as it relates to a matter affecting an employee or employees.

Note: *Confidential report circulated separately.*

MOTION

Cr Best Moved the officer recommendation, Sec Cr Burrows

AMENDMENT

Cr Ozsdolay moved that the word ***two*** be amended to read ***three*** in part (b)(ii) of the officer recommendation

The Mover and Seconder concurred with the Amendment.

COUNCIL DECISION ITEM 15.1.2

The Deputy Mayor Put the Amended Motion

That the proposed contract change as detailed in *Confidential* report Item 15.1.2 of the June 2010 Council Agenda be adopted.

CARRIED (11/0)

COUNCIL DECISION ; MEETING OPEN TO THE PUBLIC

Moved Cr Trent, Sec Cr Burrows

That the meeting be again open to the public at 10.18pm

CARRIED (13/0)

Note: The CEO returned to the Council Chamber at 10.20pm

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the 3 members of the public gallery that returned to the Council Chamber the Deputy Mayor read aloud the Council decisions for Items 15.1.1 and 15.1.2

16. CLOSURE

The Deputy Mayor closed the meeting at 10.30pm 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 27 July 2010

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

17. **RECORD OF VOTING** *Note: No electronic record of voting due to technical difficulties.*

Council Meeting 22/6/2010 Absent: Mayor Best and Cr Wells..Attendance 11 Members

Item 7.1.1 Motion Passed 11/0

Item 7.2.1 – 7.2.7 Motion Passed 11/0

Item 8.1.1 Motion Passed 11/0

Council decision Deputation no longer be heard. Passed 11/0

Council decision – Request for Deputation Passed 10/1 *Cr Ozsdolay Voted AGAINST the Motion*

Item 8.4.1 – 8.4.2 Motion Passed 11/0

En bloc Decision Passed 11.0

Amendment Item 10.0.1 Passed 11/0

Amended Motion Item 10.0.1 Motion Passed 11/0

Item 10.1.1 Motion Passed 11/0

Item 10.3.2 Motion Passed 11/0

Item 10.3.3 Motion Passed 11/0

Item 10.6.4 Motion Passed 9/2 *Crs Best and Grayden AGAINST the Motion*

Item 11.1 – 11.3 Motion Passed 11/0

Item 12.1 Motion Passed 7/4 *Crs Grayden, Skinner, Best and Deputy Mayor Doherty Voted AGAINST the Motion*

Meeting Closed to Public Item 15 Passed 11/0

Item 15.1.1 Motion Lost 4/7 *Crs Ozsdolay, Burrows, Best and Hasleby Voted FOR Motion*

Item 15.1.2 Motion Passed 11/0

Meeting Opening to Public Item 15 Passed 11/0