



ORDINARY COUNCIL MEETING M I N U T E S Table of Contents

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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 24 April 2012 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm, welcomed everyone in attendance, in particular the new journalist from the Southern Gazette newspaper Susanne Scolt. She then acknowledged we are meeting on the lands of the Noongar people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Doherty / Council Representatives

The Mayor advised that the Council Representatives Activities Report for the month of March 2012 is attached to the back of the Agenda.

3.2 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing orders Local Law 'procedures for question time' and stated that it is preferable that questions are 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 (*Mobile Phones Required to be turned off*)

The Mayor requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 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 permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
G Cridland	Como Beach Ward
G W Gleeson	Como Beach Ward
S Hawkins-Zeeb	Manning Ward
C McMullen	Manning Ward
C Cala	McDougall Ward
P Howat	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
F Reid	Moresby Ward
K Trent, OAM, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Ms V Lummer	Director Development and Community Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Mr R Woodman	Corporate Projects Officer
Mrs K Russell	Minute Secretary

Gallery Approximately 35 members of the public and 1 member of the press present.

4.1 Apologies : Nil

4.2 Approved Leave of Absence : Nil

5. DECLARATION OF INTEREST

Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

The Mayor then reported on Declarations of Interest tabled from herself and Crs Cridland and Trent in relation to Agenda Item 10.6.8 "Extension of Lease RSL Angelo Street, South Perth. She further stated that in accordance with the Local Government (Rules of Conduct) Regulations 2007 that the Declaration would be read out immediately before the Item in question was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 27 March 2012 the following questions were taken on notice:

6.1.1 Mr Lindsay Jamieson, Tralee Way, Waterford

Summary of Question

At the Council Meeting held 27 March 2012 the CEO advised that four (4) questions, relating to an alleged incident / Code of Conduct issue that occurred at a meeting in July 2011 between an officer and Mr Jamieson, had been retrieved from the Public Question Time in-tray. He further stated that the questions were taken on notice and a response would be provided accordingly.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 30 March 2012. A summary of the response is not provided in the Agenda as it relates to a *Confidential* staff matter.

6.2 PUBLIC QUESTION TIME : 24.4.2012

Opening of Public Question Time

The 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 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.

The Mayor advised that the purpose of Public Question time was to provide the community with the opportunity to raise questions and said that there were other ways people could raise questions, such as contacting their Ward Councillors or by logging on to the City's website and submitting a question via 'enquires'. She also reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday

The Mayor then opened Public Question time at 7.08pm

Note: *A summary of Written Questions, submitted prior to the meeting, was provided in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Mr Geoff Defrenne, Kennard Street, Kensington
--

(Written Questions submitted prior to the meeting)

Summary of Questions

I note with interest the budget amendment request at Item 10.6.4 (1) for an additional unplanned legal cost from a former councillor. Given that in the February 2012 payments to Mcleods for an amount of \$13595 for the same item, I assume the legal costs are expected to exceed \$35,000.

1. In spending in excess of \$35,000 when an apology and/or the payment of \$6,000 in legal fee re-imbursement may have been sufficient, has the city provided good governance to the people of the City of South Perth.

2. In spending in excess of \$35,000 when an apology and/or the payment of \$6,000 in legal fee re-imbursement may have been sufficient, have the councillors represented the interests of the residents of the City of South Perth
3. In spending in excess of \$35,000 when an apology and/or the payment of \$6,000 in legal fee re-imbursement may have been sufficient, have the councillors provided good leadership to the community.
4. Noting the city has received legal advice on the unplanned expense re-imbursement for legal fees by Lindsay Jamieson, when did Lindsay Jamieson make the claim for legal expense?
5. Last month the Council passed an interesting Motion 10.7. part (d) mentions *matter* three times.
 - (a) What “*matter*” has been closed and what “*matter*” will not be reconsidered?
 - (b) How many times has “*the matter*” been brought to council for determination?
 - (c) How long has the council been determining “*the matter*”?
 - (d) What was the reason for not determining “*the matter*” at an earlier date or even year?
 - (e) Is the resolution “*ultra vires*” as the resolution would appear to imply that the resolution is binding future councils?
 - (f) Does the resolution prevent any councillor from raising “*the matter*” if the councillor chooses to do so and/or moving a motion about “*the matter*”?

Summary of Response

The Mayor responded as follows:

1. The minor budget amendment of \$25,000 corresponds to a number of unrelated issues that the City has sought legal advice on during the 2011/2012 financial year. The City did seek legal advice as part of the Audit and Governance Committee deliberations on a *confidential* matter relating to a former Councillor. This legal advice cost approximately \$13,000 and was considered prudent and good governance enabling the Council to make a lawful and final determination on this matter.
2. Refer Answer 1.
3. Refer Answer 1.
4. This matter was the subject of a *confidential* report under section 5.23(2)(d) of the *Local Government Act 1995* and therefore no information can be publically disclosed.
5. This matter was the subject of a confidential report under section 5.23(2)(d) of the *Local Government Act 1995* and therefore no information can be publically disclosed.

6.2.1 Mr Lindsay Jamieson, Waterford

(Written Questions submitted prior to the meeting)

Summary of Questions

Former Councillor Lindsay Jamieson ‘tabled’ 15 questions prior to the Council Meeting and lodged a further 8 questions in the Public Question Time in-tray prior to 7pm, all of which relate directly or indirectly to the 2007 Inquiry and which have all been asked previously, covering topics such as:

- McLeod’s legal advice;
- Zilkens legal advice
- Department of Local Government correspondence
- Matters associated with issues raised at meetings, events at meetings or responses provided to previous questions; and
- Claim for reimbursement of legal costs incurred.

Summary of Response

The Mayor responded as follows:

A number of these questions have been asked and responded to in the past. The City therefore declined to respond to these questions in accordance with the June 2011 Council resolution that the Council would not respond to any further questions until a report was tabled for consideration by Council.

A *confidential* report (Item 10.7.1(K)) was considered by Council at the March 2012 Council meeting. The Council at this meeting carried a number of resolutions in relation to former Councillor Jamieson including to “*consider this matter closed and, in the event of any further communications by the former Councillor to the City about this matter, authorise the Chief Executive Officer to inform the former Councillor that the matter has been finally determined by the Council and will not be reconsidered*”.

Close of Public Question Time

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

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 27 March 2012

COUNCIL DECISION ITEM 7.1.1

Moved Cr Skinner, Sec Cr Hawkins-Zeeb

That the Minutes of the Ordinary Council Meeting held 27 March 2012 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "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 - March Ordinary Council Meeting Held: 20.3.2012

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

7.2.2 Concept Forum : Integrated Financial Planning and Major Capital Initiatives Overview Meeting Held: 13.3.2012

Officers of the City provided an update on the Integrated Planning Management Framework and the City's *draft* 10 year Long Term Financial Plan. Notes from the Concept Forum are included as **Attachment 7.2.2.**

7.2.3 Concept Forum : CSIRO Bentley Technology Park Update and Cygnia Cove - Amended Submission Meeting Held: 21.3.2012

Representatives from CSIRO provided an update on the activities in Bentley Technology Park and the Consultants for Cygnia Cove provided an amended submission on a modified proposal for selected sites in Cygnia Cove. Notes from the Concept Forum are included as **Attachment 7.2.3.**

COUNCIL DECISION ITEM 7.2.1 TO 7.2.3

Moved Cr Trent, Sec Cr Cala

That the comments and attached Notes under Items 7.2.1 to 7.2.3 on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (13/0)

8. PRESENTATIONS

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

8.1.1 An 'informal' Petition dated 31 March 2012 received from Paul and Mandy Gebhard, 52a Griffin Crescent, Manning together with 44 signatures, in relation to proposed tree signage in Griffin Crescent, Manning.

Text of Petition reads:

"We the residents of Griffin Crescent, Manning do not wish to have our streetscape tarnished with any signage by the City of South Perth on the verge of No.52a Griffin Crescent in relation to the recent tree poisoning."

RECOMMENDATION

That the Petition dated 31 March 2012 received from Paul and Mandy Gebhard, No.52a Griffin Crescent, Manning together with 44 signatures, in relation to proposed tree signage in Griffin Crescent, Manning be received and forwarded to the Infrastructure Services Directorate for investigation.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Howat, Sec Cr Cala

That the Petition dated 31 March 2012 received from Paul and Mandy Gebhard, No.52a Griffin Crescent, Manning together with 44 signatures, in relation to proposed tree signage in Griffin Crescent, Manning be received and forwarded to the Infrastructure Services Directorate for investigation.

CARRIED (13/0)

8.1.2 Petition dated 17 April 2012 received from Andrew Morton, Collier Park Village, together with 30 signatures, in relation to the proposed changes to the Billiard Room.

Text of Petition reads:

“We the undersigned residents of the Collier Park Village, City of South Perth, request that a Special General Meeting be convened in the Village under the Chairmanship of the Administering Body to hold an open and fair discussion of the proposed removal of the Billiard Table and Equipment to facilitate the re-positioning of computers and library shelves from the Reception area and the Leisure Centre to the Billiard Room.”

RECOMMENDATION

That the Petition dated 17 April 2012 received from Andrew Morton, Collier Park Village, together with 30 signatures, in relation to the proposed changes to the Billiard Room be received and forwarded to the Development and Community Services Directorate for action.

COUNCIL DECISION ITEM 8.1.2

Moved Cr Trent, Sec Cr Cala

That the Petition dated 17 April 2012 received from Andrew Morton, Collier Park Village, together with 30 signatures, in relation to the proposed changes to the Billiard Room be received and forwarded to the Development and Community Services Directorate for action.

CARRIED (13/0)

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

Nil

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

8.3.1 Deputations at Council Agenda Briefing Held: 17 April 2012

The Mayor advised that there were six (6) Deputations heard at the Agenda Briefing held on 17 April in relation to Agenda Items 10.3.1, 10.3.2 and 10.6.8.

8.3.2 Deputations at Council Meeting Held: 24 April 2012

The Mayor reported that two (2) Requests had been received for a ‘Deputation to Address Council’ from Darren Strachan and Kerry-Ella McAullay (owners of units in Windsor Towers) in relation to Agenda Item 10.3.1 (*Proposed Additions/Alterations to Multiple Dwellings No. 9 Parker Street, South Perth*). She then called for a Motion to accept or decline the requests.

COUNCIL DECISION ITEM 8.3.2

Moved Cr Skinner, Sec Cr Reid

That the requests for a 'Deputation to Address Council' received from Darren Strachan and Kerry-Ella McAullay (owners of units in Windsor Towers) in relation to Agenda Item 10.3.1 (*Proposed Additions/Alterations to Multiple Dwellings No. 9 Parker Street, South Perth*) be approved.

CARRIED (13/0)

Darren Strachan, Windsor Towers, South Perth	Agenda Item 10.3.1
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Mr Strachan spoke against the officer recommendation at Agenda Item 10.3.1 (*Proposed Additions/Alterations to Multiple Dwellings No. 9 Parker Street, South Perth*) on the following points:

- against proposal to add balconies to Windsor Towers building
- No. 8 Parker Street balcony has collapsed / ground unstable
- spoken to architect about footings under swimming pool
- structural integrity of building / concrete cancer
- privacy / noise issues
- building originally designed to have balconies – did not happen
- believe proposal for balconies on unstable ground a safety issue
- ask Council to not support proposal for addition of balconies

(Note: A copy of Mr Strachan 's presentation was distributed to Elected Members).

DEPUTATION - EXTENSION OF TIME

Moved Cr Grayden, Sec Cr Gleeson

That an extension of time of 5 minutes be granted to Mr Strachan to allow for further questions from Elected Members.

CARRIED (13/0)

Kerry-Ella McAullay, Windsor Towers, South Perth	Agenda Item 10.3.1
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Ms McAullay spoke in favour of the officer recommendation at Agenda Item 10.3.1 (*Proposed Additions/Alterations to Multiple Dwellings No. 9 Parker Street, South Perth*) on the following points:

- member of 'Council of Owners' Windsor Towers
- Council of Owners have investigated feasibility of adding balconies
- owners want to realise potential of Windsor Towers building
- privacy issues have been addressed in proposal
- unaware of slippage concerns / have had discussions with Swan River Trust re foliage of escarpment etc
- unaware of information/concerns tabled by previous Deputation
- structural / geotechnical surveys / reports etc will be done to ensure the building is safe / enhance amenity of owners
- ask Council support officer recommendation

Close of Deputations

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

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate : Perth Airports Municipalities Group Meeting 22 March 2012.

A report from Cr Hasleby, Cr Skinner and the CEO summarising their attendance at the Perth Airports Municipalities Group Meeting held on 22 March 2012 at the Shire of Kalamunda is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.1** in relation to the Perth Airport Municipalities Group Meeting held at the Shire of Kalamunda on 22 March 2012 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Grayden Sec Cr Hawkins-Zeeb

That the Delegates' Report at **Attachment 8.4.1** in relation to the Perth Airport Municipalities Group Meeting held at the Shire of Kalamunda on 22 March 2012 be received.

