

## M I N U T E S

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## **ORDINARY COUNCIL MEETING**

**Minutes of the Ordinary Meeting of the City of South Perth Council  
held in the Council Chamber at Collier Park Community Centre  
Tuesday 22 August 2006 commencing at 7.00pm**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**  
The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance.
- 2. DISCLAIMER**  
The Mayor read aloud the City's Disclaimer.
- 3. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

Mayor J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Mr S Camillo	Manager Environmental Health and Regulatory Services (until 9.16pm)
Ms D Gray	Manager Financial Services
Mr N Kegie	Manager Community, Culture and Recreation (until 9.20pm)
Ms A Spaziani	Human Resources Manager (from 10.15pm until 10.18pm)
Ms S Cairns	City Communications Officer
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Gallery

15 members of the public and 1 member of the press were present.

Apologies

Cr L P Ozsdolay                      Manning Ward - leave of absence

**4. DECLARATION OF INTEREST**

The Mayor reported a Declaration of Interest had been received from the Chief Executive Officer in relation to *Confidential* Item 13.1.1. He then read aloud the Declaration as detailed in the Minutes before Item 13.1.1.

**5. PUBLIC QUESTION TIME**

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

At the Council meeting held 24 July 2006 the following question was taken on notice:

**5.1.1. Mr Barrie Drake, 2 Scenic Crescent, South Perth**

Summary of Question

My question refers to No. 11 Heppingstone Street, South Perth and the unresolved Agenda Item 9.3.6 of the 23 March 2005 Council meeting. In order for all issues to be properly dealt with by the Elected Members of this Council, will you re-schedule this matter as an Agenda Item to be listed for the 22 August 2006 Ordinary Council Meeting? In that way I can make a Deputation and all Members can vote on the matter rather than it being shuffled between SAT, lawyers, officers etc. Let Council deal with the matter.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 2 August 2006, a summary of which is as follows:

The question refers to an 'unresolved agenda item' from the March 2005 Council meeting. However Council did consider the matter of No. 11 Heppingstone Street, South Perth, in March 2004. At that time, upon being satisfied with the contents of a comprehensive report on the matter, Council resolved to take no further action other than to investigate the legality of the City lodging a caveat on the property to ensure that the upper level storage area was not used for human habitation. Council was subsequently advised that it was not legally possible to lodge a caveat on the property and that there was no evidence that the storage area was being so used.

As there is no 'unresolved agenda item' the matter will not be scheduled for the August 2006 Council meeting.

**5.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington**

Summary of Question

At the last briefing session there were questions raised about the amount and cost of temporary staff used. The CEO said it was not known how much would be used on temporary staff for the next year.

1. What was the amount spent by the Council for each of the last three years on temporary staff in the following areas: Inside staff, Outside staff and Collier Park Village/Hostel?
2. What is the temporary staff bill as a percentage of the staff salary expenses in each of the requested areas?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 10 August 2006, a summary of which is as follows:

1. Approximate expenditure on temporary staff in each of the three broad categories is:

	<u>2003/2004</u>	<u>2004/2005</u>	<u>2005/2006</u>
	- \$	\$	\$
Inside	158,722	109,948	417,829
Outside	286,591	360,930	488,588
Collier Pk Village/Hotel	117,485	82,267	94,315

2. Percentage of salary costs:

	<u>2003/2004</u>	<u>2004/2005</u>	<u>2005/2006</u>
Inside	2.2%	1.5%	5.2%
Outside	13.1%	15.8%	20.2%
Collier Pk Village/Hotel	10.4%	8.9%	9.4%

Summary of Question

There is currently a large building being constructed at No. 180 Mill Point Road, South Perth. It appears that a proportion of Sir James Mitchell Park is being used by the builder.

1. What area, in square metres is the builder being permitted to use?
2. What is the total fee or fee per month for the use of this land?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 7 August 2006, a summary of which is as follows:

1. The area of Sir James Mitchell Park, adjacent to the site that the builder is permitted to use is 675m<sup>2</sup>;
2. The total fee to use the land is \$13,500, with an additional refundable bond of \$15,000 subject to the site being restored to the City's satisfaction.

**5.2 PUBLIC QUESTION TIME : 22.8.2006**

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that 2 minutes would be allowed to formulate questions, not statements, and that questions must relate to the area of Council's responsibility. He further stated that questions would be taken from the gallery on a rotational basis, with written questions being dealt with first and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.04pm.

**5.2.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington**

The following questions were provided in writing at the commencement of the meeting with a request from Mr Defrenne that the Mayor read the questions aloud.

Summary of Question

Re.Canning Highway Road Reserve. Last November there was an article in the Southern Gazette stating that the DPI had plans to review the land use possibilities and road reserve requirements along Canning Highway. I asked a question on that article. The question was taken on notice and the reply, in summary, was: *"that a study was proposed in 2006 to include all matters relating to Canning Highway, including land use adjacent to the highway."*

1. Since December 2005, has the DPI been in contact with the City regarding the proposed study?
2. If there has been contact, what has been the subject(s) of the contact?
3. Has there been any contact or suggestion with the City in relation to increasing the residential zoning along either or both sides of the highway?
4. Will the Council consult the residents of the City early regarding any proposed changes that may be suggested?
5. Will the City consult with the residents before reaching any agreement with the DPI?

Summary of Response

The Mayor responded that the questions were taken on notice.

Summary of Question

Re. Community Workshop South Perth and Canning Bridge Train Station Precincts. A community workshop was held in June regarding the train station precincts. In the information on the city website (Out for Comment), it states the final report will be available around July 2006:

1. Has the final report been finalised?
2. If the final report has been finalised, when will the report be published and where?
3. If the report has not been finalised when will it be finalised?
4. If the report has not been finalised, what has been the delay?
5. If the report has not been finalised have the participants in the workshop been advised of the delay and advised when the final report will be published?
6. If the participants have not been notified, is this satisfactory to the CEO?
7. If the participants have not been notified, is this satisfactory to the Council?

Summary of Response

The Chief Executive Officer responded that the report is not yet finalised but that when it is available it would come before Council for approval.

The Director Strategic and Regulatory Services stated that the report was anticipated for completion within the next three months. He further advised that in relation to the delay that there was no particular problem but that it has taken longer than expected. He said that the participants have not been advised of the programming at this point but that they have been thanked for their participation.

The Chief Executive Officer stated that in relation to questions 6 and 7 that the Director Strategic and Regulatory Services had written to those people who participated in the Study.

The Mayor suggested a more detailed response on the timing of the report etc be provide to Mr Defrenne.

**5.2.2. Mr Barrie Drake, 2 Scenic Crescen,t South Perth**

Summary of Question

I refer to the building at 11 Heppingstone Street, South Perth and specifically the meeting held at Parliament House Tuesday 13 June 2006 at 4pm. That meeting was attended by 14 people ie the property owners, West Australian Government officials and the Minister for Planning and Infrastructure, Alannah MacTiernan, Council representatives and myself. The meeting was to review the findings of the SAT Appeal and the Minister asked the City to provide her with just how the City intended to proceed from here in the form of a report.

1. Has this response from the City been provided to the Minister's Office?
2. Can I have a copy?



Summary of Response

The Chief Executive Officer replied that he had today signed a letter to the Minister's office on this matter. He confirmed that Mr Drake could have a copy of that letter.

Summary of Question

Mr Drake referred to a newly constructed footpath in Heppingstone Street and stated that in all the time he has lived in South Perth he has not seen a footpath completed alongside the kerb - they are always alongside the verge. What is the reason for aligning the footpath to the kerb in this case?

Summary of Response

The Director Infrastructure Services stated that there was a perception that footpaths would automatically be situated alongside the verge but that there were many other locations within the City where the footpath was located alongside the kerb. He said that in relation to the path in Heppingstone Street that as a result of research on the existing infrastructure in the street together with consultation with residents and some good verge planting the kerb side location for the footpath was chosen as the most appropriate.

**5.2.3. Mr Geoff Defrenne, 24 Kennard Street, Kensington**

The following questions were provided in writing at the commencement of the meeting with a request from Mr Defrenne that the Mayor read the questions aloud.

Summary of Question

Re 180 Mill Point Road. Last month I asked the cost and how many sq.metres of Sir James Mitchell Park the builder of 180 Mill Point Road was able to use during the construction of the building. The response was \$13,500 for the use of 675 sq.metres. Given that this is not a social booking therefore commercial rates apply:

1. Is the Council aware that in accordance with Fees and Charges Schedule the commercial booking rate is \$300 per day?
2. Is the Council aware that while \$13,500 may appear to be a reasonable fee, it only represents 45 days at the current rate?
3. Is the Council aware the builder has been occupying the site for more than 45 days?
4. Did the Council approve a lesser amount per day than that in the Fees and Charges Schedule?
5. The Council, in June 2002 granted planning consent for the building at 180 Mill Point Road. Planning Condition (1) states: "*The validity of this approval shall cease if construction is not substantially commenced within 12 months of the date of grant of Planning Consent.*" Given that a building license was not issued until July 2005:
6. When was Planning Consent issued for the building currently under construction?
7. Was the Planning Consent issued under delegated authority or by full Council?
8. Is the building under construction a multiple building or a grouped dwelling?

Summary of Response

The Mayor stated that the questions were taken on notice.

Summary of Question

Re Supreme Court Matters. Last month I asked a series of questions regarding actions in the Supreme Court where the City was the Defendant. In relation to 'Gorrill & others vs City of South Perth' - at the July Council meeting I asked: *At what Council meeting did the City resolve to settle this matter?.* The response was: "*the CEO stated that the matter is out of Council control and with the City's Insurers. He further advised that the Insurers have made a commercial settlement*".

1. With the Insurers making a commercial settlement, did the City or the insurers sign the settlement?

Summary of Response

The Chief Executive Officer stated that he had signed the settlement on behalf of the City.

Summary of Question

Re Temporary Staff. At the July briefing session there was questions raised about the amount and cost of temporary staff used. The CEO said it was not known how much would be spent on temporary staff for the next year. At the July Council meeting I asked a series of questions regarding the cost of temporary staff. At the August briefing session I believe the CEO in response to a question said he had been aware since September last year that the payments for temporary staff exceeded \$50,000, therefore required to go out to tender. This had been reported in the Annual Compliance Return.

1. When did the CEO become aware that the cost of temporary staff for the 2005/2006 year would or did exceed one million dollars?
2. Was this expenditure of one million dollars for temporary staff budgeted for?
3. When did the CEO become aware that the cost of temporary staff would nearly double from \$553,000 in 2004/05 to over \$1,000,000 in 2005/06?
4. Has the CEO advised the Council of the huge increase in the cost of temporary staff?
5. Of the suppliers of temporary staff over the last three years:
  - (a) What is the name of the 3 largest suppliers of temporary staff in each of the years?
  - (b) What was the gross amount paid to each of the three largest suppliers?
  - (c) Did any of these amounts exceed \$50,000?

Summary of Response

The Mayor replied that the questions were taken on notice. He further stated that the remaining two written questions provided by Mr Defrenne would not be read out but would be taken on notice as the 15 minutes allotted to Public Question Time and elapsed.

Close of Public Question Time

The Mayor closed Public Question Time at 7.23pm

**6. CONFIRMATION OF MINUTES / BRIEFINGS**

**6.1 MINUTES**

**6.1.1 Ordinary Council Meeting Held: 25.7.2006**

**COUNCIL DECISION ITEM 6.1.1**

Moved Cr Maddaford, Sec Cr Trent

That the Minutes of the Ordinary Council Meeting held 25 July 2006 be taken as read and confirmed as a true and correct record.

CARRIED (11/0)

**6.1.2 CEO Evaluation Committee Meeting Held: 24.7.2006**

**COUNCIL DECISION ITEM 6.1.2**

Moved Cr Gleeson, Sec Cr Maddaford

That the Minutes of the CEO Evaluation Committee Meeting held 24 July 2006 be received.

CARRIED (11/0)



## 6.2 BRIEFINGS

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

**Note:** As per Council Resolution 11.1 of the Ordinary Council Meeting held 21 December 2004 Council Agenda Briefings, with the exception of *Confidential* items, are now open to the public.

### 6.2.1 Agenda Briefing - July Ordinary Council Meeting Held: 18.7.2006

Officers of the City presented background information and answered questions on items identified from the July Council Agenda. Notes from the Agenda Briefing are included as **Attachment 6.2.1**.

### 6.2.2 Concept Forum Held: 19.7.2006 re Major Parks/Foreshore Projects Update and Response to Local Government Advisory Board Structural Reform

The Manager City Environment presented an update on the major parks / foreshore projects and answered questions raised by Members. The Chief Executive Officer presented a brief history of the LG Advisory Board Structural Reform project and discussion was held in relation to each of the proposed responses to the 49 recommendations contained in the Report of the LGAB. Notes from the Concept Briefing are included as **Attachment 6.2.2**.

### 6.2.3 Concept Forum Held: 1.8.2006 re Council Performance Monitor - Results and the Fiesta 2007 Action Plan

Ms Lisa Whitehead, Director of CATALYSE presented findings of the community wide survey conducted to ascertain residents' perceptions of the City's services and programs. The Manager Community Culture and Recreation then provided an evaluation of the feedback following the Fiesta 2006 as part of the Action Plan for the 2007 Fiesta. Notes from the Concept Briefing are included as **Attachment 6.2.3**

### 6.2.4 Concept Forum Held: 2.8.2006 re Underground Power Project Update and Organisational Priorities Review

Manager Engineering Infrastructure presented an update on the Round Three Underground Power Project specifically related to Como East. The Chief Executive Officer then gave a presentation on the review of Organisational Priorities and covered topics from each of the City's four Directorates.

Notes from the Concept Briefing are included as **Attachment 6.2.4**

### 6.2.5 Concept Forum Held: 2.8.2006 re Collier Park Hostel - Confidential Report Presentation and Como Beach Project - Tender

The Chief Executive Officer presented an overview of the outcome of the Review of the Collier Park Village Hostel carried out by Southern Cross Care. The Manager City Environment then gave an update on the progress of the Como Beach Landscape Project approved by Council in February 2005.

Notes from the Concept Briefing are included as **Attachment 6.2.5**

<b>COUNCIL DECISION ITEMS 6.2.1 TO 6.2.5 INCLUSIVE</b>
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Moved Cr Maddaford, Sec Cr Macpherson

That the comments and attached Notes under Items 6.2.1 to 6.2.5 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 25 July 2006 be noted.

CARRIED (11/0)

## 7. PRESENTATIONS

<b>7.1 PETITIONS -</b>	A formal process where members of the community present a written request to the Council
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Nil

<b>7.2 PRESENTATIONS -</b>	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
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Nil

<b>7.3 DEPUTATIONS -</b>	A formal process where members of the community may, <b>with prior permission</b> , address the Council on Agenda items where they have a <b>direct</b> interest in the Agenda item.
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### Opening of Deputations

The Mayor opened Deputations at 7.24pm and advised that speakers would be permitted 10 minutes each to address the Members.

<b>7.3.1. Mr James McAvoy, 24 Brandon Street, South Perth</b>	<b>Agenda Item 9.3.2</b>
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Mr McAvoy, on behalf of his wife the applicant, spoke in favour of the proposal but against the officer recommendation in particular as it relates to conditions of planning approval as follows:

- proposed low key café will enhance community spirit / provide quality healthy food
- consulted with local people / Kensington Primary school /worked with neighbours
- consulted with KCA and carried out more consultation
- Kensington Primary School support proposal
- seek modification to conditions re: location of rubbish storage areas; removal of garage and shed; re-design of car parking area; and driveway

<b>7.3.2. Mr John Hughes. 101 Gwentyfred Road, Kensington - Representing Kensington Primary School</b>	<b>Agenda Item 9.3.2</b>
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Mr Hughes, in support of the proposed Café spoke on the following items:

- Kensington Primary School Council provided a letter of support for proposal
- community asset - focal point/very much in favour of proposal
- conditions requested to be upheld as part of operation of café can be influenced by standards we set at school
- café to provide healthy school lunches - school community supports the proposal

<b>7.3.3. Mr Chris Groom, 5 Hovia Terrace, South Perth</b>	<b>Agenda Item 9.3.2</b>
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Mr Groom spoke in favour of the proposal and against some of the conditions contained in the recommendation:

- support officer recommendation for café
- in keeping with City of South Perth slogan
- Kensington Primary School focal point of community - café will bring community together
- TPS6 encourages development that enhances the character of the City
- concerns raised by some have been addressed
- conditions need to be modified re: removal of garage / shed; land occupied by shed; re-design of car parking area, car park and accessway and drainage.

**7.3.4. Mr Ryan Sedgwick, 80 Banksia Terrace, Kensington      Agenda Item 9.3.2**

Mr Sedgwick spoke against the officer recommendation on the following points:

- proposal not about a café but about a 'change of use' from local shop to café/restaurant
- once café/restaurant approved this is permanent
- if existing owners sell to another owner new owner could change to restaurant
- Class 1 restaurant does not required Council approval - liquor licence could change with new owners - disagree with any type of restaurant
- as an adjoining neighbour have issues in relation to noise, vehicles/patrons leaving the café, operating hours, deliveries to café, parking on street/verge
- four of the five adjoining neighbours are against the proposed café

**Note:** Cr Gleeson left the Chamber at 8.12pm

**7.3.5 Mrs Audrey Rozario, 76 Banksia Terrace, Kensington      Agenda Item 9.3.2**

Mrs Rozario spoke against the officer recommendation on the following topics:

- as an adjoining neighbour, with young children, opening hours will impact on life style
- if proposed café is targeting parents/children no need to extend opening hours
- traffic / parking issues - limited street parking for café patrons
- increased traffic will impact on safety of children crossing road
- extend opening hours and the next step will be an application for a liquor licence
- object to being misquoted in Mr McAvoy's letter attached to Agenda

Close of Deputations

The Mayor closed Deputations at 8.15pm and thanked everyone for their comments.

**Note:** Cr Maddaford left the Chamber and Cr Gleeson returned to the Chamber at 8.16pm

**7.4 DELEGATE'S REPORTS**      Delegate's written reports to be submitted to the Minute Secretary prior to **3 August 2006** for inclusion in the Council Agenda.

Nil

**8. ANNOUNCEMENTS FROM THE CHAIRPERSON**

**8.1 Method of Dealing with Agenda Business**

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 15 August 2006.

The Chief Executive Officer confirmed that this was correct with the exception of Item 9.6.4. He stated that this report was completed following the Councillors' Agenda Briefing and circulated to Members prior to the Council meeting.

**COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION**

Moved Cr Trent, Sec Cr Macpherson

That the officer recommendations in relation to Agenda Items 9.3.1, 9.3.3, 9.3.4, 9.3.5, 9.5.1, 9.6.1, 9.6.2, 9.6.4, 9.6.5 and 9.6.6 carried en bloc.

CARRIED (10/0)

**Note:** Cr Maddaford returned to the Chamber at 8.17pm.

## 9. REPORTS

### 9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

**9.0.1 Progress Report on Sewerage Disposal Options for Sir James Mitchell Park**  
*(Item 9.2.2 referred from Council Meeting 27.6.2006)*

Location:	Sir James Mitchell Park
Applicant:	Council
File Ref:	RC/112
Date:	7 August 2006
Author	Sebastian Camillo Manager Environmental Health and Regulatory Services
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

#### Summary

To consider the progress of the Working Group investigating the available options for the containment and disposal of sewage from large events staged on Sir James Mitchell Park.

#### Background

At its meeting of the 27 June 2006, Council considered a report to grant approval to Events Corp to permit the use of Sir James Mitchell Park to erect temporary structures and to accommodate up to 250,000 people to view the Red Bull Air Race in November 2006.

Council considered the application from Events Corp as an opportunity to investigate available options for suitable technologies for the containment and disposal of sewage from large events held on Sir James Mitchell Park in the future. At its June 2006 meeting, Council resolved:

*“That....*

- (d) the City form a Working Party to investigate the available technologies, re-usability, required approvals and indicative costings for appropriate sewage management initiatives to cater for large numbers of event patrons attending major events staged on Sir James Mitchell Park and the river foreshore. The working party may include Council member representation. The working party is to provide a written report to Council at the August 2006 ordinary council meeting to:*
- (i) advise on progress on addressing these and any other related logistical considerations;*
  - (ii) advise on future activities of the working party; and*
  - (iii) recommend future reporting of the working group to Council.*

#### Comment

On the 7 July 2006 a notice was placed in the Council Bulletin seeking interest from any Council members wishing to be included on the working group. Councilor Jamieson responded to the Bulletin notice seeking to be included in the working group and at this time advised that he could not attend meetings during normal working hours. After initial contact with the proposed representatives of the working group it was apparent that those representatives were not able to meet outside normal business hours. This was relayed to Councilor Jamieson who then advised his availability during weekday mornings.

In order to progress the matter discussions have commenced separately with representatives from the Department of Health, Department of Water (previously known as the Swan River Trust), Department of Environment, Water Corporation, and a Civil Engineering Consultant.

At this stage the working group has yet to officially meet as a group. The first meeting is tentatively scheduled to occur during August and should this meeting proceed it is intended to report to the September Council Meeting.

During the initial discussions with the representatives of the various State Agencies on the project outline they indicated that the most effective options available which could achieve the City's request are limited to the following options:

1. Private pump station package
2. Sewage holding tanks
3. Mobile chemical/transportable toilets (multi units)
4. Chemical cubicles (individual units)

These options will form the basis of the working groups project brief along with any other options considered reasonable by the group. It is noted that options 1 and 2 (above) will require substantial engineering design to meet Watercorp guidelines and appropriate approvals by the various other agencies which are not likely to be in place by the 2006 event.

Additionally, an investigation into the supply of "Pee Mates" and "Kros Mobile Urinals" was conducted as a possible option to assist in alleviating problems at large events. The supplier of these products, Small World Enterprises confirmed that they no longer import the products into Australia and that any supply would need to be sourced directly from the manufacturer in the Netherlands. The Working Group did not consider that the pee mate or the kros mobile urinals as viable options for large scale events due to the inherent issues that they would create. Particularly, health and hygiene issues in handling and disposing of disposable cardboard products after they have been contaminated with urine.

Progress to date has been limited and the Working Group are still waiting on the typical designs and indicative costs from pump suppliers which would meet the City's request. The information will be made available during August and analysed by the Working Group which will form the basis of a comprehensive report to Council in September.

#### **Consultation**

Consultation has occurred with representative of the following external organisations:

- Water Corp
- Department of Health
- Department of Water
- Department of Environment
- Parsons Brinckenhoff - Civil Engineering Consultants
- ITT Flyte - Pump Station Providers

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

Report consistent with Council resolution

#### **Financial Implications**

Nil at this time, however recommended course of action likely to have financial implications for the City.

### **Strategic Implications**

In accordance with Goal 3 of the City's Strategic Plan, Environmental Management. In particular, reference is made to Strategy 3.2 which involves *the development and implementation of a sustainability strategy and management system to co-ordinate initiatives contained in associated management plans and to ensure City's environment is managed in a sustainable way.*

### **OFFICER RECOMMENDATION ITEM 9.0.1**

That...

