

MINUTES

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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 27 June 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

Present:

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
L P Ozsdolay	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 R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic & 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 Environment Health and Regulatory Services
Ms D Gray	Manager Financial Services
Ms S Cairns	City Communications Officer
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Gallery

10 members of the public present and one member of the press present.

4. DECLARATION OF INTEREST

The Mayor reported Declaration of Interest from himself and Cr Macpherson in relation to Item 9.3.2. He then read aloud the Declaration as detailed in the Minutes before Item 9.3.2.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 23 May 2006 the following questions were taken on notice:

5.1.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington
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Summary of Question

At the April meeting, I expressed concern at the Metro Inn application and the number of parking bays required and that the number of bays available appeared to be a constantly changing figure, ie 160, 180, 271 for required bays and 98 to 68 bays available. I asked if the CEO was confident that the report presented to the Council at the March meeting was correct? The response received stated: ... (c) *Yes, The report refers to the required number of parking bays and to the number of parking bays shown on the applicant's drawings. The statements in the officer report presented to the March 2006 meeting are correct in this respect.*

1. Is it standard practice to report to Council, as correct, what an applicant claims is available in their drawings rather than what is required under the Town Planning Scheme?
2. If it is standard practice to report to Council as correct what an applicant claims is available in their drawings rather than what is required under the Town Planning Scheme:
 - (a) Is this practice acceptable to the CEO?
 - (b) Is this practice acceptable to the Council?
 - (c) If this practice in compliance with the City's planning obligations?

Summary of Response

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

1. It is standard practice for the City's officers to assess the applicant's drawings against the provisions of the Town Planning Scheme to determine whether or not they comply, with or without the exercise of discretionary power provided within particular clauses of the Town Planning Scheme. The officers' reports inform the Council of the findings from the assessment.
2. As explained in the response to Question 1, it is not standard practice to simply report to Council as correct, what an applicant claims is available in their drawings, rather than what is required under the Town Planning Scheme. This being the case, no response to Question 2(a), 2(b) and 2(c) is required.

Summary of Question

The CEO has stated in response to various questions, that the City will not measure buildings because "*it may set a precedent or dangerous precedent*" (Mr Defrenne's written question referenced the *Strata Titles Act 1985*, Form 7.) If the City does not measure buildings, how is the City in a position to certify the building is: *consistent with the approved building plans*?

Summary of Response

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

Before issuing a Strata Title clearance on the prescribed form, City officers inspect completed buildings to establish whether they are satisfactory in terms of the requirements of the Strata Titles Act. Critically, the officers must be satisfied that the building complies with the requirements of the Building Code of Australia (BCA). Other inspections of completed buildings are conducted prior to the issuing of a Certificate of Classification and when concerns are brought to the attention of the City regarding structural safety or other hazards. Inspections are also conducted in connection with swimming pools.

The normal criterion for inspections by all local governments is to determine whether or not the requirements of the BCA have been met. The essential aspects of buildings which are targeted are those relating to structural integrity, fire hazards, safety, and health requirements. Measurement of buildings is a less significant aspect, unless any variations cause the development to be in conflict with the BCA.

5.2 PUBLIC QUESTION TIME : 27.6.2006

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 7.05pm.

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

Supreme Court Legal Action, Item 13.1.1 on tonight's Agenda is listed as *Confidential*:

1. Who is the Plaintiff in this action?
2. Who is the Defendant in this action?
3. What is the court file number?
4. If the city is the defendant in this action, has the City made the decision to defend this action?
5. If the City has made the decision to defend this action when did the City make that decision?
6. If the City is the Defendant in this action, has the City advised the plaintiff that it is going to defend this action?

Summary of Response

The Chief Executive Officer advised that the questions were taken on Notice.

Summary of Question

Re. Gorrill and Others V City of South Perth. This matter has had a number of hearings before the Supreme Court in past years.

1. Has the matter been settled between the City and the Plaintiffs?
2. If the matter has been settled, when did the City settle the matter?
3. If the matter has been settled, did the City or its insurer pay any funds to the Plaintiffs?

Summary of Response

The Chief Executive Officer advised that the questions were taken on Notice.

5.2.2. Mr Barrie Drake, 2 Scenic Crescent, South Perth

Mr Drake referred to a 'round-table' meeting with the WA Minister for Planning and Infrastructure, Alannah MacTiernan and Council Officers to discuss various planning matters associated with No. 11 Heppingstone Street, South Perth. The Minister recommended/suggested that the City and the property owners resolve the outstanding issues.

Summary of Question

In order for all issues to be properly answered and for this matter to be dealt with by the Elected Members will this Council reschedule this matter as an Agenda Item to be listed at the 25 July 2006 Ordinary Council Meeting? If the answer is no. Why not and my second question is what do I need to do in order to have this matter listed as an Agenda Item?

Summary of Response

The Mayor stated that he also attended that meeting and that it was his understanding that the parties concerned were to go away and bring back a submission. He further stated that Council Members were informed of the outcome of the meeting and will be further advised when we make our submission to the Minister.

The Chief Executive Officer confirmed that the Mayor is correct. He stated that Council has not yet formed a position on this matter and that Members would be advised when a position has been finalised.

5.2.3. Ms Sheila Perrot, 35/2 Bruce Street, Como

Summary of Question

Ms Perrot referred to the lack of handicapped parking bays at the Village Green Shopping Centre, Karawara and stated that when the redevelopment is complete there will be 13 handicapped parking bays however in the meantime there are now only 2 handicapped parking bays available. This is a dangerous situation: Will something be done to make additional bays available for the handicapped now?

Summary of Response

The Chief Executive Officer advised that he would follow this matter up for Ms Perrot.

5.2.4. Cr Lindsay Jamieson, 14 Tralee Way, Waterford

Summary of Question

On 28 May I asked for a copy of an email Sean McLaughlin sent to the Department of Health. On 2 June received a reply from CEO stating there had been closure on the issue. On 5 June I sent a follow-up email asking for a one word response, Yes or No, am I going to get a copy of the email? I did not get a response. Forwarded request to 'requests'. Received a response from the CEO suggesting a meeting to discuss. I sent a reply requesting a Yes / No response: Will I get a copy of the email in question?

Summary of Response

The Chief Executive Officer advised that Cr Jamieson has summarised events of an issue that has been going on over 4 / 5 months. He stated that he had endeavoured to meet with Cr Jamieson to address questions in relation to his request but that it was not appropriate to respond at this time. The CEO stated that he was happy to pursue the matter further with Cr Jamieson.

5.2.5. 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

Planning Practice - In April and May I asked a series of questions regarding the planning assessment and compliance.

1. What procedures does the City have in place to ensure buildings which are built comply with Planning Consent?
2. Does the City approve building plans and issue a Building Licence for buildings that do not comply with approved Planning Consent?

The City has a set of standard conditions for planning approval. Condition 663 states: *"The <insert proierty> shall not be occupied until an inspection has been carried out by a Council Officer and the City is satisfied the development has been completed in accordance with the approved drawings and conditions of planning approval."*

3. Is it standard practice for the City to make this a standard condition for all Grouped or Multiple Dwellings?
4. Is Condition 663 a recommended standard condition for Item 9.3.7 on the Agenda (Ngala site)?

Summary of Response

The Chief Executive Officer advised the questions were taken on notice.

Summary of Question

In response to my questions in May regarding the planning assessment practice, the City's response was somewhat long winded. To simplify matters current practice of the planning department has a current practice in granting planning consent and reports to Council regarding planning approval:

1. Is this practice acceptable to the CEO?
2. Is this practice acceptable to the Council?
3. Is this practice in compliance with the City's planning obligations?

Summary of Response

The Chief Executive Officer stated that he believed this question had been adequately responded to following the May Council meeting and that the response was included in the June Agenda paper.

5.2.6. Cr Lindsay Jamieson, 14 Tralee Way, Waterford

Summary of Question

On 11 June I asked to get a copy of communications between the City of South Perth and the Department of Local Government with respect to the Annual Audit Return. I received a reply from CEO that he would like to have a meeting to discuss the matter. Will I get copies of these communications - Yes or No?

Summary of Response

The Chief Executive Officer acknowledged Cr Jamieson had requested this information. He further advised that over the last week the administration have had more pressing/urgent matters to address. The CEO also stated that he had asked Cr Jamieson, how will receiving these communications assist him in performing his duties as a Councillor in accordance with the *Local Government Act*?

5.2.7. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

The Department of Local Government Guidelines on Public Question Time states that Council is to answer questions if they know the answer. In relation to my first question, surely the City can answer who is the Plaintiff etc?

Summary of Response

The Chief Executive Officer stated that in response to Mr Defrenne's question, that the Plaintiff was Mr David Moylan and the Defendant was the City.

Close of Public Question Time

There being no further questions the Mayor closed Public Question Time at 7.28pm

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1 Ordinary Council Meeting Held: 23.5.2006

MOTION

Moved Cr Macpherson, Sec Cr Trent

That the Minutes of the Ordinary Council Meeting held 23 May 2006 be confirmed as a true and correct record.

AMENDMENT

Cr Ozsdolay advised that as well as speaking against the Motion for Item 11.1 at the May Council Meeting that he also actually voted against the Motion which is recorded as (12/0).

Cr Ozsdolay moved the following Amendment, Sec Cr Smith

That the Minutes of the Ordinary Council Meeting held 23 May 2006 be amended on page 72 by the vote for the Council Decision against Item 11.1 being amended to read **(11/1)** and with the foregoing amendment be taken as read and confirmed as a true and correct record.

COUNCIL DECISION ITEM 6.1.1

The Mayor put the Amended Motion

That the Minutes of the Ordinary Council Meeting held 23 May 2006 be amended on page 72 by the vote for the Council Decision against Item 11.1 being amended to read **(11/1)** and with the foregoing amendment be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

6.1.2 CEO Evaluation Committee Meeting Held: 19.6.2006

COUNCIL DECISION ITEM 6.1.2

Moved Cr Ozsdolay, Sec Cr Macpherson

That the Minutes of the CEO Evaluation Committee meeting held 19 June 2006 be received.

CARRIED (12/0)

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 - May Ordinary Council Meeting Held: 16.5.2006

Officers of the City presented background information and answered questions on specific items identified from the May 2006 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 6.2.1**.

6.2.2 Concept Briefing: Strategic Financial Plan/Budget Process and Infrastructure Capital Works Program Update: Meeting Held: 17.5.2006

Officers of the City presented updates on the Strategic Financial Plan/Budget process and an update on the Infrastructure Capital Works Program. Notes from the Agenda Briefing are included as **Attachment 6.2.2**.

6.2.3 Concept Briefing: Old Mill Precinct Redevelopment Update: Meeting Held: 30.5.2006

Officers of the City, representatives from Lawrence & Associates and representatives from Owners of The Peninsula Strata Plan 10889 presented updates/submissions on the Old Mill Precinct Redevelopment proposal. Notes from the Agenda Briefing are included as **Attachment 6.2.3**

6.2.4 Concept Briefing: Red Bull Air Race and Local Government Advisory Board Structural Reform South Perth/Victoria Park Proposal: Meeting Held: 6.6.2006

Officers of the City and representatives from Events Corp Western Australia presented Council with an overview of the Red Bull Air Race which is scheduled to take place over Perth Waters on the Swan River from the 15 to 19 November 2006. The CEO briefed Members on three separate proposals in relation to structural reform of WA Local Government.

Notes from the Agenda Briefing are included as **Attachment 6.2.4**.

6.2.5 Concept Briefing: Draft Budget: Meeting Held: 7.6.2006

Officers of the City presented an update on the draft Budget.

Notes from the Agenda Briefing are included as **Attachment 6.2.5.**

6.2.6 Concept Briefing: Mends Street Jetty Approval; SAT Appeal Update; Code of Conduct Confidential Issue and Boatshed Café - Licence Update: Meeting Held: 13.6.2006

Officers of the City presented updates on the Mends Street Jetty Approval, SAT Appeal, Code of Conduct *Confidential* Issue and the Boatshed Café Licence.

Notes from the Agenda Briefing are included as **Attachment 6.2.6.**

AMENDMENT ITEM 6.2.6: CR WELLS

Cr Wells requested that Council not accept Item 6.2 on the Agenda as Item 6.2.6 does not show reference to the Code of Conduct Issue.

The Chief Executive Officer stated that the Notes on Item 6.2.6, **Attachment 6.2.6** to the June Council Agenda did include this topic in the heading and that the heading in the Minutes would be amended accordingly.

COUNCIL DECISION ITEMS 6.2.1 TO 6.2.6 INCLUSIVE

Moved Cr Ozsdolay, Sec Cr Macpherson

That the comments and attached Notes under Items 6.2.1 to 6.2.6 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 23 May 2006 be noted.

CARRIED (8/4)

NOTE: CR WELLS REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

7. PRESENTATIONS

7.1 PETITIONS -

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

Nil

7.2 PRESENTATIONS -

Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.

Nil

7.3 DEPUTATIONS -

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

Opening of Deputations

The Mayor opened Deputations at 7.38pm and advised that speakers would be permitted 10 minutes each to address the Members.

7.3.1. Mr Brett Mendez, 10 Isabella Crescent, Manning	Agenda Item 9.3.4
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Mr Mendez spoke against the officer recommendation and raised the following points:

- the need for the roof replacement
- the positive impact on the streetscape
- the rear owners support for the approval
- the benefits of colourbond over tiles
- the visual harmony with surrounding properties
- the lack of impact change would have on the rear dwelling

7.3.2. Mr David Leigh, 51 Hovia Terrace, Kensington representing Kensington Community Association	Agenda Item 9.3.7
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Mr Leigh spoke against the officer recommendation and raised comments in relation to the following topics:

- concerns there may be inaccuracies in determination of compliance
- Residential Design Codes as it relates to number of dwellings for site
- form of proposed development unclear- difficult to accurately assess
- proposed Communal Centre
- parking issues
- proposal previously approved three times - not a good reason for approval now as TPS and R Codes have changed during this time

Close of Deputations

The Mayor closed Deputations at 7.45pm.

7.4 DELEGATE'S REPORTS	Delegate's written reports to be submitted to the Minute Secretary prior to 9 June 2006 for inclusion in the Council Agenda.
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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 20 June 2006.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION
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Moved Cr Trent, Sec Cr Hearne

That the officer recommendations in relation to Agenda Items 9.0.1, 9.0.2, 9.0.3, 9.2.1, 9.3.3, 9.3.5, 9.3.6, 9.4.1, 9.5.2, 9.6.2, 9.6.3 and 9.7.3. be carried en bloc.

CARRIED (12/0)

9. REPORTS

9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

9.0.1 Submissions on Proposed Naming of Right-of-Way Nos. 75 and 76 situated within block bounded by Thelma Street, Canning Highway, Alston Avenue, and Coode Street, Como

Location: Right-of-Way Nos. 75 and 76 within block bounded by Thelma Street, Canning Highway, Alston Avenue and Coode Street, Como

Applicant: Ms E G Hardie

File Ref: ROW 75 and ROW 76

Date: 6 June 2006

Author: Sarah Brown, Planning Officer

Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

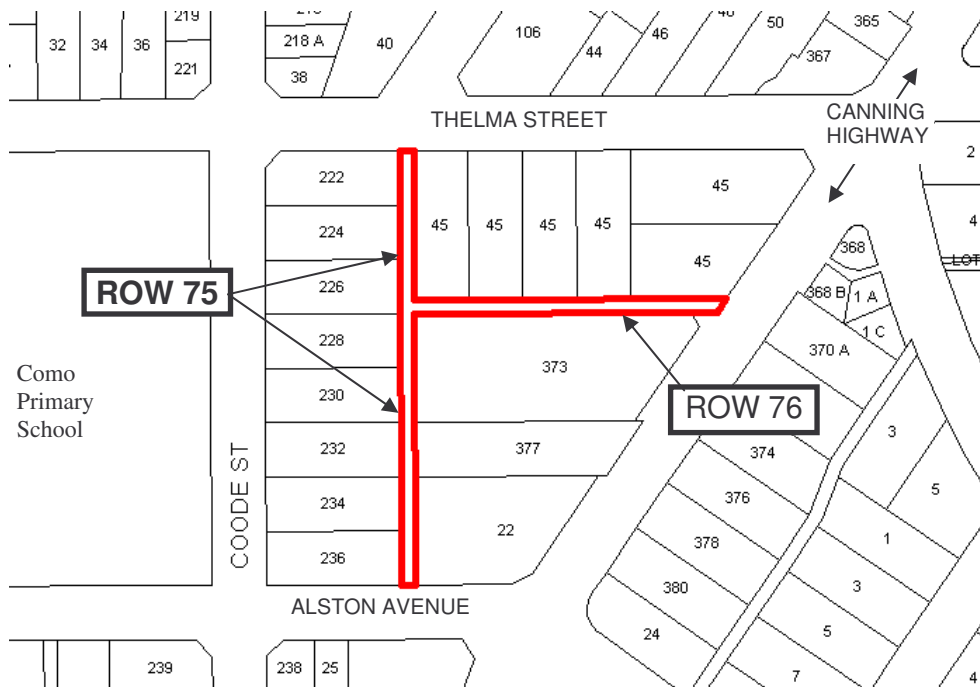
Summary

To consider submissions on the naming of Right-of-way Nos. 75 and 76 and to make a recommendation to the Geographic Name Committee.

Background

Location

The location of ROW 75 (north-south portion) and ROW 76 (east-west portion) is shown on the map below.



Condition and Usage of Right-of-ways

The full length of ROW 75 is paved and ROW 76 is also paved for almost its entire length. The eastern most portion of ROW 76 is closed to traffic. Rubbish is collected from the right-of-ways.

ROW 75 appears to be much wider than normal because the garages and parking bays on its western side are set back 1.5 metres and the full 1.5 metre setback is paved. Therefore a 5 metre wide right-of-way appears to be 7.5 metres in width. The right-of-way is signposted for 'one-way' vehicular movement from Thelma Street south to Alston Avenue. Twenty-one (21) car bays for occupiers of the adjacent dwellings and two (2) visitor bays are accessed from the right-of-way.

There are a further eighteen (18) car bays adjacent to ROW 76 which rely upon access from ROW 75 to then access ROW 76. These parking bays are Council approved. The right-of-way is not required for pedestrian access to dwellings and there are no mail boxes in the right-of-way.

Previous Right-of-way Naming

At Council's December 2001 meeting, five right-of-ways (Nos. 86, 93, 94, 103, 104) were approved for naming. These right-of-ways are parallel to Canning Highway and the reason for Council's support for naming was that there were a range of difficulties in relation to giving visitors directions to the abutting properties. Prior to naming the ROWs, a trial of 'location signs' at each end of the laneway had mixed results. The 'location signs' indicated the laneway provided rear access to certain properties which front Canning Highway.

Right-of-way Naming Request

In 2005 a resident adjoining ROW 75, Ms E G Hardie contacted the City and requested that ROW 75 be named due to:

- ROW 75 being extensively used by residents and visitors.
- It is difficult to direct tradespersons to her unit from the ROW.
- The difficulties in giving directions would be undesirable in an emergency situation.
- The Thelma Street entrance is sometimes confused as a continuation of McDonald Street.
- Various trades and service personnel access the right-of-way, including rubbish collectors.

At its September 2005 meeting, the Council agreed to advertise the proposal to name ROW 75 'Jacaranda Lane' and ROW 76 'Boronia Lane'.

Comment

The consultation section below describes the consultation undertaken with the adjoining owners and occupiers, and an officer of Geographic Names, Department of Land Information. Following public advertising, an officer of Geographic Names advised that the proposed names of 'Jacaranda Lane' and 'Boronia Lane' could not be used. Other names suitable to the applicant and the Geographic Names section of DPI were then identified and advertised. The new names are Azalea Lane (ROW 75) and Orchid Lane (ROW 76).