CARRIED (13/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, ie all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 17 April 2012.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following report items withdrawn for discussion:

Item 10.3.1 Amended Motion / Deputations

Item 10.6.7 Discussion

Item 10.6.8 Declarations of Interest

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Cala, Sec Cr Trent

That the officer recommendations in relation to Agenda Items 10.0.1, 10.3.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5 and 10.6.6 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Request for increase in density coding and Building Height Limit for sites in Cygnia Cove, Waterford (Amendment No. 33 to TPS 6) (*Item 10.3.3. Council meeting 28 February 2012 refers*)

Location: Cygnia Cove Estate, Waterford
Applicant: Development Planning Strategies (DPS) for Richard Noble and Company, representing the Christian Brothers
Lodgement Date: 12 March 2012
File Ref: LP/209/33
Date: 2 April 2012
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider a request for a modified and 'scaled down' Amendment to Town Planning Scheme No. 6 (TPS6) in relation to the Cygnia Cove Estate, eastern Waterford, for the following purposes:

- (a) to increase the density coding of three development sites from R20 to R60;
- (b) to increase the density coding of two development sites from R20 to R80;
- (c) to increase the Building Height Limit for the two 'R80' sites and portion of one 'R60' site from 7.0 metres to 10.5 metres;
- (d) to correct minor inconsistencies in zoning along the common boundary between the Clontarf Aboriginal College site and the Cygnia Cove Estate, arising from a previous realignment of the boundary, to ensure that the zoning coincides with the latest cadastral boundary.

It is recommended that the request be supported, and that Amendment No. 33 to TPS6 be initiated and endorsed for community advertising.

Background

This report includes the following attachments:

- **Attachment 10.0.1(a)** Scheme Amendment request report by DPS
- **Attachment 10.0.1(b)** Appendix 1 to DPS report: Certificate of Title and Deposited Plan 70746
- **Attachment 10.0.1(c)** Appendix 2 to DPS report: WAPC subdivision approval
- **Attachment 10.0.1(d)** Appendix 3 to DPS report: Traffic Implications report by Riley Consulting
- **Attachment 10.0.1(e)** Cygnia Cove Estate plan taken from Policy P351.14 'Cygnia Cove Residential Design Guidelines'
- **Attachment 10.0.1(f)** Draft Amendment No. 33 document for advertising

(a) Original proposal considered at February 2012 Council meeting

The Cygnia Cove Estate is situated between the Clontarf Aboriginal College and Centenary Avenue. At its February 2012 meeting, the Council considered a request for a Scheme Amendment relating to five development sites in Cygnia Cove. At that time, the applicants request was to:

- increase the density coding of three sites from R20 to R80 ;
- increase the density coding of two sites from R20 to R60;
- increase the maximum permissible building height of all five sites from 7.0 metres to 10.5 metres; and
- to correct minor inconsistencies in zoning along the common boundary between the Clontarf Aboriginal College site and the Cygnia Cove Estate.

The Council resolved not to initiate a Scheme Amendment in the manner requested by the applicants. Council further resolved to invite the applicants to submit a different Scheme Amendment to increase the density coding of the five selected sites to R40, with no change to the Building Height Limit; and also to correct the zoning inconsistencies referred to above.

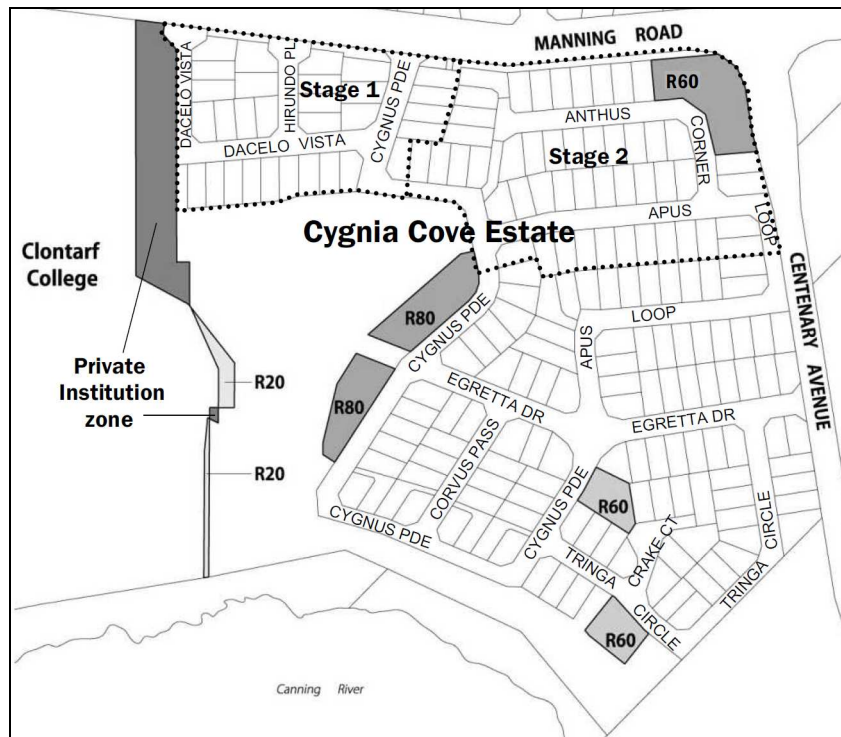
(b) Applicants' modified and 'scaled down' Amendment proposal

Being mindful of the concerns expressed at the February Council meeting the applicants have modified their proposal. While they have not reduced the proposed density coding to R40 as suggested by the Council, with no change to the building height limit, their proposal has been 'scaled down' to a significant degree. The applicants say that the modified proposal is entirely compatible with proposed development in the remainder of Cygnia Cove. The modifications are as follows:

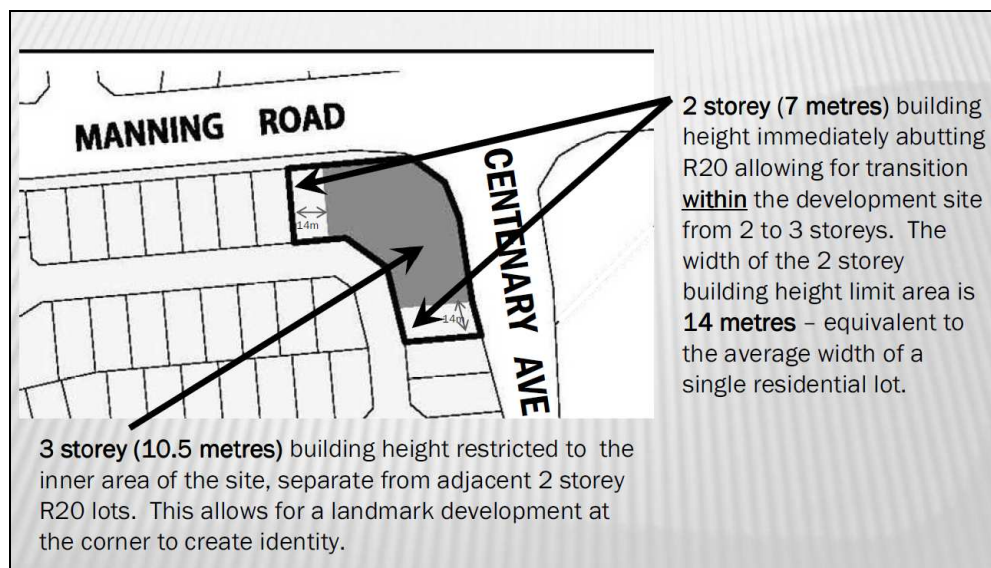
- The density coding for the development site in the north-east corner of the estate is reduced from R80 to R60.
- The height limit for the 'edges' of the development site in the north- east corner of the estate is retained at 7.0 metres (2 storey) to match the height of future buildings on the adjoining R20 coded lots. The 7.0 metre height limit will apply to 14 metre wide portions of the site at the interface with adjoining lots. This dimension is similar to the width of the adjoining single house lots on each side.
- The building height limit for the two development sites in the south-eastern area of the estate is retained at 7.0 metres. This again will ensure compatibility with the future two storey dwellings on the adjoining R20 coded lots.

At the Concept Forum held on 21 March 2012, the applicants provided justification for their modified proposal. While they contend that the original proposal would produce compatible development, the form of the resultant development based on the modified Scheme Amendment, would be even more compatible.

The plan below shows the Cygnia Cove subdivision layout, with the five development sites and the affected portions of land along the Clontarf boundary, shown shaded. The proposed density coding of the five development sites is also shown:



For the site situated at the corner of Manning Road and Centenary Avenue, the proposed reduction in the building height limit for portions of this site is depicted on the plan below:



Comment

The report to the February Council meeting cited five reasons why the original Scheme Amendment proposals warranted support. Those reasons are even more valid in relation to the modified ‘scaled down’ proposal now under consideration. The reasons are again set out below:

- (i) The Cygnia Cove subdivision follows sustainable design principles, both in terms of density, housing design and site planning;
- (ii) No lots within Cygnia Cove within proximity of the five sites have yet been sold and purchasers will be made aware of the applicable density coding and building height limit at the time of purchase;
- (iii) Building design of the future developments will be controlled by normal TPS6 and R-Codes requirements, as well as Policy P351.14 design guidelines for Cygnia Cove;
- (iv) During the various times of consideration of the subdivision and related design guidelines Policy, the Council did not express any concerns or limitations on the proposed density coding or building height that should ultimately apply to the five sites;
- (v) In assessing the merits of the proposal, City officers are satisfied that the proposal would have minimal impact on the surrounding locality, having regard to the following:
 - (A) **No adjoining residential development** - The Cygnia Cove Estate site is bounded by road reserves to the north and east, the river to the south, and the Clontarf institutional site to the west. There is no existing development adjoining any of the Amendment sites within Cygnia Cove, and no residential development immediately adjoining the estate itself. The nearest residential land is in the Waterford Triangle, which is separated from Cygnia Cove by Manning Road.
 - (B) **Council Policy P351.14 'Cygnia Cove Design Guidelines'** - The performance criteria associated with the Council Policy P351.14 have been formulated to achieve not only visually attractive design but also design which incorporates sustainability principles. Such principles are supported by the City.

Other justification is provided in the applicant's report (**Attachment 10.0.1(a)**).

Consultation

The Officer's report to the February meeting contained information relating to consultation with the City's Manager, Engineering Infrastructure and the neighbour consultation which will be implemented when the draft Scheme Amendment has been endorsed for advertising.

Subsequent to the February meeting, City officers have liaised further with the applicants. This led to their submission of the modified Scheme Amendment proposal.

Policy and Legislative Implications

The Scheme Amendment would have the effect of modifying the City's operative Town Planning Scheme No. 6 in terms of the density coding and building height controls applicable to the five development sites. Although the Council may initiate a Scheme Amendment at its discretion, once it has been initiated, the final decision will be made by the Minister for Planning.

The current proposal would be progressed as Amendment No. 33 to TPS6. The statutory Scheme Amendment process is set out below, together with an estimate of the likely time frame for each stage:

Stage of Amendment Process	Estimated Time
Council decision to initiate Amendment No. 33 to TPS6 (Note: This is the stage of the current request)	24 April 2012
Council adoption of draft Amendment No. 33 Report and Scheme Text for advertising purposes	24 April 2012
Payment of Planning Fee by applicant following Council decision to initiate Amendment No. 33	Immediately following Council decision to initiate Scheme Amendment process
Referral of draft Amendment No. 33 documents to EPA for environmental assessment, and to WAPC for information	End of April 2012
Public advertising period of not less than 42 days	Anticipated to be June-July 2012 - the City normally allows a slightly longer period than the minimum 42 days to provide for mail delivery and slightly late submissions
Council consideration of Report on Submissions in relation to Amendment No. 33 proposals	At the first available Council meeting following full assessment of submissions received during the statutory advertising period - anticipated to be September or October 2012
Referral to the WAPC and Minister for consideration of: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions; • Copy of original submissions; • Council's recommendation on the proposed Amendment No. 33; • Three signed and sealed copies of Amendment documents for final approval 	Not yet known, but usually within two weeks of the Council meeting at which submissions are considered
Minister's final determination of Amendment No. 33	Not yet known.
Publication by the City of Notice of the Minister's approval of Amendment No. 33 in the <i>Government Gazette</i> and a local newspaper; and notification to all submitters	Not yet known - following receipt from WAPC of the Minister's final approval

Depending on the complexity of issues raised by submitters and the time taken to assess and research those issues by City and WAPC officers, the total Scheme Amendment process usually takes 12 to 18 months.

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City's adopted '*Fees and Charges Schedule 2011/2012*'. In this case, the estimated Planning Fee is \$15,000, payable upon initiation of the Amendment by the Council. The actual fee will be based on officers' time and other actual costs incurred by the City. While the estimated fee is calculated as closely as possible to cover the actual cost of the Amendment, at the completion of the Amendment process, the fee will be adjusted to reflect the actual costs.

Having regard to the above, it is recommended that an estimated total Planning Fee of \$15,000 be imposed for Amendment No. 33, to be invoiced immediately following Council's resolution to initiate the Amendment.

Strategic Implications

This matter relates to Strategic Direction 3 "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

The City is required to facilitate construction of additional dwellings to accommodate population increases over the next 20 years. The density increases proposed via Amendment No. 33 contribute in a small way in this regard.

Policy P351.14 '*Cygnia Cove Residential Design Guidelines*' contains requirements for all dwellings to incorporate sustainable design principles. This will ensure that any proposed development will achieve an outcome that demonstrates adherence to the sustainable design principles.