- (a) the progress to date of the Working Party formed to investigate sewage management initiatives to cater for patrons attending major events staged on Sir James Mitchell Park be noted; and
- (b) the Working Party provide a written report on its findings to the September 2006 Ordinary Meeting of Council.

### MOTION

Cr Gleeson moved the officer recommendation. Sec Cr Maddaford

### MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

#### Cr Gleeson opening for the Motion

- officer report covers the progress so far
- sewerage options available will be addressed in the next report
- a lot of discussion still to take place
- support the Motion

**Note:** The City Communications Officer left the Chamber at 8.15pm.

#### Cr Jamieson against the Motion

- Motion from Council to form the Working Party
- Working Party to provide a written report
- Working Party has not met

### FORESHADOWED MOTION

Cr Jamieson foreshadowed that he would be moving the following Motion if the current Motion is Lost.

That....

- (a) Council expresses its disappointment that the CEO, as the officer accountable for addressing matters raised by Council, did not ensure greater progress of the Working Party;
- (b) Council does not accept this as a report from the Working Party but does note this as a report from the Manager Environmental Health and Regulatory Services regarding some of the issues to be addressed by the Working Party;
- (c) other than the issues from parts (a) and (b) of this motion, the progress to date is noted; and
- (d) the Working Party provide a written report on its progress, findings and recommended future reporting to the September 2006 Ordinary Meeting of Council.

**Note:** The City Communications Officer returned to the Chamber at 8.25pm and the Legal and Governance Officer left the Chamber at 8.26pm.



Cr Jamieson against the Motion (cont'd)

- absence of knowledge at Council Briefing regarding meetings
- responded to Bulletin item on 9 July to be included in the Working Party
- did not receive any communication from the City until 4 August 2006
- discussed my availability to attend meetings with MEHRS
- asked for list of Members of Working Party
- suggestion of "Pee Mates" option being discounted should be a Working Party decision
- Working Party has not met - not driven by CEO
- CEO as accountable officer could have stepped in to get report happening
- not seen any excusable delays
- urge Councillors not to support officer recommendation.

**Note:** The Legal and Governance Officer returned to the Chamber at 8.30pm.

The Mayor put the Motion.

LOST (4/7)

MOTION

Moved Cr Jamieson, Sec Cr Smith

That...

- (a) Council expresses its disappointment that the CEO, as the officer accountable for addressing matters raised by Council, did not ensure greater progress of the Working Party;
- (b) Council does not accept this as a report from the Working Party but does note this as a report from the Manager Environmental Health and Regulatory Services regarding some of the issues to be addressed by the Working Party;
- (c) other than the issues from parts (a) and (b) of this motion, the progress to date is noted; and
- (d) the Working Party provide a written report on its progress, findings and recommended future reporting to the September 2006 Ordinary Meeting of Council.

Cr Jamieson opening for the Motion

- available to attend Working Party - have Council approval for refund of any travel costs
- disappointed we have not got further
- looking forward to first meeting

Cr Smith for the Motion

- complex issue
- whether we can come up with an equitable solution is another matter
- have to evaluate propositions and address some of the problems
- cannot continue saying 'problems are too hard'
- present situation is not acceptable to ratepayers
- support Motion

Mayor Collins referred to comments raised in relation to the CEO. He said that he believed the CEO should be able to comment on the accusations referred to and asked Mr Frewing to respond.

VERBAL REPORT : CHIEF EXECUTIVE OFFICER

The Chief Executive Officer said that he believed it was fair to say that there has been considerable progress made since the June Council resolution to pursue this matter. He stated that there are a number of government agencies and two private consultants involved and that the relevant officer has made every effort to contact them and then identify relevant personnel within those agencies. The officer then met with the Department of Health and a Civil Engineering Consultant to advise them of the sewerage issues in relation to Sir James Mitchell Park and the holding of large events and requested they prepare information for presentation at the first meeting of the Working Party. He confirmed that the Working Party as a whole has not met but that certainly the key people within the 'Group' have had discussions with the relevant City Manager. The first Working Party meeting of the seven parties involved had been scheduled for this week but had recently been rescheduled for next week.

The CEO said that the June Council resolution was always going to be optimistic as there was only 5 weeks until the closing date for August Council reports due on 4 August. He said it may not be as quick as Cr Jamieson would require but that he still believed progress has been made on a complex issue. He stated that there would probably not be a solution resolved in the first meeting of the Working Party in relation to this issue for a report to be presented to the September Council meeting. He assured Council that the administration has taken the report very seriously and also wants a solution to this problem.

AMENDMENT

Moved Cr Doherty, Sec Cr Trent

That the Motion be amended by:

- the deletion of part (a);
- part (b) being re-worded as follows:
  - (b) Council ~~does not accept this as a report from the Working Party but does note this as a~~ ***notes the*** report from the Manager Environmental Health and Regulatory Services regarding some of the issues to be addressed by the Working Party;
- the words ***parts (a) and (b)*** in the first line of part (c) being changed to read: ***part (a)***
- the clauses being renumbered accordingly.

Cr Doherty opening for the Amendment

- by re-wording the Motion it still meets the thrust of what Cr Jamieson intended
- part (a) of Cr Jamieson's Motion does not bring credit on the City

Cr Trent for the Amendment

- do not believe the original part (a) of the Motion adds anything to the dignity of this Council
- support part (a) being removed
- have been on Council since 1980 - there has always been an issue regarding toilets at Sir James Mitchell Park when a big function is held
- toilets never enough for a large function
- never had the resources to address the problem
- never been able to bring other parties involved together to find a solution to the issue
- believe we have now made progress in setting up Working Party meeting
- support the Amendment

Cr Hearn for the Amendment

- support the Amendment if for no other reason than not necessary to ‘nail’ an officer
- a lot of questions were raised at Agenda Briefing and were not able to be answered
- if officers do not know - do not answer the question

The Mayor put the Amendment.

CARRIED (10/1)

**COUNCIL DECISION ITEM 9.0.1**

The Mayor put the Amended Motion

That....

- (a) Council notes the report from the Manager Environmental Health and Regulatory Services regarding some of the issues to be addressed by the Working Party;
- (b) other than the issues from part (a) of this motion, the progress to date is noted; and
- (c) the Working Party provide a written report on its progress, findings and recommended future reporting to the September 2006 Ordinary Meeting of Council.

CARRIED (11/0)

Reason for Change

The Motion was modified in order to ensure major issues raised are addressed by the Working Party.

**9.1 GOAL 1 : CUSTOMER FOCUS**

Nil

**9.2 GOAL 2: COMMUNITY ENRICHMENT**

**9.2.1 Proposal for Trust Fund - Restoration of the Old Mill Precinct**

Location:	City of South Perth
Applicant:	Lloyd Collins Property Consultants
File Ref:	LP/212
Date:	9 August 2006
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is in response to a request received by Council to establish a Trust Fund under the name “Restoration of the Old Mill Precinct Fund” for the purpose of “restoring the Old Mill, upgrading the Old Mill Precinct and thereafter ensuring that each is maintained in perpetuity for the benefit of all residents and visitors.”

**Background**

A new proposal relating to the development of the Mill Point Precinct has been received. The proposal, initiated by Mr Lloyd Collins acting on behalf of an unidentified client, is for the establishment of a Trust Fund under the name “Restoration of the Old Mill Precinct Fund” (or similar) for the purpose of “restoring the Old Mill, upgrading the Old Mill Precinct and ensuring ongoing maintenance.” The proposal suggests that the City of South Perth administer the fund the terms of which would be constituted in a written trust document drawn up for the purpose and subject to agreed terms and conditions between ‘the client’ and the City of South Perth. Refer *Confidential Attachment 9.2.1*.

A similar project to the one the subject of this report, proposed by Gary Lawrence of Lawrence and Associates, has been in the concept stage for some time with the subject first being put to Council at a Concept Forum held in July 2005.

This innovative proposal by Gary Lawrence was then the subject of a report to Council in March 2006 and involved the re-development of the land surrounding the Old Mill at Mill Point with the objective of reinstating the Mill to its original working order. The project also included the re-creation of Millers Pool, development of community facilities and limited commercial buildings in the form of offices, conference facilities, restaurant and retail outlets including a bakery/cafe, to provide revenue to finance the project.

The centrepiece of the 'Lawrence proposal' was that the Old Mill would be significantly modified and restored as a working mill which would be at the centre of a tourist precinct including a new museum made available to the City, and public / private art gallery, constructed in complementary style with the restoration of Millers Pool and a spur jetty. The development included some commercial attributes that would have made the proposal financially sustainable over the life of the project without cost to ratepayers.

At the March 2006 meeting, Council considered the report and resolved as follows:

***“That Lawrence Associates Architects and the National Trust be advised that whilst the Council are supportive of the Adaptive Heritage Re-use and Revitalisation of the Old Mill, it is unable, at this time to support all components of the concept proposal submitted until such time as:***

- (a) a formal consultation process is undertaken; and***
- (b) Council Members are fully informed of all the ramifications of the concept proposal.”***

In response to the concerns raised at the March 2006 Council meeting, a further Council Member Concept Forum was held in May 2006 to address the issues and Gary Lawrence provided further information at that forum in the areas of Concept Principles, Adaptive Heritage, Barriers for Council, Community Outcomes and Next Stage.

Mr Lloyd Collins, Chairman of the Owners of the Peninsula at 23 Mill Point Road, South Perth also addressed Council Members at that forum and spoke in support of the restoration of the Old Mill and Millers Pool but against the Lawrence proposal which included the extent of the proposed commercial development of the precinct.

In July 2006, as a consequence of opposition from the owners of the property at No. 23 Mill Point Road represented by Mr Lloyd Collins, and other residents from the Mill Point Precinct, the 'Lawrence proposal' was withdrawn. One of the reasons why the project was withdrawn was as a result of the community consultation conducted by the Lloyd Collins syndicate. The consultation, conducted by Strategic Social Research and presented to Councillors by Theodorsen Consulting made the following findings:

#### Support for the Proposed Development

- The vast majority of respondents did not support the development at the Old Mill Precinct going ahead as proposed (72%) while a further 8% were unsure.
- 90% of respondents who did not support the proposal would like to have just the Old Mill renovated and the grounds landscaped.
- 39% of the residents interviewed knew of the proposed development prior to participating in the survey.

#### Features of the Proposed Development

Respondents were asked to consider the various features of the proposed development.

- The vast majority supported the renovation of the Old Mill and Cottage (92%).
- 77% supported reinstating Miller's Pond.
- Only 16% supported a two/three storey office complex.
- A quarter of respondents supported retail outlets being built (25%).
- Removing free car parks did not have a lot of support (14%).

**Comment**

The new proposal is similar to, but different from, the previous proposal received. The principle difference between the proposals are identified as follows:

**1. Commercial development**

The new plan proposes a “single storey level unlicensed combined café / tea rooms, memorabilia and souvenir shop not exceeding 300 sq.metres.” The previous proposal included a similar retail use but also included a restaurant and offices.

**2. Civil Works / Facilities**

The previous proposal contained various local government infrastructure ie reinstatement of Millers Pool, boardwalks, museum and general parks infrastructure upgrading. This proposal does not necessarily exclude these works from occurring but does not necessarily include them either.

**3. Land Status**

The previous proposal involved transferring the land to the National Trust which would, because of its status, be able to more easily attract grants and donations because of taxation advantages. This proposal involves the City retaining its interest in the land.

**4. Project Sustainability**

The previous proposal promoted the concept of sustainability over the life of the project, ie limited capital investment by the City and no on-going operational costs being incurred by the City over the life of the project. The proposed arrangements are uncertain.

**5. Funding Arrangements**

The previous funding arrangements involved commercial funding on the security of the “conditional freehold” land status obtained through the National Trust. Funding for this proposal is generated through a Trust operated by the City. The City’s future financial obligations are unclear and not guaranteed. An initial contribution of \$250,000 has been committed by the Lloyd Collins syndicate.

The proposed Trust-Deed contains many clauses (in draft form) that would not be acceptable to the City (including its restrictive nature) although negotiations could result in more favourable terms.

In summary, the proposal is significantly different from the earlier proposal in that the focus is shifted to a project totally controlled by Council, and whilst this is not necessarily an adverse outcome it is not considered to be a high Council priority at this time.

The object of the proposed Trust Fund is to encourage appreciation by members of the public for the Old Mill and the Old Mill Precinct, make the area readily accessible to the public and to take such steps as may be necessary to preserve the area such as procuring federal and state government grants, subscriptions and contributions to the fund.

It also is proposed to construct and maintain a single level unlicensed combined café / tea rooms/souvenir shop and to lease the retail space to an experienced and financial secure operator. Under the Trust Fund the City would not relinquish its role in the management of the Old Mill and would have responsibility for co-ordinating its restoration to as near as possible to original condition, albeit that it would not operate as a ‘working mill’.

In order to establish the Trust Fund the ‘anonymous client’ proposes to donate \$250,000 and would also seek to obtain other substantial donations from the private sector.

Give the profile that both proposals have received and the apparent degree of public interest shown in the concepts submitted, it is considered important that the City shows leadership in addressing this issue.

If it is accepted that there is merit in the re-development of the 'Old Mill Precinct' then it would appear appropriate for the City to 'drive' the project. A set of guiding principles could be established that the City would follow in assessing development options. A draft set of guiding principles, could for example be developed, which could include the following:

- Maximise public benefit and accessibility;
- Maximise public facilities;
- Minimise private or commercial development;
- Maximise public contributions to the development and operational costs;
- Minimise private control of the development;
- Project to be based on long term sustainability principles;
- City to retain land tenure and land-use controls; and
- Appropriate involvement of State Government Agencies, in particular the National Trust.

Given also the interest and involvement of the National Trust in this proposal (as well as its fund raising capacity) it would be appropriate for the City to develop, in conjunction with the National Trust, a Project Plan to guide development of the Old Mill Precinct.

#### **Consultation**

As far as is known, no consultation has been conducted with respect to this particular proposal.

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

Council consideration and approval necessary to enter into such a Trust Deed.

#### **Financial Implications**

Unknown at this time.

#### **Strategic Implications**

This project fosters a sense of community by increasing appreciation of South Perth's heritage and aligns with the City's Strategic Plan Goal 2 - Community Enrichment - *To foster a strong sense of community and a prosperous business environment* - however it is noted that this project is **not** contained as an action or included in the City's Strategic or Financial Plan.

<b>OFFICER RECOMMENDATION ITEM 9.2.1</b>
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That....

- (a) Mr Collins of Lloyd Collins Property Consultants be thanked for making the offer of establishing a Trust Fund for the purpose of restoring the Old Mill and upgrading the Old Mill Precinct and advised that his offer is declined at this time; and
- (b) the City develop a Project Plan in partnership with the National Trust for the Old Mill Precinct for consideration by Council by 31 December 2006.



MOTION

Moved Cr Hearne, Sec Cr Maddaford

That the officer recommendation be amended by the deletion of part (b) as follows:

**(b) *the City develop a Project Plan in partnership with the National Trust for the Old Mill Precinct for consideration by Council by 31 December 2006.***

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne for Motion

- had two Briefings / discussions on this matter
- other priorities require more urgent attention prior to December 2006 deadline
- if administration support development of the Old Mill area should develop a project plan
- Council should consider project plan prior to entering discussions with any other party.

Cr Maddaford for the Motion

- very generous offer
- do not believe it is role of the City to manage a Trust Fund
- donate funds to Mill Point Rotary - they will manage the Trust Fund

Cr Doherty for the Motion

- similar issue to the Gary Lawrence proposal for this area
- unidentified client
- for such a big issue - need more information
- support Cr Hearne's Motion

**COUNCIL DECISION ITEM 9.2.1**

The Mayor put the Motion

That Mr Collins of Lloyd Collins Property Consultants be thanked for making the offer of establishing a Trust Fund for the purpose of restoring the Old Mill and upgrading the Old Mill Precinct and advised that his offer is declined at this time.

CARRIED (11/0)

Reason for change

There are other priorities that require more urgent attention prior to the 31 December 2006 deadline.

**9.2.2 Safer Australia Day Strategy 2007**

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/105
Date:	2 August 2006
Author	Sebastian Camillo Manager Environmental Health and Regulatory Services
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

**Summary**

The purpose of this report is to consider the adoption of a strategy to manage the Australia Day Lotterywest Skyworks 2007 event within the City of South Perth and to approve road closures applicable for the event.

### **Background**

In February 2004, the Council supported a notice of motion put forward by Mayor Collins in respect of the organisation of future Skyworks events.

In July 2004, the Council adopted a Skyworks Strategy 2005 (the strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for the next Skyworks event. These issues were identified in the post-2004 event review.

The strategy focused on the following areas:

- New Local Laws
- Increased Crowd Control Measures
- Revised Traffic Management and Road Closure Plans
- Initiatives to improve Public Transport and Waste Management
- Significant media and communications campaign.

The Strategy aims were to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the number of attendees on the South Perth foreshore.

### **Comment**

Following the Lotterywest Australia Day Celebrations in January 2005, the City conducted a “community consultation survey” to determine what the effects the strategy had on the residents within the South Perth.

There were 6,600 surveys sent out to each resident in South Perth. Additionally, the survey was made available at the City’s public facilities (i.e. Libraries and George Burnett Leisure Centre) and on the webpage to everyone that wanted to participate in the survey. The City advertised the survey to the broader community within the City Update and encouraged participation in it. At the conclusion of the survey period, there was a 15% return rate of the survey.

The survey results formed the basis in the development of an improved “Safer Australia Day Strategy 2006”. The Safer Australia Day Strategy 2006 focused on the areas of public transport, local laws, crowd control, traffic management and parking restrictions, road closures, litter management (including glass minimization), media and communications.

The Safer Australia Day Strategy 2006 was a great improvement on the previous years original strategy and achieved the desired outcome.

It is proposed that the Safer Australia Day Strategy 2007 will be conducted along the same format and operations as last years strategy. The strategy will consist as follows:

### **Safer Australia Day Strategy 2007**

#### **1. Public Transport**

The City officers will again commence negotiations with a bus company for the provision of up to twelve buses to transport residents from Manning, Como, Karawara and Waterford to the foreshore and back. In previous years buses were provided by Southern Coast Bus Company however due to roster complications in 2006 they were not able to supply them. Buses were sourced from a private company.

**2. Local Laws**

The Special Events Local Law was amended last year. The amendments proved effective in addressing the issues of previous events, by providing City officers and other enforcement agencies with a greater range of new offences backed up with additional powers under the *Local Government Act (WA) 1995*.

**3. Crowd Control**

The Western Australian Police Service (WAPS) and City's Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 7.00am on the morning of 26 January 2007. The rangers will focus on illegal parking and large objects being taken to the foreshore early.

Management of the crowd will also be assisted by the establishment of a 50 metre wide restriction zone on SJMP and Queen Street Jetty areas. This will provide access to the various Hazard Management Agencies (HMA's) including the Police Command Posts. These restriction zones will divide the large crowd into segments and assist with patrolling and rapid responses from the various HMA's.

This year the St Johns ambulance will be providing a primary treatment facility on the South Perth foreshore to administer minor medical procedures, to reduce the need for patient transfer to either Royal Perth Hospital or Queen Elizabeth Medical Centre.

**4. Road Closures (Access Restricted Area)**

The roads bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, will be closed from 8.00am to 10.00pm, allowing adequate time for people to attend the City's Australia Day Ceremony on the South Perth foreshore. The early closure is required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the *Local Government Act 1995*.

The area will be restricted with no parking on the road or verge and have staffed road closures at each of the 23 intersections. Five intersections will be available into the access restricted area to residents, visitors and businesses. Permits to access the restricted area will again be issued to residents, their visitors (those who can be parked on site only) and businesses. Permits will also be provided to residents who do not have any physical onsite parking and normally park their vehicles on the road or verge.

The Coode Street boat ramp will be closed to support the closure of the Perth Water to boats because of the fireworks. The Coode Street boat ramp area is used predominantly for disabled parking and also for Police, State Emergency Services and Ambulance parking.

To provide vehicle and pedestrian safety, Police Traffic Branch and Emergency Services supports the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The City will need to employ the services of security/traffic management officers to secure the road closures as mentioned in this report. Indicative costs for this service has been included in the 2005/2006 Skyworks budget.

**5. Traffic Management (Parking Restricted Area)**

The parking restricted area would extend from the access restricted area (as per item 4) to South Terrace, to Canning Highway and to Ellam Street and be effective from 8.30am to 10.00pm. .

This area will be restricted with no parking on the road or verge on one side of the road only and normal parking on the other side. Street signage, community advertising and pamphlet drop will publicise these restrictions.

The Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge on one side of the road within the parking restricted area which enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles. These restrictions in following the Skyworks Strategy 2005 were successful in clearing the traffic and pedestrian congestion at the end of the event this year.

To accommodate families with insufficient on-site parking within the Parking and Access Restricted Areas, 2 options are provided. These are, additional parking locations will be provided by the City at Richardson Park and verge permits could be issued to residents where there are several cars in the household that do not have onsite parking and normally park on the road or verge.

**6. Waste Management**

The event organisers will provide mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Bio-degradable rubbish/recycling collection bags will also be distributed among the crowd to contain rubbish/recyclables and for ease of the post event cleanup. Biodegradable litter bags are being sourced which will break down in the landfill once the rubbish has been disposed after the event.

**7. Media and Communications**

The Safer Australia Day Strategy 2007 will be subtly enhanced to ensure that there is a broader advertising campaign and a more informative and clear pamphlet drop. The City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy is effectively communicated.

**Consultation**

In developing the amended Safer Australia Day Strategy 2007, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police Service
- Racing Gaming and Liquor
- Advanced Traffic Management
- SWAN Transit
- Lotterywest
- State Emergency Service

**Policy and Legislative Implications**

Nil

**Financial Implications**

Funding has been allocated in the 2006/07 Budget for the implementation of this strategy.

**Strategic Implications**

The Safer Australia Day Strategy 2007 relates to Goal 2 of the City's Strategic Plan, Community Enrichment. In particular, reference is made to Strategic 2.7 which involves:

*"The development of strategic directions for events, arts, leisure and heritage that encourages a vibrant and participative community."*

<b>OFFICER RECOMMENDATION ITEM 9.2.2</b>
--

That...

- (a) the Safer Australia Day Strategy 2007, as detailed in report item 9.2.2 of the August 2006 Agenda be adopted; and
- (b) the Temporary Road Closures and Parking Restrictions, for the area bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, effective from 8.00am to 10.00pm on 26 January, as described in the report, be approved.

MOTION

Cr Gleeson moved the officer recommendation, Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala point of clarification - that the Safer Australia Day Strategy 2007 is not meant to cover all aspects of the 'working detail'.

The Mayor confirmed this was correct.

Cr Trent point of clarification - page 16 of the Agenda refers to consultation with the City of Perth, Town of Victoria Park etc however it does not mention the Drug and Alcohol Office - believe we should be consulting with them.

The Manager Environmental Health and Regulatory Services stated that at the time of completing the report consultation had not occurred with the Drug and Alcohol Office however a meeting is scheduled for later this week.

Cr Jamieson against the Motion

- strategy as presented in report 9.2.2 is not complete
- what is the strategy for toilets?
- what is the strategy for entertainment?

FORESHADOWED MOTION

Cr Jamieson foreshadowed he would be moving the following Motion if the current Motion is Lost.