Consultation

Advertising November 2005

There are no statutory advertising procedures for proposals to name a right-of-way. However, at its September 2005 meeting the Council resolved to advertise the proposal to the owners and occupiers of properties abutting the right-of-way for 21 days.

The original naming proposals 'Jacaranda Lane' and 'Boronia Lane' were advertised in November 2005. Four submissions were received in response to this initial advertising.

They are summarised as follows:

Submitter 1	Owner / occupier	<ul style="list-style-type: none"> • Agree ROW 75 be Jacaranda Lane. • Would prefer ROW 76 be Jacaranda Court.
Submitter 2	Owner / occupier	<ul style="list-style-type: none"> • Agree. • Emergency vehicle access a priority issue. • Jacarandas located at each end of ROW and bordering Thelma Street • Boronia has little relevance to Jacaranda. Suggest Little Jacaranda or Little-Jac or Li'l-Jac or Lavender Lane (being the colour of the Jacaranda flower and also being a flower itself).
Submitter 3	Occupier	<ul style="list-style-type: none"> • Agree. Naming would be beneficial to emergency services.
Submitter 4	Owner / occupier	<ul style="list-style-type: none"> • Agree. • Deliveries and visitors and others have difficulty finding house. Naming would be a help. • Occupiers should not have to pay to rectify this problem. • Jacaranda is too long - I agree.

Geographic Names

Following the November 2005 advertising period, an officer within Geographic Names at Department for Land Information advised that the advertised names would not meet the Geographic Names Committee criteria for the naming of a laneway; Jacaranda was too long and Boronia had been used within 10km of the location. Alternative names suggested by the respondents to the November 2005 advertising were also not acceptable as they were either:

- similar sounding to another name within 10km;
- duplicated more than five times within the metro area;
- double barrelled name;
- too long; and / or
- corrupted.

The submitter suggestions also involved using 'road types' (eg. Court) that are not acceptable in the case of a right-of-way. The road type usually used for a right-of-way is 'Lane'.

The City then liaised with the applicant, Ms E G Hardie and the Geographic Names officer to search for a suitable name that would:

- meet the Geographic Names Committee requirements;
- be a floral name consistent with previously named right-of-ways in the City; and
- if at all possible, have some relevance to the right-of-ways being named.

The names chosen were:

- ROW 75: Azalea Lane; and
- ROW 76: Orchid Lane.

These names meet the Geographic Names Committee requirements and are flowers. The most relevance these names have to the subject right-of-ways proposed to be named is that there are Azaleas and Orchids growing in some gardens adjoining the right-of-ways.

Public Advertising May 2006

The new proposals were advertised to the public in May 2006 and 7 submissions were received. Three of these submitters were also submitters in the November 2005 advertising.

The submissions are summarised as follows:

Submitter 1	Owner / occupier	Agree.
Submitter 2	Owner	Agree.
Submitter 3	Owner / occupier	<ul style="list-style-type: none"> • Agree. • Please spell Azalea correctly. • Azaleas growing in own garden. • Orchids grown in another near by garden.
Submitter 4	Owner / occupier	Disagree - Is there really a need to name the lanes? If no, then why bother.
Submitter 5	Owner	Agree.
Submitter 6	Owner / occupier	Agree - If Azalea is spelt correctly. Both names are okay.
Submitter 7	Owner / occupier	Agree - Is the correct name Azalia or should be Azalea?

The May 2006 submissions support the naming of the right-of-ways, with one exception. The exception questions whether there is any reason to name the lane. The November 2005 submissions, as well as Ms E G Hardie’s original request show that there are reasons for naming these particular right-of-way related to giving directions to visitors, tradespersons, and in particular to emergency services.

Three submissions also point out the inadvertent spelling error in the May 2006 advertising material. The correct spelling of Azalea Lane is used in the officer recommendation.

Policy and Legislative Implications

Council does not have a policy to guide decisions as to whether or not the naming of particular right-of-ways will be supported, and if so, how names will be selected.

The Geographic Names Committee policy titled “Road Naming Guidelines (2001)” provides the following guideline for the naming of right-of-ways:

“The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and right-of-ways requiring names. The naming of such roads is support with a preference for use of the road type Lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway.”

Financial Implications

If Council resolves, and the Geographic Names Committee consents, to name the right-of-ways, the cost to install a sign at each end will be approximately \$300 per sign (a total of approximately \$1,200). The cost varies according to the length of the name.

Strategic Implications

The 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 9.0.1**

That....

- (a) the Council recommends to the Minister for Lands that Right-of-Way No. 75 (the north-south portion within block bounded by Thelma Street, Canning Highway, Alston Avenue, and Coode Street, Como as shown in **Attachment 9.0.1**) be named 'Azalea Lane' and that Right-of-Way No. 76 (the east-west portion within block bounded by Thelma Street, Canning Highway, Alston Avenue, and Coode Street, Como as shown in **Attachment 9.0.1**) be named 'Orchid Lane';
- (b) the Minister for Lands be advised of the Council's recommendation; and
- (c) submitters and the applicant be notified of the Council's recommendation to the Minister for Lands

CARRIED EN BLOC RESOLUTION

9.0.2 Proposed Closure of Right-of-way No. 88 contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como: Amending extent of closure

Location:	Right-of-way No. 88, Como
Applicant:	Council
File Ref:	ROW 88
Date:	6 June 2006
Author:	Sarah Brown, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

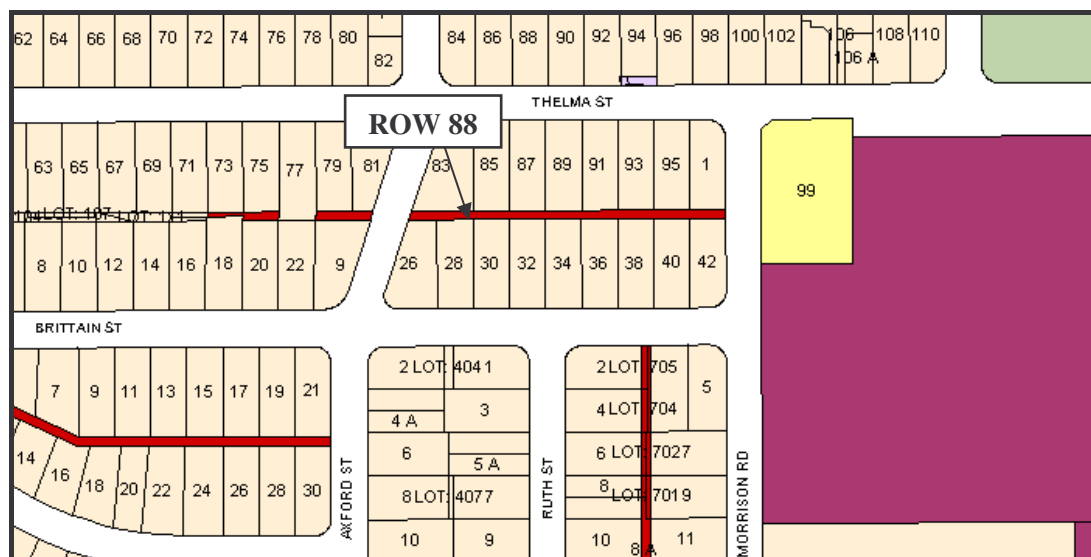
Summary

At its February 2006 meeting, Council resolved to close ROW 88, except for a short portion at the eastern end. The City has now received a submission on this remaining portion of the ROW agreeing to the further closure and to paying for purchase of the full width of that portion. The officer recommendation is for the Council to recommend to the Minister for Lands the full closure of Right-of-way No. 88, as shown in **Attachment 9.0.2(b)**. The report also recommends that the Chief Executive Officer be given authority to adjust the land allocation should such need arise in the future.

Background

Location

Right-of-Way 88 is contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como as shown on the map below.



February resolution

On 28 February 2006, the Council considered submissions resulting from advertising of the proposal and resolved to close Right-of-way No. 88 to the extent shown in **Attachment 9.0.2(a)**.

A small portion of the right-of-way at the eastern end was not closed as one adjoining owner agreed to the closure but did not want to purchase land, and the other adjoining owner had not made a submission. There was no other reason in the submissions considered in February for the remaining portion to be kept open.

Late submission

Following the February Council meeting, a strata owner from No. 42 Brittain Street expressed a desire to purchase the remaining portion of the right-of-way. The strata owner advised that they had not received the advertising material. The City’s records revealed that the information had not been sent to this strata owner (whose dwelling adjoins the right-of-way), but it had been sent to the other two strata owners.

This strata owner and the other strata owners in the strata group were then given a copy of the advertising material and given the opportunity to make a submission.

Comment

Late submission

As one of the strata owners had not been notified of the closure proposal, a later opportunity was extended to that owner to make a submission. Also, as the Council wishes to close as many right-of-ways as possible, as identified in Policy P388_T “Development of Land Adjoining Rights-of-way”, the acceptance of a late submission advocating the total closure of the right-of-way was in the City’s interest.

The strata owners in question have now lodged submissions which agree with the proposed closure. They have also agreed that the strata owner immediately adjoining the right-of-way will pay for the purchase of the land and associated costs.

Service authority requirements

As per the previous report, the Water Corporation will require an easement be placed on the certificate of title covering the existing width of the right-of-way at no cost to the Water Corporation, and that any construction within the easement be to Water Corporation specifications.

Again, as per the previous report, these requirements have been, or can be met in the following ways:

- The easement will be provided when the land is subdivided, should the Minister agree to the closure.
- The land owner was advised of Water Corporation's specifications should the owner be considering building within the area which is to be covered by an easement.

There were no other requirements from any of the other consulted service authorities.

Minor adjustments to land allocation

In the course of dealing with the remainder of the closure process, a situation may arise where a minor adjustment needs to be made to the allocation of the land to adjoining owners (e.g. a property is sold and the new owner does not wish to purchase the land). Therefore, the recommendation contained within this report gives capacity for the Chief Executive Officer to make minor adjustments to the allocation of the closed portion of the right-of-way. The recommendation does not allow the Chief Executive Officer to adjust the extent of the closure.

Consultation

Consultation has been undertaken with the service authorities and adjoining landowners as required by section 52(3) of the Land Administration Act 1997 (as amended), and this is detailed in the previous report to Council (28 February 2006, item 9.0.2).

Consultation with one property owner was inadvertently omitted during the initial round of advertising, and the further consultation with this owner is the subject of this report.

Policy and Legislative Implications

Comments in relation to the Land Administration Act 1997 (as amended) and the City's policies have been provided elsewhere in this report.

Financial Implications

The closure of this right-of-way will reduce maintenance costs to the City.

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 9.0.2

That....

- (a) pursuant to Section 52 of the Land Administration Act 1997 (as amended) Council resolves to request the Minister for Lands to close Right-of-Way No. 88 contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como, described as being portion Canning Location 41 and being the portion coloured green on Plan 4740(2) and on Certificate of Title Volume 554 Folio 63, to the extent indicated on the plan as **Attachment 9.0.2(b)**, and following closure, the land be allocated in the manner indicated on that plan;
- (b) the Chief Executive Officer be authorised to make minor adjustments to the closure plan limited to minor modifications in relation to the reallocation of a portion of the closed right-of-way from one abutting property owner to another; and
- (c) all affected owners of land be advised of the Council's resolution.

CARRIED EN BLOC RESOLUTION

9.0.3 Ward Boundary and Representation Review (*Item 9.0.3 referred from May 2006 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/502
Date:	12 June 2006
Author:	Sean McLaughlin, Legal & Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer.

Summary

Every local government is required to conduct a review of its ward boundaries and system of representation every eight years pursuant to the provisions of the *Local Government Act 1995* (the Act). The City last conducted a review in 1998.

The review having been conducted and a report prepared which incorporates the Council's recommendations, it is now appropriate for Council to formally resolve on the proposed changes and to adopt the report so as to enable its submission to the Local Government Advisory Board by 30 June 2006 to complete the review process.

Background

Schedule 2.2 of the Act requires a local government to conduct a review of its ward boundaries and the number of councillors for each ward every 8 years.

The City last conducted a review in 1998. This review, which was published in the *Government Gazette* on 22 December 1998, resulted in the City moving from a structure of five wards with three councillors in each ward to the present structure of six wards with two councillors in each ward.

As with a number of other local governments, the City of South Perth is scheduled to complete the review in time for any necessary changes to be implemented prior to the 2007 local government elections.

Upon completion of the review, the City is required to prepare and deliver a report of its review to the Board by 30 June 2006. A copy of the report is at **Attachment 9.0.3(a)**.

The review process is concluded when a favourable recommendation goes from the Board to the Minister who may then recommend to the Governor the making of the appropriate orders.

Comment

The purpose of the review is to evaluate the current arrangements and consider other options to find a system of representation that best reflects the characteristics of the district and its people.

Council initiated the review process at its ordinary meeting of June 2005, and a workshop was convened for Council to discuss the various matters covered by the review. The workshop was conducted in December 2005, followed by a council meeting in February 2006 which commenced the public consultation process including the publication of a Discussion Paper.

Public consultation concluded in April 2006 and was followed by Council's consideration, at its ordinary May meeting, of the submissions which had been received. Council resolved at the May council meeting to adopt Option A (status quo with revised boundaries) and

indicated its intention to recommend to the Board that because there are only relatively minor changes proposed to the boundaries, that each councillor whose term does not expire until 2009, continues in that position until that time.

With respect to the boundary between the Manning Ward and Como Ward, Council preferred the proposal to extend the southern boundary in Option A beyond the original proposed boundary of Roebuck Drive to Edgewater Road on the basis that this improved the community of interests for the residents of the locality and provided a clearer and more pronounced boundary.

Because this extension would change the number of electors in each of the relevant wards, further calculations were made to ensure that the revised boundary would not breach the 10% ratio. The revised calculations for the proposed southern extension are set out in the table below. Ratios for the other wards are unchanged.

The table below therefore reflects the final amended position with respect to the Councillor/Elector ratio for all Wards. The Table reveals that the ratio for each new Ward is well within the 10% deviation limits imposed by the Minister.

WARD	Electors	Councillors	Ratio	% Deviation
Civic	4,382	2	1:2191	- 5.33
Mill Point	4,336	2	1:2168	- 4.2
Como	4,229	2	1:2144	- 1
Manning	3,919	2	1:1959	+ 6
McDougal	3,926	2	1:1963	+ 5.65
Moresby	4,171	2	1:2085	+ 0.24
Total (Median)	24,963 (4,160)	12	1:2080	

A map of the proposed ward boundaries is at **Attachment 9.0.3(b)**.

Consultation

Consultation with council members has been ongoing through a series of council meetings, workshops and concept forums. Public consultation was conducted in accordance with the relevant provisions of the Act, commencing on 7 March and concluding on 21 April 2006.

Policy and Legislative Implications

The review was conducted in accordance with the relevant provisions of the *Local Government Act 1995*. An absolute majority is required for any council resolution proposing a change to ward boundaries or representation - clause 9, Schedule 2.2 of the Act.

Financial Implications

Nil

Strategic Implications

The conduct of the review is consistent with Strategic Goal 5: Organisational Effectiveness

To be a professional, effective and efficient organisation

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.0.3

That in accordance with clause 9 of Schedule 2.2 of the Act, Council resolves that:

- (a) the City of South Perth proposes the making of an Order under section 2.2 (1)(c) of the Act* to change the boundaries of its wards as described in **Attachment 9.0.3(b)**;
- (b) it recommend to the Board that because there are only relatively minor changes proposed to the boundaries, that each Councillor whose term does not expire until 2009, continues in that position until that time; and
- (c) the Report of its review, **Attachment 9.0.3(a)**, be submitted to the Local Government Advisory Board by 30 June 2006.

CARRIED EN BLOC RESOLUTION
and by Required Absolute Majority

9.1 GOAL 1 : CUSTOMER FOCUS
Nil

9.2 GOAL 2: COMMUNITY ENRICHMENT

9.2.1 South Perth Tram Restoration Project - Mends Street
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Location:	City of South Perth
Applicant:	City of South Perth Historical Society (Inc)
File Ref:	ED/101
Date:	6 June 2006
Author:	Susan Marie, Manager Library & Heritage
Reporting Officer:	Roger Burrows, Director Corporate & Community Services

Summary

The purpose of this report is to advise Council on the proposal by the South Perth Historical Society to locate a restored 1922 tram as a tourist attraction in Mends Street.

Background

In 2003, the South Perth Historical Society (SPHS) had preliminary discussions with the Chief Executive Officer and Mayor about acquiring, restoring and locating an authentic South Perth tram as a tourist attraction in Mends Street. The SPHS met with the Perth Electric Trams Society and a 1922 (No. 15) single trucker tram which ran on the South Perth line was located. Costs for restoration have been estimated at \$25, 000.

The SPHS have committed to raising the major portion of the costs. Currently, they have \$11,000 from book sales, a \$5,000 corporate donation and are shortly applying for a \$5,000 Lotteries Commission grant. In addition, they intend to continue to fundraise for this project. The SPHS approached the City requesting a financial contribution of \$10,000 be placed on the budget over the next two financial years.

They have proposed that the tram be sited between Heritage House and the footpath on Mends Street. It is felt necessary to site the tram within the route it formerly ran, in a well-used public area to minimise vandalism. Preliminary investigations indicate this to be low vandalism area. Pending Council approval, alternative sites will also be investigated.

Comment

The SPHS has commenced work and funding towards this project. In addition to providing a unique tourist attraction, this project provides a tangible link with the City's past and is a celebration of its history in the community of South Perth.

Correspondence between the SPHS and the City are attachments to this report. *Confidential Attachments 9.2.1* refer.

Consultation

Various discussions have been held with the National Trust (WA), the Perth Electric Trams Society and the South Perth Historical Society.

Policy and Legislative Implications

Nil

Financial Implications

That \$10,000 be budgeted over the next two financial years. \$5,000 has been provided in the 2006/07 Budget.

Other costs not allocated and yet to be discussed with the SPHS include:

- transporting the tram from Whiteman Park estimated at \$2000; and
- locating it on a concrete pad with recessed tracks estimated at \$2000.

In addition, ongoing maintenance costs for the City include:

- internal and external lighting estimated at \$3000; and
- ongoing maintenance due to weathering and damage estimated at \$2000 every five years.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.2.1

That....

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

CARRIED EN BLOC RESOLUTION

9.2.2 Red Bull Air Race 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/112
Date:	9 June 2006
Author	Sebastian Camillo, Manager Environmental Health and Regulatory Services
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider an application made by Events Corp Western Australia for the use of Sir James Mitchell Park to hold a Red Bull Air Race over Perth Waters on the Swan River in November 2006, and to approve the road closures for the event.

Background

In May 2006, the City received an application from Events Corp seeking approval to use the South Perth Foreshore, Sir James Mitchell Park from the Scented Gardens to Ellam Street, to host the Australian leg of the international Red Bull Air Race series from the 15 to 19 November 2006. The final competition race day is scheduled for Sunday 19 November, however, could be postponed to Monday 20 November as a reserve race day in the event of bad weather.

Comment

Events Corp have secured a three year contract for Perth to host the event which is one of 9 events to be held on the international calendar this year and the only one to be held in Australia.

On-site preparation for the event will commence from 6 November with the completion being 24 November 2006. The event is projected to attract some 250 thousand visitors to the City's foreshore on the final day of the competition and will be televised to over 60 countries throughout the world.

The event activities will impact on the City and its community for its duration, particularly on the final day of the competition. Events Corp propose to manage the event along similar management plans to other large events held within the City, without any financial impost being incurred by the City. Events Corp will provide unconditional guarantee that all funding for the event will be undertaken by them.

The Red Bull Air Race management plan will focus on the following areas:

1. Essential structures
2. Crowd control measures
3. Traffic Management / Road Closures
4. Shuttle Service / Public Transport
5. Waste Management
6. Significant media and communications campaign.