Conclusion

Having regard to the discussion contained in this report and in the applicant's submission at **Attachment 10.0.1(a)** and related appendices, City officers are satisfied that the modified Amendment proposals should be supported and draft Amendment No. 33 be endorsed for advertising. The Scheme Amendment process is designed by statute to be open and accountable, and inclusive of community input. After the Amendment has been advertised for community comment, the Council will consider any resultant submissions and decide whether to recommend to the WAPC and the Minister for Planning to proceed with the Amendment, modify it, or not proceed with it. The final decision will be made by the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby resolves to amend the City of South Perth Town Planning Scheme No. 6 for the following purposes:
 - (i) with respect to the Cygnia Cove Estate in Waterford, within Lot 9002, to:
 - (A) increase the density coding of three development sites from R20 to R60;
 - (B) increase the density coding of two development sites from R20 to R80;
 - (C) increase the Building Height Limit for the two R80 coded sites and portion of the R60 coded site situated at the corner of Manning Road and Centenary Avenue, from 7.0 metres to 10.5 metres;
 - (ii) to correct minor inconsistencies in zoning along the common boundary between the Clontarf Aboriginal College site and the Cygnia Cove Estate, arising from a previous realignment of the boundary, to ensure that the zoning boundaries coincide with the cadastral boundary; and
 - (iii) to amend the Scheme Maps accordingly.

Item 10.0.1 resolution cont'd.....

- (b) the Report on the Amendment containing the draft Amendment No. 33 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.0.1(f)** be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 33 be implemented in accordance with the *Town Planning Regulations* and *Council Policy P301 'Consultation for Planning Proposals'*; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 33:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.

- (e) the applicants be invoiced for payment of the City's estimated Planning Fee of \$15,000 including GST.

CARRIED EN BLOC RESOLUTION

10.1 STRATEGIC DIRECTION 1 : COMMUNITY
Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Additions (Balconies and Courtyards) and Alterations To Multiple Dwellings - Lot 501 (No. 9) Parker Street, South Perth.

Location:	Lot 501 (No. 9) Parker Street, South Perth
Applicant:	Allan Davies & Trevor Chudleigh Architects
Lodgement Date:	8 September 2011
File Ref:	11.2011.392.1 PA2/9
Date:	2 April 2012,
Author:	Mark Scarfone, Senior Planning Officer, Development Services
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for Additions (Balconies and Courtyards) and Alterations to Multiple Dwellings on Lot 501 (No. 9) Parker Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Addition to existing building which does not comply with building height limits	TPS6 Clause 6.1

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

Background

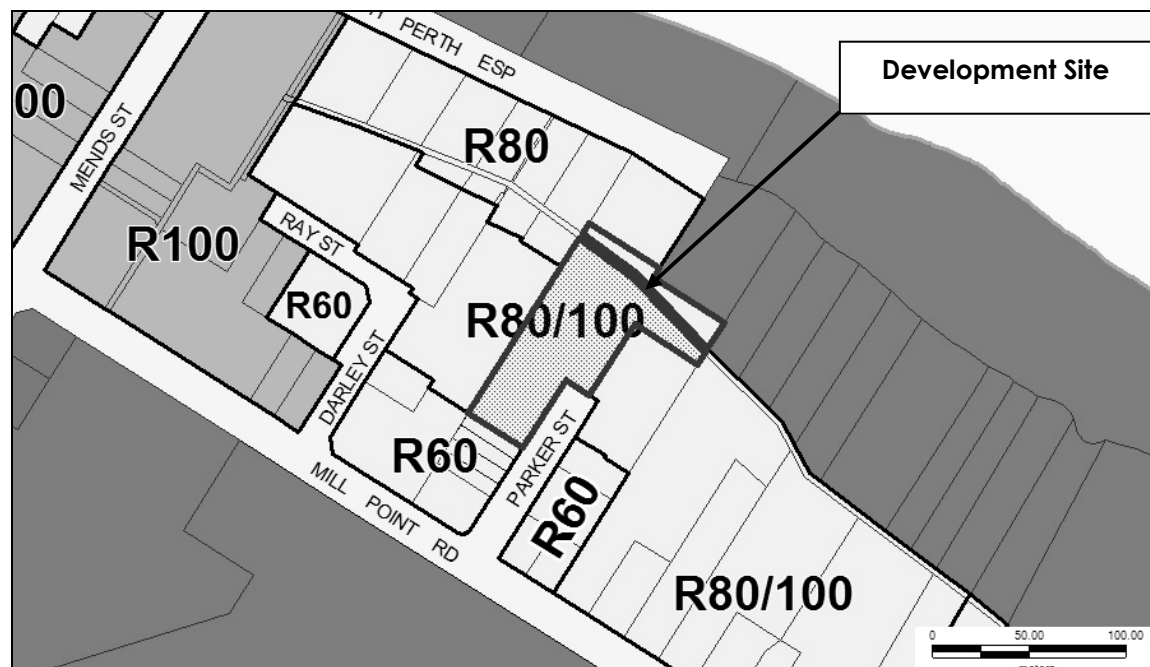
The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	5698 sq. metres
Building height limit	28.0 metres
Development potential	As per the Residential Design Codes of Western Australia (R-Codes)
Plot ratio limit	1.0/1.25

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Plans of the proposal.
Attachment 10.3.1(b) Applicant's supporting report dated 26 August 2011 and letter dated 21 March 2012.
Attachment 10.3.1(c) Photomontage.

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*

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

- (b) *Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.*

Comment

(a) **Background**

On 5 September 2011 the City received an application for additions and alterations to the existing multiple dwellings at Lot 501 (No. 9) Parker Street, South Perth (the "subject site"). On 8 November 2011, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. The

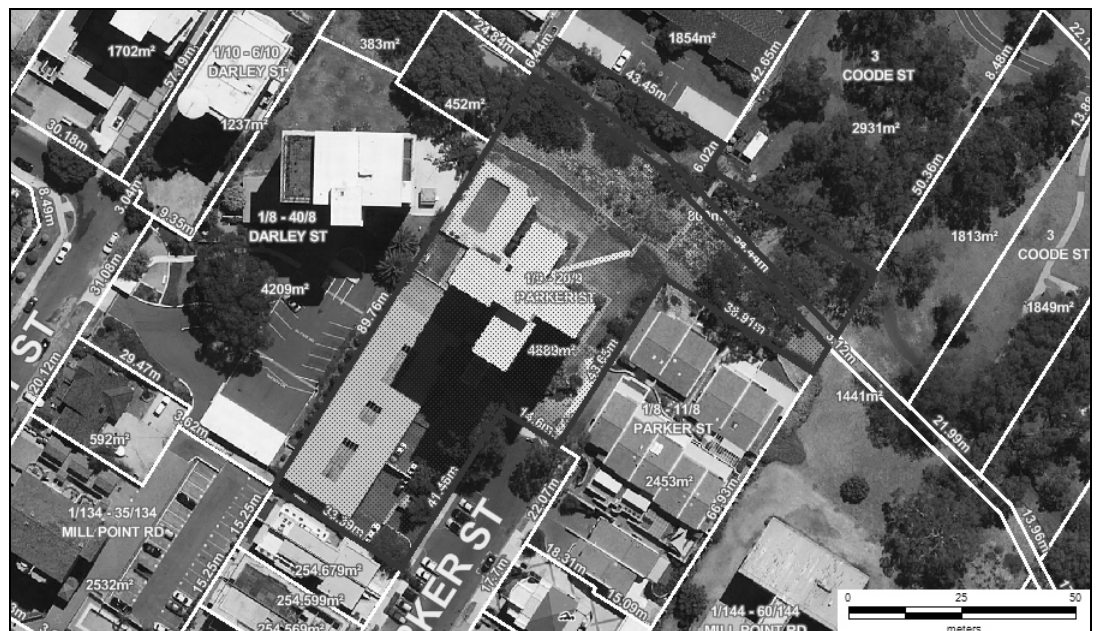
applicant provided the requested additional information on 20 March 2012 and this information forms the basis of this recommendation.

The subject site is occupied by 79 multiple dwellings within a 21-storey star shaped building known as “Windsor Towers”. The existing building has four wings, referred to respectively as north, south, east and west. This layout is shown in **Confidential Attachment 10.3.1(a)**. As a part of the current application, the front foyer will be upgraded, courtyards will be provided to the east, north and west ground floor dwellings, and balconies will be provided to each of the apartments on Floors 1 through to 21. In order to facilitate the use of these balconies and courtyards, modifications to existing windows will be required, while the provision of screening will ensure the privacy of occupants is maintained.

(b) **Description of the surrounding locality**

The subject site has a frontage to Parker Street. The surrounding area is characterised by high density residential development.

Figure 1 below provides an illustration of the locality:



(c) **Description of the proposal**

As stated above, the proposed development involves the upgrade of the existing foyer, courtyard and balcony additions, the provision of privacy screens, and the modification of internal windows as depicted in the submitted plans in **Confidential Attachment 10.3.1(a)**. Each of these aspects is described in greater detail below.

(i) Foyer upgrade

Removal and replacement of existing wall and roof to portico.

(ii) Courtyards

Provision of a 3.5 metre × 7.1 metre courtyard to the ground floor dwellings on the north, east and west wings of the building. The west wing private courtyard will be located on the western side of the building to ensure it does not impact on the existing communal pool facility. Each of the other courtyards will be on the northern side of the building.

(iii) Balconies

Provision of a 3.6 metre × 7.2 metre balcony to the north face of the north, east and west wings. The balcony to the southern wing will be located on the southern face of the building and have the same dimensions as each of the others. Each of the proposed balconies will be provided with an aluminium framed glass balustrade and an “air conditioning enclosure cabinet with work surface top”.

(iv) Privacy screens

The east and west balconies will be provided with a full height privacy screen. A privacy screen will also be attached to the western wall of the north wing. The proposed privacy screens will minimise direct overlooking of habitable spaces in accordance with Clause 7.4.1 of the Residential Design Codes of Western Australia.

(v) Internal modifications

Internal windows will be modified and new doors installed in order to provide access to each of the proposed balconies from internal living spaces. In addition, the kitchen window to each dwelling in the north wing will be modified to improve access to views, minimise direct overlooking, and ensure the bulk impact of the adjoining balcony is reduced.

The applicant’s letter at **Attachment 10.3.1(b)**, describes the proposal in more detail.

The proposal generally complies with the City of South Perth Town Planning Scheme No. 6 (TPS6), the R-Codes and relevant Council policies.

The following factors have been assessed and found to be compliant with the provisions of the R-Codes, and therefore do not require further discussion in the body of this report:

- Plot ratio;
- Open space; and
- Solar access for adjoining sites.

Issues relating to land use, additions to an over-height building, visual privacy, and significant views, while considered acceptable, are discussed further below.

(d) **Land use**

The proposed existing land use of “Multiple Dwellings” is classified as a “P” (Permitted) land use in Table 1 (Zoning - Land Use) of TPS6. Accordingly, the use is regarded as complying with the Table 1 of the Scheme.

(e) **Additions to an existing over-height building**

The existing development on the subject site has a total height of approximately 57.0 metres, while the current height limit applicable to the subject site is 28.0 metres. Therefore, the existing building does not comply with the existing building height limit.

Clause 6.1 of TPS6 gives Council the power to approve redevelopment of buildings which do not comply with the density, plot ratio, use or height limits of TPS6 where it is satisfied the proposed redevelopment will contribute more positively to the character of the streetscape, and will preserve or improve the amenity of the area.

“Windsor Towers” is the tallest building in the City of South Perth and is a prominent feature in the South Perth skyline. The proposed balcony additions and modified windows will give the existing building a more modern façade, as can be seen in the photomontages (1 to 10) provided in **Attachment 10.3.1(c)**. The proposed balcony

additions will also break up the elevation, a key method of reducing the overall bulk of a building. Various air conditioning units currently dot each elevation and are located in a haphazard manner. The air conditioning cabinets provided on each balcony will allow owners to remove these units and conceal them, improving the look of the building. Each of these improvements is considered to a positive impact on the surrounding streetscape.

The proposed additions will improve the amenity of the occupants of this building by providing access to an outdoor living area accessed directly from a habitable room of the dwelling. This will bring the dwellings into compliance with the provisions of Clause 7.3.1 of the R-Codes.

The proposed additions are considered to contribute positively to the streetscape, and will improve the amenity of the area. It is therefore recommended that Council exercise discretion and approves the proposed additions and alterations.

(f) **Visual privacy**

Visual privacy has been assessed and is considered to comply with the provisions of Clause 7.4.1 of the R-Codes. The required minimum visual privacy setbacks for balconies to the property boundary are 7.5 metres, while the proposed minimum to the setback western boundary is 9.5 metres. Therefore, the proposed development complies with the visual privacy element of the R-Codes.

With regard to the protection of privacy between dwellings within the subject building, the applicant has utilised full height privacy screens to the eastern and western balconies and the addition of a privacy screen attached to the western wall of the north wing dwellings. The full height screen to the eastern balconies, as shown on the drawings “Sectional elevation - East balcony privacy screen” and “East wing balcony facing north wing” (Drawing 9 and Perspective 1 of **Confidential Attachment 10.3.1(a)** respectively), prevents overlooking from the balcony of the adjacent bedrooms as well as from the bedrooms above.

The screening of the western balcony and modified window layout, as shown on the drawing “West wing - Proposed new kitchen window” and “View from west wing balcony facing north wing” (Drawing 8 and Perspective 2 of **Confidential Attachment 10.3.1(a)** respectively), ensure there is no direct overlooking between the north wing kitchen windows and the proposed west wing balcony.