That...

- (a) Council adopts the following components of the Safer Australia Day Strategy 2007, as detailed in report Item 9.2.2 of the August 2006 Agenda:
- (i) Public Transport
  - (ii) Local Laws
  - (iii) Crowd Control
  - (iv) Road Closures (Access Restricted Areas)
  - (v) Traffic Management (Parking Restricted Area)
  - (vi) Waste Management
  - (vii) Media and Communications
- (b) Council is yet to consider the following components of a Safer Australia Day Strategy 2007 and requests a report providing the recommended strategy at the September 2006 Ordinary Council Meeting Agenda:
- (i) Toilets
  - (ii) Entertainment
  - (iii) Food and Non-alcoholic drinks
  - (iv) Alcoholic drinks
  - (v) Drink containers
- (c) the Temporary Road Closures and Parking Restrictions, for the area bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, effective from 8.00am to 10.00pm on 26 January 2007, as described in the report, be approved.

Cr Jamieson against the Motion (cont'd)

- 2005 had children's entertainment during the heat of the day
- 2006 had teenager entertainment that catered for tens of people up to the hundreds.
- what is the strategy for food and non-alcoholic drinks? Will they be on sale? etc
- 2006 there was a donation by Coca-cola for the new Coke Zero drink
- 2006 there was also donated buns being handed out
- what is the strategy for alcoholic drinks? Are we banning/selling etc need a strategy
- alcohol in a designated roped off licenced area?
- what is the strategy for drink containers?
- 2006 strategy encouraged local businesses/patrons not to bring glass containers to event.
- inadequate toilet facilities must be addressed
- items not currently in the strategy need to be ie Toilets, Entertainment, Food and Non-alcoholic drinks, Alcoholic drinks and Drink containers

The Manager Environmental Health and Regulatory Services referred to pages 14, 15 and 16 of the August Council Agenda which identifies the 2007 Strategies. He stated that the purpose of the strategies is not to 'drill down' to operational issues. The Working Party established to address the issue of toilet facilities on Sir James Mitchell Park during large events will provide options in this regard and entertainment / food handouts / give-aways etc will form part of a Grant Application to Lotteries West and is dependent on application approval. The WA Police Drug and Alcohol section is responsible for controlling alcoholic drinks and local liquor outlets would be again encouraged to sell beverages in aluminium cans as opposed to glass.



Mayor Collins referred to the recently approved Red Bull Air Race and to the fact that the sponsors of that event provide funding to the event organisers to implement strategies whereas with Australia Day we are not sponsors but simply the providers of a 'viewing area'. He stated that our budget goes towards protecting our ratepayers and the City during the event and that we have never proposed to be anything else other than a grand stand. There has never been a strategy to provide entertainment although there was a suggestion of providing bands which is still being looked at. The suggested strategy put forward is a 'containment strategy' only. This is a alcohol free event which needs to be enforced by police when necessary. We are not a sponsor and therefore our campaign strategy is at that level.

Cr Wells against the Motion

- officer report/recommendation needs more information
- support foreshadowed Motion by Cr Jamieson
- Red Bull is an alcohol free event - different issues to that of Australia Day
- comment re drug and alcohol division involvement - would like to see that promoted
- foreshadowed Motion more compact with more body

Cr Trent point of clarification - 5/10 years ago Council attempted to arrange for stall holders to go to Sir James Mitchell Park. Was this a success or failure?

The Manager Environmental Health and Regulatory Services advised that the City of South Perth stopped co-ordinating food stalls on the foreshore. He said that food stalls are still provided on the south side of the river but are now co-ordinated by the City of Perth.

Chief Executive Officer said he believed he needed to say something about comments made in relation to the suggested 'low level' way responses to issues raised have been addressed. He said that it was in fact Cr Jamieson that asked: "*what are we doing about providing coke and minties*" and that he had responded in the same vein. He stated that the 2007 Strategy follows on from previous years and included issues raised following the community consultation survey after the 2006 event. The 2007 Strategy again focuses on the areas of public transport, local laws, crowd control, traffic management and parking restrictions, road closures, litter management, media and communications.

The report indicates no changes to the Local Laws. Discussions have been held with police in relation to crowd control and they need to know about road closures. In relation to the toilets, perhaps the Working Party can come up with a strategy in time to be implemented for the 2007 event.

The CEO referred to part (b) of the proposed Motion calling for a further report to the September Council meeting and asked Members to bear in mind that the closing date for September reports was only 2 weeks away on 8 September. He further stated that the reason why the provision of drinks etc had not been included in the Strategy was because this related to 'funding opportunities' and the success or otherwise of applications being obtained as to the level of funding available from other sources. Council funds are not used for the provision of non-alcoholic drinks and the Police will set the rules in relation to the alcoholic drinks and not the City of South Perth.

**Note:** Director Infrastructure Services left the Chamber at 9.05pm

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.2.2**

The Mayor put the Motion

That...

- (a) the Safer Australia Day Strategy 2007, as detailed in report item 9.2.2 of the August 2006 Agenda be adopted; and
- (b) the Temporary Road Closures and Parking Restrictions, for the area bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, effective from 8.00am to 10.00pm on 26 January, as described in the report, be approved.

CARRIED (9/2)

**NOTE:** CRS JAMIESON AND WELLS REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION.

**Note:** Director Infrastructure Services returned to the Chamber at 9.09pm

**9.2.3 Community Partnerships 2006/2007**

Location:	Council
Applicant:	City of South Perth
File Ref:	GS/102
Date:	25 July 2006
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Statutory and Regulatory Services

**Summary**

To consider expanding the Community Partnerships program to include a new partnership agreement with the youth based organisation *Millennium Kids Incorporated*.

**Background**

The City works closely with many local organisations to realise benefits for the City of South Perth community. Through its Funding Assistance Program the City provides opportunities for organisations to enter into Community Partnerships with the City to work together on a range of programs and activities that provide significant benefits to the community.

In 2003 the City established Community Partnership Agreements with Southcare Incorporated and Perth Zoo, and in 2004 established a Community Partnership with the South Perth Church of Christ.

Community Partnership Agreements are monitored, reviewed and updated annually.

**Comment**

The three existing Community Partnerships have provided a range of benefits for the City of South Perth Community.

*Southcare Incorporated* was established in the City of South Perth in 1982 for the purposes of

- Helping develop a community in which fellow members care for and assist one another;
- Establishing and providing a range of family and aged care support services to meet the needs of residents of the City of South Perth who are disadvantaged by age, disability, unemployment, poverty, social and familial stress;
- Linking volunteers from member organisations and elsewhere to participate in the delivery of appropriate services; and
- Promoting and making these services available to all members of the community.

Through the Community Partnership agreement the City supports *Southcare Incorporated* as it works towards meeting these objectives. Of particular note is the strategic approach *Southcare Incorporated* is taking in positioning itself to meet the growing needs of an aging population.

*Perth Zoo* is a major tourist attraction for the City, encouraging approximately 600,000 people to the City every year. The Community Partnership with *Perth Zoo* focuses on a range of joint initiatives in the areas of water management; sustainability, recycling, shared horticultural priorities, TravelSmart initiatives and community events.

*South Perth Church of Christ* was established in 1947 and has strong links with the community developing a wide range of programs for all ages. Currently it runs activities for children, youth, families, men, women and seniors. It provides resources and volunteer help to school chaplains, an after school youth café, activities for teenagers, personal growth and recovery courses, low cost counselling and free food parcels for those who need support during times of crisis. Through 'The Shed' provided by the City of South Perth, *South Perth Church of Christ* runs workshop activities for people with disabilities, seniors and other groups. The *South Perth Church of Christ* continues to be a strong supporter and co-facilitator along with the City, of regular Community Service Forums which bring together community service organisations based in the area to discuss issues of common interest. In addition to supporting the activities outlined above, the Community Partnership Agreement with *South Perth Church of Christ* focuses on supporting an annual 'Carols by Candlelight' event and assisting with the establishment of early intervention programs for young people at risk of disengaging with the community.

*Millennium Kids Incorporated* is a youth based organisation set up to develop local, national and international partnerships which empower young people to explore, identify and address environmental issues through information exchange; membership networks, on-the-ground action and development of youth leadership skills. *Millennium Kids* was established in 1995 when a national conference on the concerns of young people was convened at Perth Zoo as part of the City of South Perth Fiesta. Since then *Millennium Kids* has expanded significantly and has programs operating in Australia; Canada, Indonesia and South Africa.

The City of South Perth has supported *Millennium Kids* since its inception, through direct funding of projects based in the City and through a range of partnering initiatives involving local schools in sustainability initiatives and through the TravelSmart program.

The development of a Community Partnership between the City and *Millennium Kids Incorporated* would consolidate the excellent working relationship that currently exists between the organisations and would allow for further development of initiatives such as:

- Schools and youth based sustainability projects
- TravelSmart initiatives
- Establishment of a Millennium Kids Chapter in the City of South Perth
- Showcasing related projects during the City of South Perth Fiesta
- Community activities related to Clean up Australia Day, Tree Planting and Reed Revegetation

### **Consultation**

Initiatives detailed in this report involve collaboration with and between a number of City of South Perth departments. Officers from relevant departments across the City have liaised with each other and with the four organisations detailed in this report to ensure effective consultation has been conducted.

### **Policy and Legislative Implications**

This report relates to Policy P202 *Funding Assistance* which states:

Level 1. Community Partnerships

*The City may enter into Community Partnerships with identified organisations that provide a major benefit to the City of South Perth community.*

### **Financial Implications**

There are no additional financial implications resulting from the development of a Community Partnership agreement with Millennium Kids as the agreement consolidates existing joint initiatives and planned involvement in initiatives between the City and Millennium Kids that would be undertaken whether or not the partnership agreement was in place.

### **Strategic Implications**

This report relates to two Goals in the City's Strategic Plan 2004 - 2008:

*Goal 2: Community Enrichment - To foster a strong sense of community and a prosperous business environment*

*Goal 6: Financial Viability - To provide responsible and sustainable management of the City's financial resources*

And also to strategy 1.5 of the City's Connected Community Plan 2005 - 2008

*Continue to manage the City's Community Funding Program which provides funding for the provision of externally managed community services/programs.*

<b>OFFICER RECOMMENDATION ITEM 9.2.3</b>
--

That Council endorses the expansion of the Community Partnerships program through the development of a Community Partnership Agreement with *Millennium Kids incorporated.*

### MOTION

Cr Trent moved the officer recommendation. Sec Cr Gleeson

### MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- Millennium Kids originated in City of South Perth
- have brought great credit to the City
- we should support them in every way
- urge Councillors support Motion

FORESHADOWED MOTION

Cr Hearne foreshadowed he would be moving an Amendment, as follows, to the officer recommendation if the current Motion is Lost.

That the officer recommendation be amended by the inclusion of the words *subject to negotiating an agreement that is acceptable to Council* after the word 'Agreement' in the second line.

Cr Hearne against the Motion

- issues raised at Council Briefing re financial support past/present not properly addressed
- cannot support recommendation without additional information requested
- cannot leave it to officers to determine proposed agreement

VERBAL REPORT : MAYOR COLLINS RE YAC

The Mayor referred to questions raised at the recent Council Agenda Briefing in relation to the YAC ("Youth Advisory Group") and presented the following overview of YAC activities throughout this year.

**Meetings Held**

Ten (10) YAC Committee Meetings held throughout Financial Year 2005/06

**Internal Consultation**

- Arts and events
- Travel Smart
- Consultation
- Recreation Development
- Environmental Health - Safer Australia Day
- Draft Community Safety and Crime Prevention Plan - Workshop conducted and feedback from YAC noted
- Fiesta - Workshops and Consultation for the 4 month period leading up to Fiesta - by Arts and events Coordinator, Rec Development Coordinator, Consultation Officer
- Grant writing workshop - and then drafting applications for National youth week and Youth Grants W.A.

**External Consultation**

- Postgraduate Studies Consultation - young people and citizenship / civic duties - research into how they become involved
- H2O Gravity Games input - and research
- Presentation by Foundation for Young Australians - awareness and information.
- Waterford Triangle Engagement project - workshop and committee members sought.
- Contributed to South Perth & Canning Bridge Train Station consultations

**Opportunities for YAC members**

- Sir James Mitchell Park - workshop and invitations to join advisory group
- Sustainability Advisory Group - Workshop about sustainability and committee members sought.
- Rotary youth leadership awards - nominations requested
- Big Buzz Youth Festival - Nitty Gritty - opportunity to get involved.
- Young Endeavour - opportunity to attend through community scholarship
- Rotary Youth Leadership Camps - opportunity for YAC members to attend.

**Other Activities**

- Piercing Information Kit - given to be distributed
- Presentations to schools - to recruit members
- Leadership Training and Orientation Day
- RAAMMPAGE Events training and funding
- YACJAM - Successful event run at George Burnett Leisure Centre throughout Fiesta.
- Contributed to the Fiesta Millennium Kids Roadshow event at GBLC
- Contributed to the United Nations Youth Dialogue with Ben Whitehouse

Cr Hearne point of clarification: Are officers able to provide information on past and present support required by Millenium Kids?

The Manager Community, Culture and Recreation advised that Council has been supporting Millenium Kids since their inception through the Community Funding Program and for one-off events.

Director Financial and Information Services advised that Millenium Kids were involved in the City's Travelsmart Program and currently in discussion with officers in relation to the City's Environmental and Sustainability projects. He further stated that the 'details' would be worked out through development of the Agreement and was consistent with other Community Partnership Agreements previously presented to Council.

Cr Maddaford point of clarification - At the August Council Agenda Briefing 'position' questions were asked - did not get a reply - still not getting answers to questions asked.

The Chief Executive Officer stated that the Motion envisaged by Cr Hearne did not expect to have answers tonight. He said that he believed that the information will be in an Agreement to be presented to Council for endorsement at a later meeting.

**Note:** Manager Environmental Health and Regulatory Services retired from the meeting at 9.16pm

Cr Trent closing for the Motion

- included as part of the Budget - see that as a process
- should not get over-involved in what Millenium Kids are doing
- proposal same as other Partnership Agreements put forward

The Mayor put the Motion

LOST (4/7)

MOTION

Moved Cr Hearne, Sec Cr Cala

That Council endorses the expansion of the Community Partnerships program through the development of a Community Partnership Agreement subject to negotiating an agreement that is acceptable to Council with Millennium Kids incorporated.

Cr Cala for the Motion

- would like to see Agreement through to the end
- would like to see Terms of Agreement



**COUNCIL DECISION ITEM 9.2.3**

The Mayor put the Motion

That Council endorses the expansion of the Community Partnerships program through the development of a Community Partnership Agreement subject to negotiating an agreement that is acceptable to Council with Millennium Kids incorporated.

CARRIED (11/0)

Reason for change

It was appropriate for Council to consider the final terms of the Partnership Agreement before it was signed.

**Note:** Manager Community, Culture and Recreation retired from the meeting at 9.20pm

Cr Macpherson left the Chamber at 9.20pm and returned at 9.23pm

**9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

**9.3.1 Proposed Eight Aged or Dependent Persons' Dwellings. Lot 254 (No.26) Gillon Street, Karawara**

Location: Lot 254 (No.26) Gillon Street, Karawara  
 Applicant: Summit Projects on behalf of C Parfit and H L Diep  
 File Ref: 11/4856 11.2006.229 GI1.  
 Date: 1 August 2006  
 Author: Rod Bercov, Manager Development Services  
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application for planning approval relates to a proposed development comprising 8 Aged or Dependent Persons' Dwellings (ADP's). Council's discretion is sought in relation to the proposed number of dwellings, being one more than the maximum permissible number of Grouped Dwellings but three less than the potential maximum number of ADP's. As well, Council's discretion needs to be exercised with respect to the setback of certain dwellings from the communal driveway and the open space reserve. In other respects the proposal complies with normal requirements. The recommendation is for approval, subject to a number of standard and special conditions.

**Background**

This report includes *Confidential Attachment 9.3.1* being plans of the proposal.

The development site details are as follows:

Zoning:	Residential
Density coding:	R30
Lot area:	2378 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	7 Grouped Dwellings or 11 Aged or Dependent Persons' Dwellings

The application does not require referral to a Council meeting under Council Delegation DC342, however Council Members have previously expressed a desire for development proposals relating to Aged or Dependent Persons' Dwellings to be referred to Council meetings for determination, having regard to the "D" (discretionary) land use classification of ADP's and the density bonus associated with such proposals. Therefore, the Director, Strategic and Regulatory Services has instructed the officers to refer any proposals of this kind to Council meetings for determination.

The location of the development site is shown below:



### Comment

The proposed Aged or Dependent Persons' Dwellings comply with the Acceptable Development standards of the Residential Design Codes (R-Codes), subject to the building licence drawings demonstrating compliance with the standards set out in Australian Standard 4299 (Adaptable Housing) applicable to Adaptable House Class "B". In a letter dated 13 July 2006, the applicant has provided a list of 32 design elements included in the proposal in order to meet the requirements of AS 4299. If planning approval is granted, upon receipt of the subsequent building licence application supported by working drawings and specifications, those documents will be examined in relation to the design elements listed in the applicant's letter dated 13 July 2006 and also against the detailed requirements of AS 4299 in order to confirm full compliance. A recommended condition of planning approval relates to this matter.

In other respects, the proposal complies with the requirements of TPS6 and the Residential Design Codes (R-Codes) with the exception of the variations discussed below, which require the exercise of Council discretion. It is recommended that Council discretion be exercised in order to approve the proposal as submitted, subject to the conditions contained in the recommendation in this report. The following officer comments are provided in relation to these discretionary matters.

**1. Discretionary Land Use and Dwelling Density**

Aged or Dependent Persons' Dwellings are a discretionary land use as identified in Table 1 of the No. 6 Town Planning Scheme. As well, the density bonus which can be approved for developments comprising ADP's is a matter involving the exercising of Council discretion.

The site in question, situated in Gillon Street opposite George Burnett Park, is considered suitable for ADP's and the design of the proposed development is compatible with the neighbouring single houses. The dwellings are single storey and of conventional design with Colorbond metal roofs.

The relevant provision relating to the density bonus is contained in Clause 3.1.3 A3 i of the R-Codes. That clause states that :

*“For the purposes of an Aged or Dependent Persons' dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third, in accordance with Section 4.1.2 and 4.1.3.”*

In relation to ADP's, the special development requirements are contained in Clause 4.1.2 of the Codes. The proposed development complies with all of the Acceptable Development requirements listed in Clause 4.1.2 (subject to confirmation of full compliance with the Adaptable Housing standards of AS 4299).

As stated above, the site can support 7 normal Grouped Dwellings which do not involve a density bonus. Alternatively, subject to Council discretion, a maximum of 11 ADP's could be approved. The applicant in this instance is seeking only a limited density bonus of one additional dwelling compared with the potential for 4 additional dwellings. The dwellings are comfortably accommodated on the irregularly shaped lot and an area of communal open space not required by the R-Codes, is provided as an additional amenity.

In light of the preceding comments, it is recommended that Council support both the ADP land use and the limited density bonus.

**2. Setbacks from Communal Driveway and Open Space Reserve**

**(a) Unit 3 Setback from Communal Driveway**

Where a Grouped Dwelling has its main frontage onto a communal street (driveway), Clause 3.2.1 A1 ii of the R-Codes requires a 2.5 metre setback. All of the proposed dwellings have their main frontage onto the internal communal driveway. Unit 3, situated near the front of the site is orientated at a 45 degree angle to the communal driveway. One of the windows of Bedroom 2 is set back 2 metres from the communal driveway at the closest point, while achieving an average setback of approximately 2.8 metres. This minor variation is considered satisfactory.

**(b) Setbacks from Open Space Reserve**

The normally required setback from the Open Space reserve is 6 metres average and 3 metres minimum. Units 6, 7 and 8 have variable setbacks less than the prescribed minimum, with corners at distances ranging from 1.1 metres to 1.3 metres. The average setback of these units from the Open Space reserve is in the order of 2.5 metres. A brick fence exists on the boundary of the Open Space reserve, thus precluding any outlook onto the reserve. Due to the existence of this fence, the applicant makes the point that there would be no advantage to the occupiers of the proposed dwellings if Council were to require the normal setback.

This is a situation which Council has addressed on other occasions recently. Council has approved setback variations in those other cases subject to the fencing on the boundary being visually permeable to provide and outlook onto the Open Space reserve. The same requirement should be imposed in this instance, while granting the requested setback variation. A recommended condition of planning approval deals with this matter.

**3. Removal of Mature Trees**

Council Policy P383\_T “Trees on Development Sites and Adjoining Verges” contains a provision conveying Council’s expectation that trees that will not interfere with a proposed development are to be retained. The policy also states that the Council will not refuse a development application or require a loss of dwellings in order to retain a tree unless the tree is an outstanding specimen of City-wide significance.

The development site contains two large and mature River Red Gums (*Eucalyptus Camaldulensis*) situated in the area of the proposed communal driveway. The application drawings indicated that these trees are intended to be removed. The assessing Planning Officer had asked the applicant to submit a revised site plan showing deviations of the driveway in order to retain these trees. Comments were also sought from the City’s Parks and Environment Department.

The applicant has sought approval to remove the trees having regard to the following:

- The irregular shape of the site causing design constraints;
- The existence of a 5 metre wide drainage easement traversing the site;
- The inability to modify the unit design in order to retain the trees without the loss of at least two dwellings; and
- The characteristics of the particular species which has a propensity to drop limbs.

Comments have been obtained from the City’s Streetscape Supervisor regarding the trees. He recommends that the trees be removed. Further comments in this respect are contained in the Consultation section of this report.

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

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

- Objective (a) Maintain the City's predominantly residential character and amenity;*
- Objective (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;*
- Objective (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- Objective (g) Protect residential areas from the encroachment of inappropriate uses;*
- Objective (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities; and*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (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;*
- (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;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

The proposal has been found to be satisfactory in relation to all of these matters.

**Consultation**

**(a) Design Advisory Consultants**

The proposal was considered at the June 2006 meeting of the Design Advisory Consultants. The Advisory Architects' comments are presented below. The Officer's response to each comment is shown in italics:

- Absence of required 1.5 metre × 1.5 metre corner truncations at the junction of the main internal driveway and the secondary driveway.  
*This has been addressed by way of revised drawings.*
- Unrelieved 1.8 metre high brick walls along the entire length of the common boundary with the open space reserve obstructing access to an outlook onto the reserve.  
*A recommended condition of planning approval requires portions of the brick boundary fences to be modified to achieve an outlook on to the Open Space reserve.*

- Unsatisfactory bin enclosure location. It was considered preferable not to construct a bin enclosure. Rather, the bins should be retained adjacent to each dwelling and then brought out to the street on collection day.  
*The bin enclosure has now been deleted.*
- Unsatisfactory location of visitor parking bays. In accordance with Clause 3.5.3 A3.1 of the R-Codes, the visitor bays should be located close to the point of entry to the site and outside the security barrier.  
*Now resolved by way of revised drawings.*
- The two trees within the driveway as identified on the site plan, are mature specimens which need to be retained. To accommodate the retention of these trees, the alignment of the driveway needs to deviate around them.  
*The trees should be removed. Refer to City's Streetscape Supervisor's comment in Consultation section.*
- Extremely small bedrooms which will be difficult to furnish and use.  
*There is no conflict with Council requirements. The applicant has elected to maintain the existing bedroom sizes in order to accommodate 3 bedrooms and 2 bathrooms while still complying with the prescribed 100 sq. metre maximum dwelling size.*
- In the case of Units 1, 4 and 8, there is no access from the garages to the unit entries making access to the dwellings most inconvenient for the elderly occupiers.  
*There is no conflict with Council requirements. Direct access has now been provided for all dwellings with the exception of Unit 4 where this was not possible.*
- Noting the conflict with the City's Boundary Wall Policy, the boundary wall to Unit 2 was not supported if the windows of the adjacent dwelling are major openings to habitable rooms.  
*This has now been resolved by way of relocation of the boundary wall clear of the habitable room windows on the adjoining lot.*

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 22, 24, 28 and 30 Gillon Street, Nos. 4 and 9 Myamba Court, Nos. 15, 17, 19 and 21 Kardan Circuit and No. 1 Lurnea Place were invited to inspect the application and to submit comments during a 14-day period. A total of 11 neighbour consultation notices were mailed to individual property owners and occupiers. No submissions were received.