1. Essential Structures

There are various temporary structures Events Corp proposes to erect on Sir James Mitchell Park which are essential to the event. They consist of the following:

- Aqua Compound – (fenced, including Ellam Street car park)
 - 6 x 40ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors
- International Infrastructure Compound (fenced, western end - Coode Street car park)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators

- Authorised staff and VIP Parking (eastern end Coode Street car park)
- Helipad
- Festival Area
- Race Tower
- Media Centre
- Energy Centre
- Speaker Boxes (Commentary)
- Prize Giving Podium
- 5 x Merchandise containers
- Festival – Static Displays, Aviation Expo and Interactive Zones
- Other Infrastructure – Sir James Mitchell Park
 - Police Emergency Control Compound (ECC) and Operational Compounds
 - 7 x large video screens (Vidi Walls), scaffold mounted
 - Toilets – requirements for public
 - Shade shelters (Property of City of South Perth)
 - Catering vendors

As the main focal operations area is centred around the Coode Street Jetty and adjacent boat ramp it will be essential that they are temporarily closed to the public from 17 November to 21 November 2006 (inclusive). An application for temporary closure has been sent to the Department of Planning and Infrastructure (Marine Branch) for approval.

The spectator viewing locations are proposed to be along the South Perth foreshore. All facilities including first aid, toilets, lost children post, food outlets etc, will be provided by Events Corp.

Events Corp will be required to comply with the City's conditions which will be subject to further negotiation and applicable for the use of the foreshore area for the Red Bull Air Race. The conditions will be as follows:

- (1) A hire charge of \$35,000 plus \$20,000 for post event restoration for the use of the Sir James Mitchell Park is to be lodged with the City and payment must be made prior to the event;
- (2) An additional all purpose bond of \$50,000, is to be lodged with the City, prior to the event, with any damage or costs incurred by the City to be deducted from the bond monies;
- (3) Public Liability Cover to the amount of \$100,000,000 is to be arranged by the Events Corp and jointly made out to the Events Corp and City of South Perth to indemnify the City against any damage, injury or death to persons or property;
- (4) The event is to be held between the hours of 8.30 am to 5.00 pm on air race days;
- (5) The area is to be left in a clean and tidy condition with no damage caused, with Events Corp being responsible for all the cleanup costs;
- (6) Due to limited power and water on site, any requirements outside of these services, is the responsibility of Events Corp;
- (7) Events Corp will undertake any set up from 7.00 am to 5.00 pm, if the equipment to be erected cannot be installed in the hours approved on the days of the event. The equipment and structures to be removed within 4 days following after the event;

- (8) Events Corp will be permitted to carry out / construct the following activities;
- Aqua Compound – (fenced, including Ellam Street car park)
 - 6 x 40ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors
 - International Infrastructure Compound (fenced, western end - Coode Street car park)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators
 - Authorised staff and VIP Parking (eastern end Coode Street car park)
 - Helipad
 - Festival Area
 - Race Tower
 - Media Centre
 - Energy Centre
 - Speaker Boxes (Commentary)
 - Prize Giving Podium
 - 5 x Merchandise containers
 - Festival – Static Displays, Aviation Expo and Interactive Zones
 - Other Infrastructure – Sir James Mitchell Park
 - Police Emergency Control Compound (ECC) and Operational Compounds
 - 7 x large video screens (Vidi Walls), scaffold mounted
 - Toilets – requirements for public
 - Shade shelters (Property of City of South Perth)
 - Catering vendors
- (9) Events Corp will be required to construct an alternative shared use path around any area assigned to the Race Organiser, where the assigned area obstructs or partially obstructs the existing path, with such path being constructed to the AustRoads Guidelines 14 Bicycles;
- (10) Events Corp will be required to construct pavements or otherwise increase the load bearing capacity of those areas requiring heavy vehicle access, so as to minimise the impact on the park or any public infrastructure located either above, on or below ground;
- (11) Events Corp is to liaise with the City regarding:
- The layout of the event which is to be submitted at least 2 (two) weeks prior commencement;
 - The layout of the reticulation system, positioning of marquees and vehicles for parking and fencing surrounding the proposed venue;
 - Provision of adequate fencing surrounding the proposed venue;
- (12) Events Corp is to liaise with the City's, Environmental Health and Regulatory Services to ensure:
- Provision of a direct connection for portable toilets to the existing Minister's Sewerage Scheme. Should this not prove to be feasible within the relevant regulatory framework adequate portable toilet facilities with approved disposal systems to be provided at Events Corp expense;
 - Requirements for food handling and noise levels are met;
 - Adequate rubbish bins are provided at Events Corp's expense;
 - All rubbish bins to be serviced and litter removed from the reserve daily;

- (13) Events Corp is to apply to the City's Building Services to obtain:
 - A building licence for the erection of any temporary structure/marquee on Sir James Mitchell Park;
 - Approval for signage and sponsorship requirements
- (14) Events Corp to provide an effective media and communications campaign to ensure that all residents and visitors to the event understand the restrictions that will apply throughout the City; and
- (15) Events Corp to be responsible for all costs associated with the planning and implementation of parking measures including preparation of parking plans, residents information brochures, advertising and communication plan to effected residents and general public, sign installation and removal, labour costs and other costs associated with road barriers and access control points.

2. Crowd Control Measures

The Western Australian Police Service (WAPS) will have three Emergency Control Compounds (ECC) and Operational Compounds on Sir James Mitchell Park and will commence patrolling from approximately 8.00am on the mornings of the respective race days.

The purpose of the compounds on the foreshore is to allow the WAPS to be strategically and operationally located on the front line and to provide access for the officers and various Hazard Management Agencies (HMA's) a rapid response to any incident.

3. Road Closures (Access Restricted Area)

The air race will commence with time trials and practice flights from Wednesday 15 November and the final competition race day is scheduled for Sunday 19 November. Events Corp do not anticipate that the influx of people wishing to view the lead up to the final race day will have any detrimental impact to the traffic and parking demands in the area. However, the final competition day is expected to attract some 250 thousand visitors to the foreshore, requiring imposing road closures to the immediate area to mitigate any risk to visitors to the event.

It is proposed to implement the Traffic Management Plan and Parking Restrictions, that have been previously endorsed by Council as part of the Safer Australia Day Strategy 2006. The roads bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, will be closed from 7.00am to 5.00pm, in accordance with clause 7.4 and schedule 4 of the City's *Parking Local Law 2003*.

This will be known as the "Access Restricted Area" and 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. Event Corp proposes to initiate a permit system for the final day for residents, their visitors (those who can be parked on site only) and businesses.

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*.

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.

Events Corp will need to employ the services of security and traffic management officers to secure the road closures as mentioned in this report.

4. Traffic Management (Parking Restricted Area)

The parking restricted area would extend from the access restricted area (as per item 3) to South Terrace, up to Canning Highway and back to Ellam Street and be effective from 7.00am to 5.00pm. .

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 the previous Safer Australia Day Strategy 2006 were successful in clearing the traffic and pedestrian congestion at the end of the event this year.

5. Waste Management

The Events Corp will be responsible for supplying rubbish bins and arrangements for the removal of waste associated with the event. Approximately 200 x 240L rubbish bins will be located along on the South Perth foreshore and serviced throughout the event to ensure that litter is not left on the ground.

7. Media and Communications

Events Corp will provide an effective media and communications campaign to ensure that all residents and visitors for the air race fully understand the restrictions that will apply on the final day of the event. The City will need to 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 restrictions are effectively communicated.

Consultation

Consultation has occurred with officers of Events Corp Western Australia and also the following external organisations:

- City of Perth
- Civil Aviation Safety Authority (CASA)
- Town of Victoria Park
- Main Roads
- WA Police Service
- SWAN Transit
- State Emergency Service

Policy and Legislative Implications

Nil

Financial Implications

The City's Fees and Charges Schedule as adopted by Council recommends that large events (Commercial Expos) are charged at a rate to be negotiated by City Officers and confirmed by the Chief Executive Officer. The fee recommended to be charged for reserve hire of \$35,000 plus a restoration bond of \$20,000, reflect City officers experience with charges levied for previous large events held in the park such as the, Caravan and Camping Show and an estimation of the impact of the event on the park. Additionally, an all purpose bond of \$50,000 is required by the City prior to the event. All costs for damage or costs incurred by the City following the event will be deducted from the bond amount.

Strategic Implications

Events Corp propose to manage the event in accordance with 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.

OFFICER RECOMMENDATION ITEM 9.2.2

That...

- (a) Events Corp be advised that Council endorses the conduct of the proposed Red Bull Air Race including the use of Sir James Mitchell Park subject to the satisfactory negotiation of the following conditions and requirements, to be incorporated within a binding document setting out the terms under which Events Corp would cover all costs and event management obligations incurred for the proposed Red Bull Air Race:
- (1) A hire charge of \$35,000 plus \$20,000 for post event restoration for the use of the Sir James Mitchell Park is to be lodged with the City and payment must be made prior to the event;
 - (2) An additional all purpose bond of \$50,000, is to be lodged with the City, prior to the event, with any damage or costs incurred by the City to be deducted from the bond monies;
 - (3) Public Liability Cover to the amount of \$100,000,000 is to be arranged by the Events Corp and jointly made out to the Events Corp and City of South Perth to indemnify the City against any damage, injury or death to persons or property;
 - (4) The event is to be held between the hours of 8.30 am to 5.00 pm on air race days;
 - (5) The area is to be left in a clean and tidy condition with no damage caused, with Events Corp being responsible for all the cleanup costs;
 - (6) Due to limited power and water on site, any requirements outside of these services, is the responsibility of Events Corp;
 - (7) Events Corp will undertake any set up from 7.00 am to 5.00 pm, if the equipment to be erected cannot be installed in the hours approved on the days of the event. The equipment and structures to be removed within 4 days following after the event;
 - (8) Events Corp will be permitted to carry out / construct the following activities;
 - Aqua Compound – (fenced, including Ellam Street car park)
 - 6 x 40ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors

- International Infrastructure Compound (fenced, western end - Coode Street car park)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators
 - Authorised staff and VIP Parking (eastern end Coode Street car park)
 - Helipad
 - Festival Area
 - Race Tower
 - Media Centre
 - Energy Centre
 - Speaker Boxes (Commentary)
 - Prize Giving Podium
 - 5 x Merchandise containers
 - Festival – Static Displays, Aviation Expo and Interactive Zones
 - Other Infrastructure – Sir James Mitchell Park
 - Police Emergency Control Compound (ECC) and Operational Compounds
 - 7 x large video screens (Vidi Walls), scaffold mounted
 - Toilets – requirements for public
 - Shade shelters (Property of City of South Perth)
 - Catering vendors
- (9) Events Corp will be required to construct an alternative shared use path around any area assigned to the Race Organiser, where the assigned area obstructs or partially obstructs the existing path, with such path being constructed to the AustRoads Guidelines 14 Bicycles;
- (10) Events Corp will be required to construct pavements or otherwise increase the load bearing capacity of those areas requiring heavy vehicle access, so as to minimise the impact on the park or any public infrastructure located either above, on or below ground;
- (11) Events Corp is to liaise with the City regarding:
- The layout of the event which is to be submitted at least 2 (two) weeks prior commencement;
 - The layout of the reticulation system, positioning of marquees and vehicles for parking and fencing surrounding the proposed venue;
 - Provision of adequate fencing surrounding the proposed venue;
- (12) Events Corp is to liaise with the City's, Environmental Health and Regulatory Services to ensure:
- Provision of a direct connection for portable toilets to the existing Minister's Sewerage Scheme. Should this not prove to be feasible within the relevant regulatory framework adequate portable toilet facilities with approved disposal systems to be provided at Events Corp expense;
 - Requirements for food handling and noise levels are met;
 - Adequate rubbish bins are provided at Events Corp's expense;
 - All rubbish bins to be serviced and litter removed from the reserve daily;
- (13) Events Corp is to apply to the City's Building Services to obtain:
- A building licence for the erection of any temporary structure/marquee on Sir James Mitchell Park;

- Approval for signage and sponsorship requirements
 - (14) Events Corp to provide an effective media and communications campaign to ensure that all residents and visitors to the event understand the restrictions that will apply throughout the City; and
 - (15) Events Corp to be responsible for all costs associated with the planning and implementation of parking measures including preparation of parking plans, residents information brochures, advertising and communication plan to effected residents and general public, sign installation and removal, labour costs and other costs associated with road barriers and access control points.
- (b) Council authorise the following arrangements relating to road closures and parking restrictions:
- (i) the Temporary Road Closures bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street which will be closed from 7.00am to 5.00pm on Sunday 19 November 2006, as described in the report;
 - (ii) implementation of Parking Restrictions bounded by Labouchere Road to South Terrace to Canning Highway to Ellam Street on Sunday 19 November 2006 as described in the report; and
- (c) an Agreement be prepared by the City's legal representatives at the cost of Events Corp outlining the conditions of reserve hire and specifically requiring that all costs associated with the event including any unforeseen costs be met by Events Corp.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- very comprehensive report
- have been well briefed at Concept Forum
- support Motion

Cr Maddaford for the Motion

- concur with Cr Ozsdolay's comments
- support Motion

AMENDMENT

Cr Jamieson moved an amendment to include the following additional part (d) to the officer recommendation. Sec Cr Smith.

- (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.

Note: For the benefit of the public gallery Cr Jamieson read aloud the Amendment.

Cr Jamieson Opening for the Amendment

- looking for some time at extending toilet facilities for large events
- refer Skyshow feedback - lack of adequate toilet facilities on the park
- trying to put a structure in place in time for next Skyshow - will end up with a 'strategic asset' to be used for events such as Fiesta, Caravan Camping Show etc
- important we have framework in place
- urge Councillors to support Amendment

Cr Smith for the Amendment

- concur with Cr Jamieson's comments
- not going to solve the problem easily
- queuing for toilet facilities demeaning - will support anything to alleviate this problem
- pre-cursor to better planning
- embarrassment at any large function having to queue for facilities
- any initiatives to address this matter will benefit all concerned
- support Amendment

Cr Gleeson against the Amendment

- acknowledge Cr Jamieson's enthusiasm to alleviate the queuing problem
- speak against because of the time allocated to do a comprehensive report
- if report does not come back in allotted timeframe some Members will have an issue with officers
- ask that report deadline be extended to allow investigation over a 4 month period
- has to be some type of sewage plant
- endorse proposal but do not endorse timeframe

AMENDMENT TO THE AMENDMENT

Cr Gleeson moved that the timeframe allocated to this investigation referred to in part (d) of the Amendment be extended to November 2006.

The Amendment Lapsed for Want of a Secunder.

LAPSED

The Chief Executive Officer stated that recent discussions with Cr Jamieson and the general direction of the proposed Amendment co-incidentally matches what the Director Strategic and Regulatory Services and CEO have also been discussing. The Administration is comfortable with the Amendment, however the report to the August Council meeting will simply be a progress report as the matter will not be able to be solved in such a short timeframe.

Cr Maddaford point of clarification

In relation to the Red Bull Air Race it was my understanding from the recent briefing that Red Bull would ensure sufficient facilities were in place. The Red Bull people indicated they would be responsible for running the show and pick up all costs of all facilities. They have never indicated that the City of South Perth would expend money.

The Chief Executive Officer stated that there was certainly no provision on the current Budget for the City to make provisions for toilets in relation to holding this air race and in any event it was doubtful whether a long term solution could be implemented in time for the 2006 air race.

The Mayor stated that the Amendment refers to the holding of future events.

Cr Wells point of clarification

Wonder is the Red Bull exercise an excuse to solving problems we are having with the Skyshow event? Red Bull should not be held responsible for an existing problem.

The Mayor stated that Red Bull would be responsible for all expenses and responsibilities for toilet facilities. The Amendment is just taking the opportunity to assess the availability of our toilet provisions for future events.

Cr Macpherson for the Amendment

- addresses concerns as a strategic position
- taken on board comments in relation to toilet facilities that are now available, particularly for women internationally
- something needs to be put in place in relation to toilet facilities for future events
- support Amendment

Cr Jamieson closing for the Motion

- Working Party to be handled administratively - may include Member representatives
- refer to point 12 of the 'reasons for including the additional clause (d)':
12. Before the City can seek a contribution from event organisers to fund appropriate sewerage management initiatives, it must have conducted some rigorous research into the available options, their environmental impacts, required approvals and indicative costings.
- obligation to get infrastructure in place
- ask Members support Amendment.

The Mayor put the Amendment.

CARRIED (12/0)

COUNCIL DECISION ITEM 9.2.2

The Mayor put the Amended Motion

That...

~~(a) Events Corp be advised that Council endorses the conduct of the proposed Red Bull Air Race including the use of Sir James Mitchell Park subject to the satisfactory negotiation of the following conditions and requirements, to be incorporated within a binding document setting out the terms under which Events Corp would cover all costs and event management obligations incurred for the proposed Red Bull Air Race:~~

~~(1) A hire charge of \$35,000 plus \$20,000 for post event restoration for the use of the Sir James Mitchell Park is to be lodged with the City and payment must be made prior to the event;~~

~~(2) An additional all purpose bond of \$50,000, is to be lodged with the City, prior to the event, with any damage or costs incurred by the City to be deducted from the bond monies;~~

Revoked Item 9.2.3 Council Meeting 26 September 2006. (Note Condition (c) below also revoked at Item 9.2.3 26.9.06)

Replaced with the following Condition adopted at Council meeting 26.9.06 Item 9.2.3

(c) Events Corp is advised that:

(i) In relation to the use of Sir James Mitchell Park by Tourism WA for the Red Bull Air Race to be held in November 2006, the following hire charges apply:

(A) Hire charge of \$35,000 to be paid prior to the event; and

(B) all park restoration costs being the responsibility of Tourism WA.

(ii) A Memorandum of Understanding (MOU) be prepared by Tourism WA to meet the City's requirements at the cost of Tourism WA, outlining all the conditions of reserve hire and specifically requiring that all costs associated with the event (including any unforeseen items) is met by Tourism WA.

(3) Public Liability Cover to the amount of \$100,000,000 is to be arranged by the Events Corp and jointly made out to the Events Corp and City of South Perth to indemnify the City against any damage, injury or death to persons or property;

(4) The event is to be held between the hours of 8.30 am to 5.00 pm on air race days;

(5) The area is to be left in a clean and tidy condition with no damage caused, with Events Corp being responsible for all the cleanup costs;

(6) Due to limited power and water on site, any requirements outside of these services, is the responsibility of Events Corp;

(7) Events Corp will undertake any set up from 7.00 am to 5.00 pm, if the equipment to be erected cannot be installed in the hours approved on the days of the event. The equipment and structures to be removed within 4 days following after the event;

- (8) Events Corp will be permitted to carry out / construct the following activities;
- Aqua Compound – (fenced, including Ellam Street car park)
 - 6 x 40ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors
 - International Infrastructure Compound (fenced, western end - Coode Street car park)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators
 - Authorised staff and VIP Parking (eastern end Coode Street car park)
 - Helipad
 - Festival Area
 - Race Tower
 - Media Centre
 - Energy Centre
 - Speaker Boxes (Commentary)
 - Prize Giving Podium
 - 5 x Merchandise containers
 - Festival – Static Displays, Aviation Expo and Interactive Zones
 - Other Infrastructure – Sir James Mitchell Park
 - Police Emergency Control Compound (ECC) and Operational Compounds
 - 7 x large video screens (Vidi Walls), scaffold mounted
 - Toilets – requirements for public
 - Shade shelters (Property of City of South Perth)
 - Catering vendors
- (9) Events Corp will be required to construct an alternative shared use path around any area assigned to the Race Organiser, where the assigned area obstructs or partially obstructs the existing path, with such path being constructed to the AustRoads Guidelines 14 Bicycles;
- (10) Events Corp will be required to construct pavements or otherwise increase the load bearing capacity of those areas requiring heavy vehicle access, so as to minimise the impact on the park or any public infrastructure located either above, on or below ground;
- (11) Events Corp is to liaise with the City regarding:
- The layout of the event which is to be submitted at least 2 (two) weeks prior commencement;
 - The layout of the reticulation system, positioning of marquees and vehicles for parking and fencing surrounding the proposed venue;
 - Provision of adequate fencing surrounding the proposed venue;

- (12) Events Corp is to liaise with the City's, Environmental Health and Regulatory Services to ensure:
 - Provision of a direct connection for portable toilets to the existing Minister's Sewerage Scheme. Should this not prove to be feasible within the relevant regulatory framework adequate portable toilet facilities with approved disposal systems to be provided at Events Corp expense;
 - Requirements for food handling and noise levels are met;
 - Adequate rubbish bins are provided at Events Corp's expense;
 - All rubbish bins to be serviced and litter removed from the reserve daily;
 - (13) Events Corp is to apply to the City's Building Services to obtain:
 - A building licence for the erection of any temporary structure/marquee on Sir James Mitchell Park;
 - Approval for signage and sponsorship requirements
 - (14) Events Corp to provide an effective media and communications campaign to ensure that all residents and visitors to the event understand the restrictions that will apply throughout the City; and
 - (15) Events Corp to be responsible for all costs associated with the planning and implementation of parking measures including preparation of parking plans, residents information brochures, advertising and communication plan to effected residents and general public, sign installation and removal, labour costs and other costs associated with road barriers and access control points.
- (b) Council authorise the following arrangements relating to road closures and parking restrictions:
- (i) the Temporary Road Closures bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street which will be closed from 7.00am to 5.00pm on Sunday 19 November 2006, as described in the report;
 - (ii) implementation of Parking Restrictions bounded by Labouchere Road to South Terrace to Canning Highway to Ellam Street on Sunday 19 November 2006 as described in the report;
- ~~(c) an Agreement be prepared by the City's legal representatives at the cost of Events Corp outlining the conditions of reserve hire and specifically requiring that all costs associated with the event including any unforeseen costs be met by Events Corp;~~ and **Condition (c) revoked Item 9.2.3 Council Meeting 26 September 2006.**
- (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.