Finally, the proposed visual privacy screen to the western wall of the north wing, as shown on the drawings “Floor plan” and “View from west wing balcony facing north wing” (Drawing 4 and Perspective 2 of **Confidential Attachment 10.3.1(a)** respectively), prevents overlooking of the north wing dining room from the proposed west wing balcony.

Despite the provision of the privacy screen, there is some opportunity for a visual privacy impact from the proposed west wing balcony to the living area of the north wing dwelling on the drawings “Floor plan” and “View from west wing balcony facing north wing” (Drawing 4 and Perspective 2 of **Confidential Attachment 10.3.1(a)** respectively). While an opportunity for overlooking exists, the distance between the proposed balcony and the subject window is greater than 7.5 metres, and as such complies with the acceptable development standards of Clause 7.4.1 of the R-Codes. A site visit undertaken on 20 March 2012, reveals overlooking between properties within the existing building currently occurs and will be minimised through the use of the screening measures proposed as a part of this application.

The proposed development is therefore considered to comply with the acceptable development standards of the R-Codes and is supported by officers. Standard Condition 210 will ensure the proposed screens meet the requirements of the R-Codes, are installed prior to occupation of the proposed additions, and remain in place on a permanent basis.

(g) Significant views

Council Planning Policy P350.9 “Significant Views” at times requires the consideration for the loss of significant view from neighbouring properties. Clause 5 of this policy indicates Council should have regard to various design considerations prior to making a determination.

There will be no change to the views for properties adjacent to and behind the existing development due to:

- Open style balconies being proposed;
- The balconies will not encroach into the view corridors;
- The proposed additions are setback a greater distance from the property boundaries than required by the R-Codes; and
- The proposed balconies are located behind an existing building

Therefore, it is considered that the proposed development complies with Council policy.

(h) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

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

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (c) The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia;*
- (i) The preservation of the amenity of the locality;*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*

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

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 October 2011. The proposal was favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
The Design Advisory Architects observed that a three-dimensional drawing or model of the proposal and its surrounding open space will assist in a better understanding of the final built outcome.	Provided as part of the application.	Three-dimensional drawings provided as part of the application. The drawings are considered to adequately address these concerns and have been included as a part of Confidential Attachment 10.3.1(a) . The comment is NOTED .
The site plan showing the existing development and the proposed additions on the subject site should also show the footprint of the development on the adjoining lots, along with the adjacent major openings and balconies.	A revised site plan and additional comment has been provided as part of the letter dated 21 March 2012, referred to in Attachment 10.3.1(b) .	The revised site plan shows the existing building and those surrounding it. The comment is NOTED .

DAC Comments	Applicant's Response	Officer Comment
The Architects observed that the 600mm setback, between the proposed balcony additions to the west wing dwellings and the modified kitchen windows of the north wing dwellings, would result in an adverse amenity impact on the kitchen area. The Architects recommended that these balconies be setback approximately 2.0 metres in alignment with Bedroom 1 openings, to ameliorate any adverse amenity impact. Additionally, vertical louvres should be provided along the northern face of these balconies for a length that ensures visual privacy for the adjacent habitable rooms of the north wing dwellings.	Additional comment is provided by the applicant in Attachment 10.3.1(b) . These comments are summarised as follows: <ul style="list-style-type: none"> Each balcony is the same size allowing residents on each wing equal opportunity to enjoy the outdoor space; The windows to the west facing kitchen will be modified from landscape to portrait style to improve views towards Melville Waters and minimise the impact of the new balcony; A reduced balcony size / increased setback, would still impede upon views from the kitchen and would not result in a significant amount of additional light entering this space; and The applicant is amenable to providing additional screening along the western boundary, if required by the City. 	A site inspection was undertaken on 20 March 2012 by the assessing officer. This inspection incorporated a tour of a north, east and west facing dwelling. During this inspection, the location of the additions and alterations was observed. The proposed additions are considered likely to have a positive impact on the amenity of each dwelling, and the reduced setback is not likely to be observable from within the kitchen of the north facing dwelling. Drawing 8 "West wing - Proposed new kitchen window" contained in Confidential Attachment 10.3.1(a) . The reduced setback is supported. The comment is NOT UPHELD .
The Architects observed that the proposed balcony additions to the north wing dwellings provided solar access to the residents. Bedroom 1 and the living rooms of these dwellings continue to gain solar access through their respective windows that face east and west.	No additional comment provided by the applicant.	The proposed balconies give residents of the dwellings access to an outdoor living area, directly accessible from a habitable room, therefore bringing the existing development into compliance with the Residential Design Codes of Western Australia. The comment is NOTED .
The proposed balcony additions to the east wing dwellings maintain sufficient distance from the bedroom windows of the north wing dwellings in order to achieve privacy and maintain amenity.	No additional comment provided by the applicant.	The comment is NOTED .
The proposed balcony additions to the south wing dwellings do not overlook into any dwellings on the subject site, or on the surrounding sites. At the same time, they do not have access to direct sunlight. Extending these balconies along the eastern face of these dwellings will provide access to the morning sun.	No additional comment provided by the applicant.	The dwellings on the south wing receive some direct sunlight in the mornings and evenings. The proposed balcony will also receive some of this direct sunlight. The comment is NOT UPHELD .

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 134, 138 and 144 Mill Point Road, Nos. 2, 8 and 10 Darley Street, Nos. 97, 99 and 101 South Perth Esplanade, and Nos. 2, 3, 4, 5, 6 and 8 Parker Street 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).

No information notices were sent by the City, as this development is on a site coded R80/100, not R15 or R20 prescribed by Council Policy P360 “Informing the Neighbours of Certain Development Applications”.

During the advertising period, a total of 87 consultation notices were sent and 3 submission(s) were received, each against the proposal. In addition, 2 objections to the proposal have been received from landowners within the subject development.

The comments of the adjoining landowners, together with the applicant and officer responses are summarised below.

Adjoining Landowner Comments	Applicant's Response	Officer Response
Structural issues: <ul style="list-style-type: none"> • Potential for the footings to contribute to soil subsidence; and • Potential for damage to adjoining properties if the structure falls in one piece. 	No comment.	A building licence will be required to be submitted to the City. The building licence will be accompanied by structural details certified by a suitably qualified professional. The comment is NOTED .
Visual privacy concerns.	The proposed additions have been designed to ensure impact on visual privacy is minimised.	As indicated in Section (f) above, visual privacy has been assessed and is considered to meet the acceptable development standards of the R-Codes. The comment is NOTED .
Concerns about the building design, setbacks and the impact on the streetscape.	The proposed design will increase the amenity of the landowners, and improve the external elevations.	The proposal has been presented to the City's Design Advisory Consultants at their meeting held in October 2011, and was generally supported. The comment is NOTED .
A requirement for the building to be upgraded to the current building standards.	No comment.	A building licence application will be required to be lodged with the City for approval. This building licence application will be assessed against the relevant legislation, prior to a determination being issued. The comment is NOTED .
The potential for the enclosure of the balconies.	No comment.	Prior to the enclosure of the balconies, a planning application will be required to be lodged with the City. Any such application would then be assessed against the provisions of the relevant planning legislation. The comment is NOTED .

The comments of the landowners within “Windsor Towers”, together with the applicant and officer responses are summarised below:

Owners “within” Comments	Applicant’s Response	Officer Response
The impact of the western balcony screen wall on the amenity from the kitchen of the north wing dwellings.	The modification of the kitchen window will ensure the impact of the proposed western window is minimised, and the views towards the west increased.	The proposed additions are considered likely to have a positive impact on the amenity of each dwelling, and the reduced setback is not likely to be observable from within the kitchen of the north facing dwelling. Drawing 8 “West wing - Proposed new kitchen window” contained in Confidential Attachment 10.3.1(a) The comment is NOT UPHELD.
Visual privacy concerns.	The proposed additions have been designed to ensure the impact on visual privacy is minimised.	As indicated in Section (f) above, visual privacy has been assessed and is considered to meet the acceptable development standards of the R-Codes. The comment is NOTED.
Concerns about the building design, setbacks and the impact on the streetscape.	The proposed design will increase the amenity of the landowners, and improve the external elevations.	The proposal has been presented to the City’s Design Advisory Consultants at their meeting held in October 2011 and was generally supported. The comment is NOTED.
The loss of existing views.	The views from the kitchen window of the north wing dwellings will be improved through the modification of the window from a landscape window, with a tall sill height to a portrait window.	Each dwelling will have expansive views from the new balcony. The modifications to the proposed north wing kitchen window are considered to improve the aspect from this room. The comment is NOT UPHELD.
The loss of natural light.	The balcony section (Drawing 9) shows the proposed balconies will have access to northern sunlight during winter. Minimal impact on access to the morning or afternoon sunlight.	Residents will have access to natural light on the north facing balconies, as well as being provided with an outdoor living area to bring the dwellings into compliance with the provisions of the R-Codes. The comment is NOT UPHELD.
Noise disturbance from neighbouring balconies.	No comment.	The DAC commented the proposed additions are located a sufficient distance from other dwellings to ensure residential amenity is not impacted upon. The comment is NOT UPHELD.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within 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

The proposed development involves the upgrade of an existing building to allow residents to enjoy access to an outdoor living area, giving them access to natural light and breezes. The upgrade of the building will cause substantially less wastage than demolition and rebuilding occurring on the subject site.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a additions (balcony or courtyard) to multiple dwellings on Lot 501 (No. 9) Parker Street, South Perth **be approved** subject to:

(a) Standard Conditions

210	Screening - permanent	445	Stormwater infrastructure
470	Retaining walls - If required	425	Colours and materials - Matching
471	Retaining walls - Timing	427	Colours and materials - Details
550	Plumbing hidden	660	Expiry of approval

(b) Standard Advice Notes

700A	Building licence required	790	Minor variations - Seek approval
720	Strata note - Comply with that Act	795 B	Appeal rights - Council decision

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

MOTION : ITEM 10.3.1

Cr Trent Moved the officer Recommendation, Sec Cr Reid

AMENDMENT : CR GRAYDEN : ITEM 10.3.1

Moved Cr Grayden, Sec Cr Skinner

That the officer recommendation be amended to include the following additional **specific conditions** at part (b) with the existing part (b) being renumbered to (c):

(b) **Specific Conditions**

- (i) That the balustrade screening be of opaque/translucent material; and
- (ii) That a geotechnical survey of the slope and site be conducted.

The Mayor Put the Amendment.

LOST (4/9)

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

The Mayor Put the Motion

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a additions (balcony or courtyard) to multiple dwellings on Lot 501 (No. 9) Parker Street, South Perth **be approved** subject to:

(a) **Standard Conditions**

210	Screening - permanent	445	Stormwater infrastructure
470	Retaining walls - If required	425	Colours and materials - Matching
471	Retaining walls - Timing	427	Colours and materials - Details
550	Plumbing hidden	660	Expiry of approval

(b) **Standard Advice Notes**

700A	Building licence required	790	Minor variations - Seek approval
720	Strata note - Comply with that Act	795 B	Appeal rights - Council decision

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

CARRIED (11/2)

10.3.2 Proposed Two Storey Single House -Lot 20 (No. 17) Tate St, South Perth.

Location:	Lot 20 (No. 17) Tate Street, South Perth
Applicant:	Webb & Brown-Neaves Pty Ltd
Lodgement Date:	29 September 2011
File Ref:	11.2011.435.1 TA3/17
Date:	2 April 2012
Author:	Cameron Howell, Planning Officer, Development Services
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Single House of two-storeys on Lot 20 (No. 17) Tate Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Solar access for adjoining sites	R-Code Performance Criteria 6.9.1 P1
Maximum ground / floor levels	TPS6 Clause 6.10
Building setbacks	R-Code Performance Criteria 6.3.1 P1
Open space	R-Code Performance Criteria 6.4.1 P1
Visual privacy	R-Code Performance Criteria 6.8.1 P1

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	607 sq. metres
Building height limit	7.0 metres
Development potential	1 dwelling
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Applicant's supporting report.
- Confidential Attachment 10.3.2(c)** Plans of the adjoining residential properties.

The location of the development site is shown below:



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

3. **The exercise of a discretionary power**
 - (b) Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.

6. *Amenity impact*

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

7. *Neighbour comments*

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

Comment

(a) Background

In September 2011, the City received an application for 1 × Single House in a two-storey building on Lot 20 (No. 17) Tate Street, South Perth (the site). Amended plans were submitted by the applicant in December 2011 and March 2012, in response to the City officer assessment.

(b) Existing development on the subject site

The subject site is located at Lot 20 (No. 17) Tate Street, South Perth (the site). The site is currently vacant following demolition of the single-storey Single House in January 2012, as depicted in Figure 2 below.

(c) Description of the surrounding locality

The site has a frontage to Tate Street to the east and Right-of-Way 20 to the west, located adjacent to two-storey Grouped Dwellings to the north, a two-storey Single House to the south, and the playing fields of Wesley College to the west, as seen in Figures 1 and 2 below:





(d) **Description of the proposal**

The proposal involves the construction of a Single House of two-storeys on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. The applicant's letter, **Attachment 10.3.2(b)**, describes the proposal in more detail.