**(c) Parks and Environment**

In relation to the two mature Red Gum trees referred to previously, comments were sought from the City's Parks and Environment Department. A comprehensive technical response was received from the Streetscape Supervisor. He advised that the trees are not suitable in the context of the proposed development and should be removed. An extract from his report is presented as follows:

*"The River Red Gum was included in list C as one of 22 tree species that the Water Corporation considered should not be planted anywhere near underground pipes.*



*Unfortunately, it is probably the most brittle wooded of tree species that is grown for its amenity applications and has the propensity for frequently shedding branches. These may be large, structurally intact, unaffected by disease or insects and fall without giving any prior indication. As such, its location in areas above property or places where people frequent should always be viewed with concern.”*

In view of this advice, the trees should not be retained.

### **Policy and Legislative Implications**

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council’s Policy P383\_T have been provided elsewhere in this report.

### **Financial Implications**

This issue has no impact on this particular area.

### **Strategic Implications**

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

*To effectively manage, enhance and maintain the City’s unique natural and built environment.*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.1</b>
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Eight Aged or Dependent Persons’ Dwellings. Lot 254 (No.26) Gillon Street, Karawara be **approved**, subject to:

(a) **Standard Conditions**

300, 301, 302, 340, 353, 354, 375, 377, 390, 393, 427, 445, 455 (east and west), 456, 458, 470, 471, 508, 663 (new units), 625, 660.

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

(i) The dwellings nominated as “Aged or Dependent Persons’ Dwellings” shall demonstrate compliance with AS 4299 (Adaptable Housing) Class “B” standard on the working drawings submitted with the building licence application.

(ii) Revised drawings shall be submitted incorporating the following:

(A) Having regard to the setback variation in relation to the setback of Units 6, 7 and 8 from the Open Space reserve, portions of the existing brick boundary fence shall be modified to incorporate wrought iron panels to the same height as the existing brick fence, thus providing an outlook on to the reserve from the Kitchen and Living Room of Unit 6, Bedroom 1 of Unit 7 and the Family and Dining Rooms of Unit 8.

(B) The garage doorway for Unit 6 shall be increased to a minimum width of 2.5 metres, consistent with the minimum parking bay dimensions prescribed in the No. 6 Scheme.

(c) **Standard Important Footnotes**

647, 648, 645 (Condition 508), 646, 651.

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

<p><b>9.3.2 Proposed change of use from Shop to Cafe/Restaurant. Lot 192 (No. 78) Banksia Terrace, Kensington</b></p>
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Location: Lot 192 (No. 78) Banksia Terrace, Kensington  
 Applicant: Anne Janett McAvoy  
 File Ref: 11/1577 11.2006.313.GJF BA2/78  
 Date: 1 August 2006  
 Author: Gina Fraser, Senior Planning Officer  
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

**Summary**

The application for planning approval relates to the conversion of an existing Shop and House to a Café/Restaurant. The proposal is classified as a ‘DC’ (discretionary with consultation) use in the Local Commercial zone and has resulted in several objections from neighbours. The Council’s consideration is sought in regard to this discretionary classification, concerns expressed by some neighbours with respect to aspects of the application, and a setback variation. The recommendation is for **approval**, subject to a number of standard and special conditions.

**Background**

The development site details are as follows:

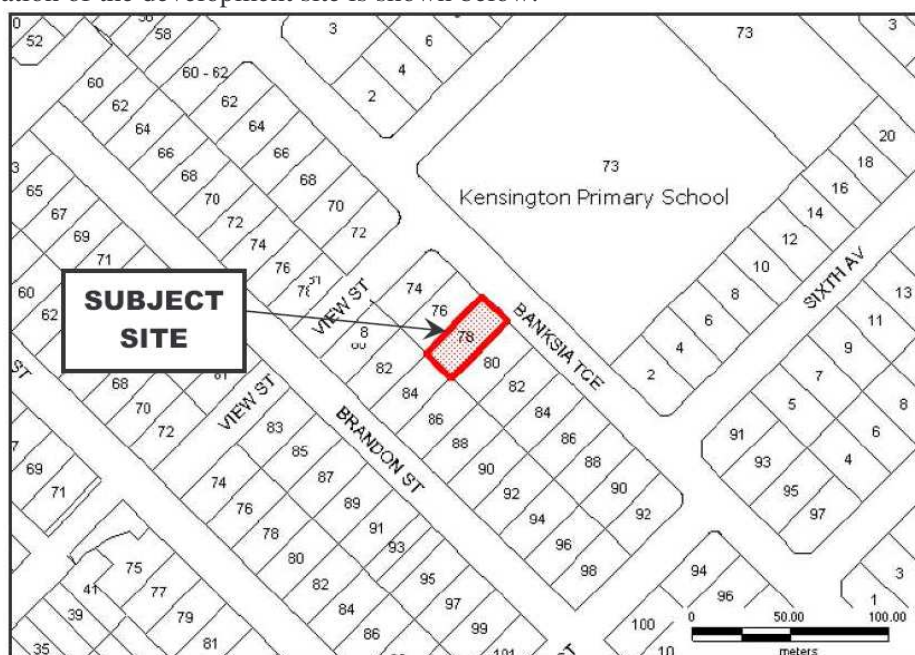
Zoning:	Local Commercial
Density coding:	R15
Lot area:	737 sq. metres
Building Height Limit:	7 metres
Development Potential:	Local commercial or residential development including: ‘P’ (Permitted) Uses - Home Office, Local Shop. ‘D’ (Discretionary) Uses - Single House, Ancillary Accommodation. Grouped Dwelling, Single Bedroom Dwelling, Home Occupation, Service Industry, Mixed Development, Office, Shop, Telecommunications Infrastructure. ‘DC’ (Discretionary with Consultation) Uses - Bed and Breakfast Accommodation, <b>Café/Restaurant</b> , Consulting Rooms, Radio and Television Installation, Take-Away Food Outlet, Veterinary Clinic.

The City has no record of when the shop was originally built. It does not appear on the City’s first aerial photograph taken in 1930, but it is possible that it was built during the first half of the 20<sup>th</sup> century and served as a ‘tuck shop’ to the Kensington Primary School, directly opposite, the first part of which was constructed in 1926. The subject premises originally operated as a house with a shop front, and continued to operate in this form until recently. The use of the premises for commercial purposes in part, therefore, is not new, even though the site is adjoined by low density residential development on both sides and at the rear. The new element is that for the first time, approval is now sought for conversion of the entire building to commercial use, namely Café/Restaurant.

This report includes the following attachments:

- **Confidential Attachment 9.3.2(a):** Plans of the proposal
- **Attachment 9.3.2(b):** Applicant’s submission
- **Attachment 9.3.2(c):** Schedule of Submissions

The location of the development site is shown below.



**Comment**

**(a) Delegation**

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***

*(iii) Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*

The main variation in this case is the zero setback of the existing building from the Banksia Terrace boundary,

**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.*

The City is of the opinion that the proposal will not have a detrimental impact on the amenity of the area, provided that the on-site parking facilities are up-graded and evening opening hours are appropriately restricted. Neighbours raise various concerns which are discussed in this report. The report also contains discussion regarding an existing garage/shed and other car parking details with amenity implications which warrant a Council decision.

**7. *Neighbour Comments***

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

Some neighbours' comments on the proposal warrant Council consideration in relation to possible future amenity impacts.

**(b) Change of Use**

The last approved use of the site was for a Florist, incorporating floral art classes, which was approved under delegated authority in April 1996. Those approved plans indicated that portion of the house would remain residential, and the shop front was to be used for the business operations. The current proposal involves the conversion of both the House and Shop to Café/Restaurant. The applicant advises that it is not the immediate intention to operate the establishment as a 'restaurant', but as a low-key café for the local community and for the Kensington Primary School. The applicant makes particular mention of the desire to enhance the local community vibrancy by providing a facility currently lacking in the area, which will be readily accessible to local residents, to parents visiting the Kensington Primary School and to people riding past on the dedicated cycle path connecting to the foreshore. It would provide a place of recreation for local residents, and an alternative place at which to hold small group or community meetings. A 'Community Notice Board' is planned to be provided. No external changes to the building are proposed, other than repainting. *(A detailed description of the proposal is contained in the applicant's submission comprising Attachment 9.3.2(b) )*

The applicant has since modified and 'down-sized' the proposal to the extent that it would be classified as a 'Class 3 Food Premises' under the relevant Health regulations. This means that only limited food preparation would be carried out, most of the food being pre-prepared. Such an establishment would be similar to a lunch bar. As originally submitted, the premises would have been a 'Class 1 Food Premises', capable of extensive food preparation, such as a restaurant. Nevertheless, under the Town Planning Scheme No. 6 (TPS6) even a small café is classified as a 'Café/Restaurant', provided that the food would be predominantly eaten on the premises. The use is defined in TPS6 as follows:

*“ ‘Café/Restaurant’ : means any land or building used primarily for the preparation and serving of meals or refreshments for consumption on the premises.”*

**(c) Parking**

TPS6 requirements: The car parking requirement for a Café/Restaurant in Table 6 of TPS6 is 1 car bay per 5 sq. metres of dining area. From the plans provided, an area of approximately 40 sq. metres could be used as dining area. This includes the customer seating area (25 sq. metres), a 'Mothers' Lounge' (10.5 sq. metres) and a 'Stroller/Pram Park' area (7 sq. metres). A total of seven car bays are proposed to be provided on site. This amount of parking would support up to 35 sq. metres of dining area. Although the dining floor space could be reduced to match the number of car parking bays provided, the applicant also hopes to attract people living within walking distance of the property. However, it is suggested that, in line with the parking requirements of Table 6 of TPS6, the dining area be limited to 35 sq. metres.

Existing garage/shed: The rear parking area is accessed from a driveway running down the side of the building adjacent to No. 80 Banksia Terrace. An existing detached brick garage/shed, approved in 1968, stands at the end of the driveway. The applicant advises that the garage/shed is used for storage. The appearance of this outbuilding is not particularly attractive. By virtue of its location, the outbuilding at the head of the driveway also impedes the view between the street and the customer car park at the rear, and causes an awkward vehicular manoeuvre for drivers entering or leaving the car park. Although the resulting 'zig-zag' movement can be made comfortably, the situation is not ideal, and this arrangement would not be permitted for a new development.

The access to the car park complies with Australian Standards in terms of turning movements, but due to its location, the outbuilding blocks the view of vehicles in the car park and could result in a 'clash' of vehicles arriving and leaving at the same time, while drivers are also having to negotiate the awkward bends in the access way. The car park cannot be seen from the street, which is an undesirable situation as it will discourage patrons from using the car park rather than parking in the street. The removal of the garage/shed would greatly enhance safety, ease of use of the car park by vehicles entering and leaving the site, and the appearance of the site.

The applicant's preference is for the garage/shed to remain. If the Council decides to allow retention of the garage/shed, then signs should be provided, clearly visible from the street, indicating the location of the customer car park at the rear of the site, and warning of the unusual driveway manoeuvre ahead.

In addition, and particularly if the garage/shed is to remain, a dedicated turning bay should be provided within the car park, to enable all vehicles to return to the street in a forward gear. While this is not a usual requirement in a low density residential street, the particular location of the site opposite a busy Primary School and on a dedicated cycle path, with road calming devices in Banksia Terrace, emphasise the desirability of such a facility.

Under clause 6.3 (6) of TPS6, the Council is required to have regard to, and may impose conditions relating to, a range of design issues relating to parking. Clause 6.3 (6) reads as follows:

- “(6) When considering an application for planning approval for development in respect of which car parking bays are required to be provided under the Scheme, the Council shall have regard to, and may impose conditions as to:*
- (a) the location of any existing and proposed public or private footpath or way and any vehicle crossings;*
  - (b) the effect the location of the bays and access ways is likely to have on pedestrian and vehicular movement both on the development site and in the adjacent street;*
  - (c) the suitability and adequacy of proposed screening or natural planting in relation to the bays and access ways; ...”.*

In relation to parts (a) and (b) of this clause, and as part of the applicant's duty of care, he is investigating other safety features, such as:

- placing one or more mirrors in a strategic place to assist drivers to see pedestrians when leaving the site;
- reducing the height of the neighbour's front fence and the common fence on the side boundary near the entrance to the driveway to the normally required height of 0.75 metres; and
- installing a warning flasher near the driveway entrance at the street to warn pedestrians of vehicles approaching the street from the driveway.

The City favours the first two of these initiatives.

Car park construction: The surface of the existing car park has been provided with a layer of blue-metal stones compacted into the earth. The applicant proposes to resurface the car park with the same material, and to mark the car bays by rows of bricks inset into the surface. While a solid pavement material is normally required, the applicant maintains that the proposed kind of surface is firm, dust-free and well drained, as required by clause 6.3 (10) of TPS6. That clause reads as follows:



- “ (10) *Car parking bays and access ways shall be:*
- (a) *constructed of hard-standing, dust-free surfaces;*
  - (b) *graded and drained in such a way as to prevent water flowing therefrom onto adjoining land, or into garages or carports on the site, or onto any street, except in the latter instance, to the extent approved by the Council;*
  - (c) *clearly marked on site in accordance with an approved plan; and*
  - (d) *maintained in good condition at all times.”*

The City has consistently interpreted this requirement to mean that a car parking surface should be constructed of a material such as brick or block paving, concrete, bitumen, or the like, with drainage into soak wells on site or directly into the City’s street drainage system.

The applicant maintains that this is excessive for a small area containing only six cars for a small local business, and that the current arrangement meets Council’s specifications. A site inspection has shown that the existing material is firm, well drained, and in keeping with the ‘rustic’ design of landscaping at the rear of the building. However, the loose form of the proposed paving sets a precedent for a reduction in the standard of parking area construction. There is no reference in the application to any intention to edge the car park, or to delineate the planting beds along the fences.

The Council has no adopted policy regarding different materials being acceptable for different sized car parks. The City is of the view that the size of the car parking area, and the nature of the business involved, are not relevant factors which might mitigate against requiring construction of a car park to the standard universally required elsewhere in the district.

The City’s engineers advise that compacted blue metal or any road base material is not appropriate for a car park surface because it is not sufficiently self draining or durable. Car parking areas need to have the same infrastructure as on a road (kerbing, drainage grates if needed etc.). The paving proposal is therefore not acceptable.

The driveway is currently paved with cement flagstones, some of which are in disrepair and in need of replacement.

In the past, the site has retained a residential component. The current application is the first submitted to the Council involving the commercial use of the entire site. It is considered that both the car parking area at the rear and the driveway leading to it, should be repaved, delineated, marked, drained and maintained. A material such as brick paving, concrete, blocks, bitumen or the like should be used, with drainage into soak wells on site.

Car park design: An issue has been identified with regard to the slight change of levels within the site. The existing garage/shed has a path around it at a lower level than the main car park, the level difference of about half a metre being retained by a low brick retaining wall. A car parking bay is proposed to be located adjacent to this retaining wall. There is a need for some protective marking or safety barrier along the retaining wall to protect drivers from the drop in ground level. This issue will be a problem if the garage/shed remains on site as there is no opportunity to rationalise the difference in ground levels. The removal of the outbuilding would enable this rear area to be regraded and designed more appropriately.



In view of the manoeuvre difficulties identified above, a turning bay should be provided within the car park to enable all cars to enter the street in a forward gear, and to assist in movements within the car park. This is considered necessary with or without the removal of the garage/shed, to assist vehicles returning to the street in the event that all car bays at the rear of the site are occupied. The single-lane driveway access also impedes vehicular movement when vehicles attempt to enter and leave the site at the same time.

**(d) Setbacks**

Under Table 3 of TPS6, buildings in the Local Commercial zone are required to be set back 1.5 metres from the street, and nil from other boundaries. The subject building has the following setbacks:

- Zero front setback;
- 1.0 metre for an 8.0 metre long section of wall facing the north-western boundary;
- 4.2 metres for the remainder of that wall towards the front of the site; and
- 3.8 metres for the whole length of the south-eastern side of the site where the main driveway is located.

Clause 5.1 (4) of TPS6 reads as follows:

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

- (a) in any non-residential zone where a development site has a common boundary with land in the Residential zone:*
  - (i) the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site; and*
  - (ii) the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the Council.”*

The front setback required under the R-Codes for the residential R15 coded lots alongside the subject site, is 6.0 metres average with a minimum of 3.0 metres.

The application involves an existing building. While TPS6 requirements are not retrospective, the proposed change of use of the site causes the proposal to need to be assessed fully as though it were a new development. In the current application, the building has, in part, a zero setback from Banksia Terrace. This requires the Council’s discretionary approval under clause 7.8 of TPS6. This clause empowers the Council to permit variations from certain Scheme provisions if it is satisfied that:

- such a variation would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- enforced compliance would have an adverse impact on the users of the property or of the precinct; and
- the proposed development meets the objectives for the City and the precinct.

In view of the building having existed with a zero setback for many years as a commercial operation, it has become well established within the streetscape of Banksia Terrace and this part of the precinct, and therefore fits comfortably within the orderly and proper planning of the locality for the type of building that it is and the function it fulfils. An enforced removal of the portion of the building forward of the

3.0 metre setback line would cause immense damage to the building and would probably result in demolition. It is therefore considered that the existing zero setback of the front wall of the building should be accepted for the proposed change of use.

Under clause 5.1(4) and Table 3 of TPS6, Council discretion is sought for the zero setback at the front of the existing building. The building complies with R-Code side boundary setbacks for a Grouped Dwelling on land coded R15, as required by TPS6.

**(e) Fencing**

Existing fencing comprises fibro 'Super-Six' sheeting along the south-eastern side of the site and along the rear. While this fencing is partly capped and partly uncapped due to historical successive fencing by surrounding neighbours, the fencing is predominantly in reasonable condition, and with minor repair to individual sheets and completion of capping, would be acceptable. The recommendation in this report includes a condition relating to this matter.

Along the north-western side boundary, the fencing comprises a relatively new limestone block fence which is at a height of 1800 from the neighbour's lower ground level. This fence matches the improvements on that adjoining lot. The applicant's site rises gradually towards the rear, causing the height of fencing in this part of the site to be approximately 1200mm on the side of the development site. It is considered that the existing fencing should remain, but be raised to a height of 1800 from the ground level of the development site, with a material mutually acceptable to the applicant and the neighbour. Lattice is the usually accepted material for this purpose. A recommended standard condition No. 455 of planning approval deals with this matter.

**(f) Operating hours**

The applicant advises that it is the intention of the operation to service predominantly local residents and the Kensington Primary School, while also being available for local community groups to use the café for their meetings in the evenings. To cater for these events, the applicant requests consent for the opening hours of 8.00am to 10.00pm every day of the week. This length of opening hours is of concern to some neighbours. It is therefore considered that the opening hours should be until 9.00pm only.

**(g) Heritage**

In the current 2004-06 review of the City's Municipal Heritage Inventory (MHI), the City is considering the addition of approximately twenty new places, being predominantly schools, churches and small or corner shops. The subject site has not been included in this exercise, and is not proposed to be listed in the MHI.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

*(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.*

The proposed development is considered to meet this overriding objective. The precinct community's aspirations listed in the draft Precinct Plan for Precinct 6 - Kensington, simply express the objectives for the area:

- *Protect heritage buildings and create a unique historical image and identity.*
- *Preserve the precinct's single residential character/amenity.*
- *Decrease or maintain the existing R15 density coding.*
- *Develop and utilise Design Guidelines.*
- *Encourage increased use of landscaping, especially around commercial areas.*
- *Maintain street trees and streetscapes.*
- *Improve, maintain and enhance public open space and recreation areas.*
- *Retain local shops, but improve their physical appearance and range of services.*

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a) Maintain the City's predominantly residential character and amenity;*
- Objective (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;*
- Objective (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- Objective (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- Objective (g) Protect residential areas from the encroachment of inappropriate uses;*
- Objective (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- Objective (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- Objective (j) In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality.*

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*

- (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;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (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;*

The proposal is considered satisfactory in relation to each of the above matters. However, having regard to the comments in the 'Parking' section of this report, it is considered that the following matter has not been satisfactorily dealt with, with respect to the existing garage on the site:

- (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.*

**(j) Local Commercial Strategy**

The proposal has been assessed against to the strategy for Local Commercial Centres set out in the Council's Local Commercial Strategy (LCS) which was adopted in March 2004. The proposal is considered to meet the following relevant statements:

***“Objective for Local Centres:***

*To recognise, reinforce and retain the important role that small corner stores and Local Centres play in fulfilling the daily shopping and commercial requirements of residents of the City.*

***Recommended Actions for Local Centres:***

- *In considering a change from one commercial use to another within a Local Commercial zone, Council should aim to ensure that such use will not adversely impact on adjoining residential amenity and can preferably be demonstrated as serving local shopping needs or aspirations. The Council will have regard to the impact of the development on adjacent residential areas, as well as the demand for such facilities to serve the adjacent local community.”*

**Consultation**

**(a) Design Advisory Consultants**

The proposal to convert the existing House and Shop to a Café/Restaurant was not required to be referred to the Design Advisory Consultants for comment.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties within 'Area 2' as identified in Council Policy P104 for a Café/Restaurant, were notified and invited to comment. Owners at Nos. 76 and 80 Banksia Terrace; Nos. 82, 84 and 86 Brandon Street; and the Principal, Kensington Primary School were invited to inspect the application and to submit comments during a 21-day period. A total of seven neighbour consultation notices were mailed to individual property owners and occupiers. In addition, a sign was placed on the site inviting comment from any other interested person. The applicant also distributed an information sheet, including plans, to those neighbours, inviting inspection of and comment on the application. The applicant's information sheet is provided as part of **Attachment 9.3.2(b)**.

During the advertising period, six submissions were received by the City, two in favour of, and four against the proposal. The applicant has also provided the City with further comments received from the same neighbours. All of the submissions have been summarised and responses provided to all comments, in **Attachment 9.3.2(c)** to this report.

The comments in favour of the proposal generally refer to:

- Provision of a much needed facility in the area;
- Fostering of a community spirit in Kensington;
- No objection, or support for, the proposal generally.