CARRIED (12/0)

ITEM 9.2.2 (cont'd)

Reasons for inclusion of additional clause (d)

1. The COSP is geographically located such that its river foreshore provides an excellent natural vantage point for viewing the City and skyline.
2. Promoters continue to stage major events on or over Perth Water / the City skyline.
3. By virtue of its location, the COSP becomes an almost involuntary participant whenever such events are staged.
4. Large numbers of people are therefore drawn to the foreshore (in particular SJMP) to view such events.
5. An ever increasing number of such events - Skyworks, Red Bull Air Race, Gravity Games, Caravan and Camping Show etc are being staged in locations where the bulk of the viewing audience will tend to be congregated at river foreshore.
6. There are inadequate portable toilet facilities available at all of these events.
7. City residents are adversely impacted by the behaviour of patrons as a consequence of this severe lack of appropriate toilet facilities.
8. The cost of providing permanent toilet facilities to accommodate these events would be cost prohibitive to the City.
9. The City is required to give approval to the event promoters for certain matters associated with staging these events.
10. The City may have the capacity to obtain significant financial contributions from event organisers (Red Bull Air Race for example) towards providing sewerage connections, tanks or other sewerage management initiatives to manage the waste produced by patrons of these events.
11. This will assist those residents who currently are badly impacted by the behaviour of event patrons due to the lack of appropriate facilities at major events held on SJMP.
12. Before the City can seek a contribution from event organisers to fund appropriate sewerage management initiatives, it must have conducted some rigorous research into the available options, their environmental impacts, required approvals and indicative costings.
13. This strategy will lead to the timely investigation and identification of suitable alternatives to address a major negative impact on the residents of our City.

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

9.3.1 Proposed Modification to Roof Design of Approved 26 Multiple Dwellings. Lots 20-24 and 55 (Nos. 71 - 75) Canning Highway cnr Banksia Terrace, South Perth.

Location: Lots 20 - 24 (Nos. 71 - 75) Canning Highway cnr Banksia Terrace, South Perth
Applicant: Hames Sharley Architects for Hurlingham Pty Ltd ATF The Hurlingham Trust
File Ref: 11/101 11.2004.380 CA6/71-75
Date: 6 June 2006
Author: Christian Buttle, Team Leader, Planning Services
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

To consider a proposal to modify the roof design for Multiple Dwellings previously approved at the December 2004 Council Meeting. The report recommends that the modified roof design be approved.

Background

This report includes the following attachments:

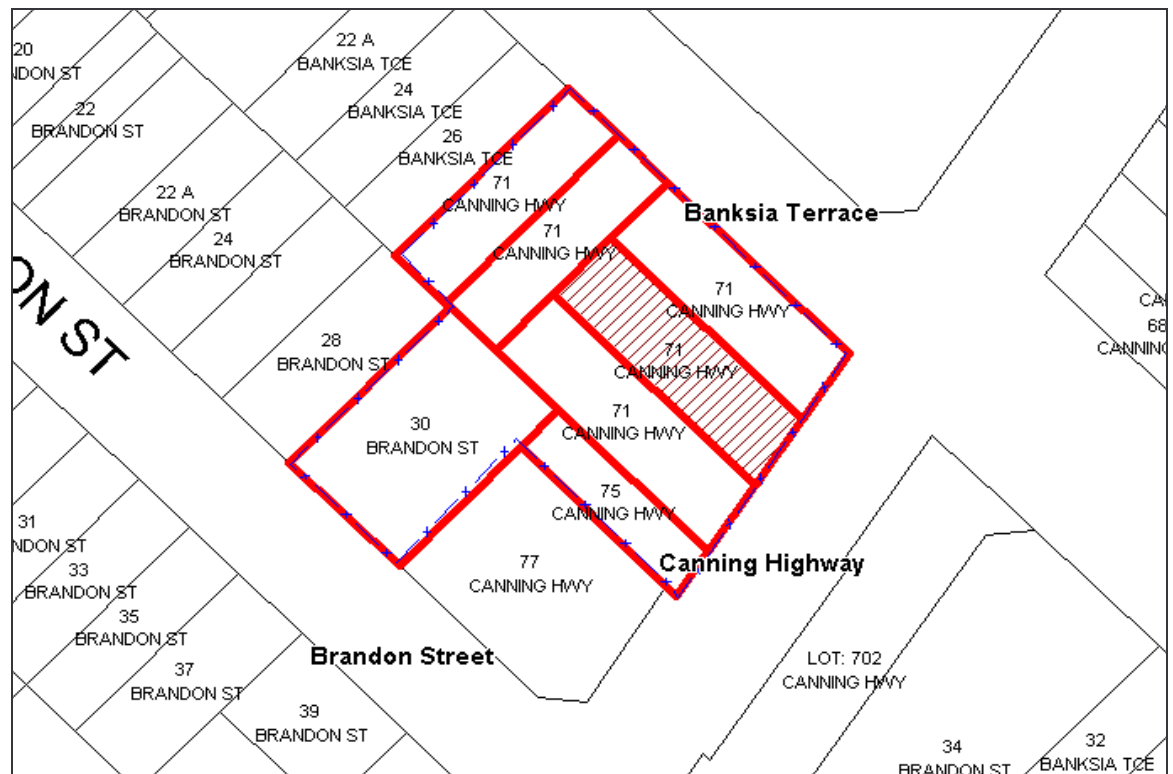
- **Confidential Attachment 9.3.1(a):** Elevations and Cross Section drawings of the proposal approved by Council in December 2004;
- **Confidential Attachment 9.3.1(b):** Elevations of the proposal as modified by the Architects in May 2006;
- **Attachment 9.3.1(c):** Project Architect's letter dated 14 May 2006 providing justification for the modifications to the roof design.

The development site formerly housed the Hurlingham Hotel. The former Hotel was demolished some months ago and the site has stood vacant since that time.

During the preparation of the working drawings, the Architects have made numerous changes to the plans that were subject of planning approval. The majority of these changes are minor in nature and have been considered administratively without the need for further Council approval. However, a major change has been made to the design of the roof of the 'Block B' dwellings. Owing to the significant change from the roof design previously approved by Council, it is appropriate to refer the matter to a Council meeting for determination, noting that the original application was also determined at a Council meeting. This is consistent with the Notice of Delegation which requires further Council referral of proposals in the following circumstances:

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

The dwellings are proposed to be developed in two 'blocks'. The 'Block A' dwellings run parallel to Canning Highway and are situated close to the Canning Highway frontage of the development site. The 'Block B' dwellings also run parallel to Canning Highway, but are situated further away from the highway. The 'Block B' dwellings are adjacent to an existing TAB agency at No. 26 Banksia Terrace.



Comment

As identified, the proposal has been referred to a Council meeting to determine whether or not to approve the modified roof design that has now been presented by the Project Architect in conjunction with the working drawings submitted for a building licence. The building licence application is currently pending while this and other matters are resolved.

Confidential Attachments 9.3.1(a) and (b) show the elevations that were approved as part of the original application and those that have now been proposed.

By way of a letter dated 14 May 2006, the Project Architect has formally requested consideration of the amended elevation treatment. This correspondence details the applicant’s supporting justification [**Attachment 9.3.1(c)** refers]. As explained in this letter, the main reason for the design change is to improve the amenity for the residents of the ‘Block A’ dwellings by lowering the height of the roof of the ‘Block B’ dwellings. The lowering of the roof has the effect of improving the outlook and City view of residents within the ‘Block A’ dwellings.

The design changes that have been made to the roof of the ‘Block B’ dwellings are summarised as follows:

- General lowering in the pitch of the roof to improve outlook and view for residents within the ‘Block A’ dwellings;
- Simplification of the roof form and removal of gables; and
- Retention of the integrity of the elevational treatment facing Banksia Terrace.

Due to the narrow focus of this report, it is not considered necessary to provide detailed comments with respect to Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6 (TPS6) and Clause 7.5 - Matters to be Considered of TPS6.

Consultation

The issue of modifications to the roof design of Block 'B' has been considered at meetings of the Design Advisory Consultants (DAC) held in February, April and May 2006. Through the process of receiving comment from the Advisory Architects at their meetings and the project architect making further modifications to the design in response to those comment, a final design was produced.

The final modified design, which was considered at the DAC meeting held on 22 May 2006, was favourably received. Their comments are summarised below:

"The Advisory Architects noted the modifications to the roof design, which reflect their expectations as expressed at an earlier DAC meeting. The modifications were considered to be entirely satisfactory."

No other form of consultation has been undertaken in conjunction with the consideration of this matter.

Policy and Legislative Implications

The issue does not have any policy and legislative implications.

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.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.1

Moved Cr Maddaford, Sec Cr Ozsdolay

That in respect of the approved development of 26 Multiple Dwellings on Lots 20-24 and 55 (Nos. 71-75) Canning Highway cnr Banksia Terrace, South Perth, the request for an amended roof design for the 'Block B' dwellings shown on the revised drawings comprising **Confidential Attachment 9.3.1(b)** to this report, be approved.

CARRIED (9/3)

DECLARATIONS OF INTEREST : ITEM 9.3.2

Mayor Collins

"I wish to declare a conflict of interest in Agenda Item 9.3.2 on the Council Agenda for the meeting to be held 27 June 2006. Due to my close association with Members of the Board of the South Perth Hospital in Fortune Street, South Perth I will leave the Council Chamber and not seek to discuss or vote on this matter."

Cr Macpherson

I wish to declare a conflict of interest in Agenda Item 9.2.1 on the Council Agenda for the meeting to be held 27 June 2006. I disclose that I am a Member of the Board of the South Perth Hospital in Fortune Street, South Perth. In view of this I will leave the Council Chamber and not seek to discuss or vote on this matter.

Note: Mayor Collins and Cr Macpherson left the Chamber at 8.17pm.
Deputy Mayor Maddaford took the position of Chair.

9.3.2 Proposed Single Storey Additions and Alterations to South Perth Hospital

Location: Lot 145 (No. 76) South Terrace and (No. 25) Fortune Street, South Perth
 Applicant: Silver Thomas Hanley, Architects for South Perth Hospital Inc.
 File Ref: 11/349 11.2006.174.1 FO2/25-26
 Date: 6 June 2006
 Author: Rajiv Kapur, Acting Senior Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval is for single storey additions and alterations to the South Perth Hospital, incorporating two Operating Theatre rooms, expansion of the existing Day Procedure Unit to 20 cubicles and the provision of associated facilities. The proposal will involve the removal of 12 existing hospital beds as well as 9 existing on-site car bays. Council's discretion is sought in regard to setback variations and landscaped area requirement. The Council also needs to determine issues relating to car parking.

A similar application for proposed two-storey additions with 24 cubicles for the Day Procedure Unit was earlier recommended for approval by the City's Officers and subsequently approved by the Council at its September 2005 meeting. The Hospital decided not to proceed with this proposal and has submitted a fresh application involving a development of reduced scale. The recommendation is for approval, subject to a number of standard and special conditions.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.2(a):** Plans of the proposal.
- **Attachment 9.3.2(b):** Tables 1 and 2 of a Traffic Impact Assessment Report prepared for the Hospital by David Porter, Consulting Engineer.

The development site details are as follows:

Zoning:	Private Institution
Density coding:	R15
Lot area:	8,330 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	Additions and alterations to existing hospital (Operating Theatre rooms, day surgery facilities and additional administrative offices)

For the purpose of this report, the entire medical complex contained on Lot 145, including the Hospital, Endoscopy Consulting Rooms, Roy Richardson House Consulting Rooms, Perth Imaging Consulting Rooms, the Maxillo Facial Clinic Consulting Rooms, visiting doctors, surgeons and staff, and personnel or any other uses within the complex, are all jointly referred to as 'the Hospital'.

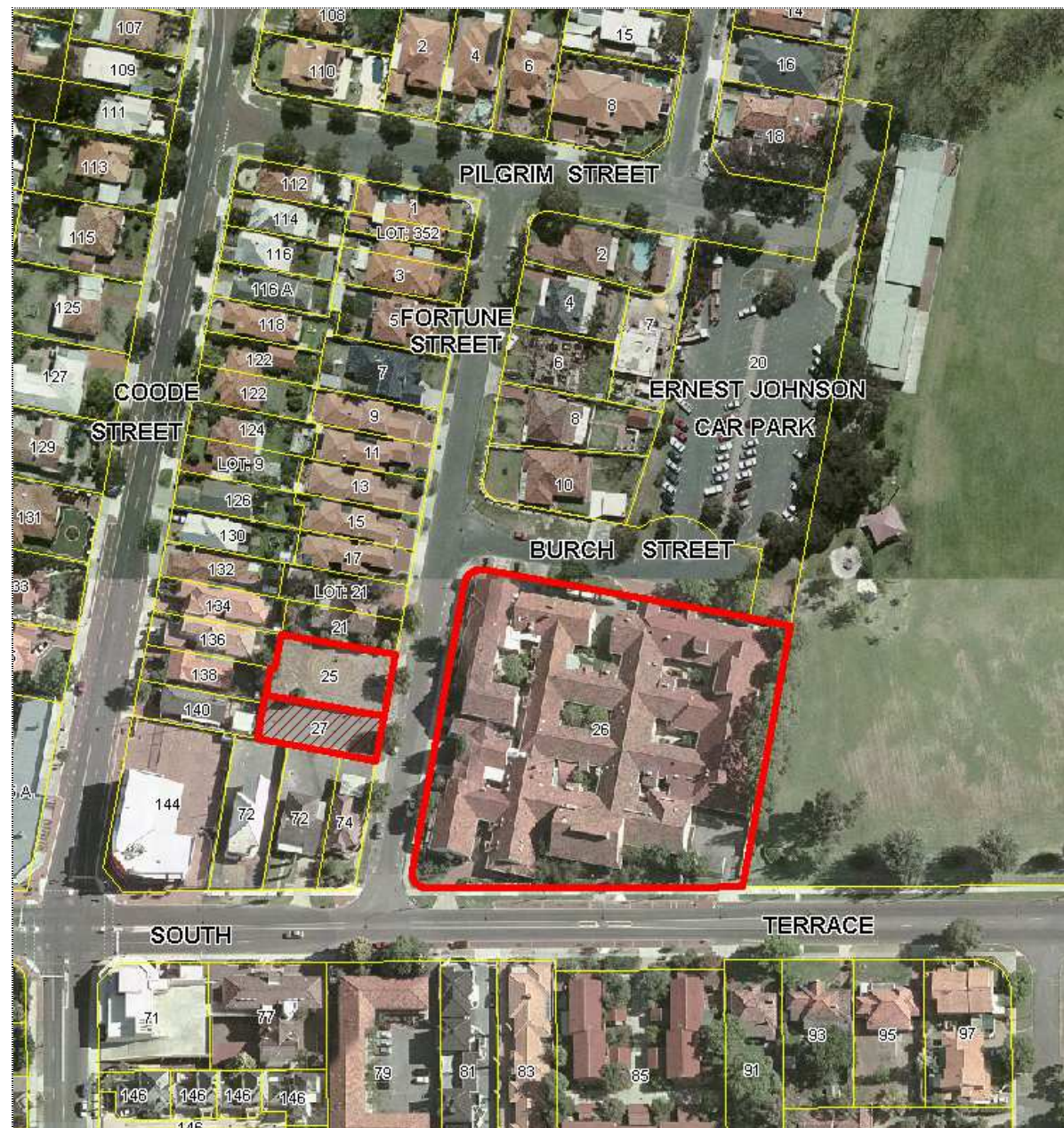
In accordance with Council Delegation DC342, the proposal is being referred to a Council meeting because it falls within the following categories described in the Delegation:

- (a) **Large Scale Development proposals:** Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.

- (b) **The Exercise of a Discretionary Power:** Proposals representing a significant departure from the No. 6 Town Planning Scheme (setbacks, car parking), where it is proposed to grant planning approval.

In relation to item (a) above, the extent of amenity impact arising from the currently proposed additions will not be significant. However, as part of the overall Hospital operations, the impact on the neighbourhood of the entire establishment is already significant. The proposal will further intensify the use of the site.

The location of the Hospital is shown on the aerial photograph below. The Hospital site, Lot 145, consists of two amalgamated parcels of land, being No. 76 South Terrace (shown on the photograph as '26 Fortune Street') and No. 25 Fortune Street, comprising part of the car park on the western side of Fortune Street. The two parcels were required to be amalgamated as a condition of a previous planning approval for Consulting Rooms within the Hospital complex. Lot 44 (No. 27) Fortune Street forms part of the Hospital car park on a separate lot, and is shown hatched. The City's Ernest Johnson car park between Burch and Pilgrim Streets, which is referred to in this report, is also shown on the aerial photograph:



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

Comment

(a) Description of the Proposal

The applicant's report describes the proposal. The application is for single storey additions to the South Perth Hospital, mainly comprising two Operating Theatre rooms, expansion of the existing Day Procedure Unit to 20 cubicles and the provision of associated facilities. The previously approved application involved two storey additions. The proposed works are located along the eastern (park) side of the site, extending from the southern (South Terrace) side of the site to the northern (Burch Street) side. In extending the building into this portion of the site, the 9 existing car parking bays will be removed. This issue is discussed under the 'Car Parking' heading below.

The proposal also includes other internal modifications to parts of the building, and extensions to the building near Burch Street. More specifically, the proposal includes:

- Addition of two Operating Theatre rooms and associated clean-up areas;
- Refurbishment and expansion of existing Recovery and Holding bays;
- Refurbishment of existing Sterile Supply Department (SSD);
- Expansion of existing Day Procedure Unit to 20 cubicles;
- Provision of additional clean and dirty storage facilities;
- Provision of new entry off existing lobby to expanded Day Procedure Unit (DPU);
- Provision of new Reception, Waiting, WCs and office accommodation for the expanded DPU;
- Deletion of 12 existing in-patient beds to accommodate the proposed DPU expansion;
- Removal of 9 doctors' parking bays from the site and relocation to parking area off Burch Street.