The following components of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) the *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements:

- Single House land use - "P" (Permitted) (TPS6 Clause 3.3 and Table 1).
- Building height (TPS6 Clause 6.2).
- Minimum floor and ground levels (TPS6 Clause 6.9).
- Streetscape requirements - Tate Street and ROW 20 (R-Codes 6.2).
- Buildings setback from the boundary - Upper floor level; north and south (R-Codes 6.3.1 and Table 2).
- On-site car parking provision and vehicular access (R-Codes 6.5.1 and 6.5.4 and TPS6 Clause 6.3(8) and Schedule 5).
- Significant views (Council Policy P350.09).

The following components of the proposed development, which will be discussed in detail within this report, are recommended for approval:

- Maximum floor and ground levels (TPS Clause 6.10).
- Open space (R-Codes 6.4.1).
- Buildings setback from the boundary - Ground floor level, north and south (R-Codes 6.3.1 and Table 2).

The following components of the proposed development, which will be discussed in detail within this report, are recommended for approval subject to the implementation of the recommended conditions:

- Visual privacy - North (R-Codes 6.8.1).
- Solar access to adjoining sites - South (R-Codes 6.9.1).

(e) **Finished ground and floor levels - Maximum**

Based upon the equal cutting below and filling above calculations, the maximum finished ground level permitted is RL 9.50 metres and the proposed finished ground

level is 9.61 metres. Therefore, the proposed development does not comply with Clause 6.10.3 “Maximum Ground and Floor Levels” of TPS6. In addition, the maximum finished floor level permitted is RL 9.48 metres and the proposed finished floor level is 9.70 metres. Therefore, the proposed development does not comply with Clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

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 requirements of that clause, as outlined below:

- The proposed residence has essentially the same floor level proposed as the previous residence, and similar building footprint to the previous residence.
- The higher floor level than the “equal cut and fill” level is seen to have a minor contribution to the overshadowing of 19 Tate Street. The proposed levels have no overshadowing impact to 15 Tate Street, being located to the north.
- No comments were received from the neighbours regarding the proposed raised ground levels.
- The retaining on the northern boundary of the site would not exceed 1.0 metres in height, as per Clause 10(b)(i) of Council Policy P350.07.
- The boundary fencing will maintain privacy between the site and the adjoining properties.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City. Standard conditions are recommended for the provision of retaining on the lot boundaries, where required.

(f) Open space

The required minimum open space is 50% (303.5 sq. metres) of the site, and the proposed open space is 48.9% (296.6 sq. metres). Therefore, the proposed development does not comply with the acceptable development open space element of the R-Codes.

The applicant has satisfied all of Performance Criteria 6.4.1 P1 of the R-Codes. The assessment of the proposal against those criteria reveals the following:

- There are unenclosed outdoor areas that surround the building that function as open space, but are not defined as open space. In particular, most of the alfresco is located under the upper floor of the residence, including a roofed balcony. The acceptable development requirement would be met if the open area under the roofed balcony was defined as open space in the R-Codes.
- An attractive streetscape can be provided, as the building is setback more than 6.0 metres from the front property boundary. The visual impact of the building’s bulk is not seen to be excessive for this street.
- The available open space is seen to sufficiently cater for the resident’s needs.

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

(g) Wall Setback - Ground floor

(i) South - Theatre, study and planter box

The proposed wall setbacks from the southern boundary generally comply, however the wall to the theatre, study and planter box is setback by 1.0 metre from the boundary in lieu of 1.5 metres. Therefore, the proposed development does not comply with Table 2a of the R-Codes. In particular, this wall which has no major openings, is 0.5 metres longer than a 9.0 metre length wall that is permitted to be setback 1.0 metre from the boundary.

(ii) North

The proposed wall setbacks generally do not comply with Table 2a or 2b of the R-Codes, as the wall height of the building being measured from the adjoining property as per the R-Codes, exceeds 3.5 metres. All walls are setback to comply with the acceptable development setbacks for a wall height of 3.5 metres or less. The proposed wall heights measured from the site's proposed ground level do not exceed 3.5 metres.

The applicant has satisfied all of Performance Criteria 6.3.1 P1 of the R-Codes. The assessment of the proposal against those criteria reveals the following:

- The proposed setbacks enable adequate ventilation and sun to the subject site.
- The proposed setbacks enables adequate sun and ventilation to the neighbouring properties, with no shadow being cast over the southern adjoining property's habitable room windows and no shadow being cast over the northern adjoining property.
- The building bulk to the southern adjoining property is seen to be minor.
- The building bulk to the northern adjoining property is seen to be acceptable, as the proposed floor and ground levels are seen to comply with TPS6 and Council Policy P350.07, and the building's setbacks have been designed to meet standard setbacks based upon the site's natural ground levels.
- Visual privacy is not an issue as the boundary fencing will provide sufficient screening.
- No objecting comments from the neighbour were received (see the "Neighbour consultation" section).

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

(h) Visual privacy setback - Upper floor level

The building generally complies with the minimum visual privacy setbacks for active habitable spaces or has proposed screening to prevent overlooking of the adjoining residential properties, as per the acceptable development provisions of the R-Codes (6.8.1).

To ensure compliance with the visual privacy provisions, conditions are recommended for the balcony privacy screen on the northern side of the building. In particular, revised drawings requiring the bottom of the screen height to be lowered; as well as providing a cross section plan of the partially visual permeable screening to confirm that this screen sufficiently prevents overlooking of the northern adjoining property.

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

The maximum area of permitted overshadowing is 25% (152.5 sq. metres) of the adjoining southern lot (19 Tate Street), and the proposed overshadowing is 29.9% (182.3 sq. metres). Therefore, the proposed development does not comply with the acceptable development solar access element of the R-Codes.

The applicant has not satisfied Performance Criteria 6.9.1 P1 of the R-Codes. The assessment of the proposal against those criteria reveals the following:

- The building overshadows a north facing outdoor living area and the north facing habitable room windows on the ground floor level.
- No overshadowing of solar collectors or balconies.
- The overshadowing of the front verandah is not seen to have a significant detrimental impact, as this space does not function as an outdoor living area and the structure provides shade to the adjoining windows.
- Objecting comments from the neighbour have been received (see the “Neighbour consultation” section).
- If the proposed residence was single storey, the proposed shadow cast would be 23.3% or 142.3 sq. metres. (The shadow cast from the upper storey only has been calculated to be 40.0 sq. metres.)

The plans of the existing residence on the southern adjoining property are included in **Confidential Attachment 10.3.2(c)**. Based upon the winter sun calculation used in the R-Codes, the master bedroom, walk-in robe and ensuite on the upper floor of the proposed residence casts a shadow over the windows of the main living area (family / dining / kitchen rooms) on the ground floor of the southern adjoining property, as well as the adjacent courtyard area. Shadow is also cast from other portions of the proposed building over the lounge room windows and the rear garden area.

The winter shadow is cast approximately 2.5 metres into the dining room, with the height of the shadow on the windows being calculated as being approximately 1.7 metres in height. The winter shadow is cast approximately 4.0 metres into the family room, with the height of the shadow being calculated as being approximately 1.0 metre higher than the top of the window.

The adjoining lounge room windows, setback 1.0 metre from the boundary, will have some sunlight available. The upper storey completely overshadows one window (the eastern north facing window), though the other window (the western-north facing window) will only be partially overshadowed by the ground floor and the sunlight available to these windows is similar to the previous residence. The adjoining owner has not raised objections regarding the impact to this room. Noting the difficulty in enabling winter sunlight to these windows due to its setback from the boundary being less than the current R-Codes Table 2b requirements and having a similar impact as previously, City officers can support this aspect of the proposal.

The applicant is of the opinion that the proposal demonstrates compliance with the performance criteria. The comments of the applicant, together with officer response are summarised below:

Applicant's Comments	Officer Response
The development site is constrained by the 12.19 metre lot width and meeting overshadowing requirements is difficult due to the same lot width for the southern adjoining property and lot orientation.	All properties have constraints on development potential. The size and orientation of the site, the adjoining lot, and the existing development on the adjoining property are not seen to prevent the construction of a two-storey residence that can achieve compliance with the solar access objectives.
The adjoining dwelling has a similar overshadowing impact to 21 Tate Street.	The two-storey Single House at 19 Tate Street was approved in 1999. This residence was not assessed against the current planning requirements.
The shade sail positioned over the outdoor living area limits the potential for the proposed development to impact upon the adjoining property.	The existing shade sail over the courtyard will cast shade over the courtyard and adjacent habitable room windows, though the design of the sail should allow some sunlight to reach the outdoor living area and habitable room windows.
The setback of the building exceeds the requirements of R-Codes Table 2.	The upper floor setbacks from the side boundaries are greater than the minimum required by Table 2 of the R-Codes.
Greater setbacks would not result in any substantial improvement to the extent of overshadowing proposed.	Increasing the setback of the building from the southern boundary will reduce the extent of shadow cast over the southern adjoining property.
A similar pattern of overshadowing from the new garage is proposed compared to the previous garage on the site.	The adjoining rear garden area has shadow cast from the proposed garage and walkway. Additional overshadowing compared to the previous garage is proposed, however noting that this proposed development is single storey, setback to comply with Table 2a of the R-Codes, and some winter sunlight will remain available, City officers can support this aspect of the proposal.

City officers do not support the proposed extent of overshadowing of the adjoining residence's main living areas, and have advised the applicant to make modifications to the upper level to address this issue. In response to concerns raised after assessment of the plans originally submitted, the applicant setback the master bedroom, walk-in robe and ensuite walls and roof eaves an additional 1.0 metre from the southern boundary. This modification is not seen to be sufficient, as it allows only limited winter sunlight into the adjoining dining windows and no winter sunlight into the adjoining living windows. To resolve this issue, City officers previously recommended to the applicant that the upper level should be relocated to the front of the building with the upper level facing Tate Street, as overshadowing of the front of the adjoining property does not have a significant detrimental impact. Noting the applicant did not elect to pursue this option, City officers could alternatively support a greater setback from the boundary to reduce the shadow cast over the adjoining habitable room windows.

City officers consider that allowing sunlight into the upper half of the dining and living room windows of the adjoining property could be seen as to be protecting solar access of major openings to habitable rooms. To enable sufficient winter sunlight to the adjoining habitable room windows based upon the proposed height of the residence, the wall of the master bedroom and walk-in robe, with a 0.5 metre wide roof eave, should be setback at least 4.0 metres from the boundary, an additional 1.0 metre than currently proposed. In addition, the wall of the ensuite, with a 0.5 metre wide roof eave, should be setback at least 5.0 metres from the boundary, an additional 2.5 metres than currently proposed. The abovementioned greater setbacks would result in the lower 1.0 metre of the dining and lounge windows being shaded, and the upper 1.0 metre of these windows receiving winter sunlight, as well as enabling more sunlight into the adjoining courtyard area. The total overshadowing of the adjoining property would also decrease by approximately 16.0 sq. metres, though the total overshadowing would still be greater than 25% of the adjoining property's site area.

In this instance, it is considered that the proposal does not comply with the performance criteria, and is therefore not supported by the City. However, a condition to increase the setbacks of the upper storey from the southern boundary of the site is recommended to demonstrate compliance, and thereby rectify this matter.

(j) Sustainable design

City Council Policy P350.01 "Sustainable Design" strongly encourages all proposed development to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. It is acknowledged that Council Policy P350.01 does not override other TPS6, R-Codes and Council policy requirements via Clause 5(h). As a consequence of the development without modification not complying in all other respects (see relevant sections of this report), it is considered that the proposal does not comply with Council policy.

The proposed building is generally designed to take advantage of the northern solar access available. However, the upper storey is seen to adversely affect the neighbouring properties in terms of access to natural light. The recommended modifications to the upper storey are seen achieving a more sustainable design. Therefore, the proposed development with modification would comply with Council Policy P350.01.

(k) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and "sense of community" both at a City and precinct level and to encourage more community consultation in the decision-making process;*

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

Subject to compliance with the recommended conditions of approval, the proposed development will be satisfactory in relation to all of these matters.

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

In considering the application, 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 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 Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (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;*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) *Any other planning considerations which Council considers relevant.*

Subject to compliance with the recommended conditions of approval, the proposed development will be satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' comments

The application does not need to be referred the City's Design Advisory Consultants (DAC), as the proposed design and built form is seen to be compatible with the existing streetscape.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, individual property owners and / or occupiers at Nos. 15 (6 dwellings) and 19 Tate Street 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). In addition, one neighbour notification notice was sent to No. 40 Coode Street (Wesley College).

During the advertising period, a total of 12 consultation notices were sent and one submission was received; nil in favour and one against the proposal. The comments of the submitter, together with officer response are summarised below:

Submitter's Comments	Officer's Responses
The master bedroom, walk-in robe and ensuite on the upper floor of the proposed residence overshadow the dining, kitchen and living areas. The windows overshadowed are the only source of sunlight available to these rooms. Requests the upper storey be setback further from the southern boundary or shifted closer to Tate Street. The amended plans submitted have made little impact on overshadowing.	The applicant submitted amended plans that increased the setback of these walls by an additional 1.0 metre from the boundary. The shadow cast is not seen to sufficiently protect solar access to the adjoining property's major openings to habitable rooms. The revised drawings conditions of approval recommended by officers will ensure compliance with the associated performance criteria. The comment is UPHELD .
The theatre / study wall side setback variation has no impact.	This wall's setback from the boundary is seen to be compliant with the performance criteria. The comment is UPHELD .
Objection to the garage boundary wall, particularly due to the overshadowing of the rear garden.	The applicant submitted amended plans that increased the garage's setback from the boundary from 0.0 metres to 1.0 metres, to comply with Table 2a of the R-Codes. The comment is UPHELD and NOT APPLICABLE .