The comments objecting to the proposal can be categorised into the following general topics, although they are more specifically referred to in the Schedule of Submissions contained in **Attachment 9.3.2(c)**:

- Parking, traffic, access and safety issues
- Increased noise - cars, patrons, restaurant operations generally
- Patron behaviour, particularly if alcohol is available
- Loss of vegetation from the site
- Cooking fumes
- Long trading hours
- Proposed location of bins near bedroom windows
- Increase in vermin
- Change of character from residential to commercial

An Officer response to all of the issues raised is contained in the Schedule of Submissions.

**(c) Manager, Engineering Infrastructure**

One of the City's Engineering officers was invited to comment on the applicant's preferred car parking pavement material. His advice is that compacted blue metal or any road base is not desirable due to problems of durability and unreliable drainage.

**(d) Environmental Health Department**

The City's Manager, Environmental Health Services has provided comments as follows:

**1. Bin Store Location /Construction**

The application shows the bin store located to the rear of premises in close proximity to an adjoining residence. It is preferable that the bin store be located to the front of the premises. This would facilitate ease of access for servicing and minimise the risk of odour/fly problems affecting neighbours.

*Note: Standard bin enclosure conditions have been specified and these are included in the Officer recommendation in this report.*

**2. Specification Details**

Kitchen walls in Class 1 food premises to be finished by tiling to ceiling height rather than painted hardwall plaster as detailed in specification.

**3. Other Potential Concerns**

Businesses of this type often generate a number of types of complaints from neighbours as a result of their operation. Most common are:

▪ **Noise**

- Noise associated with the operation of plant and equipment e.g. coolroom compressor, piped or amplified music.
- Noise associated with customers entering and leaving the premises e.g. vehicular noise, horns tooting, car doors opening and closing, loud conversation / antisocial behaviour both on the premises ( car park ) and street.

▪ **Odours**

Odours arising from cooking effluvia may be offensive to neighbours.

These Environmental Health issues have been brought to the attention of the applicant by way of a footnote to the recommended planning approval. It is the applicant's responsibility to liaise with the City's Environmental Health department to ensure satisfaction of all of the relevant requirements.

**Policy and Legislative Implications**

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

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

*To effectively manage, enhance and maintain the City's unique natural and built environment.*

**Conclusion**

Having regard to all of the discussion elsewhere in this report, the conclusion drawn is that the proposal should be conditionally approved. It will provide a community facility which, it appears, will be valued by the community. Amenity concerns are adequately addressed by way of the recommended conditions of approval.



**OFFICER RECOMMENDATION ITEM 9.3.2**

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 proposed change of use from House and Shop to Cafe/Restaurant of Lot 192 (No. 78) Banksia Terrace, Kensington, **be approved**, subject to:

(a) **Standard Conditions**

352, 354, 445, 455, 456, 505, 508, 661, 664.

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

(b) **Specific Conditions:**

(i) Revised drawings shall be submitted for approval by the City, such drawings incorporating the following:

(A) The rubbish storage area shall be relocated to, designed and constructed at the front of the site. In addition to any other requirements, the rubbish storage area shall be in accordance with the specifications of the Manager, Environmental Health and Regulatory Services, and shall include the following:

1. tap connected to an adequate supply of water;
2. smooth, impervious walls constructed of approved materials not less than 1.5 metres in height;
3. an access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
4. smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
5. easy access to allow for the removal of containers from the site;
6. the minimum size of the bin enclosure is to be as directed by the City's Manager, Environmental Health and Regulatory Services at a general rate of 1.5m<sup>2</sup> per 240 litre bin or 2.5 m<sup>2</sup> per 1100 litre bin.

(B) The existing garage/shed shall be removed.

(C) A designated turning bay shall be provided within the car park and clearly identified on site by means of a sign bearing the words '*No Parking - Turning Bay Only*'.

(D) The proposed treatment and regrading of the land occupied by the existing garage/shed which is to be removed. The revised drawings shall include details relating to the removal of the low brick retaining wall alongside car bay No. 3 and the regrading of the land prior to reconstruction of the car park as required under Condition (b)(iv).

(E) The car parking area and access way shall be redesigned to facilitate greater ease of vehicle manoeuvre.

(F) An area of 94 sq. metres or 10% of the site, comprising landscaped area shall be provided, as prescribed by Table 3 of Town Planning Scheme No. 6.

(ii) The dining area of the proposed Café/Restaurant shall not exceed 35 sq. metres, including any alfresco seating area.

(iii) Opening hours of the proposed Café/Restaurant shall be not longer than 8.00am to 9.00pm on any day.

(iv) The car parking area at the rear of the site and the access way leading to it from the street, shall be:

- (A) repaved using brick, block or other segmented paving material, bitumen or concrete;
  - (B) graded and drained into soak wells on the site or into the street drainage system;
  - (C) clearly marked on site to delineate the parking bays in accordance with an approved plan; and
  - (D) maintained in good condition at all times.
- (v) Having regard to clause 6.3 (6) of Town Planning Scheme No. 6, the existing brick garage/shed shall be removed due to its unsuitable location in relation to visibility of the car park from the street, together with the obstruction of drivers' view of the car park from the driveway and the resultant safety hazard and adverse effect upon orderly movement of vehicles within the car park.
  - (vi) The masonry fence along the north-western side boundary of the site shall be raised to 1.8 metres in height, so as to provide adequate visual privacy to the adjoining neighbour. The fence height at any point shall be measured from the higher ground level adjacent to the fence. The material used to raise the height of the fence shall be selected in discussion with the adjoining neighbour or in the case of a dispute, in discussion with the City.
  - (vii) One or more mirrors shall be provided at the driveway entrance to assist drivers exiting the site to see approaching pedestrians; or alternatively 1.5 metre x 1.5 metre visibility truncations shall be provided by way of modifications to the existing fences and the building.
- (c) **Standard Important Footnotes**  
645, 646, 648, 651.

<b>Footnote:</b> A full list of Standard Conditions and Important Notes is available for inspection at the Council Offices during normal business hours.
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- (d) the applicant be advised that:
  - (i) In relation to condition (b)(vii) above, concerning the existing fence along the south-eastern side boundary of the site, the applicant is encouraged to liaise with the owners of the property at No. 80 Banksia Terrace to achieve the required visual truncation for fencing where a driveway meets the street boundary. Unless an effective mirror is provided, no fencing or other obstruction on either property is permitted to be higher than 750mm within 1.5 metres of the point at which the applicant's driveway meets the street boundary.
  - (ii) This planning approval does not relate to any signs. A separate application for planning approval is required to be submitted for any proposed signs. A Signs Licence is also required to be obtained prior to erection of any proposed sign.
  - (iii) The City's Manager, Environmental Health and Regulatory Services has identified several issues which need to be addressed in relation to this application. The issues are identified in a memorandum dated 27 July 2006, attached to the planning approval. It is the applicant's responsibility to liaise with the City's Environmental Health department to ensure satisfaction of all of the relevant requirements.

COMMENT ON DEPUTATION ITEM 9.3.2

The Mayor requested an officer comment on the Deputations in relation to Item 9.3.2

The Director Strategic and Regulatory Services stated that the conditions contained with the officer recommendation section of the report do attempt to address concerns raised in relation to the impact on the surrounding area and that based on that suggested no change to the officer report.

OFFICER RECOMMENDATION

**Note:** Officer recommendation Lapsed for want of a Mover.

MOTION

Moved Cr Doherty, Sec Cr Trent

That the officer recommendation be amended at the clauses hereunder to read as follows:

- (b)(i)(A) The rubbish storage area shall be relocated to, designed and constructed at the rear of the main building on the south eastern side. ~~The rubbish storage area shall be relocated to, designed and constructed at the front of the site.~~ In addition to any other requirements, the rubbish storage area shall be in accordance with the specifications of the Manager, Environmental Health and Regulatory Services, and shall include the following:
1. tap connected to an adequate supply of water;
  2. smooth, impervious walls constructed of approved materials not less than 1.5 metres in height;
  3. an access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
  4. smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
  5. easy access to allow for the removal of containers from the site;
  6. the minimum size of the bin enclosure is to be as directed by the City's Manager, Environmental Health and Regulatory Services at a general rate of 1.5m<sup>2</sup> per 240 litre bin or 2.5 m<sup>2</sup> per 1100 litre bin.
- (b)(i)(B) ~~The existing garage/shed shall be removed.~~ Signs shall be provided, clearly visible from the street, indicating the location of the customer car park at the rear of the site, and warning of the unusual driveway manoeuvre ahead.
- (b)(i)(D) ~~The proposed treatment and regrading of the land occupied by the existing garage/shed which is to be removed.~~ The revised drawings shall include details relating to the removal of the low brick retaining wall alongside car bay No. 3 ~~and including the regrading of the land prior to reconstruction of the car park as required under Condition (b)(iv).~~
- ~~(b)(iii) Opening hours of the proposed Café/Restaurant shall be not longer than 8.00am to 9.00pm on any day.~~
- (b)(iii) Opening hours of the proposed Cafe/Restaurant shall be restricted to the hours between:
- (A) 8.00am and 9.00pm Sunday to Thursday: and
  - (B) 8.00am and 10.00pm Friday and Saturday.
- If the Council receives any complaints within six months of the date of grant of this approval in respect of the extended closing time on Fridays and Saturdays, and decides that those complaints are valid in relation to amenity impact, the Council will require the closing time on those days to be changed to 9.00pm.
- (b)(iv) The car parking area at the rear of the site and the access way leading to it from the street, shall be:
- ~~(A) repaved using brick, block or other segmented paving material, bitumen or concrete;~~
  - ~~(B) graded and drained into soak wells on the site or into the street drainage system;~~
  - (AC) clearly marked on site to delineate the parking bays in accordance with an approved plan.
  - (BD) maintained in good condition at all times.

- (b)(v) ~~Having regard to clause 6.3 (6) of Town Planning Scheme No. 6, the existing brick garage/shed shall be removed due to its unsuitable location in relation to visibility of the car park from the street, together with the obstruction of drivers' view of the car park from the driveway and the resultant safety hazard and adverse effect upon orderly movement of vehicles within the car park.~~

ALTERNATIVE MOTION

The Mayor advised that the Alternative Motion had only been circulated just prior to the commencement of the Council meeting and as such there was no opportunity for officer input. He requested the Director Strategic and Regulatory Services to comment on the suggested changes / legalities to the recommendation.

The Director Strategic and Regulatory Services advised that he was not aware of any legalities in relation to the amended clauses but could comment on the strategic principles of the proposed changes. He said that the relocation of the rubbish storage area would necessitate the inclusion of the precise location. The modified clause does not specify the precise location and this would need to be discussed with the applicant. The deletion of the condition requiring the removal of the existing shed/garage with the requirement for signage is self explanatory and the officer report states that the accessway / vehicle manoeuvrability complies with Australian Standards. In relation to the opening hours he said that the way the replacement condition is worded it allows for Council to act and review opening hours if proven complaints are received. He advised that there was a different view in the officer report in relation to the treatment of the car park area to that of the amended condition to block pave the car park and said there is no impediment on Council to remove that condition.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty point of clarification Deputations referred to any future owner being able to convert the café to a restaurant. Would the requirements that the current applicant needs to comply with apply to a new owner eg opening hours etc

The Director Strategic and Regulatory Services advised that under TPS6 there is no difference between a café and restaurant. It was the same 'use class'. He said he noted that in the current application the kitchen was down graded not to allow cooking and that may present a difficulty if it was converted to a restaurant. Also the hours as currently proposed might prove to be too restrictive for a restaurant and are more in keeping with a café or small scale restaurant.

Cr Doherty opening for the Motion

- support application for café
- Doherty family home several houses up from proposed café - could be perceived bias
- volume of cars parking in area always been an issue
- establishment of café will create a community hub - opportunity for people to gather
- conditions imposed will ensure due process is followed
- applicant has proposed to move the bins to rear of the building on the south eastern side significantly away from the bedroom windows of the concerned neighbours.
- parking and access-way as per the officer report indicates proposal is compliant with the Australian Standard.
- shed is a positive - blocks the view of cars from the street / acts as a deterrent to drive quickly in and out of the car parking area
- previous approval identical in respect to parking surface - no issues raised re surface
- condition re opening hours can be monitored and reviewed if necessary
- seek support for amended Motion

Cr Trent for the Motion

- been in the area since 1976 - have extensive knowledge of the area
- sympathy for adjoining neighbours
- believe Kensington community will benefit from proposed café
- in years gone by had many deli's/small shops creating a sense of community
- adopt the Motion and breath live back into the area

Cr Smith against the Motion

- no doubt community and school for this proposal
- having been through a similar exercise have disquiets as do those that are opposed
- it is what happens if the property/business is sold on
- know only too well the manoeuvrings that go on between kiosk to café to restaurant
- once you approve a café - next thing it is a restaurant - its happened before
- accept the down sizing of the kitchen
- change in ownership could mean an upgraded kitchen to restaurant standard
- upgraded kitchen leads to next step - apply for a liquor licence
- not against principal of community café but need a 'safeguard'
- look at reduced business hours
- defer applicant - need protection from café going to restaurant

Cr Gleeson against the Motion

- change of zoning - once shop becomes café / restaurant - it is permanent
- traffic flow dangerous to children
- traffic impact study in 1980 resulted in traffic calming devices being implemented in front of Kensington Primary School to make it safer
- 25 years in hospitality industry - you can never gauge patronage from day to day
- potential to increase patronage to café/restaurant
- parking for café patrons an issue
- constant traffic using accessway past adjoining neighbours bedroom windows - noise
- accessway not a hard surface and 5 metres away from school - how can this be safe for children
- hypocritical - have traffic calming in place and we are considering this proposal right outside Kensington Primary School
- refused a sign for Como High School at roundabout outside school as it was a danger
- here we are proposing to approve this café with its traffic issues - is that not a danger

Cr Macpherson point of clarification Heard some of the local schools are going to be amalgamated and we have heard a lot of the café business is coming from the school, find this odd if schools do amalgamate.

The Mayor advised that Kensington Primary School was not one of the school proposed to be amalgamated.

Cr Doherty closing for the Motion

- believe cafe will bring life to Banksia Terrace
- trust applicant and what he is saying
- applicant has made changes in response to concerns raised
- applicant has owned shop for 19 years - café proposal will be his super
- believe people in Kensington will walk to this café
- school supportive of application which reflects how important facility will be
- need to make progress
- encourage Councillors support Motion.

The Mayor put the Motion

LOST (2/9)

**COUNCIL DECISION ITEM 9.3.2**

Moved Cr Smith, Sec Cr Hearne

That this application for planning approval for proposed change of use from House and Shop to Cafe/Restaurant of Lot 192 (No. 78) Banksia Terrace, Kensington, **be deferred** pending further investigation as to the possible 'change of use' being to "Tea Room".

CARRIED (10/1)

**NOTE:** CR GLEESON REQUESTED HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

MEETING ADJOURNED

Moved Cr Hearne, Sec Cr Doherty

That the meeting be adjourned for a 10 minutes break at 10.05pm CARRIED (11/0)

MEETING RECONVENED

Moved Cr Hearne, Sec Cr Cala

That the meeting be reconvened at 10.15pm CARRIED (11/0)

**Note:** All those present before the adjournment returned to the Chamber.  
Manager Human Resources joined the meeting at 10.15pm

**COUNCIL DECISION CHANGE TO ORDER OF BUSINESS ITEM 13.1.1**

Moved Cr Trent, Sec Cr Smith

The *Confidential* Item 13.1.1 be deferred for consideration at a Special Council Meeting to be held on Tuesday 29 August 2006 in the Collier Park Community Centre.

CARRIED (11/0)

**Note:** Manager Human Resources retired from the meeting at 10.18pm

At this point business was resumed in the sequence of the Agenda.

**9.3.3 Proposed Balcony Enclosure for existing Multiple Dwelling. Lot 101 (No. 32/144) Mill Point Road, South Perth.**

Location:	Lot 101 (No. 32/144) Mill Point Road, South Perth
Applicant:	Mathew Coniglo Architects for Brian Brand
File Ref:	11/235 11.2006.323.1 MI3.144
Date:	1 August 2006
Author:	Gavin Davey, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

**Summary**

On 21 April 2006, an application for an enclosed balcony addition on Lot 101 (Unit 32, No. 144) Mill Point Road 'Lansdowne Gardens Apartments' was refused under delegated authority because the enclosure of the balcony would cause conflict with Clause 3.4.3 of the Residential Design Codes (R-Codes) which requires the provision of **open** balconies for Multiple Dwellings.



On 3 July 2006, another application for planning approval was lodged for consideration at a Council meeting. The applicant contends that the proposal meets the Residential Design Codes Performance Criteria, however the assessing officer disagrees.

Council's discretion is sought in regard to Clause 3.4.3 of the R-Codes 'Balconies for Multiple Dwellings'. The original reason for refusal remains valid and therefore the recommendation is for **refusal** of the new application.

### Background

Drawings relating to this proposal are provided as **Confidential Attachment 9.3.3(a)** to this report. In support of the proposal, the project architect has submitted a letter dated 30 June 2006 **Attachment 9.3.3(b)** refers.

Zoning:	Residential
Density coding:	R80/100
Plot Ratio:	1:1/ 1.25
Lot area:	5714sq. metres
Height limit:	28 metres

The existing building is 10 storeys high. 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:

*Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term "height". This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

*Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the No. 6 Town Planning Scheme, relevant Planning Policies or Local Laws.*

The location of the development site is shown on the aerial photograph below. The site is adjoined by high rise residential apartment buildings.



(The above image may be viewed in colour electronically.)

**Comment**

**(a) Description of the Proposal**

The existing Multiple Dwellings were approved in 1968 under Town Planning Scheme No. 1. The existing development comprises 60 dwellings with balconies enclosed on three sides, but open on the fourth side. Since the construction of these apartments, previous applications have been lodged with the City in regard to enclosing balconies. All of these applications have been refused.

The subject balcony is enclosed on three sides with the fourth side open in accordance with Clause 3.4.3 of the Residential Design Codes. The applicant is proposing to enclose the fourth side with aluminium framed windows. In support of the contention that the current proposal meets the Performance Criteria of Clause 3.4.3, the applicant has presented arguments which are summarised in the following schedule. The Planning Officer's responses are also contained in the schedule.

Applicant's Comments	Officer's Response
<p>The balcony as defined in the R-Codes remains unchanged as a balcony i.e. "a <i>balustraded, elevated platform with access from an upper internal room,</i>" being the Living Room in this case.</p>	<p>Clause 3.4.3 of the Residential Design Codes requires the provision of a minimum 10 sq. metre balcony, or equivalent outdoor areas that provide <b>open air space</b> appurtenant to the dwelling. The existing open balcony is approximately 6 sq. metres in area. By enclosing the balcony this becomes a habitable room. The dwelling has no alternative outdoor area that provides open air space appurtenant to the dwelling, and therefore neither the Acceptable Development provisions nor the Performance Criteria of Clause 3.4.3 or the R-Codes are met.</p> <p>The Residential Design Codes define a balcony as "a <i>balustraded platform on the outside of a dwelling with access from an upper internal room</i>". Following the proposed enclosure, the balcony would cease to be "balustraded."</p>
<p>The external fabric of the dwelling unit also remains unchanged and therefore the area denoted as balcony clearly defined and not compromised. This satisfies the requirements of the Performance Criteria (P3) that balconies are provided appurtenant to the dwelling and satisfies the Acceptable Development standards (A3) that each Multiple Dwelling is provided with at least one balcony, opening directly from a habitable room. Further reinforcing this point is that the internal area of the dwelling is air-conditioned space whereas the balcony is naturally ventilated.</p>	<p>Refer to the Planning Officer's comments above. Further, it is not a valid argument that having air-conditioned space inside the dwelling is a substitute for a balcony providing "open air space".</p>
<p>The act of installing an openable, aluminium framed window does not contravene the performance criteria requirement to provide open air space appurtenant to the dwelling, although only half of this window assembly is openable. The R-Codes do not define the minimum requirements or any requirements for what is open air space.</p>	<p>The Acceptable Development provisions within Clause 3.4.3 of the R-Codes require Multiple dwellings to be provided with an <b>open</b> balcony and the Performance Criteria require that balconies be provided with open air space. By installing windows, the balcony is being converted to a habitable room and ceases to be a 'balcony' as defined.</p>

Applicant's Comments	Officer's Response
<p>The proposal does not compromise the open space requirements of the R-Codes as a balcony over 0.5m above natural ground level is excluded as open space under 2.2 Definitions of the R-Codes.</p>	<p>This argument is not relevant to the required provision of an <b>open</b> balcony.</p>
<p>This proposal does not compromise the maximum plot ratio requirements of the R-Codes as currently this balcony is only open on one side and therefore cannot be excluded from the plot ratio calculations. According to 2.2 Definitions of the R-Codes, plot ratio does not include balconies open on at least two sides. The act of installing the windows to the balustrade does not increase the plot ratio area.</p>	<p>The balcony is closed on three sides and therefore contributes to plot ratio already. By enclosing the balcony with addition of windows, there is no change to the plot ratio.</p> <p>This argument is not relevant to the required provision of an <b>open</b> balcony.</p>
<p>A significant number of balconies to other units in the complex have been enclosed in a similar manner. The configuration of the window in the application has been specifically designed to replicate the preferred arrangement as determined by the council of owners in this complex.</p>	<p>In 1974 two similar applications were lodged with the City for the enclosing of a balcony at Unit 16 and Unit 27. These applications were both refused. The reason for refusal is: "The proposal is aesthetically unacceptable; and Council is consistently opposed to the enclosure of external balconies on multi-storey buildings". The apartment complex also contains unauthorised balcony enclosures which were investigated by the City in 1992.</p>
<p>Written confirmation can be provided by the council of owners to this building supporting this application if required.</p>	<p>This will not be necessary due the proposed balcony enclosure being in conflict with the Residential Design Codes.</p>
<p>It is our understanding that around the time of completion of construction of the original building, owners were allowed to enclose their balconies in a similar vein to that proposed in this application. Further to this, it is understood that arrangement was in place with the City of South Perth supporting this.</p>	<p>The applicant's understanding of the historical situation is not correct. The factual situation relating to the 1974 refusals is explained above. Furthermore in 1988 the Body Corporate of 144 Mill Point Road were advised that: "all of the existing enclosures of private balconies are unauthorised and should not have been undertaken without the prior written approval of the Council; Council will take no further action regarding any of the existing enclosures of private balconies unless formal applications are lodged".</p>
<p>There is now a situation where by refusing to allow the window installation to match existing windows, the appearance of the building is compromised. By allowing this window installation, it ensures that modifications to this building are carried out in a consistent manner (to the satisfaction of the council of owners).</p>	<p>The appearance of the building is already compromised with the unauthorised alterations to some of the balconies. Further balcony enclosures would not be in accordance with the R-Codes provisions for balconies.</p>
<p>The occupant/owner of this dwelling is a grandmother who regularly has grandchildren and others coming to visit her. This window installation would provide additional safety to these persons when occupying the balcony area.</p>	<p>The design and the height of the balcony balustrade was approved in accordance with the operative Building By-Law requirements, which relate to safety. If the current owner of the dwelling seeks additional safety, she could arrange for the living room doors opening on to the balcony to be provided with child-proof locks.</p>

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

- (1) *The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.*

The proposed development is considered to meet this overriding objective. However, the proposal is considered **not** to meet the following relevant general Scheme Objectives:

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

**Objective (g)** *Protect residential areas from the encroachment of inappropriate uses;*

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

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

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

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

The proposed balcony enclosure is **not** satisfactory in relation to these matters.