(b) Plot Ratio

The proposal complies with the requirements of Table 3 of Town Planning Scheme No. 6 (TPS6) with respect to the maximum permitted plot ratio of 0.6 for the Private Institution zone.

(c) Landscaping

The proposal does not meet the minimum landscaped area requirements of Table 3 of TPS6. 25% of the site area is required as landscaped area for the Private Institution zone. Landscaping area proposed is 21 percent of the site area. Having regard to Clause 7.8 "Discretion to Permit Variations from Scheme Provisions" of TPS6, and considering the continuing contribution of the proposed development for the welfare of the community, the proposed lesser landscaped area has been accepted.

(d) Setbacks

The applicant is asking Council to exercise discretion under clause 7.8 of TPS6 with respect to the following setback variations:

Boundary	Prescribed by Table 3 of TPS6	Existing Minimum Setback	Proposed Minimum Setback
Burch Street	7.5 metres	0.0 metres	1.9 metres to new bulk store
South Terrace	7.5 metres	4.8 metres	4.7 metres; 7.5 metres to main building
Fortune Street	7.5 metres	3.5 metres	Not applicable as no new works are proposed
Eastern side (park)	4.5 metres	1.2 metres	1.2 metres to main building

The Hospital is currently constructed closer to all boundaries than the setbacks prescribed by TPS6. The following specific comments relate to the three boundaries affected by the current proposals:

(i) Burch Street

The northern side of the site is predominantly used for plant, storage, laundry and kitchen facilities, in addition to the Perth Imaging Centre on the corner of Fortune Street. Burch Street provides for Ambulance access to the Hospital and leads to the southern entry to the City's Ernest Johnson car park. There is one residential property opposite the Hospital on the north-eastern corner of Burch and Fortune Streets, facing the latter. Proposed works along the Burch Street side of the Hospital site include:

- New bulk store 1.9 metres back from Burch Street: This is proposed with a new vehicular access and loading bay for deliveries to the store, immediately to the west of the formal Hospital entrance. The previous application raised concerns from submitters with respect to functionality, location, setback, vehicular access and visual appeal of this new facility. These issues were raised with the architect, who advised that the bulk store and delivery facilities were in the most appropriate location as they provided suitable functional linkage with the Sterile Supply Department and the remainder of the hospital. The City officers were concerned about the setback of 3.0 metres for bulk store with a loading bay between the store and property boundary which did not permit a delivery vehicle to reverse up to the roller-door without protruding onto the street, hence unacceptable from a functional point of view.

However, the design of the proposed bulk store and loading bay have now been modified under this new application. The proposed loading bay now sits adjacent to the bulk store providing sufficient space to permit a delivery vehicle to stand in the bay without protruding onto the street. The previously raised concerns in this respect have now been adequately addressed. This proposed arrangement is seen as functional.

Comments from one submitter have been received by the City. The submitter has raised objections to the proposed development along Burch Street and the related issues. These have been discussed in detail in the neighbour consultation section of this report.

- Expanded hospital entry set back 1.5 metre from Burch Street: The existing reception / pick-up area on Burch Street is proposed to be expanded under the existing roof. The entry is currently set back 2.5 metres from Burch Street. The infill under the main roof will bring the newly enclosed portion of the entry to within 1.5 metres of the street boundary. With growing reliance on car parking in the City's Ernest Johnson car park by patients, visitors and doctors, this hospital entry is a necessary facility.

Having regard to the existing minimal setbacks from Burch Street, the proposed setbacks from Burch Street would have little effect on residential amenity. It is recommended that the proposed Burch Street setback be approved.

(ii) South Terrace

The proposed reduced setback from South Terrace will have limited impact on residential amenity in the locality. Immediately adjoining the Hospital site is a park and recreation reserve. The proposed additions are predominantly set back 7.5 metres, with the closest corner being 4.7 metres. With substantial portions of building currently at approved setbacks of less than 7.5 metres, and the average setback along South Terrace remaining at more than 7.5 metres (including the proposed new works), the proposed additions will be compatible with the building's existing façade. It is recommended that the proposed South Terrace setback be approved.

(iii) Eastern Boundary

The only side of the site which does not face a street is the eastern boundary, which faces the City's Ernest Johnson Oval. In 1991-92, the Hospital acquired some additional land then comprising a redundant right-of-way along this boundary, and was later granted approval to build to within approximately 1.2 metres of the new boundary. The current proposal consists of Day Procedure Unit surgery and recovery cubicles which have windows overlooking the park, set back approximately 1.2 metres from the eastern site boundary, in line with the closest point of the existing setback. Having regard to the fact that the park is raised to a higher level than the Hospital site; there are no directly adjoining residential properties; and the setback is consistent with existing approved setbacks, it is recommended that the reduced eastern boundary setback be approved.

(e) **Building Height Limits**

TPS6 prescribes a Building Height Limit of 7.0 metres to the site. The proposal complies with the prescribed height limit.

(f) **Parking**

(i) Current car parking provision on site

Historically, little car parking has been required for this site. The Hospital was first approved as a 26-bed hospital with major and minor theatre facilities in 1954, when no car parking requirements existed. In 1958, 15 maternity beds and labour ward were added. The Hospital has further expanded incrementally over the years to its current size of 65 beds.

The City's By-Law No. 1 'Classification of Districts' operated between 1936 and 1972. During that period, hospitals were permitted in the Residential District, and no car parking ratio was prescribed.

Town Planning Scheme No. 2 (1972-86), the City's first district-wide Town Planning Scheme, contained the City's first car parking requirements for a hospital. The ratio prescribed by TPS2 was '*1 parking space for every patient's bed provided*'. The same parking ratio was prescribed in TPS5 (1986 - 2003) and later in TPS6 (2003). None of these Town Planning Schemes operated retrospectively, so car parking was not required to be provided for pre-existing development, only for new development approved under the respective Schemes.

In 1993, Lot 44 (No. 27) Fortune Street, situated on the western side of that street, was converted into a car park for 12 cars for use by the Hospital. In 2003, an application for conversion of the former Maternity ward into private Consulting Rooms required the provision of a further 16 car bays under TPS6.

These were accommodated on Lot 45 (now part of Lot 145) adjoining and expanding the existing car park on Lot 44 Fortune Street. In total, 40 car bays have been provided on ‘hospital land’ for use by various medical functions accommodated within the Hospital complex, as follows:

- 28 car bays on the western side of Fortune Street;
- 3 bays on the eastern side of Fortune Street; and
- 9 bays on South Terrace.

Table 1 [refer to **Attachment 9.3.2(b)**] within the David Porter Traffic Assessment Report identifies the actual parking provision for the various uses within the Hospital complex. It calculates that, if assessed under current TPS6 standards, the site would be required to be provided with 156 bays - that is, there is a historical ‘shortfall’ of 116 bays.

(ii) Current Proposal

The proposal involves new building works which will displace 9 existing on-site car bays. Those bays are currently reserved for doctors’ use only. There is no other space on the Hospital site for the provision of car parking bays. In terms of its impact on car parking, the current proposal involves the following development features:

Proposal	Car Parking Implication
Addition of 20 day surgery beds	+ need for 20 bays
Removal of 12 existing hospital beds	- reduction in overall car parking shortfall by 12 bays
Removal of 9 on-site car bays	+ need for replacement of 9 bays

The Hospital justifies that the removal of 12 hospital beds technically equates to a reduced need for 12 car bays, which should be deducted from the total required for the new facility and that this more than compensates for the loss of the 9 car bays from the site. It is further suggested that the nature of the Day Procedure Unit does not justify provision of additional long-term car bays, as patients will not be permitted to drive to and from the Hospital for their day surgery procedures, but will be dropped off by taxi or family. Rather, it is suggested that the City could convert the existing kerbside bays along South Terrace to short-stay bays for this purpose.

After careful consideration of this justification, the City does not agree that the loss of 12 hospital beds compensates for the removal of the 9 doctors’ car bays from the site, on the grounds that those hospital beds were not supported by on-site car parking provisions initially. This justification would have been valid if the existing hospital beds had been provided with adequate on-site car parking.

Further, while the Hospital has suggested that South Terrace kerbside bays should be converted into short-stay bays, this is not an essential part of the current application. Rather, this is a suggestion that the Council could consider independently in the future, if the need is demonstrated following completion of the proposed additions.

Despite their justification, the Hospital has offered to contribute towards the cost of redesigning the City’s Ernest Johnson car park to accommodate approximately 30 additional car bays. The improved design has not yet been finalised, although preliminary assessment by the City’s Engineering Infrastructure Department indicates that it is possible to increase the total number of bays in the Ernest Johnson car park and in Burch Street by around 30

bays. Representatives of the Hospital have commenced discussions with the City's Engineering Infrastructure management, but no firm conclusions have been reached.

Some of the Ernest Johnson car park bays could be designated by the City for use by hospital doctors, surgeons and patients. This arrangement is permitted under the City's relevant Local Law. The recommendation in this report addresses the need for car bays to be designated for such use.

(iii) Town Planning Scheme No. 6 Provisions

Table 6 of TPS6 prescribes car parking ratios for different land uses. In the case of a hospital, the requirement is one car bay per bed.

Clause 6.3(1) states that "*...in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table*".

In order to establish the level of need for additional parking provision, it must first be established that the proposal involves an **additional number of beds**. The proposal adds 20 short-stay trolley beds for day surgery recovery. The length of stay by a patient is immaterial in terms of the definition of a 'bed'. The word has many meanings and interpretations, but most definitions include the specification that a bed is typically a flat piece of furniture used for reclining, sleeping, rest, recuperation, or treatment.

Thus, the 20 new beds used by patients recuperating after day-surgery generate a need for 20 car bays under Table 6 of TPS6.

The question now arises as to whether Council discretion ought to be exercised to reduce the required number of car bays, taking into account:

- the removal of 12 hospital beds;
- the amount of public car parking already provided in the locality; and
- the current level of use of the existing public parking in the locality.

Table 2 [refer to **Attachment 9.3.2(b)**] of the David Porter report calculates that there is a total of 326 public and private car parking bays in the vicinity. Of this total, however, the 46 privately owned bays should not be included, as they have been provided for use in conjunction with other private developments, and it would be inappropriate to include those bays in the Council's consideration of the current proposal. TPS6 does not contain any provisions enabling the parking for one development to be made available for another independent development nearby.

In addition, in calculating the number of public bays nearby, the David Porter total includes 100 car bays at the City's Lesser Hall car park, and a further 10 along the western kerbside of Coode Street. Both of these locations are too far from the Hospital site to be a realistic option for hospital patients, or for visitors or doctors and surgeons. This leaves a total of 170 public car parking bays in the vicinity of the Hospital which could be available for hospital patients in competition with other uses in the area. In this regard, it is noted that some public parking is used by a variety of users, including shoppers, residents, users of Ernest Johnson Oval and clubrooms, patients of other medical rooms in the area, and users of the Civic Centre Lesser Hall on specific occasions. Thus, not all of the 170 bays will always be available for hospital use.

The Council needs to determine the total number of car parking bays, if any, which will be realistically and actually needed as a result of this hospital expansion proposal. It is suggested that the following calculation provides a realistic number, having regard to the intensive nature of the use of the site, the limited number of car bays currently provided on hospital land (40), the provisions of Table 6 of TPS6, and competition by other users for use of other public car parking in the area:

Proposal	Car Parking Requirement
Addition of 20 day surgery beds	+ 20 new car bays
Removal of 9 on-site car bays	+ 9 bays
TOTAL REQUIREMENT	= 29 CAR BAYS

(iv) Car Parking Concession and ‘Cash in Lieu’ Provisions

In relation to proposed improvements to, and expansion of public car parking facilities in the near vicinity of the Hospital, comments from the City’s Manager, Engineering Infrastructure are provided under the section on consultations.

Council discretion needs to be exercised regarding the lack of car parking proposed on the Hospital site. The **maximum** number of car bays that the Council could require for the proposal is 29, as calculated above. The Hospital has argued that by removing 12 hospital beds, this reduces the car parking requirement for the current proposal by 12, to 17 car bays. However, the City is of the view that the ‘non-provision’ of 12 new car bays based on this rationale, when the Hospital historically has an overall deficiency of around 116 bays, would be inappropriate, particularly as on-site car parking was not required for hospital beds, until after 1972. The notional 12 car bays are essential in reducing this historic shortfall. Under these conditions, a car parking reduction representing the 12 hospital beds should not be supported in calculating the total number of car bays required. However, if the Council is prepared to support a car parking concession in some form, two clauses within TPS6 are relevant for consideration:

Clause 6.3(5) relating to cash in lieu of deficit car parking: The required number of car parking bays that the Hospital should provide based on calculated need is 29 bays. It is not possible for these bays to be provided on site without considerable demolition of existing buildings. Clause 6.3(5) of TPS6 is intended for this situation. It provides that where a development needs to provide car parking bays which cannot be accommodated on the development site, the Council may accept cash in lieu of those ‘deficit bays’, subject to the following requirements:

(A) The Council must have firm proposals to carry out one or more of the following range of car parking improvements in the vicinity of the development site within five years of the planning approval:

- *“the provision of additional public parking bays in the vicinity of the development site;*
- *the acquisition of land for the purpose of providing such additional bays;*
- *the construction or installation of facilities which will regulate the permissible duration of stay of a vehicle occupying an existing bay;*
and
- *the implementation of measures designed to encourage the full capacity use of existing public parking bays in the vicinity of the development site.”*

- (B) The amount of the cash payment was calculated according to the following formula while carrying out an assessment of the previously approved application:

	The cost of constructing the deficit bays (estimated by Council to be in the order of \$61,250 for approximately 29 car bays)
+	The market value of land component for the development site (i.e. for land that would have been needed for the deficit bays), has been calculated by the Valuer General on 7 September 2005 to be \$920 per sq. metre, which equates to \$644,920 for 33 bays, or \$19,543 per bay. Therefore, for 29 bays, the cost of land equates to \$ 566, 747.
=	61,250 + 566,747 = \$ 627,997 TOTAL

There is no discretionary power for the Council to vary the method of calculating the amount of this cash payment of \$627,997 for the required 29 car bays. In this instance, since the Council is required to use the full amount of the cash payment for the improvement of car parking facilities in the area within five years, but the calculated cost for necessary works is only \$61,250, clause 6.3(5) is inappropriate for consideration. In fact, the sum of \$61,250 would equate to only 3.0 car bays in monetary terms, which would involve granting a 'concession' of around 26 car bays.

Implementation of clause 6.3(5) is not recommended.

Clause 7.8 relating to discretion to permit variations from Scheme provisions: Clause 7.8 of TPS6 enables the Council to grant approval to a proposal which does not comply with the Scheme with respect to a number of site requirements, including car parking. The relevant provisions of clause 7.8(1)(a) read as follows:

"... if a development ... does not comply with site requirements prescribed by the Scheme with respect to ... (v) car parking; ... and (vii) related matters ... the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit".

This situation is safeguarded by paragraph (b) of clause 7.8(1), which reads:

"The power conferred by this sub-clause may only be exercised if the Council is satisfied that:

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

Recommendation regarding car parking concession: In the case of the current application, none of the required 29 car bays are proposed to be provided on site. The extent of the variation would therefore comprise all of the 29 car bays. It is recommended that the concession be **conditionally granted** under clause 7.8 of TPS6. This will enable almost the entire required number of car parking bays to be provided at no cost to the City in a more realistic way. The suggested condition be imposed under clause 7.8(1), would be that the Hospital contribute the sum of \$61,250 towards the cost of the City constructing at least 29 additional car bays in the near vicinity of the development site. The provision of these additional car parking bays would help alleviate current parking congestion in surrounding residential streets, thus improving the amenity to nearby residents, while also supporting an established significant regional facility, consistent with TPS6 objective 1.6(2)(1).

Future hospital expansion beyond current proposals: It is coincidental that a car parking solution is available within the Ernest Johnson car park which will enable provision of the required car bays for the current proposal. However, should the Hospital wish to expand further in the future, such a consideration might not be possible. The Hospital is urged to consider its long-term future expansion needs, and to share this knowledge with the City to better assist the long-term planning of the locality.

Possible consideration of a charge relating to hospital parking: Separately, the Council may wish to consider the possibility of charging the Hospital for long-term dedicated use of specific car bays in the Ernest Johnson car park. This matter is raised for possible future consideration and is not presented for detailed consideration as part of this report. The recommendation calls for a further report to be presented to a later Council meeting regarding this possibility.

(v) Bicycle Parking

In addition to prescribing car parking requirements, Table 6 of TPS6 also prescribes the number of bicycle parking bays to be provided, being 1 per 10 beds for use by staff and visitors. Under the current proposal, the requirement for the proposed 20 additional beds would be 2 bicycle bays. None are indicated on the plan, but could be easily accommodated. A condition to this effect is included in the recommendation.

(g) **Design**

The overall design of the building is acceptable to the City. Under the previous application approved by the Council, it was noted that the proposed Recovery Cubicles within the Day Procedure Unit were provided with wide windows overlooking the adjoining Ernest Johnson oval and gardens. Although the design was pleasant for patients during their recovery period, the wide expansive windows could have resulted in some loss of privacy to patients lying in those cubicles. The adjoining reserve has a higher ground level than the Hospital site, resulting in a clear view into the proposed recovery area. A need for appropriate screening was placed as a condition of approval. However, under this new application, adequate measures have been taken to address this issue. The proposed window sizes have been reduced to enhance privacy of the patients. The fence along the eastern boundary of the site is shown as constructed of solid brick for the length of boundary adjacent to the Day Procedures Recovery Cubicles.

(h) Heritage

The 'South Perth Community Hospital' is listed in the City's Municipal Heritage Inventory (MHI) as Category 'C'. This Category is defined as follows:

"Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the City of South Perth Town Planning Scheme. A more detailed Heritage Assessment / Impact Statement may be required before approval given for any major redevelopment or demolition. Photographically record the place prior to demolition."

The South Perth Hospital is said to have 'aesthetic, historic, scientific, social and rarity cultural heritage significance' (MHI). It is as much important for its historic and social role as a major community facility, as for its architectural qualities representing the style of the 1950s and 60s. It was built in a "unique spirit of civic cooperation", lobbying and fund-raising by the residents of South Perth (*West Australian*, 26 April 1956), and by the South Perth Community Centre Association.

The relatively low heritage classification of the site, combined with the sympathetic design of the additions, leads to the conclusion that no special consideration needs to be given to the proposal in relation to 'heritage'.

(i) Master Plan / Impact Assessment Report

Clause 7.6 of TPS6 enables the City to require the submission of an Impact Assessment Report before considering an application. This has been required for other major developments having a wide impact on the surrounding residential neighbourhood. In the case of the South Perth Hospital, the use of the site has been growing incrementally over the last 50 years, to the extent that it is now approaching its limits in terms of TPS6 provisions relating to floor space and landscaped area, while providing limited car parking facilities on site. While the Hospital began as a community venture, it now operates as a private commercial business, and continues to purchase additional land in the vicinity, presumably for possible future expansion of its operations.

To assist both the South Perth Hospital and the City in better assessing and understanding the future long-term and immediate needs of the Hospital, the City had requested the Hospital to provide it with an overall Master Plan / Impact Assessment Report addressing all of the matters, as well as any other relevant matter listed in clause 7.5 of TPS6. The current proposal has been adequately described in a report. Clause 7.6 of TPS6 reads as follows:

"Before considering an application for planning approval, the Council may require an Impact Assessment Report addressing any or all of the matters referred to in clause 7.5 and any issues in the relevant Precinct Plan. Any such Impact Assessment Report is required to demonstrate that the application for planning approval is complying with the objectives for the precinct in which the development will be situated."