(c) Internal administration

This application did not require comments from the Engineering Infrastructure, Environmental Health, City Environment or Building Services sections of the City's administration.

(d) External agencies

This application did not require comments from any external agencies.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has no financial implications

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within 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

City officers observe that the proposed outdoor living areas and the main indoor 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. Officers are recommending a modification to the upper storey to achieve a sustainable outcome for the southern adjoining property.

Conclusion

It is considered that the proposal, without modification does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours. However, provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Single House of two-storeys on Lot 20 (No. 17) Tate Street, South Perth **be approved** subject to:

(b) Standard Conditions

210	Screening - Permanent	625	Sightlines for drivers
427	Colours and materials - Details	390	Crossover - Standards
416	Street tree - Not to be removed	393	Verge and kerbing works
470	Retaining walls - If required	445	Stormwater infrastructure
471	Retaining walls - Timing	377	Screening - Clothes drying
455	Dividing fences - Standards	660	Expiry of approval
456	Dividing fences - Timing		

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The wall of the master bedroom and walk-in robe on the upper floor level, with a 0.5 metre wide roof eave, shall be setback at least 4.0 metres from the southern boundary of the site, an additional 1.0 metre than currently proposed.
 - (B) The wall of the ensuite on the upper floor level, with a 0.5 metre wide roof eave, shall be setback at least 5.0 metres from the southern boundary of the site, an additional 2.5 metres than currently proposed.
 - (C) The bottom of the balcony screen shall be lowered from the 34c level to be no higher than the 30c level, to prevent overlooking of the northern adjoining property from the balcony using a vertical cone of vision.

- (ii) Additional drawings shall be submitted, prior to the issuing of a building licence, that demonstrate the balcony visual privacy screening prevents overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA and Clause 8 of Council Policy P350.08 "Visual Privacy".
- (iii) At least one tree, not less than 3.0 metres in height at the time of planting and of a species approved by the City, shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The tree/s shall be maintained in good condition thereafter.
- (iv) The proposed Tate Street crossover is not part of this approval and shall be deleted from the plans; refer to Important Note (d)(ii).

(c) **Standard Advice Notes**

700A	Building licence required	709	Masonry fences require BA
705	Revised drawings required	766	Landscaping - General standards
706	Applicant to resolve issues	790	Minor variations - Seek approval
716	Fences note - Comply with that Act	795B	Appeal rights - Council decision

(d) **Specific Advice Notes**

- (i) The applicant is advised that the external colours shown on the perspective elevation plans are seen to demonstrate compliance with Condition 427 of this approval.
- (ii) The proposed Tate Street crossover is not approved, as it does not provide access to any approved car parking bays and due to its proximity to an existing street tree.

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 EN BLOC RESOLUTION

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 - March 2012
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 April 2012
Author	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

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 a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

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 previously adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City provides comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

A monthly Statement of Financial Position 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 this statement 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:

- Statement of Financial Position - **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) & (B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 March 2012 is \$40.523 M which represents just over 100% of the \$40.45M year to date budget. Revenue performance is very close to budget expectations overall - although there are some individual line item differences. Meter parking is on budget but infringement revenue is around 15% behind budget expectations. Reserve interest revenues are 5% under budget expectations to date whilst municipal interest revenue is 8% behind budget expectations. The full year budget target for municipal investments is still considered attainable. Interim rates revenue is still ahead of the revised budget figures even after a substantial (\$100K) upwards revision to the revenue budget in the Q2 Budget Review. A further adjustment is proposed in the Q3 Budget Review.

Planning revenues are now 3% below budget – after a significant downwards adjustment to the revenue budget - but this is compensated by using lesser levels of staff resource in the area. Building Services revenues remain 3% behind the revised target (adjusted down in the Budget Review) but they are relatively resilient in the current economic climate. Collier Park Village revenue is in line with budget expectations whilst the Collier Park Hostel revenue is now 1% ahead of target following another retrospective adjustment to commonwealth subsidies.

Golf Course revenue remains some 7% below budget targets even after a significant downwards budget adjustment.

Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are now ahead of budget after recognising additional revenues from transfer station entries and from billing a higher number of services than was anticipated when budget modelling was done. A windfall gain from a delayed vehicle trade-in and the forfeiting of the event bond for use of SJMP for restoration costs have also had a positive effect on Infrastructure Services revenues. These are adjusted in the Q3 Budget Review.

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

Operating Expenditure to 31 March 2012 is \$36.28M which represents 99% of the year to date budget. Operating Expenditure is 2% under budget in the Administration area, 1% under budget for the golf course and on budget in the Infrastructure Services area.

Cash operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers.

Most infrastructure maintenance activities are reflected as broadly in line with budget expectations or slightly favourable whilst building maintenance activities are currently quite favourable due to contractor availability. Savings on park and ground maintenance will be redeployed to offset over expenditure on tree pruning and tree watering programs.

Waste management costs are slightly under budget expectations with savings on landfill and transfer station costs offsetting over expenditure on the bulk rubbish collections – due to higher than anticipated volumes. Golf Course expenditure is currently favourable to budget and must be closely monitored for the rest of the year given the weaker revenue performance from this area.

Overheads in both the City Environment & Engineering Infrastructure areas are higher than expected due to less than anticipated overhead recoveries. Some corrective action occurred in Engineering Infrastructure in March. However, this issue is likely to require further remedial action before year end.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 1.2% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. The factors impacting this include vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

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 \$7.82M at 31 March against a year to date budget of \$7.61M. All items are close to budget expectations at present other than UGP service charges which are ahead of budget at present but will be adjusted down for some contested charges. Details of capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 March 2012 is \$13.83M representing 85% of the year to date budget of \$16.2M. At this stage, almost 48% of the expenditure relates to the CPGC work and the UGP project. A special review of the capital program was undertaken in March and is reflected in the Q3 Budget Review Report presented to Council.

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	260,000	228,351	88%	690,000
Financial & Information Services	507,500	440,492	87%	1,355,000
Development & Community Services	725,000	709,822	98%	825,000
Infrastructure Services	6,394,636	4,502,809	70%	8,349,924
Waste Management	200,360	214,975	93%	245,360
Golf Course	5,512,760	5,135,172	93%	5,548,760
UGP	2,600,000	2,603,411	100%	4,766,000
Total	16,200,256	13,835,032	85%	21,780,044

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

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 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 addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, 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 Statement of Financial Position 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 **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 March 2012
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 April 2012
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 \$44.30M (\$46.62M last month) compare to \$40.27M at the equivalent stage of last year. Reserve funds are \$1.4M higher overall than the level they were at the same time last year - reflecting \$2.5M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The UGP Reserve is \$0.80M lower. The Sustainability and CPH Capital Reserves are each \$0.3M higher whilst the Technology Reserve, River Wall Reserve and Railway Station Reserve are each \$0.1M higher. The Future Building Works Reserve is \$0.3M higher when compared to last year. The CPGC Reserve is also \$1.1M lower as funds were applied to the Island Nine project. Future Streetscapes & Future Parks Reserves are both \$0.2M lower as funds are applied to current year capital works as planned. Various other reserves are modestly lower.

Municipal funds are \$2.6M higher than last year at present as a consequence of the timing of outflows on capital projects. Collections from rates so far are now well ahead of last year's excellent result after the final instalment date. This suggests that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses) have again had a positive effect on 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 dynamically 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 \$10.50M (compared to \$13.24M last month). It was \$7.91M at the equivalent time in 2010/2011. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$45.60M compared to \$41.67M at the same time last year. This is due to the higher holdings of Reserve & Municipal Funds as investments due to deferred cash outflows on capital projects.

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 98.8% 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).**

Total interest revenues (received and accrued) for the year to date total \$1.82M - compared to \$1.78M at the same time last year. Whilst the City now has higher levels of cash invested at this time, the prevailing interest rates have been slightly lower.

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 5.74% with the anticipated weighted average yield on investments yet to mature now sitting at 5.63% (compared with 5.67% last month). At-call cash deposits used to balance daily operational cash needs provide a very modest return of only 4.00% following the December 2011 Reserve Bank decision on interest rates.

(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 March 2012 (after the due date for the final instalment) represent 95.9% of rates levied compared to 95.6% at the equivalent stage of the previous year.

This again provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 Annual Budget and 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), these have provided strong encouragement for ratepayers - as evidenced by the collections to date.

This collection result has been supported administratively throughout the year 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 (excluding UGP debtors) stand at \$1.56M at month end (\$1.62M last year) (\$2.29M last month). Most balances including GST receivable and Pension Rebate Claims are very close to the balances for the equivalent time last year. Balance Date Debtors reduced by some \$0.6M following receipt of the \$575K proceeds of the Kensington CHC land on settlement in March.

This continuing good result is particularly important with respect to effectively maintaining our cash liquidity in the light of the less than anticipated budget opening position for 2011/2012.

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

(iii) Underground Power

Of the \$7.30M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.05M was collected by 31 March with approximately 85.1% of those in the affected area having now paid in full and a further 14.1% opting to pay by instalments. The remaining properties were disputed billing amounts. Final notices were issued and these amounts have now been pursued by external debt collection agencies as they had not been satisfactorily addressed in a timely manner. Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

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 recognise 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).

Initial billing for the Stage 5 UGP Project occurred at the end of February with some \$4.43M being levied. \$1.56M has already been collected with some 35.8% of property owners opting to settle in full and a further 20.2% paying by instalments so far.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of 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
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That Council receives the 31 March 2012 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:	9 April 2012
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 March 2012 and 31 March 2012 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
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That the Listing of Payments for the month of March 2012 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 Budget Review for the Quarter ended 31 March 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	12 March 2012
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2011/2012 Adopted Budget for the period to 31 March 2012 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

- those that increase the Budget Closing Position
(new funding opportunities or savings on operational costs)
- those that decrease the Budget Closing Position
(reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Background

Under the *Local Government Act* 1995 and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review after the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 March 2012.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that simply reflect a timing difference

(scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review
Attachment 10.6.4(1)

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to or from existing Cash Reserves are shown as
Attachment 10.6.4(2).

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Strategic Financial Plan (SFP or until contractors / resources become available), they may be returned to a Reserve for use in a future year. There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation - **Attachment 10.6.4(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 12 July 2011.

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City's cash resources.

- Special Review of Capital Items to Address Cost Over-runs - **Attachment 10.6.4(4)**

These items represent a re-distribution and re-prioritisation of capital projects to accommodate situations where scope increments or work complexity have necessarily caused additional costs to be incurred on completed road projects.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Whilst compliance with statutory requirements requires only a half yearly budget review (with the review results being forwarded to the Department of Local Government), more frequent and dynamic reviews of budget versus actual financial performance is good management practice.

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$45,500) to the projected 2011/2012 Cash Budget Closing Position as a consequence of the review of operations and a (\$180,000) adjustment to accrual collections for UGP due to later billing than was initially anticipated at budget date.

The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The adopted budget at 12 July showed an estimated Closing Position of \$208,213. The aggregate effect of changes recommended in the Q1 to Q3 Budget Reviews will result in the estimated 2011/2012 Closing Position being adjusted to \$140,567 after allowing for required adjustments to the estimated opening position, accrual movements, loan principal repayments and reserve transfers.

The impact of the proposed amendments (Q3 Budget Review only) on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not any previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2010/2011 year end accounts. Adjustments to loan principal repayments relate to changes in the timing (deferral) of budgeted borrowings - and movements in loan interest rates.

TABLE 1: (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	37,500	(90,000)	(52,500)
Financial and Information Services	222,000	(160,000)	62,000
Development and Community Services	37,000	(81,000)	(44,000)
Infrastructure Services	776,313	(787,313)	(11,000)
Opening Position	0	0	0
Accruals & Loan Principal Movements	0	(180,000)	0
Special Review Items	204,333	(204,333)	0
Total	\$1,277,146	(\$1,502,646)	(\$225,500)

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2011/2012 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	213,500	(271,000)	(57,500)
Financial and Information Services	738,500	(403,000)	335,500
Development and Community Services	492,500	(566,000)	(73,500)
Infrastructure Services	1,669,024	(1,839,524)	(170,500)
Opening Position	0	(192,787)	(192,787)
Accruals & Loan Principal Movements	20,000	(180,000)	(160,000)
Special Review Items	449,333	(204,333)	245,000
Total change in Adopted Budget	\$3,582,857	(\$3,656,614)	\$73,787

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated budget closing position has only moved from the \$214,354 as determined by Council when the budget was adopted in July 2011 to \$140,567 after including all budget movements to date.

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 City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That following the detailed review of financial performance for the period ending 31 March 2012, the budget estimates for Revenue and Expenditure for the 2011/2012 Financial Year, (adopted by Council on 12 July 2011 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4(1);**
- Items funded by transfers to or from Reserves; **Attachment 10.6.4(2);** and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4(3).**
- Special Review of Capital Items **Attachment 10.6.4(4)**

CARRIED EN BLOC RESOLUTION And
By Required Absolute Majority

10.6.5 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	9 March 2012
Author:	Kay Russell, Executive Support 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.