**Consultation**

Neighbour consultation was not required, and therefore the proposal was not advertised to the adjoining property owners.

**Policy and Legislative Implications**

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

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

*To effectively manage, enhance and maintain the City’s unique natural and built environment.*

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.3.3**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for enclosure of a balcony to a Multiple Dwelling on Lot 101 (Unit 32 No. 144) Mill Point Road **be refused** for the following reason:

The enclosure of the balcony would bring the dwelling into conflict with both the Acceptable Development provisions and the Performance Criteria of Clause 3.4.3 of the Residential Design Codes.

CARRIED EN BLOC RESOLUTION

**9.3.4 Proposed Additions / Alterations to 8 Existing Multiple Dwellings.  
Lots 15 and 16 (Nos. 88 and 90) Mill Point Road, South Perth.**

Location: Lots 15 and 16 (Nos. 88 and 90) Mill Point Road, South Perth  
 Applicant: Oldfield Knott Architects Pty Ltd for Adfar Pty Ltd.  
 File Ref: 11/4164 11.2006.140.1 MI3.88  
 Date: 1 August 2006  
 Author: Rajiv Kapur, Planning Officer  
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application for planning approval relates to proposed additions and alterations to an existing block of 8 Multiple Dwellings to form 12 Multiple Dwellings. The recommendation is for approval, subject to a number of standard and special conditions.

**Background**

This report includes the following attachments:

- **Confidential Attachment 9.3.4(a):** Plans of the proposal
- **Attachment 9.3.4(b):** Letter from Oldfield Knott Architects Pty Ltd dated 28 March 2006

The development site details are as follows:

Zoning:	Residential
Density coding:	R80 / R100
Lot area:	1542 sq. metres comprising 1439 sq. metres (Lot 15) and 103 sq. metres excised from the adjoining Lot 16 for amalgamation with Lot 15.
Building Height Limit:	13.0 metres
Development Potential:	12 Multiple Dwellings

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:

**(a) Large Scale Development proposals:**

- (ii) Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term "height". This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height. The height of the existing building is approximately 6.0 metres and the height of the proposed additions is 10.2 metres.
- (iii) Proposals involving 10 or more dwellings.



The location of the development site is shown below. The site is adjoined on the north, east and south side boundaries by multiple dwelling developments on residential zoned lots having R80 / R100 density coding. On the western side, across Mill Point Road, multiple dwelling developments exist on Mixed Use Commercial zoned lots having R80 / R100 density coding.



**Comments**

**(a) Description of the Proposal**

The proposal comprises additions and alterations to an existing block of 8 Multiple Dwellings to form 12 Multiple Dwellings. The applicant’s letter, **Attachment 9.3.4(b)**, describes the proposal in more detail.

The proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised, while in relation to others, it is recommended that the applicant’s drawings be amended to achieve compliance with normal requirements.

**(d) Setbacks**

With one exception, the proposed development complies with the Acceptable Development setback requirements of the R-Codes. However, the setback of the south-facing wall on the second floor is being assessed under the Performance Criteria path set out in clause 3.3.1 P1 of the R-Codes and Council is requested to exercise discretion. In relation to this wall the circumstances are as follows:

This is a wall with major openings, being 23.0 metres long and 9.5 metres high. The proposed setback is 5.3 metres as opposed to the prescribed setback of 8.0 metres. The proposed setback will comply with Figure 2E of the R-Codes if the Bedroom 1 south-facing windows of the end dwellings are shifted to the respective east and west-facing walls. As proposed, the openings in the wall comply with Clause 3.8.1 “Visual Privacy” of the R-Codes. The proposal also complies with Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes. Therefore, shifting the windows to the east and west-facing walls will not enhance the amenity of the proposed development or the amenity of adjoining properties. Hence it is recommended that the proposed lesser setback of the south-facing wall be approved without requiring any windows to be relocated.



**(d) Essential Facilities: storage areas**

Having regard to Clause 3.10.3 “Essential Facilities” of the R-Codes, each Multiple Dwelling needs to be provided with an enclosed, lockable storage areas constructed in a design and material matching with the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres and an internal area of at least 4.0 sq. metres. The applicant has provided justification under the Performance Criteria path and has stated that some of the irregular shaped stores are greater than 4.0 sq. metres in area, have adequate shelving length to walls, that boxes can fit into narrow corners, and that the stores are therefore considered to be adequate for the needs of the residents and not detrimental to the amenity of the locality. Calculations show that the proposed stores are only marginally below the minimum area as well as the minimum dimension requirements. The assessing officer is satisfied that the stores comply with the Performance criteria provisions of the R-Codes and therefore it is recommended that the proposed storerooms be approved.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

*(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.*

The proposed development is considered to meet this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objective listed in clause 1.6(2) of TPS6:

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

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

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

- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (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; and*
- (u) *whether adequate provision has been made for access by disabled persons.*

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

### **Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 18 July 2005. The proposal was favourably received by the Consultants, who made the following comments:

- (i) The Advisory Architects noted that the design of the proposed development will be compatible with the existing streetscape which already comprises a mixture of multiple dwelling developments.
- (ii) The Advisory Architects expressed concern in relation to the (initially) proposed bin storage area in the front setback area as well as the lack of communal open space on site. *Note: After consultation with the applicant, these issues have now been resolved.*
- (iii) The Advisory Architects also commented about the treatment of the north elevation. They noted the unattractive detail where the roof cover meets the parapet walls on the front and rear elevations. To improve the appearance, the parapet walls need to 'wrap around' Bedroom 1 and Bedroom 2 respectively situated at the western and eastern ends of the building. *Note: This matter has been discussed with the applicant. The applicant has agreed to make this minor design modification. A recommended condition of planning approval relates to this matter.*

#### **(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 83, 85, 86, 89 and 96 Mill Point Road, No. 5 Ferry Street and No. 5-7 Harper Terrace were invited to inspect the application and to submit comments during a 14-day period. A total of 15 neighbour consultation notices were mailed. During the advertising period, no submissions were received.

#### **(c) Manager, Engineering Infrastructure**

The proposal was referred to the City's Engineering Infrastructure Department in relation to car parking and traffic issues. The comments provided are as follows:

*"Crossovers are to be constructed in accordance with the City's SP30 specifications. Paths to be continuous through the crossover and no higher or lower than the existing level of the verge.*

*Stormwater drainage is to be designed in accordance with the requirements of Policy P415 and the associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on-site storage."*

#### **(d) Environmental Health Department**

The application was also referred to the City's Environmental Health Department.

The following comments were provided:

*“The refuse receptacle area is to be provided with the following:*

- (a) Located towards the front of the development;*
- (b) The floor area of rubbish room to have a minimum area of 1 square metre per residential unit to suit 2 x 240 Litre mobile garbage bins for rubbish and recycling, respectively.*
- (c) An access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;*
- (d) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;*
- (e) Smooth, impervious walls constructed of approved materials not less than 1.5 m in height; and*
- (f) A tap connected to an adequate supply of water.”*

### **Policy and Legislative Implications**

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

### **Financial Implications**

This issue has no impact on this particular area.

### **Strategic Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.4</b>
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed additions / alterations to existing multiple dwellings on Lots 15 and 16 (Nos. 88 and 90) Mill Point Road, South Perth **be approved**, subject to:

- (a) **Standard Conditions**  
340 (walls of the proposed store rooms at the rear), 351, 352, 353, 354, 376, 390, 393, 427, 455, 456, 458, 470, 471, 507, 509, 550, 578 (16), 625, 660.

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

- (b) **Specific Conditions:**  
Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (i) Having regard to the City’s Policy P370\_T “General Design Guidelines for Residential Development”, the parapet walls are to be extended in order to wrap around the bedrooms on the first and second floor levels, which are situated at the north-western and north-eastern corners of the proposed building. The northern faces of these parapet walls need to extend for a distance of 300 mm.
  - (ii) Details of the screening to communal open space at the rear, demonstrating compliance with Clause 3.8.1 “Visual Privacy” of the R-Codes.

- (c) **Standard Important Footnotes**  
641, 642, 645, 646, 647, 648, 651.

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

- (d) **Specific Important Note:**  
The applicant is advised of the need to obtain the prior approval of the City's Environmental Health and Engineering Infrastructure Departments, after addressing their requirements attached to this approval. Compliance with these requirements is to be demonstrated on the revised drawings submitted for approval at the building licence stage.

CARRIED EN BLOC RESOLUTION

<b>9.3.5 Tenders for the Pruning, Removal and Stump Grinding of Street and Amenity Trees</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	PR/504
Date:	2 August 2006
Author:	Gil Masters, Parks and Buildings Coordinator
Reporting Officer:	Glen Flood, Director Infrastructure Services

**Summary**

To consider tenders received for the Pruning, Removal and Stump Grinding of Street and Amenity Trees within the City of South Perth.

**Background**

Almost all tree maintenance and removals within the City of South Perth are undertaken under contract. The most recent contract, approved by Council in December 2005, was terminated by mutual agreement due to the contractor's inability to meet the work requirements of the City of South Perth.

The City has now recalled tenders for Pruning, Removal and Stump Grinding of Street and Amenity (park and reserve) Trees under the same specification and for a fixed term of 3 years with an option to extend on a yearly basis for further 2 years, subject to performance.

Tenders were advertised in the West Australian newspaper on Saturday 10 June 2006 and closed at the City's Administration Offices at Sandgate Street, South Perth on Tuesday 27 June 2006.

**Comment**

Tenders were invited from companies and organisations on the basis of a schedule of rates for all forms of pruning, removals and stump grinding to street and park trees.

The tender provisions enable the City to potentially select different contractors for the various aspects of the work, such as:

- street tree pruning;
- street tree removal;
- street tree stump removal;
- amenity tree pruning;
- amenity tree removal;
- amenity tree stump removal.

The tender placed an emphasis on the relevant experience of the contractor, traffic management and safety aspects of the works being carried out, and in particular, the need for the contractor to address resident customer complaints as per the City's Customer Charter.

Eight sets of documents were distributed to prospective tenderers and at the close of the tender period 3 tenders had been received.

Following a preliminary evaluation and assessment of the tenders only 1 had submitted prices for all components of the work. The other 2 tenderers submitted prices for some but not all categories of the work.

An evaluation of tenders was then carried out based on the following criteria:

Price	60%
Experience in Pruning and Removal of Street Trees	20%
Traffic Management	20%

The scores for the various components appear below.

Tree Pruning (only one tender received)

<b>Radiant (Trees Need)</b>
-----------------------------

Street Tree Removal

<b>Radiant (Trees Need)</b>	<b>Beaver Tree Services Pty Ltd</b>
<b>9.60</b>	8.42

Street Tree Stump Removal

<b>Radiant (Trees Need)</b>	<b>Beaver Tree Services Pty Ltd</b>
4.60	<b>9.20</b>

Amenity Tree Pruning

<b>Radiant (Trees Need)</b>	<b>Beaver Tree Services Pty Ltd</b>	<b>Assured Tree Services</b>
9.32	<b>9.40</b>	4.42

Amenity Tree Removal

<b>Radiant (Trees Need)</b>	<b>Beaver Tree Services Pty Ltd</b>	<b>Assured Tree Services</b>
3.41	4.14	<b>9.40</b>

Amenity Tree Stump Removal

<b>Radiant (Trees Need)</b>	<b>Beaver Tree Services Pty Ltd</b>	<b>Assured Tree Services</b>
4.09	8.77	<b>9.20</b>

As can be seen from the results, no one tenderer has achieved the highest score for all components of the work. It is therefore recommended that the tender be awarded to the following companies namely:

- (a) Radiant (Trees Need) - for street tree pruning and removal;
- (b) Beaver Tree Services - for street tree stump removal and amenity and park tree pruning;
- (c) Assured Tree Services - for amenity and park tree and stump removal.

By accepting three separate contractors, savings in the region of \$173,500 (7.4%) over 3 years can be achieved. See financial implications for further analysis.

This outcome is not considered to represent a problem for City officers managing the contract. The tasks are quite specific, all of the recommended tenderers have had been in business for many years and all are very experienced in the specific requirements of local government in Western Australia.

The street tree pruning and removal component is recommended to be awarded to Radiant (Trees Need) even though they are the only tenderer for these components of the contract.

Radiant (Trees Need) have in the past been the City's street tree maintenance contractor for over 10 years. They were unsuccessful in the most recent contract round (November 2005) because their tender submission was found to be non-compliant for some aspects of the contract. They have submitted a compliant tender this time.

The prices tendered by Radiant have been compared to those submitted by the successful contractor for the previous tender in December 2005 and have been found to be very competitive. On this basis, City officers are prepared to recommend their bid for approval.

The benefit of requesting contracts for 3 years with a 2 year option is that competitive prices have been submitted for the whole 5 year period. The projected cost increase of only 8.7% over the extended 5 year term represents good value in inflationary times. The City however has the option to terminate any of the contracts after 3 years if considered expedient.

It is therefore recommended that the contracts be awarded for a period of 3 years, with options to extend them on a yearly basis for a further 2 years, subject to good performance, at the City's discretion.

#### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

#### Policy and Legislative Implications

Under Section 3.57 of the *Local Government Act 1995*, it is a requirement to call publicly and statewide for tenders for goods and services in excess of \$50,000.

The value of this tender is above the amount that the Chief Executive Officer has delegated powers to accept, and as a result, the tender is referred to Council for approval.

#### Financial Implications

The tenders of Radiant (Trees Need), Beaver Services (Aust) Pty Ltd and Assured Tree Services, have an estimated financial implication of \$685,012 in 2006/07, \$692,212 2007/08 and \$703,791 in 2008/09.

Service	Recommended bid	Est. cost/annum First year	Est. cost/annum Sec. year	Est. cost/annum Third year
Street Tree Pruning	Radiant (Trees Need)	\$496,472	\$501,972	\$511,076
Street Tree Removal	Radiant (Trees Need)	\$69,390	\$69,390	\$70,940
Street Tree Stump Removal	Beaver Tree Services	\$18,950	\$18,950	\$18,950
Amenity Tree Pruning	Beaver Tree Services	\$59,500	\$59,500	\$59,500
Amenity Tree Removal	Assured Tree Services	\$25,500	\$26,625	\$27,175
Amenity Tree Stump Removal	Assured Tree Services	\$15,200	\$15,775	\$16,150
<b>TOTAL</b>		<b>\$685,012</b>	<b>\$692,212</b>	<b>\$703,791</b>



Sufficient funding has been provided in current budgets to carry out proposed works.

**Please note:**

1. These figures are indicative costs based on a price per unit tendered and City officer estimates of the number of services required.
2. Not all of the projected expense will be against City budgets. Street tree and stump removals carried out due to development are recouped from the property owner.

**Strategic Implications**

This item is consistent with the City's Strategic Goal 3 - Environmental Management -

*“Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community”.*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.5</b>
---

The tenders from:

- (a) Radiant (Trees Need) for street tree pruning and removal;
- (b) Beaver Tree Services for street tree stump removal and amenity tree pruning;
- (c) Assured Tree Services for amenity tree and stump removal,

within the City of South Perth be accepted in accordance with the tendered Schedules of Rates per annum and tender specifications for a period of 3 years commencing 1 September 2006, with options to extend on a yearly basis for a further two years subject to good performance, at the City's discretion.

CARRIED EN BLOC RESOLUTION

<b>9.3.6 Tender for the Como Beach Reserve Landscape Upgrade</b>
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Location:	Como Beach Reserve
Applicant:	Council
File Ref:	PR/519
Date:	9 August 2006
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Glen Flood, Director Infrastructure Services

**Summary**

Council adopted the Como Beach Landscape Upgrade concept in February 2005. Tenders have been called and received for construction of the project. Tendered prices received are far in excess of the pre-tender estimate and budget for the project. A review of the project has been held and is the subject of this report which recommends:

- not to accept tenders;
- revision of the tender documents to correct shortcomings identified in the document review;
- that it is likely that the project budget will have to be upgraded to \$500,000 to meet the pre-tender estimate; and
- to re-advertise for tenders to complete the landscape upgrade.

**Background**

The Como Beach foreshore is a passive reserve popular with families and young children. The reserve is approximately 2 hectares in size and is located on the Kwinana Freeway foreshore between the Comer and Thelma Street footbridges.

The need to upgrade Como Beach was originally identified by Council and included in the Strategic Financial Plan (SFP). A series of concepts were developed under proposed budgets of \$1.5 million spread over 2002/03 and 2003/04 financial years. This was rejected by Council and a revised budget of \$250,000 was established in the 2003/04 SFP.

The final Landscape Concept Plan was adopted by Council in February 2005 following extensive community consultation. The project was then put on hold for a year to enable Swan River Trust approvals and the development of a Foreshore Heritage Masterplan to meet the requirements of a Section 18 Clearance under the *Aboriginal Affairs Act (1972)*. A clearance was granted by the Minister for Indigenous Affairs in June 2006.

#### **Comment**

City officers have been working with an experienced and respected landscape architecture firm in the development of the Concept Plan through to documentation, tender and construction. Prior to advertising for tenders, a revised pre-tender estimate of \$466,490.93 was provided for the project based on the developed concept approved by Council.

There are several reasons for the increase in project estimate:

- passing of time since this project was first mooted about 3 years ago and significant increases in construction costs in that time; and
- detailing the scope of works revealed greater costs than initially envisaged in the concept plan.

The reasons suggest that the current project budget would now be inadequate to produce a result of the standard that Council would expect. It is likely that the project budget will need to be revised to \$500,000.

Council was advised of the revised project estimate at a Concept Briefing held on 19 July 2006. The officers advised that they were proceeding with tendering, with the intention to discuss potential options to deliver the project in a report to the August 2006 Council meeting.

Tenders were invited from companies and organisations on the basis of a Schedule of Rates with Separable Portions for all sections of the work to perform the landscape upgrade. The tender documents placed an emphasis on the prospective contractor's experience and the ability to carry out the work as well as price.

Tenders were advertised in the West Australian newspaper on Wednesday 19 July 2006 and closed at the City Administration Offices at Sandgate Street, South Perth on Thursday 3 August 2006.

Fifteen sets of documents were distributed to prospective tenderers and at the close of the tender period two tenders had been received. The two tenders received have submitted prices far in excess of the pre-tender estimate provided by the consultant (see table).

<b>Tenderer</b>	<b>Price (ex GST)</b>
Works Infrastructure	\$777,913.05
Key Group	\$1,282,694.90
Pre-tender estimate	\$466,490.93

This was a surprising result as the City's retained landscape design consultants had based their estimate on a number of tenders recently put to the market. A review was subsequently undertaken of the tender documents by officers in conjunction with the consultant to ascertain reasons why tendered prices were so high.

The review has resulted in the following possible causes:

- a lack of detail in the pricing schedules may have created difficulties for tenderers to accurately price the work required;
- lack of a requirement for tenderers to include detailed quantities in their submissions. These can be used to determine whether the tenderers have correctly interpreted the tender documents; and
- the need for a compulsory on-site meeting during the tender period. The site has to be accessed off the Kwinana Freeway which creates logistical difficulties and this may have resulted in prices being weighted to reflect this “risk”. The onsite meeting will also clarify works that are not included in the tender such as the river wall and drainage groyne stone works. It is thought that these may have been included and raised the tender bids.

The review has resulted in the following recommendations for Council to consider:

- not to accept tenders;
- revise the tender documents to correct the shortcomings identified in the document review;
- re-advertise for tenders to complete the landscape upgrade.

In addition, it is recommended that Council consider setting the project budget to \$500,000 to meet the pre-tender estimate. It is recommended that this occur when the new tenders are being considered by Council.

#### **Consultation**

Public tenders were invited in accordance with the *Local Government Act 1995*.

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

Under Section 3.57 of the *Local Government Act 1995*, it is a requirement to call publicly and statewide for tenders for goods and services in excess of \$50,000.

The value of this tender is above the amount that the Chief Executive Officer has delegated powers to accept, and as a result, the tender is referred to Council, in this case, with a recommendation not to accept.

#### **Financial Implications**

A total of \$202,000 (unspent) has been carried forward from the 2005/2006 Capital Program for the Como Beach Project. Combined with the additional \$20,000 currently provided in the 2006/2007 budget, this gives an approved project budget of \$222,000.

It is considered that a project budget in the order of \$500,000 would now be required to do justice to such an iconic site that has played such a big part in the City’s history.

It is important to acknowledge that the City had previously received a \$250,000 Developer Contribution towards this project, of which \$48,000 has been expended on indigenous consultation, hydrology reports and design and documentation. Therefore, even under the revised proposal, the City’s net contribution to the project would be less than \$300,000 in total.

#### **Strategic Implications**

This item is consistent with Strategy 3.3 of Goal 3 *Environmental Management* of the City’s Strategic Plan - “*Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community*”.

**OFFICER RECOMMENDATION ITEM 9.3.6**

That:....

- (a) the tenders submitted for the Como Beach Landscape Upgrade project not be accepted;
- (b) tenders be re-advertised to complete the landscape upgrade and
- (c) a report be prepared for the earliest possible Council meeting reviewing tenders and recommending options to deliver the project.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- discussed at length at Agenda Briefing
- project an expensive exercise
- project needs to go back to tender
- re-advertise to attract people more akin to applying for smaller projects
- re-think scope of project
- urge Councillors support Motion

Cr Maddaford for the Motion

- support Motion
- received extensive information on project at Agenda Briefing
- believe this is the right direction to go

Cr Macpherson against the Motion

- had concerns at the Agenda Briefing session
- existing project budget comprised entirely of funds provided by a developer contribution
- now inadequate for the required works to this site
- passing of time since project first proposed now impacted on project costs

FORESHADOWED MOTION

Cr Macpherson foreshadowed that she would be moving the following Motion if the current Motion is Lost.

That:....

- (a) the officer recommendation not be adopted;
- (b) the tenders submitted for the Como Beach Landscape Upgrade project not be accepted;
- (c) a revised tender specification be developed and re-advertised;
- (d) in order to fund the proposed scope of works for the Como Beach Project, funding be provided by amending the 2006/2007 budget as follows:

Account Number	Account Details	Acc Type	Current Budget	Amend	Revised Budget
8915.5831	Como Beach	Cap Exp	222,000	298,000	500,000
9906.7802	Trans to Muni Fund	Transfer	150,000	180,000	330,000
1045.9906	Trans from Reserve	Transfer	(150,000)	(180,000)	(330,000)
5005.1500	Path Replacement	Cap Exp	640,000	(100,000)	540,000

*\* An Absolute Majority is Required*

- (e) a report on the tenders received, acknowledging the most advantageous and best value alternative for the community (within the notional funding allocation), be prepared for consideration at the earliest possible Council meeting.