It was considered that the requested Impact Assessment Report would better assist the Hospital in its planning, while also enabling the City to provide the best assistance to the Hospital to facilitate the most appropriate future development. The Hospital's continuing acquisition of additional land indicates that future proposals are being considered by the Hospital. In this regard, Peter D Webb and Associates, consultants in town planning and urban design, have started liaising with the City on behalf of

South Perth Hospital and are in the process of preparing a draft report. The recommendation calls for the Hospital's submission of a detailed Impact Assessment Report prior to any further development applications being lodged.

(j) Scheme Objectives

Relevant Scheme Objectives listed in Clause 1.6 of TPS6 include the following:

- (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 concept of performance-based development relates mainly to residential development. However, the proposal is required to retain and enhance the attributes of the City while meeting any relevant Precinct objectives. The proposal enhances the key attribute of Precinct 3 : 'South Perth Civic', being the South Perth Hospital, a prominent development within the Precinct. The proposal supports the following Precinct objective relating to the South Perth Hospital:

To encourage the further development and integration of a civic/community node and streetscape between the South Perth Community Hospital and the Council's Civic Centre by facilitating additional para-medical facilities to develop adjacent to South Terrace between Fortune and Sandgate Streets.

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

- Objective (h): *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*
- Objective (l): *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

(k) Other Matters to be Considered by Council

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 list of 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- “(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality;*
- (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;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.”*

(l) Conclusion

No. 6 Town Planning Scheme compliance: The proposal complies with the Scheme requirements with respect to plot ratio and building height limit.

Council discretion: The application requires the Council to exercise discretion to approve reduced setbacks, minimum landscaped area and car parking provisions. It is recommended that the reduced setbacks and landscaping be approved. A concession be granted with respect to on-site parking provision, subject to the applicant meeting the cost of works required to achieve a 29-bay increase in off-site parking provision, estimated to be \$61,250.

Building design: The building design has been assessed by the City’s Design Advisory Consultants as being compatible. Concern has been expressed by a submitter regarding the location of the new bulk store, the associated loading bay and fencing along Burch Street. The issues have been discussed in the neighbour consultation section, and modifications or conditions have been recommended to achieve appropriate design improvements.

Car parking and traffic issues: Concern has also been expressed with respect to car parking and traffic issues, and their effect on the amenity of surrounding residents. These concerns have been addressed in this report.

The application has been assessed with particular regard to the wide range of matters required by clauses 1.6, 6.3, 7.5, 7.8, Table 3, Table 6 and other relevant parts of Town Planning Scheme No. 6, and it is recommended that the application be conditionally approved.

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 22 May 2006. The proposal was favourably received by the Consultants. Their more specific comments along with applicant’s responses are summarised below:

	DAC comments	Applicant's responses
(i)	The proposed additions are generally compatible with the design of the existing buildings. However, the portions of the additions comprising Male Change Rooms and P.A.E.D. Discharge Lounge intrude into existing courtyards and detract from the quality of those spaces.	The rooms comprising the male change rooms and P.A.E.D. discharge lounge currently exist. The functions of the existing rooms are being changed. The external walls will be kept as existing.
(ii)	The proposed setback variations are supported. The possibility of extending portions of the building to the eastern lot boundary is suggested. This could offer greater design flexibility for the benefit of the hospital. If portions of the building were to extend to the eastern lot boundary, the adjacent grassed area of the park should be graded down to prevent unauthorised access to the roof of the additions.	The ability to extend the existing building to the eastern boundary is restricted by the requirement for windows on the eastern wall. The possibility of any re-grading to the existing park is completely outside the scope of work envisaged by our client.

The light of the applicant's responses to DAC comments and the rationale behind them, no design modifications are being recommended.

(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'. In general terms, the owners of all properties in Fortune Street and in South Terrace between Coode and Hazel Streets were invited to inspect the application and comment on it. Neighbour consultation notices were mailed to these individual property owners. During the 21-day advertising period, one submission was received which objected against the proposed development. The submission has been summarised and responses provided to the comments as follows:

	Submitter's comments	Officer responses
1.	<p>Proposed bulk store and loading bay in Burch Street and their proximity to the Hospital Entrance:</p> <p>The proposed 1.9 metres setback of bulk store instead of the required 7.5 metres is a safety concern as various chemicals and medical supplies stored may become hazardous to the residents and pedestrians in the event of a fire. Eastern corner of the Hospital could be an alternative location.</p> <p>The proposed loading bay is insufficient in length and lead to trucks protruding into the Burch Street. The bay length should be increased to 15.0 metres.</p> <p>The position of the bulk store and loading bay within 3.0 metres of the Hospital entrance is a concern as delivery vehicles pose a risk for the patients, visitors and staff using this entrance as well as to the pedestrians.</p>	<p>Each application is considered on merit where the Council has discretion to vary the normal requirements, in this case, the setbacks. In response to the submitter's comment, the applicant has advised that the proposed bulk store will house non-volatile, non flammable boxed products, mainly hospital consumables. There will be no delivery or storage of dangerous or flammable materials in this area. The applicant has also advised that a more appropriate location for the bulk store with respect to functionality of the Hospital cannot be found.</p> <p>With respect to dimensions of the loading bay, the applicant has advised that the size of the proposed loading bay is 8.35 metres long x 3.8 metres wide behind the sliding gate. The loading bay has been adequately designed to accommodate a standard long wheel base high roof vehicle (maximum length of 5.7 metres) as well as a standard extended length delivery van (maximum length of 6.4 metres). Therefore the delivery vehicles should not protrude onto the street.</p> <p>Sufficient length of the loading bay, its location adjacent to the bulk store and away from the main entrance will ensure sufficient line-of-sight between delivery vehicles and pedestrians.</p>

	Submitter's comments	Officer responses
2.	<p>Existing Loading Bay for Hospital kitchen: The existing loading bay length is insufficient to allow parking of delivery trucks without blocking pedestrian movement (see attached photos).</p>	<p>Since the existing loading bay is not being modified, it is not subject to an assessment under this planning application. Conditions of planning approval, therefore, cannot be applied to the existing approved development.</p>
3.	<p>Streetscape along Burch Street: A number of existing garden sheds are visible from the street and detract from the maintenance of an attractive streetscape. Adequate design measures need to be taken to screen these hospital amenities.</p>	<p>Burch Street has traditionally accommodated most of the servicing needs of the Hospital, as well as providing access to the City's Ernest Johnson car park. However, it is agreed that the proposed service courts along the street should be adequately screened by solid brick fencing, where necessary, and landscaping to provide a visual barrier to the courtyards. The comment is UPHELD.</p>
4.	<p>Parking in Burch Street: The widening of Burch Street to 11.0 metres to accommodate parking either side is not favoured as this will cause more congestion on the road. Parking available in the Fortune Street and Ernest Johnston car park are sufficient. Vehicles are regularly parked on the grassed verges on both sides of the street which block line-of-sight of vehicles on the road, is unsafe, is an annoyance to residents and should not be permitted.</p>	<p>Burch Street provides emergency and service access to the Hospital and access to the Ernest Johnson car park. It is nearly 8.0 metres wide within a 20 metre road reserve. Being the interface between the Hospital and the residential areas it would be reasonable to widen Burch Street to nearly 11.0 metres to accommodate parking each side and a two-way 'through' traffic without compromising the residential property on the corner of Burch Street and Fortune Street. The verge width would be reduced to nearly 4.5 metres on either side of the road. This would also help prevent vehicles being parked on the verge. The comments are NOTED.</p>
5.	<p>Pedestrian Access from Burch Street: Pedestrian footpath should be built on the hospital side of Burch Street and at the crossing from the Earnest Johnston Oval car park to ensure pedestrian safety.</p>	<p>The suggestions requires detailed examination and will be referred to the Manager, Engineering Infrastructure for future consideration independently of the current application. These works could be accommodated within the intended upgrading of the street. The comments are NOTED.</p>
6.	<p>Increased noise from delivery vehicles: The recommendations of the Environmental Health Services under the previously approved application to restrict deliveries between 7.30 am and 7.00 pm (Monday to Saturday) and 9.00 am and 7.00 pm (Sundays and public holidays) is not being complied to. The noise emitted by machinery on the premises (vacuum pumps and ancillary equipment) is clearly audible, exceeds the noise levels and needs to be investigated.</p>	<p>The time restrictions for deliveries was a condition of the planning approval granted in September 2005. The condition will apply to the development from the time when it becomes operational.</p> <p>The issue relating to noise from the existing equipment of the Hospital will be referred to the Manager, Environmental Health for consideration independently of the current application. The comments are NOTED.</p>

	Submitter's comments	Officer responses
7.	<p>Loss of Residential Amenity:</p> <p>Whilst the hospital's current design reflects 1950/60's planning regulations, the hospital owners should now be accountable to modern planning and traffic management guidelines and not granted discretionary approval based upon its historical precedence.</p> <p>The local residents should be shown details of the Hospital's master plan so that the current expansion can be put in context with their long-term development plans.</p>	<p>With a growth in population it is inevitable that the functions of the Hospital will similarly grow. To date, this growth has been amply accommodated on the site. It is realistic to expect the proposed additions to the Hospital to match the existing development rather than vice-versa. Traffic figures provided by the Manager, Engineering Infrastructure indicate that the growth of traffic is still at an acceptable level. The situation will continue to be monitored by the City. The Council's primary concern is always the orderly and proper planning of the locality and the amenity and wellbeing of its residents.</p> <p>The City has requested a long-term plan for the future growth of the SPH in order to assist the Hospital and the City to better understand and plan for the future needs of the Hospital. A conceptual Master Plan / Impact Assessment Report is being prepared covering a range of relevant issues. Community consultation, if required, will be undertaken in accordance with the Council's adopted Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The comments are NOTED.</p>

(c) **Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic. Since these issues are similar to the ones from the earlier proposal, approved at the September 2005 Council meeting, the comments in essence are the same except for the cost estimate figures for the construction of car parking bays. The following summarises the comments provided:

- There are inconsistencies in the survey provided by David Porter regarding the realistic number of nearby private and public car bays that can be used by the Hospital - Only street parking in South Terrace, Fortune Street and Burch Street and car parks owned by the Hospital in Fortune Street and the Ernest Johnson car park should be considered. This equates to 141 car parking bays;
- The only times the Ernest Johnson car park reaches or exceeds capacity is after 5.30pm on sports training nights at Ernest Johnson Oval;
- Hospital staff, patients and visitors are the predominant users of the Ernest Johnson car park during the day;
- Increasing the capacity of the Ernest Johnson car park by 27-30 car bays would meet the parking needs for the after 5.30pm users, as well as the long-term staff parking needs of the Hospital;
- Pilgrim Street remains an option in the unlikely event that the expanded Ernest Johnson car park is filled;
- Street parking adjacent to most sports reserves is a necessity because public parking is rarely sufficient on every occasion;
- Burch Street could be widened from 8.0 metres to 11.0 metres to accommodate parking on both sides and two-way through traffic, without compromising the residential property on the corner of Burch Street and Fortune Street, reducing the verge width to 4.5 metres.

(d) Other City Departments

Comments have also been invited from the City's Environmental Health Services. The following comments were provided:

- To ensure adequate disposal of extra waste products generated by the proposed operating theatres and expansion of day procedure unit, additional bin storage area and related facilities will be required.
- To avoid unreasonable disturbance to nearby residents from the noise generated by delivery vehicles to the site, deliveries should be restricted to the period between 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm Sundays and public holidays.

The Team Leader, Building Services had made no comments on the proposal at this stage; however, if approved, the proposal will be the subject of a building licence application when it will be thoroughly examined.

Policy and Legislative Implications

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

Financial Implications

The issue has some impact on this particular area, to the extent of:

- (a) payment of the required Planning Fee by the applicant; and
- (b) payment by the applicant for the full cost of works to be undertaken by the City's Engineering Infrastructure and Parks and Environment Departments in connection with the provision of additional parking bays in public parking areas near the Hospital.

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 9.3.2

Moved Cr Ozsdolay, Sec Cr Smith

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for single storey extensions and refurbishment to the South Perth Hospital, incorporating a Day Procedure Unit, administrative offices and other works, on Lot 145 (No. 76) South Terrace and (No. 25) Fortune Street, South Perth, **be approved**, subject to:

(a) Standard Conditions

330 (2 bays), 390, 425, 470, 471, 505, 508, 550, 660, 664.

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

(b) Specific Conditions:

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:

- (A) The northern boundary of the site, west of the existing boiler shall be screened by solid brick fencing to provide a visual barrier to the service courtyards within the site. Some landscaping shall be provided in beds between the fence and the street. Details of the proposed fencing shall be included with the working drawings submitted for a building licence.
 - (B) Adequate additional bin storage areas and/or facilities shall be identified on the site plan in order to cater for the proposed increase in hospital capacity. Details shall be included with the working drawings submitted for a building licence.
 - (ii) In accordance with clause 7.8(1) of Town Planning Scheme No. 6, the applicant shall pay to the Council a cash payment of \$61,250 being the estimated cost of works within public parking areas to increase the available public parking by at least 29 bays. A discounted amount of \$56,000 shall be payable if payment is made within 28 days of grant of the Planning Approval.
 - (iii) To avoid unreasonable disturbance to nearby residents, deliveries to the Hospital shall be restricted to the period between 7:00am and 7:00pm Monday to Saturday, and 9:00am to 7:00pm Sundays and public holidays.
- (c) **Standard Important Advice Notes**
645, 646, 647, 648, 651.
- | |
|---|
| Footnote: A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours. |
|---|
- (d) South Perth Hospital Incorporated be advised that:
- (i) In order to assist the Hospital and the City in better understanding and planning for the future needs of the Hospital and to avoid ongoing ad hoc development, a conceptual Master Plan / Impact Assessment Report shall be prepared covering a range of relevant issues, including:
 - (A) The overall expansion needs of the Hospital, including all of the land owned by the South Perth Hospital in the vicinity.
 - (B) The anticipated range of uses to be contained within the Hospital and proposed to be established on surrounding hospital-owned land.
 - (C) Operating hours of the various uses referred to in (B) above.
 - (D) A parking and traffic survey, examining all aspects of traffic movements in the area by the various hospital uses and other key uses in the locality
 - (E) The anticipated built form and bulk of any future additions to the Hospital.
 - (F) An examination of possible amenity impacts resulting from any proposed future works.
 - (G) A suggestion of possible solutions to any problems identified in the Impact Assessment Report, including various means of accommodating all of the required car parking; and
 - (ii) The Master Plan / Impact Assessment Report shall be submitted to the Council prior to any further applications for further proposed development being lodged with the City.
- (e) the Director, Infrastructure Services be requested to submit a report to the next available Council meeting, identifying the designation of specific car bays in public parking areas for use by South Perth Hospital medical practitioners and patients, and recommending the tenure and ongoing annual payment for the use of such bays by the Hospital; such payment to be in addition to the initial construction cost of \$61250, or a discounted cost of \$56,000 payable within 28 days of grant of the Planning Approval, for general car parking improvements.

- (f) Council notes that, when the previous application for the proposed two storey development of the Hospital additions was submitted, the applicants paid the prescribed application fee in full. Having regard to the lesser extent of processing required to be undertaken by the City for this similar second application involving only single storey additions, 50% of the second fee payment be refunded to the applicants.

CARRIED (10/0)

COMMENDATION

Cr Doherty requested that it be recorded that the author of report Item 9.3.2 be commended on a most thorough and comprehensive report.

Note: Mayor Collins and Cr Macpherson returned to the Chamber at 8.20pm.
Mayor Collins resumed his position as Chair.

9.3.3 Submission on Review of Residential Design Codes: Statement of Planning Policy 3.1

Location:	City of South Perth
Applicant:	Council
Document ID:	424598
Date:	9 June 2006
Author:	Rod Bercov, Manager Development Services
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

To present to Council a comprehensive submission on the review of the Western Australian Planning Commission's (WAPC) Residential Design Codes (R-Codes). The advertised closing date for submissions is 23 June 2006 however, in response to our request, the Policy and Legislation Officer at the Department for Planning and Infrastructure (DPI) has confirmed that the City has been granted an extension until 30 June to enable Council to consider the submission at its June meeting.

Background

At its April meeting, Council resolved as follows:

"That information debated at the meeting of the South East District Planning Committee in relation to the revision of the Residential Design Codes be tabled and distributed to all Councillors to enable them to be aware of the submission made by the City of Armadale, which will assist them in the upcoming deliberations on the Residential Design Codes."

The requested information was distributed to Council Members with a memorandum from the Acting Chief Executive Officer dated 28 April 2006.

Attached to this report is a comprehensive submission on the draft revised R-Codes addressing many relevant issues (**Attachment 9.3.3**). In preparing the submission, the Manager, Development Services had the benefit of attending a forum on the revised Codes held on 1 June 2006 which was organised by the Local Government Planners Association. Issues raised at that forum are addressed in the City's submission along with numerous other issues.

Comment

Key issues addressed in the attached submission include the following:

- A challenge to a statement in the revised Codes to the effect that a Council cannot refuse planning approval for a proposed development where that proposal complies with the Acceptable Development provisions of the Codes. In this regard, a reference to the need to also comply with the provisions of the Council's Town Planning Scheme is proposed to be deleted.
- In relation to Aged or Dependent Persons' Dwellings and Single Bedroom Dwellings, clarification is required as to whether the prescribed density bonus is 'as of right' or whether the density bonus may be granted or withheld at Council's discretion.
- A challenge to the intended deletion of 'plot ratio' entirely as a means of regulating building bulk. If the WAPC agrees to retain plot ratio control, the definition of 'plot ratio' needs to be modified to clarify which portions of a building are to be excluded from calculation of plot ratio area. One critical consideration in this regard is whether store rooms are to be included or excluded.
- The plot ratio definition also needs to clarify the circumstances under which balconies are included in the calculation. The manner in which balconies are dealt with in the 'plot ratio' definition needs to be made more practical in the interests of facilitating construction of balconies, recognising that they provide valuable outdoor recreational space for the occupiers of Multiple Dwellings above ground floor level. The submission addresses each of these matters.
- The current requirement for vehicular access to be confined to a secondary street or a paved right-of-way, where available. The draft revised R-Codes contain the same requirement. The Council's opposition to this provision has been expressed, while noting that this requirement is not unreasonable where a lot is particularly narrow.

As advised above, the City has been granted a short extension of time until 30 June 2006 to lodge a submission on the draft revised R-Codes. A request has been submitted to the DPI officer seeking a further extension. This request has yet to be considered by the WAPC. The Commission's decision will depend upon the number and content of submissions received within the current advertising period.

It is not known whether a further extension of time will be approved for the lodging of the Council's submission. Noting the current submission deadline, a Council Members' briefing on the draft revised R-Codes will be held during the week commencing on Monday, 19 June 2006.

Policy and Legislative Implications

The Residential Design Codes are incorporated into all Councils' Town Planning Schemes and therefore the final form of the R-Codes will have far-reaching implications in terms of the legislative control.

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.*

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.3.3**

That the Submission on the review of Residential Design Codes - Statement of Planning Policy 3.1 (**Attachment 9.3.3**) be endorsed and forwarded to the Western Australian Planning Commission.

CARRIED EN BLOC RESOLUTION

9.3.4 Proposed Additions and Alterations incorporating Replacement Roofing for Grouped Dwelling. Lot 803 (No. 1/10) Isabella Crescent, Manning.

Location: Lot 803 (No. 1/10) Isabella Crescent, Manning
Applicant and Owner: Mr B and Mrs Z Mendez
File Ref: 11/4142 & 11.2006.217 & IS 1:10
Date: 6 June 2006
Author: Gabriela Poezyn, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The applicant wishes to change the roof cover of the existing front dwelling from tiles to colorbond metal sheeting. The colour of the existing roof is faded black and is proposed to be replaced with grey colorbond sheeting (windspray), with a cream (surfmist) trim.

This dwelling is one of two Grouped Dwellings, where the second dwelling is located behind the subject property. The roof of the rear dwelling is also a faded tiled roof.

The City's Policy P370_T "General Design Guidelines for Residential Development" requires that:

"Where proposed dwellings are to be located behind one another, or behind an existing house, all dwellings, including the existing house shall match each other."