Delegation DC346 “Authority to Affix the City’s Common Seal” authorises the Chief Executive Officer or a delegated employee to affix the common seal to various categories of documents.

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.

March 2012

Nature of document	Parties	Date Seal Affixed
Lease Agreement (Unit 5, 2 Bruce Street Como) x3	City of South Perth & Margaret Lilian Beaton	7 March 2012
Deed of Lease (Unit 134, 45 McNabb Loop, Como) x3	City of South Perth & David Dover Miller and Glennys Constance Mary Miller	26 March 2012
Deed of Agreement to Lease (Unit 134, 45 McNabb Loop, Como) x3	City of South Perth & David Dover Miller and Glennys Constance Mary Miller	26 March 2012
Resident Agreement for Low care (Hostel) Residents x3	City of South Perth & Mrs Dorothy Mavis Hurst	30 March 2012
Amendment No. 31 to Town Planning Scheme 6 as adopted by Council on 27 March 2012	City of South Perth & the Minister for Planning	30 March 2012

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 10.6.5
--

That the report on the use of the Common Seal for the month of March 2012 be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Applications for Planning Approval Determined Under Delegated Authority
--

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 2 April 2012
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 March 2012.

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 March 2012, thirty-nine (39) development applications were determined under delegated authority at **Attachment 10.6.6**.

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 10.6.6
--

That the report and **Attachment 10.6.6** relating to delegated determination of applications for planning approval during the month of March 2012, be received.

CARRIED EN BLOC RESOLUTION

10.6.7	Request for Extension of Licence : Surfcat Operator Sir James Mitchell Park
---------------	--

Location:	City of South Perth
Applicant:	Council
File Ref:	CP/603/5
Date:	13 April 2012
Author:	Ricky Woodman, Corporate Project Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration

Summary

This report considers a request from the potential new proprietors of the Funcats Catamaran and Sailing School for the Council to grant an assignment of the licence and to also grant an extension of the licence term for a further ten year period, from 1 July 2015 to 30 June 2025 on the same terms and conditions as provided in the existing licence.

Background

The Council first entered into a licence with Mr Jack Freeman to operate a catamaran hire business on the South Perth foreshore in August 1998, for a period of 5 years. Council subsequently resolved in June 2005 to extend the licence for a period of ten years, expiring 30 June 2015.

Comment

The licence permits the licensee to use an area on Reserve 34565 Sir James Mitchell Park (zoned parks and recreation) to operate a catamaran hire operation.



The current licensee is wishing to retire and has expressed an interest in selling the business and assigning the licence. A potential proprietor, Andrew Partington has been identified who is interested in being assigned the licence and also being granted a licence extension for a further ten year period. Given the considerable capital required to purchase the business, the potential proprietor would like the reassurance that the business will be able to continue to operate beyond June 2015. On this basis, a further extension of licence of 10 years is considered reasonable and would facilitate continued operation of this leisure facility for the community.

Mr Partington is very keen to assume responsibility for this business and ensure that visitors to Sir James Mitchell Park are provided with a quality leisure experience. Mr Partington has over 30 years involving in recreational boating including having owned and operated a boat hire business in Albany, comprising 24 craft for a five year period. More recently, he has owned and operated a physiotherapy practice, gymnasium and hydrotherapy pool at Albany and North Beach.

This leisure operation is considered by the City to be invaluable in attracting visitors to Sir James Mitchell Park with the unique and wonderful experience of sailing on the Swan River from the South Perth foreshore.

Consultation

The City has discussed the extension and assignment with the current and potential future owner of the Funcats Catamaran and Sailing School.

Policy and Legislative Implications

Policy P609 Lease of City Buildings provides that leases will be offered for a sufficient period of time to give the commercial entity an opportunity to establish the business. This should be taken into consideration when making the decision to extend the lease.

The licence extension is subject to the provisions of section 3.58 of the *Local Government Act 1995*. Section 3.58 of the *Local Government Act* requires that the City give local public notice of the proposed disposition for a period of not less than 2 weeks, and the Council is to consider any submissions received. Should there be no adverse submissions received during the notice period, it is proposed to proceed with the leasing of the property as per the Council resolution.

Financial Implications

The current licence fee is \$45,000 per annum payable six monthly in advance. There is a potential earning of \$450,000 by extending the license for a further ten year period. The value of the licence fee is considered reasonable in comparison to other licence fees charged by the City and other local governments and no further increase is proposed other than an annual rent review indexed to CPI Perth.

Costs relating to the assignment of the licence and preparation of the new licence would be borne by Mr Partington.

Strategic Implications

The report aligns to Strategic Direction 1 of the Strategic Plan - *Community – Create opportunities for a safe active and connected community*. It also aligns with Strategic Direction 6 - *Governance – Ensure that the City’s governance enables it to respond to the community’s vision and deliver 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.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7</p>

Moved Cr Gleeson, Sec Cr Trent

That subject to the provisions of section 3.58 of the *Local Government Act 1995*, the Council:

- (a) agree to an assignment of the existing licence for the operation of Funcats from Mr Jack Freeman to Mr Andrew Partington;
- (b) offer a 10 year extension of licence following the expiry of the existing licence, from 1 July 2015 to 30 June 2025, to Mr Andrew Partington on the same terms and conditions as provided in the existing licence with a further provision to be added incorporating an annual rent review indexed to CPI (Perth)

CARRIED (13/0)

DECLARATIONS OF INTEREST : ITEM 10.6.8

The Mayor read aloud the following Declarations of Interest:

Mayor Doherty

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I wish to declare an impartiality interest in Item 10.6.8 “Request for Extension of Lease - RSL Hall 57 Angelo Street, South Perth” on the April Council Agenda as my husband is a member of the Returned Services League. I do not have a financial interest in this matter that precludes me from participating in the discussion / vote and as such I will not leave the Council Chamber at the Agenda Briefing on 17 April and the Council Meeting on 24 April 2012

Cr Cridland

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I wish to declare an impartiality interest in Item 10.6.8 “Request for Extension of Lease - RSL Hall 57 Angelo Street, South Perth” on the April Council Agenda as I am a member of the Returned Services League. I do not have a financial interest in this matter that precludes me from participating in the discussion / vote and as such I will not leave the Council Chamber at the Agenda Briefing on 17 April and the Council Meeting on 24 April 2012

Cr Trent

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I wish to declare an interest in Item 10.6.8 "Request for Extension of Lease - RSL Hall 57 Angelo Street, South Perth" on the April Council Agenda. I am a member of the Returned Services League and President of the South Perth sub-branch and as such I will leave the Council Chamber at the Agenda Briefing on 17 April and the Council Meeting on 24 April 2012

Note: Cr Trent left the Council Chamber at 8.18pm

10.6.8	Request for Extension of Lease : RSL No. 57 Angelo Street, South Perth
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Location:	City of South Perth
Applicant:	Council
File Ref:	CP/601/1
Date:	13 April 2012
Author:	Ricky Woodman, Corporate Project Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration

Summary

This report considers a request from the Returned Services League of Australia, Western Australia Branch to extend their lease for 57 Angelo Street South Perth for a period of 5 years following the expiry of the existing lease in June 2012.

Background

The Returned Services League of Australia, Western Australian Branch (RSL) entered into a lease with the City of South Perth for 57 Angelo Street South Perth in October 1989 for a period of 21 years, expiring 30 June 2012.

A 182sqm building constructed in the 1960's and 14 vehicle parking bays are situated on the property. The RSL subleases part of the property and six vehicle parking bays to a settlement agency and real estate agent, from which the City receives 50% of the income, totalling \$18,527 per annum.

Comment

57 Angelo Street South Perth is a strategically important parcel of land on the corner of Angelo and Anstey Streets South Perth. The land is 658sqm in total and is zoned Neighbourhood Centre Commercial R50. Permitted uses under this zoning include cafe / restaurant, consulting rooms, local shop, industry - service, take away food and home office. The land is estimated to be valued at approximately \$1.5M.



In recent discussions, there has been a general consensus that the RSL and the City in the longer term would benefit from the RSL being relocated to the new pavilion proposed for Ernest Johnson Oval as part of the City's master planning process.

The City is currently working on the development of a master plan for replacement of community buildings on Ernest Johnson Oval and it would be appropriate to consider the relocation of the RSL to part of the new facility on this location.

This relocation would then allow the City to develop, either directly or indirectly this parcel of land for a more suitable development for this prominent location. Given the strategic location and the financially low return on the property, it is considered timely to commence planning towards putting the land to a higher and better use and this lease proposal would assist in achieving this outcome.

An extension of lease term for a period of 5 years would allow investigations to occur and if necessary plan for the relocation of the RSL onto more suitable accommodation. The development of the Ernest Johnson Oval master plan would occur at about the same time that proposals could be considered in relation to the redevelopment of the existing property on the corner of Angelo and Anstey streets.

Consultation

The City has been in ongoing discussions with the RSL in respect to the extension of the lease.

Policy and Legislative Implications

Policy P609 Lease of City Buildings is designed to ensure that the City provides maximum benefit to the community of South Perth through the use of City-owned buildings as well as obtaining an appropriate level of rental return.

The lease extension is subject to the provisions of section 3.58 of the *Local Government Act 1995*. Section 3.58 of the *Local Government Act* requires that the City give local public notice of the proposed disposition for a period of not less than 2 weeks, and the Council is to consider any submissions received. Should there be no adverse submissions received during the notice period, it is proposed to proceed with the leasing of the property as per the Council resolution.

Financial Implications

The City receives approximately \$18,500 per annum in income from the rental. However, it is prudent for the City to plan for the future and work towards maximising the value of its investment in the property at a later time for the benefit of the greater community.

Strategic Implications

The report aligns to Strategic Direction 1 of the Strategic Plan - *Community – Create opportunities for a safe active and connected community*. It also aligns with Strategic Direction 6 - *Governance – Ensure that the City's governance enables it to respond to the community's vision and deliver 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 AND COUNCIL DECISION ITEM 10.6.8
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Moved Cr Skinner, Sec Cr Grayden

That subject to the provisions of section 3.58 of the *Local Government Act 1995*, the Council approve the extension of the lease for No.57 Angelo Street, South Perth to the Returned Services League of Australia Western Australia Branch for a five (5) year period, 1 July 2012 to 30 June 2017, on the same terms and conditions as provided in the existing lease.

CARRIED (12/0)

Note: Cr Trent returned to the Council Chamber at 8.20pm

11. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Underground Power Charges – Warner Court : Cr C McMullen
--

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 24 April 2012:

MOTION

That....

- (a) Council, in its deliberations in September 2011, was unaware of the specific circumstances relating to Warner Court properties, where all 25 properties in the subdivision are already connected to underground power and would not receive direct benefits from the Manning/Salter Point SUPP initiative;
- (b) Warner Court owners are not expected to receive a direct benefit from the underground power installation project, but will share in the same indirect benefit received by the wider community, including those outside the zone to which installation fees apply; and
- (c) Manning/Salter Point SUPP charges be waived for all properties connected to the existing Warner Court underground power system.

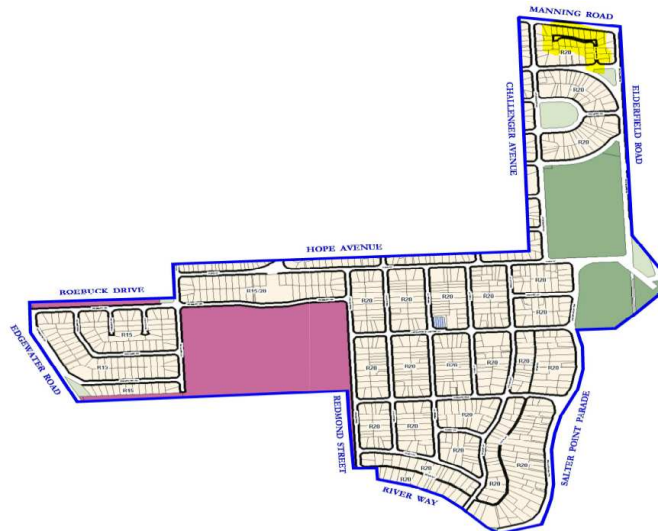
MEMBER COMMENT

Warner Court residents are each being charged up to \$2,900 for a share of the Underground Power Project in the Manning/ Salter Point area. Every property in Warner Court already has underground power, installed as part of the area's initial subdivision.

Warner Court borders Manning Road and is on the northernmost boundary of the Salter Point UGP area. The only power-lines visible in the area are the high voltage lines servicing much of the South Perth area. These power-lines are not being placed underground and there will be no visible changes in the street that will confer additional value to Warner Court property values.

Warner Court does not receive a direct benefit from the Salter Point UGP. Properties do receive an indirect benefit however this is common with many properties in Manning and Waterford outside the UGP area. This indirect benefit is insufficient to warrant levying a substantial fee against the properties, and it appears that the only reason a fee is levied on Warner Court properties is because the properties are inside an arbitrary boundary presented to Council.

Council agreed in September 2011 that charges were to be levied against all properties within the Salter Point UGP zone. This motion had the intention of recovering costs from properties obtaining a direct benefit from the implementation programme. At the time of the motion, the City informed Council that Warner Court owners received a benefit from the programme as the isolated system is only as good as the above ground network surrounding and servicing the subdivision, however this is an indirect benefit enjoyed by properties outside the implementation zone.