Cr Macpherson (cont'd)

- at this stage **no** City funds have been committed to this project.
- City should make a contribution to supplement developer funds - create a quality project
- iconic site - has played a big part in the City's history
- project budget around \$500,000 would probably be required
- Budget amendment can achieve additional funding
- ask Councillors support alternative Motion
- acknowledge assistance of Director Financial Services in providing alternative Motion.

Cr Smith for the Motion

- need a good reason to take money from reserves
- Como Beach finished in 1959 cannot be re-established as some type of icon
- in favour of upgrading for people perambulating
- happy to look at small additional contribution
- if tender cannot come within budget then scale back the project

Cr Jamieson point of clarification - Does part (b) of the officer recommendation lock us in to re doing same tender - shouldn't this be a revised tender?

The Chief Executive Officer said that as advised at the Council Briefing by the Manager City Environment, assessment of the tenders received indicated that the wording of the tender document could have been tighter, particularly in relation to access and egress from the project site. He stated that changes to the tender document would be made before readvertising.

Cr Jamieson suggested part (b) of the recommendation should say *that revised tenders be advertised.*

Mayor point of clarification - is it the intention to re-advertise the previous tender put out 're-jigged' for the same project or are we revising are plans for the project?

Director Infrastructure Services confirmed that it was proposed to advertise the 'revised' tender document.

AMENDMENT

With the concurrence of the mover and seconder part (b) of the officer recommendation be amended to read:

- (b) *tender documentation be reviewed and re-advertised to complete the landscape upgrade;***

Cr Trent point of clarification - Understand we only went to the 'big end of town' to get prices?

Chief Executive Officer said it was a public tender so the big or small end of town could have responded but that the wording of the documentation could have attracted only the big end of town. With the proposed re-wording of the tender documentation we should attract a bigger response from smaller contractors.

Cr Trent closing for the Motion

- proposed modification to part (b) will achieve required results
- support the Motion

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.6</b>
---

The Mayor put the Motion

That:....

- (a) the tenders submitted for the Como Beach Landscape Upgrade project not be accepted;
- (b) the tender documentation be reviewed and re-advertised to complete the landscape upgrade and
- (c) a report be prepared for the earliest possible Council meeting reviewing tenders and recommending options to deliver the project.

CARRIED (9/2)

**9.4 GOAL 4: INFRASTRUCTURE**  
Nil

**9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

<b>9.5.1 Equal Representation of Delegates - Central Metropolitan Zone</b>
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Location:	City of South Perth
Applicant:	WALGA
File Ref:	GR/205/7
Date:	3 August 2006
Author/ Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to consider the number of voting delegates that each member of the Central Metropolitan Zone should be entitled to be represented by.

**Background**

At the May 2006 meeting of the Central Metropolitan Zone, delegates considered the outcomes stemming from the “*Review of the Representational and Structural Effectiveness of WALGA Zones*”. In relation to the recommendation relating to equality in representation of Member Councils to Zones the following resolution was carried:

*That the Zone endorses the principle of equality in representation of Member Councils to Zone.*

It is noted that as part of this review, the City suggested that it should become a member of the South Eastern Metropolitan Zone. This proposal has been taken on board by WALGA and its constitution was amended at the recent WALGA Annual General Meeting on 6 August 2006 to facilitate this move. Formalities to give effect to this proposal are now being put into effect.

Whilst the City remains a Member of the Central Metropolitan Zone it is appropriate that consideration is given to this proposal.

**Comment**

The Central Metropolitan Zone has proposed that it is now necessary to equalise the current voting delegates from Members Councils to the Central Metropolitan Zone. Presently, voting entitlements are:



Council	Population	No. of Electors	Number of Delegates
Town of Cambridge	24,508	17,020	2
Town of Claremont	9,166	6,156	2
Town of Cottesloe	7,528	5,147	2
Town of Mosman Park	8,800	5,376	2
City of Nedlands	21,338	14,397	2
Shire of Peppermint Grove	1,652	1,064	2
City of Perth	10,469	8,289	2
City of South Perth	37,684	24,641	3
City of Subiaco	15,673	11,452	2
Town of Victoria Park	28,313	17,994	2
Town of Vincent	25,918	18,803	2

The City by virtue of its greater population is the only Council within the Zone to have three voting delegates.

The City's voting delegates are:

- Mayor Collins
- Cr Smith
- Cr Cala - Deputy Delegate
- Chief Executive Officer

Consideration needs to be given by all Member Councils as to the number of voting delegates that each member of the Central Metropolitan Zone should be entitled to be represented by. The Administration supports the principle of equity within the LGA Zones.

Given that the majority of Councils in the Zone currently have two (2) voting delegates (with the exception of the City of South Perth), it may be preferable to equalise the voting entitlements for Member Councils at this number. Alternatively, consideration could be given to increasing the number of voting delegates from Member Councils to three (3) or four (4).

There are currently 11 Member Councils within this zone with 23 voting members. If the City becomes a Member of the South Eastern Metropolitan Zone there will still be 20 voting members which is considered to be more than sufficient to represent views of the residents of the region. By increasing the number of voting delegates to three per Council, the total minimum number of voting delegates would increase to 30 (and 33 if the City remained in the zone). Clearly this would be unworkable.

At the recently concluded AGM of the WALGA, the constitution was changed to permit Councils to transfer to another Zone. This will be dependent upon the 'receiving Zone' agreeing to the transfer. As soon as WALGA has resolved any formalities outstanding with respect to the changed constitution and advised local governments, a report will be prepared dealing with the proposed transfer of the City of South Perth to the South Eastern Metropolitan Zone of WALGA.

#### **Consultation**

All Councils' views were sought on the structural effectiveness of WALGA and this proposal emanates from the Central Metropolitan Zone meeting resolution.

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

A Council resolution is necessary on WALGA representation.

**Financial Implications**

Nil

**Strategic Implications**

In line with Strategic Plan Goal 5: Organisational Effectiveness.

*'To be a professional, effective and efficient organisation.'*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.1</b>
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That....

- (a) the City supports the resolution of the Central Metropolitan Zone that representation of Member Councils to the Central Metropolitan Zone be a maximum of two nominations; and
- (b) if and when the resolution becomes effective and subject to the City remaining a Member of the Central Metropolitan Zone, the City's representatives be:
  - Mayor Collins
  - Cr Smith
  - Cr Cala - Deputy Delegate

until Council reconsiders its committee representation following the 2007 Council Elections when representation is reviewed.

CARRIED EN BLOC RESOLUTION

**9.6 GOAL 6: FINANCIAL VIABILITY**

<b>9.6.1 Monthly Financial Management Accounts - July 2006</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	13 August 2006
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

Monthly management account summaries compiled according to the major functional (departmental) classifications are presented to Council to permit comparison of actual performance against budget expectations. Comment is provided on the significant financial variances disclosed in those reports.

**Background**

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is believed to be the most suitable format to monitor progress against the Budget. Information provided to Council is a summary of the detailed line-by-line information provided to the City's managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This is also consistent with the structure of the budget information provided to Council and published in the 2006/2007 Annual Budget.

The Summary of Operating Revenues and Expenditures combined with the Summary of Capital Items provides a consolidated view of all operations under Council's control - and measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on a number of lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply 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 cash resources which 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 - 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.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2005/2006 Adopted Budget and the 2006/2007 Amended Budget - including the introduction of the capital expenditure items carried forward from 2005/2006.

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

#### **Comment**

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

- Balance Sheet – **Attachments 9.6.1(1)(A) and 9.6.1(1)(B)**
- Summary of Operating Revenue and Expenditure (all departments except Infrastructure Services) – **Attachment 9.6.1(2)**
- Summary of Operating Revenue and Expenditure for Infrastructure Services - **Attachment 9.6.1(3)**
- Summary of Capital Items – **Attachment 9.6.1(4)**
- Schedule of Significant Variances – **Attachment 9.6.1 (5)**
- Reconciliation of Budget Movements - **Attachment 9.6.1 (6)**

Management accounts for the first month of a new year (and in particular expenditure items) are typically impacted by a number of timing differences as service delivery and maintenance programs for the year are developed and scheduled. This should be considered when reviewing apparent variances on the Management Accounts for July.

Operating Revenue to 31 July 2006 is \$22.24M which represents 100% of the Year to Date Budget. The small favourable variance is due to slightly higher than budgeted rates revenue and parking revenue - offset by slightly below expected revenues from ground hire and rubbish service levies. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Operating Expenditure to 31 July 2006 is \$1.98M - which represents 89 % of the Year to Date Budget of \$2.23M. Operating Expenditure is around 4% favourable in the Administration area - and 27% favourable in the Infrastructure Services area.

The favourable variance in the Administration area is related to a number of smaller favourable variances which are of a timing nature. The only significant unfavourable variance at this time is legal expenses which are ahead of the anticipated budget due to costs incurred in defending the Moylan matter.

The favourable timing differences in the Infrastructure area have arisen whilst maintenance programs for the various activities such as parks maintenance, streetscape maintenance, building maintenance and environmental maintenance are developed and scheduled - to ensure that maintenance activities are conducted in a timely, efficient and coordinated manner. Programs for other infrastructure activities such as drainage and roads maintenance are also being developed at present. Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Capital Revenue is \$0.06M at 31 July - although no capital revenue was budgeted for July. The majority of the revenue received is the contribution from the South Perth Community Hospital for works on their car park. The Q1 Budget Review in October will recognise this revenue and provide for the associated expenditure.

Capital Expenditure at 31 July is \$0.40M. There is no year to date budget because costs associated with the capital expenditure program are phased to commence from August. This allows time for the administration staff to program works, establish account codes and phase the budget across the year to assist in the efficient management of the program. Capital Expenditure to date for July is composed mainly of 'residual costs' associated with unfinished projects to be carried forward from 2005/2006 into the new financial year.

A summary of the progress of the capital program by directorate is provided below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO / Financial and Info Services	-	172,358	-	1,037,000
Corp and Community Services	-	5,150	-	1,245,454
Strategic and Reg Services	-	-	-	86,500
Infrastructure Services	-	222,929	-	6,579,549
Underground Power	-	-	-	4,800,000
<b>Total</b>	-	<b>400,437</b>	-	<b>13,748,503</b>

Further comment on the variances relating to Capital Revenue and Capital Expenditure items may be found in **Attachment 9.6.1(5)** .

### 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 and discharges financial accountability to the City's ratepayers.

### **Strategic Implications**

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

### **Policy and Legislative Implications**

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34 and 35.

### **Financial Implications**

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.1</b>
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That ....

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 9.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.1(5)** be accepted as having discharged Councils' statutory obligations under Local Government (Financial Management) Regulation 35; and
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2006/2007 provided as **Attachment 9.6.1(6)(A)** and **9.6.1(6)(B)** be received.

CARRIED EN BLOC RESOLUTION

<b>9.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2006</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 August 2006
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 monies pertaining to Rates and General Debtors.

### **Background**

Effective cash management is an integral part of proper business management. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial and Information Services and the Manager Financial Services. These officers also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Significant holdings of money market instruments are involved so an analysis of cash holdings showing the relative levels of investment with each financial institution is provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which the delegations are being exercised. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections.

### **Comment**

For the purpose of preparing this report to Council on the performance for July only, it has been necessary to use the unadjusted balances of certain Balance Sheet accounts. Because the City is currently still processing some accounting entries for 30 June 2006, the actual balances of these accounts may be subject to further adjusting entries up until the City's year end financial statements are finalised - in the last week of August. This is consistent with normal accounting practice - but may mean that further (minor) adjustments to the balances disclosed in this report may still occur.

#### **(a) Cash Holdings**

Total funds at month end of \$21.06M appear to compare unfavourably to \$21.97M at the equivalent stage of last year. However, given that funds quarantined for carry forward capital works are around \$1.0M less than the previous year, the net position is in fact very similar to the previous year.

The monies taken into the new year and those collected subsequently are invested in secure financial instruments to generate interest income until those monies are required to fund operations or projects later during the year as major construction initiatives progress.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$4.10M (compared to \$6.35M in 2005/2006). **Attachment 9.6.2(1)**. The major factors affecting this are the reduced level of funds held that relate to carried forward capital works and the use of municipal funds to reduce payables to a much lesser value than at 31 July last year.

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

Total investment in short term money market instruments as at month end is \$20.72M compared to \$22.39M last year. The difference relates to the fact that the City has less funds held for carry forward works and it has used cash on hand to reduce payables to around \$0.9M less than the figure at the same time last year.

The funds are responsibly spread across various institutions to diversify risk as shown in **Attachment 9.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$0.12M, which slightly up from \$0.10M at the same time last year. This is primarily attributable to the higher interest rates prevailing at this time.

The average rate of return for the year to date is 5.96%. The anticipated yield on investments yet to mature is 5.99% - reflecting the recent increase in investment rates. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate interest revenue to supplement its rates income.



(c) **Major Debtor Classifications**

The level of outstanding rates relative to the equivalent time last year is shown in **Attachment 9.6.2(3)**. Rates collections to the end of July 2006 represent 9.41% of total rates levied compared to 7.28% at the equivalent stage of the previous year. There were only 2 weeks in July after the issue of the rates notices so these statistics do not offer a great deal of information at this time. A more meaningful perspective on our collection success will be able to be obtained at the end of August - which is after the rates due date has passed.

The City has again offered a range of appropriate, convenient and user friendly payment methods in 2006/2007. It is also hoped that the early payment incentive scheme sponsored by local businesses will again have an extremely positive impact on rates collections this year.

General debtors stand at \$1.95M at 31 July 2006 compared to \$1.92M at the same time last year.

**Consultation**

This financial report is prepared for Council and the City's management to evidence the soundness of financial management being employed by the administration. It also provides information that discharges accountability to our ratepayers. Community consultation is not a required part of these responsibilities.

**Strategic Implications**

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

**Policy and Legislative Implications**

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DM603. The provisions of Local Government Financial Management Regulation 19 are also relevant to the content of this report.

<b>OFFICER RECOMMENDATION AND AND COUNCIL DECISION ITEM 9.6.2</b>
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That the 31 July 2006 Statement of Funds, Investment and Debtors comprising:

- Summary of All Council Funds as per **Attachment 9.6.2(1)**
- Summary of Cash Investments as per **Attachment 9.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 9.6.2(3)**

be received.

CARRIED EN BLOC RESOLUTION

<b>9.6.3 Warrant of Payments Listing</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 August 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent ,Director Financial and Information Services

**Summary**

A list of accounts paid by the CEO under delegated authority between 1 July 2006 and 31 July 2006 is presented to the 22 August 2006 Council meeting.

**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 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. Once an invoice has been approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund.

**Comment**

A list of payments made since the last list was presented 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 (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

**Consultation**

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

**Strategic Implications**

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

**Policy and Legislative Implications**

Consistent with the requirements of Policy P605 - Purchasing and Invoice Approval and supported by Delegation DM605.

**Financial Implications**

Payment of authorised amounts within existing budget provisions.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.3</b>
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Moved Cr Trent, Sec Cr Macpherson

That the accounts for payment as detailed in the Report of the Director Financial and Information Services, **Attachment 9.6.3**, be received.

CARRIED (10/1)

**NOTE: CR JAMIESON REQUESTED HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION**

<b>9.6.4 End of Financial Year Management Accounts - June 2006</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	17 August 2006
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

### **Summary**

Management account summaries comparing actual performance against budget expectations for the 2005/2006 year are presented for Council review. Comment is provided on the significant financial variances disclosed therein.

### **Background**

Local Government (Financial Management) Regulation 34 requires the City's Administration to present monthly financial reports in a format which is consistent with relevant accounting pronouncements and principles.

A management account format, which mirrors the organisational structure and reflects the responsibility structure and accountability mechanisms inherent within that structure is the most appropriate format for monitoring progress against the Budget. The information provided to council is a functionally compiled summary of the line-by-line information provided to the City's managers to enable them to monitor the financial performance of the areas of the City's operations under their control.

The Summary of Operating Revenues and Expenditures combined with the Summary of Capital Items provides a consolidated view of all operations under council's control and measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances.

The local government budget is a dynamic document and is progressively amended throughout the year to take advantage of changed circumstances and new opportunities - consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at 1 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.

For comparative purposes, a separate summary of budgeted revenues and expenditures grouped by department and directorate, is provided. This provides a reconciliation of the movements between the 2005/2006 Adopted Budget and 2004/2005 Amended Budget **Attachment 9.6.4(6)**.

A Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. This provides greater financial accountability to the community.

**Comment**

The major components of monthly management account summaries presented to Council are:

- Statement of Financial Position – **Attachment 9.6.4(1)(A)** and **9.6.4(1)(B)**
- Summary of Operating Revenue and Expenditure (all departments except Infrastructure Services) – **Attachment 9.6.4 (2)**
- Summary of Operating Revenue and Expenditure for Infrastructure Services – **Attachment 9.6.4(3)**
- Summary of Capital Items – **Attachment 9.6.4(4)**
- Schedule of Significant Variances – **Attachment 9.6.4(5)**
- Summary comparing Adopted Budget to Amended Budget identifying budget movements during the year - **Attachment 9.6.4 (6)(A)** and **9.6.4(B)**.

***Operating Items***

Operating Revenue to 30 June 2006 is \$30.33M which represents 102% of the Annual Budget. Revenue for the Directorate of Corporate and Community Services is 2% (\$62,094) above the budget target – largely as a result of higher than budgeted commonwealth subsidy and retained monies from accommodation bonds at the Collier Park Hostel. An increase in the ratio of bond paying residents at the hostel has resulted in the increased bond retentions – but the amount per resident remains fixed by legislation. The Directorate of Financial and Information Services exceeded their revenue budget by 1% (\$143,995) due to a better than expected performance on interim rates and property enquiry revenue and by achieving much better investment returns due to the higher cash holdings and higher interest rates. The Strategic and Regulatory Directorate finished the year 1% (\$193,973) ahead of budget due to unbudgeted sales proceeds on trade in of plant items, and excellent results from transfer station entry fees and parking management. Infrastructure Services concluded the 2005/2006 year 6 % (\$49,294) ahead of budget expectations with contributions for maintenance works done for external parties more than offsetting an unfavourable variance on trade-in proceeds from plant items.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 9.6.4(5)**.

Operating Expenditure to 30 June 2006 is \$28.98M which represents 101% of the Total Budget. Operating costs within the Chief Executive's Office were 2 % (\$12,291) under budget overall due to less than budgeted expenditure on consultants and training - offset by increased legal costs. The Directorate of Corporate and Community Services is 2 % (or \$143,324) below budget for operating expenses as a consequence of several extended vacancies in the libraries area, savings against allocated budget on public relations and functions, and a variety of other small favourable operating variances.

Operating Expenditure of the Financial and Information Services area after allocations outwards is reported as 4% (\$52,951) below budget. This reflects an extended staff vacancy in the area during the year and a much less than budgeted doubtful debts expense being required due to prudent provisions in earlier years. Information Services was slightly over budget due to higher depreciation charges and software licensing costs.

The Operating Expenses of the Strategic and Regulatory Directorate were 1% (or \$72,767) favourable at year end. The resulted from a number of favourable variances in each of the Directorate's departmental areas as discussed below.

Building Services finished 2% over the revised budget due to the costs associated with having to meet the shortage of building surveyors by using temporary staff. Planning was 2% under the revised budget with the additional allocation in the Q3 Budget Review for legal costs not being required. Health Services concluded the year 2% over budget, primarily due to higher landfill charges in the second half of the year.

Infrastructure Services finished the year 4% (\$526,137) over budget overall for Operating Expenses. Within this overall result were a number of offsetting variances. The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year within 2% over budget, mainly comprised of a number of small unfavourable variances on maintenance activities and under recovery of overheads.

The Parks and Environment area finished the year 7% unfavourable with the major unfavourable areas being the cost of maintaining parks and reserves generally throughout the City which was just under 4 % over budget. This budget includes streetscape maintenance that was 6 % over budget, although much of this related to the timing of supplier invoices and actually reversed out in July 2006. This will result in July's expenditure being under budget in this area. The cost of repairing vandalism / graffiti in public conveniences and pavilions and an under recovery of overheads also contributed to the over expenditure.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 9.6.4(5).**

#### ***Employee Costs***

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$11.31M against a budget of \$11.59M - a favourable variance of 2.4%. Employee entitlements mentioned above are fully cash-backed as part of responsible financial management practice.

Staff costs within the Chief Executive's Office (including the Human Resources area) were on budget at year end.

Staff costs for Corporate and Community Services were within 4.0% of budget overall. The Directorate Support area was favourable because not all of the budgeted overtime allocation was required. Community Culture and Recreation was 1.6% under budget. Libraries and Public Relations were well under budget (9.3% and 7.1% respectively) due to extended vacancies in each of those areas - although a satisfactory standard of service delivery was able to be maintained during this time. The Golf Course experienced several vacancies during the year as workers were attracted to other 'boom industries' such as resources and construction - resulting in a 3.3% favourable variance on staff costs. Total staff costs for the Collier Park Retirement Complex were 1.2% under budget.

The Financial and Information Services area was 0.3% under-budget with most areas very close to budget. Customer Focus was slightly over budget due to its decision to resource some projects for other areas during the year. Information Technology was also slightly over budget due to resources required for the centralisation of records process whilst Financial Services provided an offsetting favourable variance due to a vacant position. Service delivery in the area was not compromised with all targets still being met.

Staff costs in the Strategic and Regulatory Services Directorate were 2.1% under-budget at year end. Directorate administration was 2.1% under budget whilst Building Services was 1.8% over the revised budget. Planning Services was 0.6% over budget.

The Health Services area benefited from the extended leave absence of the manager that had been funded in a previous year. The Rangers area reflected a lower cost than was budgeted due to some staff costs being charged directly against events (eg: Skyshow) rather than to salaries. Waste Management was 1.5% under budget due to a vacancy for part of the year.

Infrastructure Services staff costs were 2.3% under budget overall. Directorate Support was within 0.7% of budget at year end. City Environment salaries finished 2.6% under budget - due to some extended vacancies. This was achieved despite having to use temporary contract staff during the year to maintain service levels. Engineering Infrastructure finished with its salaries expenditure 2.6% under budget for similar reasons to those relating to the City Environment area.

### ***Capital Items***

Capital Revenue of \$1.54M represents 121% of the Total Budget. The most significant favourable factors contributing to this variance were higher than budgeted revenues from leasing units at the Collier Park Village and additional revenue from grants for capital works on roads.

Capital Expenditure of \$10.34M represents 86% of the Total Budget of \$12.05M. The 2006/2007 Annual Budget flagged potential gross carried forward expenditure of some \$1.89M but following adjustment to reflect actual rather than projected expenditure on the identified works, an amount of \$1.92M is now recommended. Combined with the completed works, this represents 101% of the Total Budget. A detailed report on the Capital Projects and the recommended list of Carried Forward Works is included in Item 9.6.5 of this Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 9.6.4 (5)**.

### ***Borrowings***

No borrowings were planned for the 2005/2006 year - and none were undertaken.

### ***Balance Sheet***

Current Assets at year end are \$24.35M compared to \$23.90M in 2004/2005 with the major change being the holding of additional cash investments. Current Liabilities are slightly higher than the position at year end last year - being \$5.34M against \$4.88M in 2004/2005. Accounts Payable are the largest change increasing by approximately \$0.23M. This is largely due to the late submission of a number of suppliers invoices for capital projects. Provisions for Employee Entitlements (under legislation) have increased by \$0.17M.