The existing roofs of the two dwellings match each other in terms of both material and colour. With the proposed change, the material of the roof of the front dwelling will no longer match the rear dwelling. This will bring the development into conflict with the provisions of Policy P370_T. The officer report recommends that the proposal **not** be supported.

Background

Drawings related to this proposal are provided as **Confidential Attachment 9.3.4** to this report.

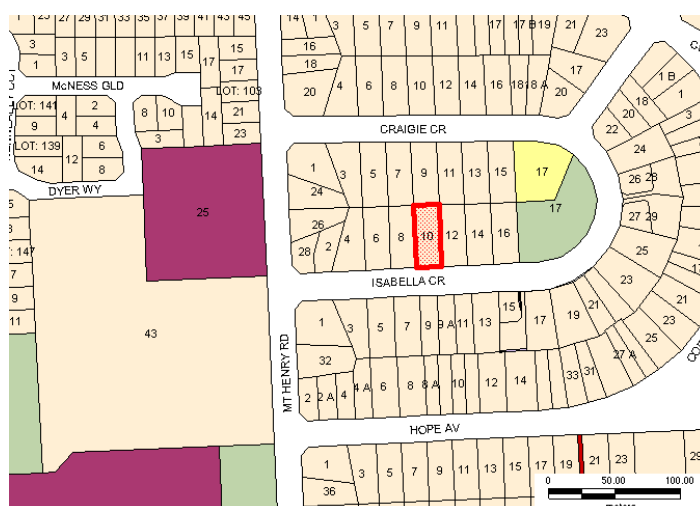
Zoning: Residential
Density coding: R20
Lot area: 908 sq. metres
Height limit: 7 metres

This proposal is referred to a Council meeting in accordance with Clause 3(i) of Council Delegation DC342, which specifies that the following proposals are to be determined by Council:

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

Council has previously also resolved that matters of this kind be referred to a Council meeting for determination.

The location of the development site is shown on the map below. The site is adjoined by other residential development.



Comment

(a) Development History of Property

The dwelling which is proposed to be re-roofed is the original dwelling on this lot. An additional rear dwelling was approved in 1995 creating two Grouped Dwellings. In line with the Council Policy, the external materials and colour finishes of the new dwelling were required to match those of the existing (front) dwelling. As part of the development process, it was also necessary to upgrade the exterior of the existing dwelling and a new double carport (with matching tiled roof) was also constructed. The front and rear dwellings are separately owned.

(b) Description of the Proposal

The proposed change includes:

1. changing the shape of the roof by integrating the roof of the carport into the existing dwelling; and
2. substituting colorbond metal sheeting in place of tiles as roof cover.

In discussion, the applicant has provided the following reasons for wanting to replace the existing roof:

1. A portion of the original roof sags because the rafters are damaged;
2. As a result of the damage to the rafters, the existing roof leaks; and
3. The existing roof comprises the original tiles, while newer tiles were used for the carport roof.

The grey colour of the proposed roof sheeting with the light trims will be a compatible colour match with the colour of the roof of the rear dwelling.

A number of dwellings on the opposite side of the street also have colorbond roofs of the same or similar colours.

(c) Impact of proposed change

The proposed change has the following merits:

1. The change to the shape of the roof will improve the appearance of the dwelling;
2. The consistent colour of the roof will improve the appearance of the dwelling; and
3. The proposed roof is compatible with some other roofs in the immediate neighbourhood.

While there is no objection to the change of the shape of the roof, the proposed roof cladding is a concern as the roof material of the front dwelling would no longer match the roof material of the rear dwelling, bringing the proposal into non-compliance with Council Policy P 370_T.

(d) Town Planning Scheme No. 6 (TPS6)

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

Relevant Scheme Objectives listed in Clause 1.6 of TPS6 include the following:

- (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 proposal is not in conflict with this objective.

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

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:

- “(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) the preservation of the amenity of the locality;*
- (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;*
- (x) any other planning considerations which the Council considers relevant.”*

As the proposed development is inconsistent with the Council Policy, it is considered not to align with the above items listed in Clause 7.5 of TPS6.

(e) **Conclusion**

Council's Planning Policy No. P370_T "General Design Guidelines for Residential Development" seeks to enhance residential amenity standards generally. Given that this proposal is contrary to this policy, it cannot be supported, as it is not considered to align with the identified matters listed in Clause 7.5 of Town Planning Scheme No. 6.

Consultation

This matter was not advertised to adjoining property owners, as neighbour consultation was not required. However the applicant has provided a letter from the rear strata owners advising that they have no objection to the proposal.

Policy and Legislative Implications

The relevant provision of Policy P370_T has been discussed in the 'Comment' section of the report.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 9.3.4
--

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations incorporating replacement roofing to the existing Grouped Dwelling on Lot 803 (No. 1/10) Isabella Crescent, Manning **be refused**, for the following reasons:

- (a) having regard to the provisions of Council Policy P370_T, the roof of the front dwelling is required to be the same colour and material as the roof of the rear dwelling; and
- (b) it is considered that the proposed development does not have any unique attribute that would justify a departure from the provisions of Council Policy P370_T "General Design Guidelines for Residential Development".

Important Advice Note

If you are aggrieved by this decision, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

MOTION

Moved Cr Ozsdolay, Sec Cr Jamieson

That...

- (a) the officer recommendation not be adopted.
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations incorporating replacement roofing to the existing Grouped Dwelling on Lot 803 (No. 1/10) Isabella Crescent, Manning **be approved** subject to the following conditions:
 - (i) The surface treatment of any new brickwork shall match the surface of the existing walls; and
 - (ii) The validity of this approval shall cease if construction of the additions and alterations is not substantially commenced within 24 months of the date of planning approval.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- Council has previously exercised discretion in relation to policy provision calling for matching materials
- several houses within Isabella Crescent already have Colourbond metal roofs
- proposed Colourbond roof will maintain streetscape compatibility/enhance amenity of street
- ask Councillors support the Motion

Cr Jamieson for the Motion

- officer report / recommendation based on policy
- in accordance with Delegated Authority officers have done their duty and brought to Council for determination
- ask Members support Motion

Cr Gleeson point of clarification

Note 'reasons for change' to recommendation as listed on the alternative yellow paper however the Alternative Motion proposed does not actually state colorbond roofing.

Cr Ozsdolay replied that the change to the roofing material was following a request from the applicant as identified in the officer report.

COUNCIL DECISION ITEM 9.3.4

The Mayor put the Motion

- (a) the officer recommendation not be adopted.
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations incorporating replacement roofing to the existing Grouped Dwelling on Lot 803 (No. 1/10) Isabella Crescent, Manning **be approved** subject to the following conditions:
 - (i) The surface treatment of any new brickwork shall match the surface of the existing walls; and
 - (ii) The validity of this approval shall cease if construction of the additions and alterations is not substantially commenced within 24 months of the date of planning approval.

CARRIED (12/0)

Reasons for Change

1. On a number of previous occasions, Council has exercised discretion in relation to the policy provision calling for matching materials.
2. Within Isabella Crescent, several houses already have Colourbond metal roofs.
3. The proposed Colourbond metal roof will maintain streetscape compatibility and will enhance the amenity of the street.

Note: The Director Infrastructure Services left the Chamber at 8.25pm.

<p>9.3.5 Proposed Temporary Use of Land for Motor Vehicle and Marine Sales Premises. Lot 81 (No. 250) Canning Highway, Como.</p>

Location: Lot 81 (No. 250) Canning Highway, Como
 Applicant: Golden Waters Marine - Vincent DeLuca & David DeLuca, lessee (owner is Main Roads Western Australia)
 File Ref: 11/4767 11.2006.169.1 CA6.250
 Date: 6 June 2006
 Author: Kylie Barham, Temporary Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

This application seeks planning approval for the Temporary Use of Lot 81 (No. 250) Canning Highway, Como as Motor Vehicle and Marine Sales Premises. More particularly, it is proposed to develop the lot for an open air display yard for the sale of boats - a use which currently exists on the directly adjoining property at No. 252 Canning Highway. The applicant requests the Temporary Use for a period of 3.5 years (reflecting the outstanding lease time of the adjoining property at 252 Canning Highway, Golden Waters Marine) with which it is associated. The recommendation is for approval, subject to a number of standard and special conditions.

Background

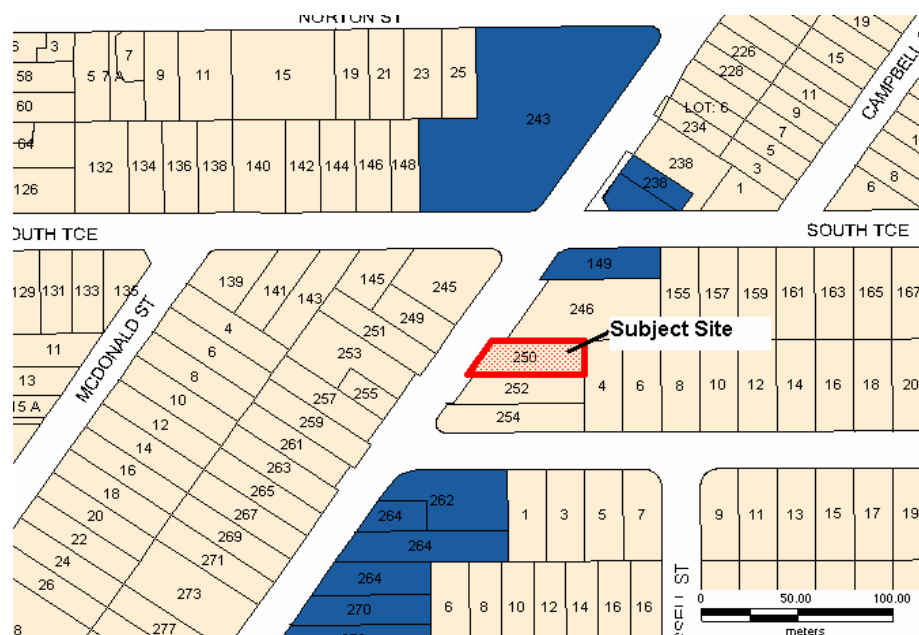
This report includes *Confidential Attachment 9.3.5*: Plans of the proposal

The development site details are as follows:

Zoning:	Primary Regional Road Reserve and Residential Zone
Precinct:	Precinct 9 - Como
Density coding:	R80
Lot area:	1003 sq. metres
Building Height Limit:	10.5 metres

In accordance with Council Delegation DC342, all Temporary Use applications are referred to a Council meeting for determination.

The location of the development site is shown below. The development site is adjoined by existing residential development to the rear and left hand side boundary, with commercial development on the right hand side (Golden Waters Marine).



Comment

(a) Description of the Proposal

The proposed development is for the Temporary Use of the land for Motor Vehicle and Marine Sales Premises as an extension of the existing Golden Marine Waters premises which currently operates from No. 252 Canning Highway. Paving is proposed for the majority of the site with the remaining area for landscaping. The paved area will be used for boat display hardstand. The landscaping is proposed along the perimeter of the site, including a broader area proposed along the northern boundary adjacent to existing residential development. An entrance is proposed off Canning Highway to move boats into and out of the display area. A gate is also proposed along the southern boundary between the subject site and No. 252 Canning Highway for ease of access between the sites. **Confidential Attachment 9.3.5** illustrates the proposal in more detail.

(b) City of South Perth Town Planning Scheme No. 6 (TPS)

Clause 7.13 of TPS6 deals with the matter of Temporary Uses. The provisions of Clause 7.13 of TPS6 along with a comment as to how the current application compares to the provisions contained within Clause 7.13 is provided below.

Clause 7.13(1)(a) to (c)

- (1) *Notwithstanding any other provision of the Scheme, the Council may grant planning approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme provided that:*
- (a) *notice has been served in accordance with clause 7.3, advising of the nature of, and the time limitation on, the proposed use;*
 - (b) *the Council is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct; and*
 - (c) *any proposed building to be erected or placed on the land is, in the opinion of the Council, of a temporary or transportable nature.*

Current Application

The subject property is zoned Residential and the land use “Motor Vehicle and Marine Sales Premises” is classified as an “x” use within the Residential zone. Accordingly, the only basis upon which such a use could be considered is via the Temporary Use provisions of the Scheme. Further comments are provided as follows:

- (a) Notice advising the use and length of time of the use has been served to the surrounding property owners as required. No objections were received.
- (b) The proposed use is not considered to have an adverse impact on the residents or amenity of the properties in the precinct. The proposed use is quiet in nature and there are no proposed works that would reduce the amenity of the site or the surrounding properties.
- (c) No buildings are proposed as part of the application.

Clause 7.13(2)

A planning approval granted by the Council for a temporary use shall be for a period specified by the Council and may contain such conditions as the Council considers necessary to ensure that there is no adverse effect on the amenity of the precinct.

Current Application

The proposed Temporary Use of the land is for 3.5 years reflecting the length of time of the lease for Golden Marine Waters at 252 Canning Highway.

Clause 7.13(3)

A person shall not undertake the temporary use of land other than in accordance with the provisions of this clause.

Current Application

The applicant has applied for the Temporary Use of the land in accordance with the provisions of Clause 7.13 of the Town Planning Scheme No. 6.

Clause 7.13(4)(a) and (b)

- (4) *If the Council grants planning approval for a temporary use, then upon expiry of the period specified by the Council under sub-clause (2):*
 - (a) *the temporary use shall cease immediately; and*
 - (b) *any temporary or transportable buildings erected or placed on the land pursuant to the Council’s approval shall be immediately removed from the land.”*

Current Application

The proposed Temporary Use is proposed for 3.5 years and if approved, shall cease at the end of 3.5 years.

(c) Landscaping

Table 3 - Development Requirements for Non-Residential Uses in the Non-Residential Zones - specifies a requirement for 15% of each site to be developed for landscaping in the Highway Commercial Zone, however no requirements are prescribed for the proposed development, situated on land zoned Residential in part, and reserved for Primary Regional Road purposes over the balance of the site. In the absence of detailed provisions for the Temporary Use of land, this landscaping percentage (15%) was used as a guide for assessing the current application.

The subject site is 1003 sq. metres in area and therefore 150 sq. metres of landscaping represents 15% of the site. The plans submitted show 156 sq. metres of landscaping. It is also noted that a wider strip of landscaping is proposed along the boundary that abuts the residential development and this is supported.

(d) Parking

Under Table 6 - Car Parking - Motor Vehicles and Marine Sales Premises require one car parking bay per 100 sq. metres of outdoor vehicle display area plus one per 100 sq. metres gross floor area.

The total area of the subject site is 1003 sq. metres minus the proposed landscaping (156 sq. metres) is approximately 847 sq. metres, requiring 9 car parking bays. The proposed plans do not show any car parking on the subject site. A recommended condition of approval has been formulated requiring the submission of amended drawings which show 9 car parking bays on site.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has 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 proposal meets this overriding objective. It 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 (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;

Given the residential zoning of the development site and the proposed commercial land use, it could be argued that the proposed development does not meet the following general Scheme objective:

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

However, due to compatible land use of the adjoining lot to the south; the 'Highway' environment of the subject site and the temporary nature of the proposed use, it is considered that there is no conflict with this objective.

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, 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;*
- (i) *the preservation of the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (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;*
- (x) *any other planning considerations which the Council considers relevant.*

The proposal is considered satisfactory when assessed against each of these matters.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 245, 246, 247, 249, 251, 252 and 253 Canning Highway, and No. 4 Birdwood Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of 14 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

(b) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to stormwater, crossovers and traffic, arising from the proposal. His comments are as follows:

- Ensure that no stormwater enters the street system or adjacent properties;
- All new crossings on Canning Highway must be addressed to Main Roads. The crossing standard will be as determined by MRWA.

(c) Department for Planning and Infrastructure

The application was referred to the Department for Planning and Infrastructure for comment. They indicated no objection to the proposed development provided that only a single driveway is maintained from Canning Highway.

(d) Main Roads

Comments from Main Roads Western Australia (MRWA) (the land owner and lessor) were included as part of the application to Council. The correspondence between MRWA and the applicant confirmed that they do not object to lease the land to the proponent subject to Council approval being obtained.

Policy and Legislative Implications

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

Financial Implications

The issue has 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 9.3.5

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 Temporary Use of Lot 81 (No. 250) Canning Highway, Como for the purpose of Motor Vehicle and Marine Sales Premises, as shown on plans dated 19 April 2006 **be approved**, subject to:

(a) **Standard Conditions**

354, 508

Footnote: 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) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) a single driveway/crossover in accordance with the requirements of Main Roads Western Australia and the Department for Planning Infrastructure;
 - (B) nine (9) car parking spaces in accordance with Table 6 and Schedule 5 of the City of South Perth Town Planning Scheme No. 6.
- (ii) The use of the land for the purpose of Motor Vehicle and Marine Sales Premises shall cease no later than 3.5 years from the date of this approval.

(c) **Important Footnote**

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

There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

CARRIED EN BLOC RESOLUTION

9.3.6 Proposed Four Storey Single House. (No. 4) Mill Point Close, South Perth

Location:	Lot 15 (No. 4) Mill Point Close, South Perth
Applicant:	Steve Mawson & Associates
File Ref:	11/943 11.2005.505.
Date:	2 June 2006
Author:	Frank Polglaze, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a four storey Single House. The recommendation is for approval, subject to a number of standard and special conditions. The special conditions require design modifications to achieve compliance with R-Code setback requirements, as well as requiring filling of the site and slight reduction in the width of the crossover.

Background

Confidential Attachment 9.3.6 comprises drawings of the proposed house. The development site details are as follows:

Zoning:	Residential
Density coding:	R 80
Lot area:	476 sq. metres
Building Height Limit:	13 metres
Development Potential:	3 Multiple Dwellings or 2 Single or Grouped Dwellings

In accordance with Council Delegation DC342, the proposal is referred to a Council meeting as it involves a building higher than 9.0 metres based upon the No. 6 Town Planning Scheme definition of the term “height”. The proposed building height is 12.8 metres.

A second reason for referral to Council is that the proposal involves the exercise of discretion under the Performance Criteria of the Residential Design Codes. The location of the development site is shown below.



Comment

The proposal complies with 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.

1. Eastern Side Setbacks

Two sections of the eastern wall for the second storey of the dwelling have non-complying side boundary setbacks. These sections are the external staircase wall and the section from the external staircase wall (north) to the Family Room (south).

The staircase has a required setback of 1.3 metres with the proposed setback being 1.0 metre. This wall is adjacent to the outdoor living area of the adjoining lot and it is not considered appropriate to permit a lesser setback than that prescribed by the Residential Design Codes. A recommended condition of approval will require that this wall be set back 1.3 metres from the eastern boundary.

The second wall involving a setback variation comprises the staircase wall together with a wall length including a recessed “void” and the Family Room wall, which has a required setback of 2.3 metres. The proposed setback varies between 2.0 and 2.3 metres due to the unusual shape of the lot. If the staircase component was excluded, the balance of this total wall length would comply with the setback requirements of the R-Codes. The third storey section of this wall is directly above the second storey section and has an identical setback from the side boundary. This third storey section does comply with the standard R-Code setback requirement. Given that the third storey setback complies, no amenity benefit would be gained by requiring the second storey eastern setback to be greater than the third storey setback. It is therefore recommended that the proposed minor setback variation be approved.

2. Visual Privacy

The proposed front balconies permit viewing behind the 4.0 metre street setback line of the adjoining southern property. The dwelling on this lot is set back at least 15 metres from its street boundary. However the front garden area forward of this adjoining dwelling is not a “sensitive area” as it is full public view from the street. The adjoining owner has signed the drawings stating that they have no objection to overlooking into this area as they consider it to be a non-sensitive area.