It is unreasonable to charge owners up to \$2,900 under the premise of creating a wider net under which to share a cost. Such a proposal represents a tax, not a service fee. Despite this figure representing a 30% discount on the full fee, the sum charged is excessive for persons that have already contributed to providing underground power in their local neighbourhoods and who receive no direct benefit from the programme.

This Council needs to correct a past oversight to ensure that the City remains flexible and responsive in delivering customer service.

COMMENT CEO

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

Under the current arrangement with the State Government the State Undergrounding of Powerlines Program (SUPP) in a designated area is a shared responsibility between the Local Government and the Office of Energy/Western Power.

The Council from the inception of the program has been aware that the shared arrangement is the only way the City could participate in the SUPP. In the three completed underground power areas to date every property owner within the respective areas have each contributed proportionately to the cost of the required works. The Service Charge set for Salter Point was set with this basic principle in mind. The expectation was that every property owner (without exception) and within the designated Salter Point UGP area, including the Warner Court properties, would contribute to the cost of the Underground Power Program (UGP). Clearly, if property owners within the area became 'exempt' from payment of the service charge, others within the area would have to pay a higher charge to compensate.

In fact the report presented to Council at its September 2011 meeting clearly referenced the particular circumstances of the properties off Warner Court who derive a benefit from the UGP. The following is an extract from the report:

“In addition, as part of the subdivision of a small parcel of land off Henning Crescent at Elderfield Road (prior to 1990) the power supply, house, and street connections in Warner Court were all placed underground with the cost of such work being absorbed into the land price. Arguably some discount needs to be applied to those property owners who have already made some contribution to the Western Power infrastructure although either side of their properties the supply into the area is still overhead.”

The Council was therefore made aware of the specific circumstances of the Warner Court properties at the time the fee structure was adopted. Further, Council set concessions up to a maximum of 55% to take into account the particular circumstances of properties in Warner Court. The concessions are as follows:

- | | |
|-----------------------------------|------------------------|
| • Special Warner Court concession | 30% |
| • Pensioner Concession | 25% (where applicable) |
| • Registered Seniors Discount | 15% (where applicable) |

Note: Concessions are capped at 55% maximum

The Council has acknowledged that Warner Court has below ground powerlines and that each of the properties is connected by an underground lead-in to the meter box. There is also a single property located within Warner Court that is still serviced by the overhead network at Manning Road.

The whole power network, however, does not start and finish at the interface of Warner Court with Henning Crescent. As a percentage of the cost of the project, the undergrounding of the aerial conductors and the provision of new and increased capacity transformers and switching units throughout the network within the area is far and away the greatest component of the works. The house connection contract is one of the smaller contracts associated with the program.

As a community-based project where the benefits accrue to the widest possible area, the cost of carrying out the network costs must be distributed equitably across all of the properties located within the area affected by lowering the aerial supply. Warner Court is connected to the overhead network at Henning Crescent.

The proposal involves upgrading the power supply infrastructure in Manning Road to service the Manning / Salter Point area (all but the high voltage transmission lines). The upgrade will also connect Warner Court to the proposed underground network at Henning Crescent following the removal of the overhead power lines. Henning Crescent in turn will be connected to the proposed underground power supply in Elderfield Road.

One of the objectives of the UGP program is to increase the reliability of electricity supply and this is achieved by upgrading all relevant infrastructure within the approved UGP area. Properties within Warner Court therefore also receive this benefit even though there are no powerlines that are required to be placed underground in this street (i.e. the direct benefit is achieved via the undergrounding of power at Henning Crescent, the upgrade to power distribution in the area generally and removal of the unsightly power lines throughout the area).

The benefit of having an upgraded facility with upwards of a 50 year life is undeniable as compared to currently being serviced by an overhead system of limited capacity and at the end of its useful life. Further, the upgraded facility will provide all properties, including those within Warner Court, with continuity of power supply which is designed to cater for the current and future energy requirements of the area.

The network charge set for Warner Court is in line with the general principle of all property owners within the UGP area contributing to the cost of the works. The network charge is set at the lowest of the three levels and a 30% discount is applied. Where applicable, a pensioner or eligible seniors discount is also be applied (refer to the breakdown earlier in this response).

As properties within Warner Court are serviced from an existing overhead street supply, albeit in Henning Crescent, the special discount offered is recognition of the early costs incurred as part of the subdivision and is considered to be both fair and reasonable. The service charge as previously advised remains unchanged.

The Council in setting the Service Charge acknowledged the circumstances of the Warner Court properties through a 30% discount on the network charge. The report presented to Council at its September 2011 meeting made reference to other discounts that need to be applied to certain properties.

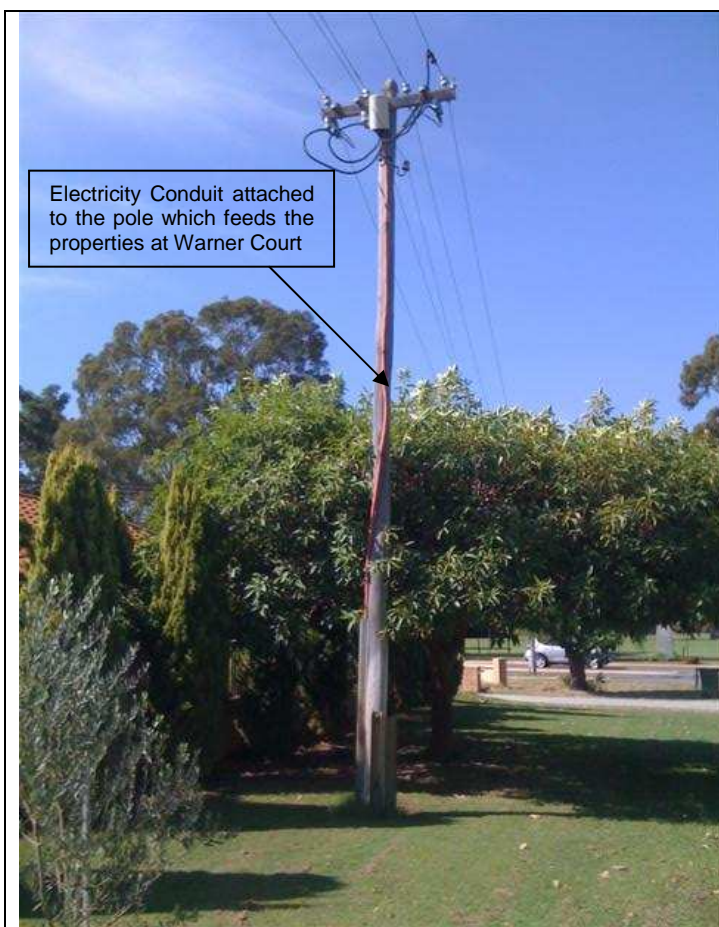
The principle that every property owner regardless of whether it is a direct or indirect benefit (compare commercial properties, utilities, schools and sporting fields) must contribute to the cost of the undergrounding of power within an area should be upheld. The cost to the project of waiving all charges is a major concern both in fairness and equity to all residents within the precinct and of the financial impact upon the City's budget. In this regard, if the Council elected to waive all charges associated with the Salter Point UGP for the residents of Warner Court (which is not supported by the Administration), then this would result in the City needing to write off an amount of \$55,180.12 and at the same time, would create an undesirable precedent.

UNDERGROUND POWER - WARNER COURT



Photograph 1

**Existing Overhead Power Lines
at the intersection of Warner
Court and Henning Crescent**



Photograph 2

**Existing Overhead Power Lines
at the intersection of Warner
Court and Henning Crescent**

Note:

Whilst there is underground cabling within Warner Court, power supply to all Warner Court properties is via a direct connection to the overhead power network located at the intersection of Warner Court and Henning Crescent (see orange electricity conduit attached to existing pole); and

Any improvement to the overhead power network in Salter Point will only improve the reliability and quality of power supply in the area for the next 50 plus years, of which Warner Court receives a direct benefit from any improvements.

PRESENTATION ON UNDERGROUND POWER ITEM 12.1

As a result of discussion on Item 12.1 the Director Infrastructure Services sought approval from Members to give a powerpoint presentation on the underground power project covering the area in question.

Moved Cr Cala, Sec Cr Trent

That Council supports hearing a presentation on the underground power project for the Salter Point area.

CARRIED (12/1)

COUNCIL DECISION ITEM 12.1

Moved Cr McMullen, Sec Cr Hawkins-Zeeb

That....

- (a) Council, in its deliberations in September 2011, was unaware of the specific circumstances relating to Warner Court properties, where all 25 properties in the subdivision are already connected to underground power and would not receive direct benefits from the Manning/Salter Point SUPP initiative;
- (b) Warner Court owners are not expected to receive a direct benefit from the underground power installation project, but will share in the same indirect benefit received by the wider community, including those outside the zone to which installation fees apply; and
- (c) Manning/Salter Point SUPP charges be waived for all properties connected to the existing Warner Court underground power system.

LOST (4/9)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

DECLARATION OF INTEREST : CR HAWKINGS-ZEEB : ITEM 13.2.1

I disclose that I am the owner/occupier of No. 6 Downey Drive, Manning an adjoining neighbour to the proposed Mixed Development at No. 4 Downey Drive Manning. In view of this I will leave the Council Chamber while Item 13.2.1 is dealt with.

Note: Cr Hawkins-Zeeb left the Council Chamber at 9.08pm

13.2 Questions from Members

13.2.1 Development No. 4 Downey Drive - Cr McMullen
--

Summary of Questions

- 1. For the public record, please explain the process that occurred that allowed the development at No. 4 Downey Drive to be approved?
- 2. Why were officer recommendations presented to the WAPC despite them being expressly rejected by Council? As Council had rejected the recommendations they no longer should be represented as the view of the City and the City's submission should have offered stronger support for the decision of the Council.
- 3. How will the City inform its residents, many of whom attended public meetings and signed petitions, of the disappointing news?
- 4. What appeal processes exist against the decision?
- 5. How does Council avoid such an incident occurring again?

Summary of Response

The Chief Executive Officer responded that:

1. As the owner of the land is the Department of Housing, the development is considered "Public Works by a Public Authority". Under section 6 of the Planning and Development Act 2005, the development must be determined by the Western Australian Planning Commission under the Metropolitan Region Scheme (MRS) rather than the Local Government under the Local Town Planning Scheme.

The process of approving a development on land owned by the Department of Housing is already on the public record. As the proposed development is a 'public work' it must be approved by the WAPC – this fact and the associated process was detailed on a number of occasions in the report to Council (10.3.4 November 2012).

In addition, during the debate on this item at the November 2011 Council meeting, the Director Development and Community Services stated that *"the Council Recommendation will go to the Western Australian Planning Commission. The WAPC will then make a determination. Either way the applicant will have the Right-of-Appeal to SAT" against the WAPC decision*".

2. In accordance with normal practice, when such action is required, the minutes of the Council meeting item are sent to the Department of Planning (WAPC) for consideration in their report assessment process. On this occasion, the minutes included the officer's report, including reference to the submissions made during the process and reference to the Special Elector's meeting. The minutes also included the debate and Councillor's comments, with the specific reasons for the Council's decision. All of this information would have been taken into consideration by the WAPC. Much of the opposition to this application at the special elector's meeting was based on ownership of the property. The ownership of the land is not a planning consideration and would not have been considered by the WAPC in making its decision.
3. Letters will be sent to all those making a submission on the development application.
4. In WA the right of appeal is for the applicant only, there is no third party right of appeal.
5. Applications for development of government owned land are very infrequent – but in such instances, Council is not the decision making authority. Knowledge of the determination process will assist Councillors when making future recommendations to the WAPC.

Note: Cr Hawkins-Zeeb returned to the Council Chamber at 9.10pm

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.
Nil

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

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 9.12pm

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 22 May 2012

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

17. RECORD OF VOTING

24/04/2012 7:10:28 PM

Item 7.1.1 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:11:35 PM

Item 7.2.1 to 7.2.3 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:12:51 PM

Item 8.1.1 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:14:15 PM

Item 8.1.2 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:16:22 PM

Item 8.3.2 Head Deputations - Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:31:23 PM

Item 8.3.2 - Extension of Time Deputation - Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:48:53 PM

Item 8.4.1 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

24/04/2012 7:51:35 PM

Item 9.0 En Bloc Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Casting Vote

MINUTES : ORDINARY COUNCIL MEETING : 24 APRIL 2012

24/04/2012 8:07:00 PM

Item 10.3.1 Amendment Motion (LOST) 4/9

Yes: Mayor Sue Doherty, Cr Sharron Hawkins Zeeb, Cr Betty Skinner, Cr Rob Grayden

No: Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Peter Howat, Cr Colin Cala

Absent: Casting Vote

24/04/2012 8:08:05 PM

Item 10.3.1 Motion Passed 11/2

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Cr Sharron Hawkins Zeeb, Cr Rob Grayden

Absent: Casting Vote

24/04/2012 8:11:05 PM

Item 10.6.7 Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

24/04/2012 8:14:23 PM

Item 10.6.8 Motion Passed 12/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Kevin Trent, Casting Vote

24/04/2012 8:23:36 PM

Allow Presentation at Item 12.1 Motion Passed 12/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Bill Gleeson

Absent: Casting Vote

24/04/2012 8:53:45 PM

Item 12.1 Motion (LOST) 4/9

Yes: Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Betty Skinner, Cr Peter Howat

No: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Colin Cala

Absent: Casting Vote