Non Current Assets as at 30 June 2006 are \$176.08M after capitalising infrastructure assets created during the year. This compares to \$173.62M at this time last year. There were no revaluation of asset classes during the year meaning that the value of infrastructure assets was increased in real terms by City expenditure. Non Current Liabilities finished the year at \$24.54M compared to \$23.41M at 30 June 2005. The CPV Leaseholder Liability increased from \$19.42M to \$20.92M in 2005/2006 as a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Another major change in this category at year end is another reduction in monies held in trust after a concerted effort to clear down some of the bond monies held for extended periods. Non current loans decreased by approximately \$0.30M (approximately 10% of the loan liability).



### **Consultation**

This is a financial report prepared to provide financial information to council and the City's administration to provide evidence of the soundness of financial management being employed by the administration. It also provides information and discharges financial accountability to the City's ratepayers.

### **Strategic Implications**

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

### **Policy and Legislative Implications**

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34 and 35.

### **Financial Implications**

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.4</b>
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That ....

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 9.6.4 (1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.4(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35; and
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2005/2006 provided as **Attachments 9.6.4(6)(A)** and **9.6.4(6)(B)** be received.

CARRIED EN BLOC RESOLUTION

<b>9.6.5 Capital Projects Review to 30 June 2006</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FS/FI/1
Date:	13 August 2006
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

### **Summary**

A schedule of financial performance (supplemented by relevant comments) is provided for all approved Capital Projects to 30 June 2006. The Schedule compares actual financial performance on each project against the budgeted values for those items. Projects for which funding is recommended for carrying forward into the 2005/2006 year are identified and listed on the attached schedule.

### **Background**

The 2005/2006 Budget included Capital Projects totaling \$12.05M of which \$10.33M was expended by 30 June 2006. A further \$1.92M worth of Capital Expenditure is proposed for carry forward into the 2006/2007 year. Allowing for some minor overspending on a small number of projects, this represents 101.6% of the total proposed expenditure for the 2005/2006 year.

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

#### **Comment**

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it – and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be identified as a Carry Forward item.

During the budget process, a series of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council. Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end. The underlying principle is that the final carry forward amount for any individual project can not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects may differ slightly from the amounts published in the adopted budget. For 2006/2007, the identified Carry Forward Capital Projects total \$1,920,000.

#### **Consultation**

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

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

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

#### **Financial Implications**

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

#### **Strategic Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.5</b>
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That...

- (a) the Schedule of Capital Projects supported by officer comments on identified significant variances to 30 June 2006, be received;  
**Attachment 9.6.5(1)** and **Attachment 9.6.5(2)**; and
- (b) the Schedule of Final Carry Forward Capital items from 2005/2006 into the 2006/2007 Budget as disclosed on **Attachment 9.6.5(3)** is adopted.

CARRIED EN BLOC RESOLUTION

<b>9.6.6 Reporting of Significant Financial Variances</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 August 2006
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

To comply with the current legislation, every local government is required to annually adopt a 'threshold' (calculated in accordance with the Australian Accounting Standards - AAS5) to guide the reporting of material financial variances in statements of financial activity. The identification and reporting of relevant variances between actual performance and budget expectations is an integral part of effective financial management. This report presents an appropriate materiality threshold and places it in the context of the City's current financial reporting practices.

**Background**

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format consistent with relevant accounting pronouncements and principles. Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. Clause 5 of this regulation (enacted in March 2005) provides that .... *'Each financial year, a local government is to adopt a percentage or value calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances'*.

Regretfully, because a small of number of local governments have not acted in a prudent and financially responsible manner in the past, legislation has become necessary to force those few local governments to exercise responsible management. This then imposes an administrative burden each year on the many responsible Councils and administration teams who already take a responsible approach by requiring them to formally adopt a threshold for reporting variances - when that action should simply occur as a matter of course.

AAS5 notes that 'materiality' decisions necessarily reflect the exercise of professional judgement – but the general principle is that an item may be considered material if its omission, mis-statement or non disclosure has the potential to adversely affect the discharge of accountability by the management or governing body of the entity.

### **Comment**

AAS5 recognises that determining thresholds for materiality is an arbitrary matter – influenced by the characteristics of the entity and the users of the financial reports. It suggests that an amount which is greater than 10% of the ‘appropriate base amount’ can be considered material – and that any amount below 5% of the ‘appropriate base amount’ is considered immaterial. Professional judgement is required for amounts in between.

Based on a strict minimal compliance approach, this concept of materiality would only apply in the City’s case to a few large variances – in some cases from \$20,000 to \$160,000 depending on the particular line item. This is clearly not conducive to an effective or responsible discharge of accountability.

AAS 5 provides guidance on whether or not a reporting entity is ‘required’ to disclose an item as being material – but this does not preclude the entity from voluntarily disclosing variances which, by themselves, may not be determined as being material.

As an organisation which aspires to best practice in financial management, the City should look at applying a ‘relative’ materiality concept. That is, relating the variance to the particular line item on the report. Clearly there is no worthwhile purpose in reporting a 15% variance on a \$500 line item but conversely a 10% variance on a \$100,000 item is worth identifying and providing comment on.

The suggested approach would be therefore, to suggest that for line items under \$100,000 any variance on the financial summary schedules of greater than \$5,000 is significant - and should be commented upon. For line items greater than \$100,000 a variance of greater than 5% of the line item value should be identified and reported.

To illustrate the benefits of this dual approach - it would, for example, pick up a \$108,000 expenditure on a \$100,000 line total as well as a \$13,000 expenditure on an \$8,000 line total - but not a \$5,000 variance on a \$400,000 line. Importantly, it would not require reporting of larger percentage, but immaterial dollar amounts, such as a \$2,500 expenditure on a \$2,000 line total - which avoids cluttering the report with many minor items.

It is also very important to recognise that adopting such a threshold sets only a ‘minimum compliance standard’. The City can, of its own volition, report on smaller variances where the item is considered, in the professional judgement of the City’s accounting staff, to be of interest to the community and Council Members. That is, the City can build on the basic variance reporting requirements to provide information in excess of the statutory requirements.

Indeed, this is consistent with the City’s current approach to its monthly reporting of variances. The existing approach is well in excess of the new statutory requirements – and has been recognised as being a very effective and informative approach.

The City also does, and should continue to, produce additional schedules on capital works etc – noting the relevant variances and providing comment on those variances. This adds value to the information required to meet our statutory reporting obligations and provides a higher level of accountability to the community.

### **Consultation**

This report is prepared in response to a statutory obligation. It represents the view of the City’s qualified accounting professionals who are required to exercise their professional judgement in preparing the City’s financial reports and variance schedules. These reports

provide evidence of the soundness of financial management being employed by the administration. They also provide information and discharge financial accountability to the City's ratepayers.

#### **Strategic Implications**

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

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

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and *Local Government Financial Management Regulations 34 and 35*. Adopting this recommendation would not result in any lessening of the current level of financial accountability currently provided by the City's financial reporting regime.

#### **Financial Implications**

The report establishes the minimum standards for identifying and reporting variances between actual and budgeted financial performance.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.6</b>
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That ....

- (a) the following materiality thresholds for the purposes of identifying and reporting significant financial variances be adopted:
  - (i) \$5,000 on line items having a total value of up to \$100,000; and
  - (ii) 5% of the line item total value for items having a total value in excess of \$100,000;
- (b) it is recognised that this threshold sets only the minimum disclosure requirements and City officers are encouraged to provide information on lesser variances where the information is considered to add value, but still yields a positive cost to benefit ratio for providing the disclosure.

CARRIED EN BLOC RESOLUTION

## **10. APPLICATIONS FOR LEAVE OF ABSENCE**

<b>10.1 Request for Leave of Absence - Cr Doherty 30.8.2006 - 13.10.2006 inclusive</b>
--

Moved Cr Trent, Sec Cr Cala

That Cr Doherty be granted leave of absence from any meetings held between 30 August and 13 October 2006 inclusive.

CARRIED (11/0)

11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>11.1 Membership to Audit and Governance and CEO Evaluation Committees : Cr Jamieson 15.8.06</b>
--

MOTION

That....

- (a) all Council Members be provided with the opportunity to be a member on the Audit and Governance Committee having due regard to the *Local Government Act 1995* sections 5.9, 5.10 and 5.11; and
- (b) all Council Members be provided with the opportunity to be a member on the CEO Evaluation Committee having due regard to the *Local Government Act 1995* sections 5.9, 5.10 and 5.11.

COMMENT

All Council Members are entitled to be on at least one committee, as can be seen from the *Local Government Act* sections 5.9, 5.10 and 5.11. This was not made clear when the membership of the committees was being determined on 24 May 2005 Agenda Item 9.5.5. It was also not made clear when Deputy Members were elected on 25 March 2006 Agenda Item 9.5.2. Accordingly, all members should have the right to take a position on at least one committee if they choose to do so. I wish to be a full member of the Audit and Governance Committee. Other Council Members may also wish to exercise their right to be a member of at least one committee.

**s.5.9. Types of Committees**

- (1) In this section  
"other person" means a person who is not a council member or an employee.
- (2) A committee is to comprise
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;
  - (e) employees and other persons; or
  - (f) other persons only.

**s.5.10 Appointment of Committee Members**

- (1) A committee is to have as its members
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.



- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish <sup>3</sup>/<sub>4</sub>
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

**s.5.11 Tenure of committee membership**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until
  - (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.

**COMMENT CHIEF EXECUTIVE OFFICER**

In accordance with Clause 3.6(d)(iii) of Standing Orders Local Law the Chief Executive Officer comments as follows:

The May 2005 Report recommended that Council review Membership of its Committees (following the May 2005 elections). The Minutes reveal that only four (4) Council Members names were mentioned in the Motion moved by Cr Smith. No other Councillors nominated an interest and as a result, those Councillors nominated in the Motion were elected.

The March 2006 decision to appoint Deputy Members followed consideration by the Audit and Governance Committee that it would be beneficial for the two Council Committees to each have a Deputy Member. In accordance with that request a report was prepared in relation to Deputy Members (not Substantive Members). The Role of a Deputy Member is of course different from a Substantive Member.

Council can increase the number of Members to its Committees at any time. Any Councillor has the right to request to be a Member of a Committee, but the Council decides which Committee the Councillor should be appointed to.

At the Audit and Governance Committee meeting held on 16 August Cr Hearne resigned from the Committee. Whilst Council is not obliged to replace Cr Hearne, at the very least it is recommended that this occurs as it assists the Committee in its functioning.

MOTION

Moved Cr Jamieson

That

- (a) all Council Members be provided with the opportunity to be a member on the Audit and Governance Committee having due regard to the *Local Government Act 1995* sections 5.9, 5.10 and 5.11; and
- (b) all Council Members be provided with the opportunity to be a member on the CEO Evaluation Committee having due regard to the *Local Government Act 1995* sections 5.9, 5.10 and 5.11.

The Motion Lapsed for want of a Seconder.

LAPSED

<b>11.2 Facilitated Workshop - Lessons Learned from Canning Mews SAT Appeal : Cr Jamieson 15.8..06</b>
--

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 22 August 2006.

MOTION

That....

- (a) consideration be given to revoking Item 11.1 part (d) as follows, insofar as it relates to the Minutes of the Ordinary Council Meeting dated 25 July 2006:
  - (d) ***the lessons learned and a Management Plan be established in an internal Workshop; and***  
***\* Note: Support of a Minimum of One Third of The Members is Required***
- (b) Item 11.1 part (d) insofar as it relates to the Minutes of the Ordinary Council Minutes dated 25 July 2006 be revoked;  
***\* Note : An Absolute Majority is Required);***
- (c) for the Facilitated Workshop on Canning Mews Lessons Learned currently scheduled for 29 August 2006:
  - (i) all people who were involved in preparing or assisting with Council Meeting Reports or preparing or assisting the City of South Perth case at the SAT hearings shall be eligible to attend provided they are not paid to attend nor request travelling or other allowances to attend; and
  - (ii) for KCA members there shall be a maximum of two representatives that may attend.

COMMENT

Refer to Attachments 1, 2 and 3 hereunder. I want the maximum possible business benefit from the lessons learned workshop. KCA and other people were key members of the SAT outcome in Council's favour, and if we do not involve them then valuable lessons will be lost. Inviting KCA and others involved in the Canning Mews issue will also demonstrate Council's commitment to community consultation and involvement.

ATTACHMENT 1

From: Jamieson To: [requests@southperth.wa.gov.au](mailto:requests@southperth.wa.gov.au) Sent: Wednesday, July 26, 2006 8:25pm  
Subject: Lessons Learned Meeting Proposal

Following the outcome from Agenda Item 11.1 at the 25 July 2006 Council meeting I would like to make the following proposal as a way forward.

1. The meeting be facilitated by a paid outside independent professional facilitator.
2. The meeting invitees should include:
  - (a) City officers that worked on the Canning Mews evaluation;
  - (b) Council Members;
  - (c) a senior member of the City that was not involved in the Canning Mews evaluation.  
My suggestion would be Michael Kent because of his involvement in Business Excellence; and
  - (d) one or two members of KCA.
3. Direct contact by phone or in person to Councillor Doherty and Councillor Trent inviting them to the meeting.
4. We contact and offer to receive lessons learned from previous employees of the COSP that have worked on the Canning Mews evaluation (eg Ross Povey).
5. We provide a method for all people invited to submit written and/or anonymous lessons learned.
6. Allowing two hours for the meeting.
7. Holding the meeting during normal work hours unless all or almost all participants are happy to have the meeting outside normal work hours.
8. Providing some form of light morning or afternoon tea, or if out of work hours a dinner.

I think it is important that one or both of Councillor Doherty and Councillor Trent attend, and that if we invite them we would seem obliged to invite all Council Members. Whether Council Members attend or not would be up to them. I suggest that lookbacks and lessons learned may be something that the City could adopt into its Business Excellence programme following completion of major, high-risk or high-visibility projects or activities. This would give an added bonus for my suggestion in 2(c) above.

(Note: I am NOT proposing that all lookbacks and lessons learned should be externally facilitated NOR am I suggesting that they should be on the same large scale as this one.)

I would appreciate contact to discuss my proposal and suggestion. If you have questions or comments please give me a call.

ATTACHMENT 2

From: Cliff Fewing "Toni Weber" <[toniw@southperth.wa.gov.au](mailto:toniw@southperth.wa.gov.au)>  
To: "Jamieson" <[jamieson@conceptual.net.au](mailto:jamieson@conceptual.net.au)> Sent: Wednesday, August 02, 2006 9:50am  
Subject: Council Workshop

Thank you for your suggestion as to how to conduct the workshop recently agreed to by Council. You may recall that at the Council meeting, it was resolved as follows:

*That...*

- (a) *Council prepare a report on Outcomes and Lessons Learned from the Canning Mews Council Agenda Items and the subsequent SAT appeal;*
- (b) *the report shall include a grid layout containing but not limited to:*
  - (i) *text from the CEOs memorandum dated 25 July 2005;*
  - (ii) *blank or Tick from the CEOs memorandum dated 25 July 2005;*
  - (iii) *tick, cross or blank representing the SAT outcome;*
  - (iv) *a text description of the SAT outcome; and*
  - (v) *lessons learned.*

- (c) *the report shall include other details that make the outcomes and lessons learned readily identifiable at a high-level and with suitable content to explain the outcomes and lessons learned and how they are to be managed;*
  - (d) *the lessons learned and a Management Plan be established in an internal Workshop; and*
  - (e) *the report shall be on the Council meeting Agenda no later than the September 2006 Ordinary Council meeting.*
- CARRIED (8/2)*

Importantly, the Minutes of the meeting highlight that resolution (d) was added to your original Notice of Motion with your consent (and the consent of the seconder). Resolution (d) is quite specific in that it refers to an "internal workshop". The expression "internal workshop" can only be interpreted one way and that is that the participants should only include staff and Elected Members. Whilst an independent facilitator is obviously a sensible suggestion as the role of that person is simply to facilitate an outcome and not be part of any deliberate process, some of the other suggestions you have made are not consistent with the Council resolution.

These include, suggestion 2(d): KCA members and suggestion 4: Previous City employees

It is therefore my intention not to invite persons to the workshop who are not "internal" to the City consistent with Councils resolution. I agree that it would be useful to have Crs Doherty and Trent present at the workshop, but all Councillors will be invited to attend in the normal course of business. I am attempting to finalise a date for the workshop and it is anticipated that a date will be finalised and included in the Councillors' calendar to be released this week.

### ATTACHMENT 3

From: "Jamieson" <[jamieson@conceptual.net.au](mailto:jamieson@conceptual.net.au)>

To: "Cliff Frewing" <[cliff@southperth.wa.gov.au](mailto:cliff@southperth.wa.gov.au)>

Sent: Sunday, August 06, 2006 11:58am Subject: Re: Council Workshop

I have sent this email directly to you on this occasion rather than through requests to allow direct communication without involving others. In my original email I included "*I would appreciate contact to discuss my proposal and suggestion. If you have questions or comments please give me a call.*" I observe that you yet again make your own decision without taking up the option of picking up the phone. Your email includes the following:

"The expression "internal workshop" can only be interpreted one way and that is that the participants should only include staff and Elected Members." This statement is factually incorrect because I interpret "internal workshop" a different way thereby making your assertion wrong. Possibly you actually meant that you personally refuse to accept and/or acknowledge any other interpretation.

My interpretation is that "internal workshop" would be any person that assisted with the Canning Mews case and does not request to be paid to attend the workshop. This interpretation is consistent with my argument as presented during the Council Meeting, and in particular during my argument I specifically mentioned including KCA. Personally I would have no trouble with McLeod also attending to provide and listen to lessons learned, as long as he does not want payment for attending (I did not present this argument as part of the debate but it is my position), particularly as he received a substantial share of the payment for legal advice which we subsequently found was not consistent with the SAT outcome.

In your comment in regard to my Motion you said it would require the expertise of a very experienced town planner or lawyer (something which the City does not have on staff). I did not see the need for such formal expertise and was supported by Council. The KCA was a major player in this case. They were consistent with their advice to Council that the application did not comply with the TPS, they persuaded Council to vote against the staff recommendation, the SAT granted them approval to make a submission at the final hearing, the KCA highlighted that the applicant lodged its appeal for deemed refusal too late, engaged the community to find out their wishes, conducted meetings with the applicant to resolve issues, and the SAT appeared to be using the KCA submission as a reference document. The SAT decision was consistent with almost all of the KCA submission. Consequently KCA will have a lot they can contribute to establishing business value lessons learned - i.e. how can we all work better for the benefit of residents and ratepayers.

I urge you to reconsider your position, and to make a phone call to me to discuss the situation. As CEO I expect you to show leadership and to interpret Council decisions in an appropriate manner. Will it require a Council decision to layout the framework of a two hour workshop? I am sure the Council is capable of doing so if the task is beyond you. If you maintain your current position my prediction is that you may face a divided Council when the report on lessons learned is presented.

You have already provided a checklist that was wrong. You have been in charge of the City which ignored, what are we up to now, is it 8 requests for lessons learned. Your comments on my Motion were horribly wrong, and were made without a simple activity of picking up the phone to discuss the intent of my Motion first before spending an inordinate amount of time heading in the wrong direction. Are you now going to extend your position with your personal interpretation thereby reducing the potential business outcomes and business benefits for the City, Council, residents and ratepayers? I want to maximise the business outcome for the residents and ratepayers of COSP. What is the possible gain and business benefit from your personal narrow interpretation of "internal workshop"?

I ask for you to follow the intention that Council wants to see an open and visible workshop to determine the lessons learned that will have ongoing business value. Playing around with fancy interpretation of words will not maximise the business outcome and will not help bring Council together as a unified body. I hope you will call to discuss the matter.

COMMENT CHIEF EXECUTIVE OFFICER

In accordance with Clause 3.6(d)(iii) of Standing Orders Local Law the Chief Executive Officer comments as follows:

As detailed in the information above, the CEO believes the expression 'internal workshop' is clear and cannot reasonably be interpreted to include members of an external organisation or a former employee. Cr Jamieson has a different interpretation.

Given the different opinion on this matter the CEO would appreciate clear direction on Council's intention on who should be invited to participate at the Workshop.

ITEM 11.2 MOTION LAPSED

Cr Jamieson stated he would not move or put his name to the Notice of Motion as it appeared in the August Agenda paper as it is not his Motion.

The Mayor requested a comment from the Chief Executive Officer in relation to Cr Jamieson's statement.

The Chief Executive Officer stated that the only change to Cr Jamieson's Motion had been the inclusion of the administrative revocation clauses required to be included in order for Cr Jamieson's Motion to then be considered.

**COUNCIL DECISION ITEM 11.2**

Moved Mayor Collins, Sec Cr Trent

That consideration of Item 11.2 "Facilitated Workshop - Lessons Learned from Canning Mews SAT Appeal" be deferred for consideration at the Special Council Meeting scheduled for Tuesday 29 August 2006 at the Collier Park Community Centre.

CARRIED (11/0)

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**12.1 Audit and Governance Committee Membership**

The Mayor reported that due to the resignation of Cr Hearne from the Audit and Governance Committee that he was calling for nominations to fill the position.

Cr Maddaford nominated Cr Jamieson, Sec Cr Smith. Cr Jamieson accepted nomination.

As Cr Jamieson is currently the Deputy Member of the Audit and Governance Committee the Mayor called for nominations for the position of Deputy Member.

Cr Maddaford nominated Cr Smith, Sec Cr Hearne. Cr Smith accepted nomination.

**COUNCIL DECISION ITEM 12.1**

The Mayor put the Motion

That Cr Jamieson be appointed as Member and Cr Smith be appointed as Deputy Member of the Audit and Governance Committee.

CARRIED (11/0)

**13. MEETING CLOSED TO PUBLIC**

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

DECLARATION OF INTEREST : ITEM 13.1.1 : CHIEF EXECUTIVE OFFICER

*"I wish to declare a conflict of interest in Confidential Agenda Item 13.1.1 on the Council Agenda for the meeting to be held 22 August 2006. As I am the subject of the report item in question I will leave the Council Chamber while this matter is being debated."*



**13.1.1 Recommendations CEO Evaluation Committee Meeting Held: 24 July 2006.  
CONFIDENTIAL REPORT**

Location: City of South Perth  
Applicant: Council  
Date: 4 August 2006  
Author: Kay Russell  
Reporting Officer: Cliff Frewing, Chief Executive Officer

***Confidential***

This report has been designated as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

**Note: *Confidential* Report Circulated Separately**

**COUNCIL DECISION ITEM 13.1.1**

Moved Cr Trent, Sec Cr Smith

The *Confidential* Item 13.1.1 be deferred for consideration at a Special Council Meeting to be held on Tuesday 29 August 2006 in the Collier Park Community Centre.

CARRIED (11/0)

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

Nil

**14. CLOSURE**

The Mayor closed the meeting at 11.00pm and thanked everyone for their attendance.

**DISCLAIMER**

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

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate.

Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

**These Minutes were confirmed at a meeting on 26 September 2006**

Signed \_\_\_\_\_

**Chairperson at the meeting at which the Minutes were confirmed.**