Overlooking from the third floor balcony occurs into a small section of the adjoining northern lot, directly behind their garage. The applicant has not presented a written case against the Performance Criteria of the Residential Design Codes as to whether this area can be considered non-sensitive. Therefore a recommended condition of approval will require this balcony to comply with the visual privacy requirements prescribed in clause 3.8.1 of the Residential Design Codes. That condition will require the applicant to either screen/delete the balcony or to provide further information demonstrating that the area being overlooked is not sensitive.

3. Driveway Width

The width of the driveway is shown as 6.5 metres. The Residential Design Codes under clause 3.5.4 (A4.2) restricts single driveways to a width no greater than 6.0 metres. A recommended condition of approval requires the crossover width to be reduced to 6.0 metres.

4. Minimum Ground Levels

Clause 6.9(1) Minimum Ground and Floor Levels of the No. 6 Town Planning Scheme states that lots shall not be developed unless the ground level is, or is raised to, a level of at least 1.7 metres above Australian Height Datum. The Finished Ground Levels have not been nominated on the drawings, and therefore a recommended condition of approval will require the Finished Ground Level to be no less than 1.7 above Australian Height Datum.

5. Minimum Floor Levels for Buildings Used for Car Parking

Clause 6.9(2)(a) requires the floor level of any part of a building used for car parking to be not less than 1.75 metres above Australian Height Datum (AHD). The Finished Floor Level for the garage is shown as 1.35 metres above AHD. For car

parking buildings, floor levels below the minimum prescribed by the Scheme are approved commonly within the Mill Point peninsula locality, subject to mechanical pumping being provided. This is in accordance with clause 6.9(3) of the No. 6 Town Planning Scheme. A recommended standard condition of approval relates to this requirement.

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; and*
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.

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 list of 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
 - (i) *the preservation of the amenity of the locality;*
 - (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
 - (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (q) *the topographic nature or geographic location of the land.*

The proposed development has been considered against each of these matters, and has been found to be satisfactory.

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'. A total of 12 neighbour consultation notices were mailed to property owners in relation to the original drawings submitted to the City. No written comments were received.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.6

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Single House on Lot 15 (No. 4) Mill Point Close **be approved**, subject to:

(a) **Standard Conditions**

377, 390, 427, 445, 446, 455, 456, 470, 471, 506, 508, 625, 646, 648.

Footnote: 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) Amended drawings shall be submitted demonstrating compliance with either the Performance Criteria or Acceptable Development standards of clause 3.8.1 “Visual Privacy” of the Residential Design Codes, relating to possible overlooking into the adjoining property from the third storey balcony accessed from Bedrooms 2 and 3 ; or alternatively the balcony shall be deleted.
- (ii) Amended drawing being submitted showing the setback to the external staircase at no less than 1.3 metres in accordance with Table 2a - Boundary Setbacks of the Residential Design Codes.
- (iii) The site shall be filled in order to provide a minimum ground level of 1.7 metres above Australian Height Datum in accordance with the requirements of clause 6.9 of Town Planning Scheme No. 6.
- (iv) The crossover shall not exceed a width of 6.0 metres at the property boundary.

(c) **Standard Important Footnotes**

640, 646, 648, 645 (condition 508), 651.

Footnote: 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

9.3.7 Proposed Mixed Development. Lot 4531 (No. 9) George Street, Cnr Baron Hay Court, Kensington.

Location: Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington
 Applicant: Casella and Associates Architects for Ngala Family Resource Centre
 File Ref: 11/76 11.2006.36 GE1/9
 Date: 2 June 2006
 Author: Frank Polglaze, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed Mixed Development comprising 16 Aged or Dependent Persons' Dwellings and 19 Grouped Dwellings and a Communal Centre as part of the Ngala Family Resource Centre. Council's discretion is sought in regard to the Mixed Development being a "D" (discretionary) use under the City's Town Planning Scheme No. 6 (TPS6) which means it is a use not permitted unless the Council has exercised its discretion by granting planning approval. The recommendation is for approval, subject to a number of standard and special conditions.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.7(a):** Plans of the proposal; and
- **Attachment 9.3.7(b):** Letter from applicant.

The development site details are as follows:

Zoning:	Residential
Density coding:	R40
Lot area:	9697 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	44 residential 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:

- (i) It is a large scale development consisting of more than 10 dwellings; and
- (ii) A matter that has previously been considered by Council.

Development approval has previously been granted by the Council in 1999, 2001 and 2003. Only minor modifications have been made to the current application from that previously approved by Council.

- (iii) Proposals involving the exercise of discretion under Table 1 of the No. 6 Town Planning Scheme for 'Mixed Development' on land zoned Residential.

The location of the development site is shown below:



Comment

The proposal complies with 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. It is recommended that Council discretion be exercised in order to approve the proposal as submitted. A letter from the applicant [**Attachment 9.3.7(b)**], presents justification for the exercise of discretion in relation to matters discussed below. The assessing officers support the arguments presented.

1. Fill/ excavation and fencing

The site has a cross fall of approximately 9.0 metres, which necessitates the use of retaining walls to a significant degree. Clause 3.6.1 (A1.1) of the Acceptable Development standards of the Codes allow no more than 0.5 metres of fill within 3.0 metres of the street alignment. The retaining wall along George Street is proposed to be between 0.5 and 1.5 metres high. With fencing, the combined height is between 2.0 and 2.7 metres.

Clause 3.2.5 of the Codes requires fencing to be permeable above 1.2 metres. The fencing above the retaining wall is open style, and is satisfactory in reducing the dominance of the total wall / fence height on the streetscape and in allowing for surveillance between the dwellings and the street, and is therefore supported.

Excavation adjacent to the Baron Hay Court boundary of the site is approximately 0.8 to 1.0 metre deep along the north-eastern two thirds of the length of this street boundary. The excavation will have no impact at the interface of the development with the street, while noting that the proposed dwellings and associated outdoor areas will be below street level. The wall / fence height does not exceed 1.2 metres above

street level, which allows for surveillance of the street as required by Clause 3.2.4 of the Codes. For the most part the wall / fence height from the street side will be less than the 1.8 metres standard, but with the height increasing to around 2.5 metres where Baron Hay Court intersects with George Street.

2. Outdoor living area

'Acceptable Development' Clause 3.4.2 of the Codes requires outdoor living areas to be located behind the street setback line. The units along George Street and Baron Hay Court utilise the street setback area for the purpose of courtyards. The applicants' case is that the location meets the Performance Criteria under the Codes in that the location of the outdoor living areas provides better solar access and that, as a group, the "over 55's" are unlikely to require large outdoor living areas (i.e. street setback area plus adjoining outdoor living area). Furthermore, Communal Facilities are provided for the use of residents, thus lessening the demand by residents for private outdoor living areas. It should be noted also that the outdoor living areas within the street setback area comfortably meet the 20 sq. metre minimum. The actual areas of the courtyards range from 20 sq. metres (only one dwelling at this size) to 40 sq. metres.

The communal facilities are contained within a building comprising a very large recreation room (lounge), sunroom, library, bar, verandah, computer room, and two offices.

The City supports the applicants' argument and is supportive of the proposed location of the outdoor living areas within the street setback area.

3. Minimum Site Area for Grouped Dwellings

Three of the proposed Grouped Dwelling lots fall below the minimum site requirement of 200 sq. metres. The applicant is seeking the discretion of Council to grant a variation via the Performance Criteria Clause 3.1.3 'Variation to the Minimum Site Area' of the Residential Design Codes. Clause 3.1.3 permits the Council to grant a minimum site area below that specified in Table 1 of the Codes, subject to actual area being no more than 5 per cent below the specified area and meeting one other of the five specified criteria. The site areas for all three dwellings are within the maximum 5% reduction.

The applicant makes the case for Dwellings 2 and 3 which lose respectively 10 sq. metres and 9.75 sq. metres due to the construction of a retaining wall with a setback of 1.2 metres from the George Street boundary. The retaining wall has been set back to facilitate the retention of large pine trees on the property adjacent to the street boundary, and thereby reducing the potential site area available to those lots.

The applicant has sought Council's discretion regarding the site area of Dwelling 13 on the basis that it allows the land to be developed with housing consistent with the remainder of the development. Whilst this criterion of the R-Codes relates to 'housing of the same type and form as land in the vicinity' rather than potential development of the land in the future, it is considered that the discretion sought meets the objective for Clause 3.1.3.

It is recommended that Council supports the discretion being sought by the applicant.

4. Variation to Minimum Site Area for Aged or Dependent Persons' Dwellings

The applicant is seeking Council's approval to reduce the minimum site area by up to one third for the purpose of the sites for Aged or Dependent Persons' Dwellings.

It should be noted that the site area for the whole lot permits 44 Grouped Dwellings to be constructed, with only 19 Grouped Dwellings and 16 Aged or Dependent Persons' Dwellings being proposed. The applicant has sought to have 16 of the dwellings defined as Aged or Dependent Persons' Dwellings (on the advice of City officers) due to the difficulty of meeting the minimum site area for these dwellings, if classified as Grouped Dwellings.

The difficulty arises due to the fall of the land in the south-easterly section of the site which has resulted in those dwellings facing north being built above those facing south. This has resulted in these dwellings having insufficient land area to comply with the minimum site area requirement for Grouped Dwellings.

The proposed Aged or Dependent Persons' Dwellings comply with the Acceptable Development standards of the Residential Design Codes, subject to the Building Licence drawings demonstrating compliance with the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House Class "B" standard. It is therefore recommended that the Council support the request for the exercise of discretion in relation to minimum site area for the dwellings concerned.

5. Pedestrian Paths and Driveway Widths in relation to permitting Passing Points for Vehicles

Clause 3.4.5 A5 (ii) of the R-Codes requires pedestrian paths to be separate from the vehicle driveway. Clause 3.5.4 A4.5 requires that driveways servicing six or more dwellings are designed to allow vehicles to pass in opposite directions at one or more points. There is insufficient space available for passing points without using the pedestrian path for this purpose. City officers recommend that Council support the use of the pedestrian path for this purpose, subject to the path being clearly delineated as a pedestrian path through the use of different paving material. The applicant has done this, and therefore it is recommended that the Council support this variation.

6. Location of Visitors' Parking Spaces

The Residential Design Codes require visitor parking bays to be located close to, or visible from the point of entry. The applicant has provided 10 visitor bays being 2 above that which is required. Five of these bays are located adjacent to the Communal Facilities which are located towards the entry point to the development. The remaining five are interspersed throughout the development site which is considered appropriate due to the size of the site, and thereby providing visitor bays close to each grouping of dwellings.

7. Car Parking Bay Dimensions

The width of the open parking bays to Units 12, 13 and 14 do not comply with the minimum width requirements of Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' of TPS6. This issue can be readily addressed by the internal middle pillar of the adjoining carport allocated to the same unit being removed. A recommended condition of approval requires this change.

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
- Objective (l)* Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.

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;*
- (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;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*

- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

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

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. 12 and 14 George Street; Nos. 94 and 97 Collins Street; No. 3 Baron Hay Court; and the South Kensington Primary School located on the corner of George Street and Baron Hay Court were invited to inspect the application and to submit comments during a 14-day period. A total of six neighbour consultation notices were mailed to property owners. No comments were received.

Policy and Legislative Implications

Comments in relation to various 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 ITEM 9.3.7

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Mixed Development on Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington **be approved**, subject to:

(a) **Standard Conditions**

300, 301, 302, 349, 353, 354, 375, 377, 427, 445, 455, 456, 470, 471, 508, 550, 663 (new units), 625, 626, 660.

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) 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.

(c) **Standard Important Footnotes**

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

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

COMMENT ON DEPUTATION : ITEM 9.3.7

The Mayor requested an officer comment on the Deputation for Item 9.3.7.

The Director Strategic and Regulatory Services stated that in relation to the visitor car parking concerns raised that TPS6 does not prescribe parking requirements. He advised that the Residential Design Codes require visitor parking bays to be located close to, or visible from the point of entry. The applicant has provided ten visitor bays being two above that which is required. Five of these bays have been designated to the Communal Centre which is only for residents.

Note: The Chief Executive Officer left the Chamber at 8.26pm. The Director Corporate and Community Services took his position at the Council Table as Acting CEO.

MOTION

Cr Maddaford moved the officer recommendation, Sec Cr Macpherson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty point of clarification

The date of the application is 27 January 2006. If this application was not to be successful and it was rejected, would it go past the deemed refusal period?

Director Strategic and Regulatory Services confirmed that the deemed refusal period had past but that this does not prevent Council from making a determination.

Cr Doherty against the Motion

- first approval granted 1999
- second approval under Delegated Authority granted in 2001
- another application in July 2003
- matters that concern me are in respect of the report
- not in a position to make an informed decision
- want something built on site - very ugly site
- many questions in respect to officers report - no mention of plot ratio
- concerns about driveway - is it to be shared with Ngala - cannot work out
- no landscaping plan
- officer supports discretionary matters in letter that accompanies report
- what discretion are they asking for?
- cannot make an informed decision based on current report

Note: The Chief Executive Officer returned to the Chamber at 8.30pm. The Director Corporate and Community Services returned to his seat.

FORESHADOWED MOTION

Cr Cala stated that in light of the issues raised that he would move a Motion for deferral of the application if the current Motion was Lost.

Cr Maddaford closing for the Motion

- have listened to all comments
- believe Councillors have had every opportunity to investigate/ask questions on application put forward
- suggest we support Motion

The Mayor put the Motion.

(LOST (5/7))

Note: The Director Infrastructure Services returned to the Chamber at 8.35pm

MOTION

Moved Cr Cala, Sec Cr Hearne

That consideration of the application for planning approval for a Mixed Development on Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington be deferred pending more information being included in a further report to the next meeting of Council on this matter.

Cr Jamieson point of clarification

Cr Jamieson referred to comments made during Deputations and in particular viewing of *Confidential* plans. Is there any way that we can provide these plans?

The Chief Executive Officer stated that based on previous legal advice obtained that *confidential* plans are not made available to the public. He further stated that perhaps this question could be raised with the lawyer presenting at the Briefing scheduled for 4 July in relation to Planning Legislation

COUNCIL DECISION ITEM 9.3.7

The Mayor put the Motion

That consideration of the application for planning approval for a Mixed Development on Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington be deferred pending more information being included in a further report to the next meeting of Council on this matter.

CARRIED (12/0)

9.4 GOAL 4: INFRASTRUCTURE

9.4.1 2007/2008 National and State Road Safety Black Spot Program Submission

Location:	City of South Perth
Applicant:	Council
File Ref:	FS/FA/1
Date:	4 June 2006
Author:	Trevor Quinn, Traffic and Design Engineer
Reporting Officer:	Glen Flood, Director Infrastructure Services

Summary

A schedule of projects has been prepared in accordance with the guidelines for consideration of funding in the National and State Black Spot Programs 2007-08. The closing date for submissions is 28 July 2006. The schedule of projects is submitted to Council for adoption.

Background

The National and State Road Safety Black Spot Program is a Commonwealth and State Government initiative administered by Main Roads Western Australia (MRWA). The program targets road locations where crashes are occurring and aims to fund cost effective, safety oriented projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

All submissions are considered on their merits and evaluated against the criteria set by the Australian Transport Safety Bureau (ATSB).

The criteria used in the assessment to determine the Benefit/Cost Ratio (BCR) are:

- crashes for the 5 year period 2001 to 2005 inclusive for qualifying audits;
- crash costs based on crash type cost, not crash severity costs; and
- all capital costs, including contributions by others, and specific and ongoing maintenance costs.

Comment

The schedule of projects has been developed from crash data available to the City and the use of an “electronic work book” for the evaluation of Black Spot submissions developed a number of years ago by MRWA.

The “electronic workbook” uses crash data to arrive at the appropriate solution to minimise the incidence of the crash type and thus arrive at the Benefit to Cost Ratio.

Based on the set criteria three (3) intersections have been identified as warranting treatment. Each of the intersections has a record of either rear end or right angle crashes. It is acknowledged that a reduction in rear end and right angle crashes is possible by improving the various aspects of the intersection layout or by the installation/modification of traffic signals. If successful in attracting funding these projects will be programmed for completion by 1 January 2008.

Where an identified project involves a signalised intersection an “Agreement in Principle” from MRWA has been obtained.

The following Table summarises the intersections identified for inclusion in the National and State Black Spot submission:

Intersection	Problem	Proposed Treatment	Total Cost
Ley Street & Davilak Street	Rear end and right angle crashes on all approaches.	Installation of a roundabout	\$75,000 National & State
Millpoint Road & Mends Street	Rear end and right angle crashes on all approaches.	Upgrade Traffic Signals & Skid Resistance	\$51,000 National & State
Henley St & Lockhart St	Rear end and right angle crashes.	Installation of a Right Turn Lane	\$35,000 State

Consultation

In accordance with Policy P103 and Management Practice M103 Communication & Consultation the level of communication / consultation required for the proposed works is level 1 (inform). This consultation will be completed if the City is successful in attracting funding for these works.

Policy and Legislative Implications

This submission has been completed in accordance with the following Policies and Management Practices:

Policy P103 & Management Practice M103: Communication and Consultation

Financial Implications

Should any of the projects receive National funding then there are no financial implications for 2007/2008 financial year if the submission is successful as the works would be fully funded under the program. If any of the projects receive State funding then the City will be required to contribute one third of the project cost.

Strategic Implications

This proposal is consistent with Goal 4 - Strategy 4.1:

“Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level”.

OFFICER RECOMMENDATION AND COUNCIL DECISION 9.4.1
--

That

- (a) the schedule of projects below form the basis of a submission to Main Roads Western Australia for consideration of funding under the National and State Black Spot programs.

Intersection	Proposed Treatment	Total Cost
Ley St and Davilak St	Installation of a roundabout	\$75,000 National & State
Millpoint Rd and Mends St	Upgrade Traffic Signals and Skid Resistance	\$51,000 National & State
Henley St and Lockhart St	Installation of a Right Turn Lane	\$35,000 State

- (b) the submission be forwarded to Main Roads Western Australia on or before 28 July 2006.

CARRIED EN BLOC RESOLUTION

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 Amalgamation of Local Emergency Management Committees (Canning and South Perth)
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Location: City of South Perth
 Applicant: Council
 File Ref: ES/301
 Date: 6 June 2006
 Author: Sebastian Camillo
 Manager Environmental Health and Regulatory Services
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

To consider and approve the amalgamation of the Local Emergency Management Committees (LEMC) of the Cities of Canning and South Perth, forming an over-arching LEMC to represent the interests of both local governments. Also, to nominate a Council Member to sit on the LEMC.

Background

With the recent introduction in December 2005, of the *Emergency Management Act 2005*, provision was made under Part 3, Division 1, Section 34(1) and (2) of this Act to combine Local Emergency Management Committees.

Correspondence has been received from the Officer in Charge of the Cannington Police Station requesting that the City of Canning and the City of South Perth consider combining their respective Local Emergency Management Committees.

The proposed amalgamation of the two Local Emergency Management Committees is supported by the District Emergency Management Committee which is chaired by Superintendent Shayne Maines of the South East Metropolitan Police District.

The Emergency Management Structure in accordance with the *Emergency Management Act 2005* is as follows:

- 1. State Emergency Management Committee**
 - Authorises regulations.
 - Appoints SEMC members.
 - May declare “State of Emergency”.
 - Determines emergency management districts under the Act.
- 2. District Emergency Management Committee**
 - Provide advice and support to the district emergency management committee for the district in the development and maintenance of emergency management arrangements for its district.
 - To carry out other emergency management functions in accordance with the directions of the State Emergency Coordinator.
- 3. Local Emergency Management Committee**
 - Develop and implement local emergency management arrangements.
 - To manage recovery following an emergency affecting the community in its district.
 - To perform other functions given to the local government under the Act.
- 4. State Emergency Service**
 - Provides on-ground response to local emergencies.
 - Provides rescue volunteer support and resources to hazard management agencies.
 - Co-ordinates volunteers providing training and resources in preparedness of emergencies.
 - Maintains rescue equipment in fully functional condition in preparedness of emergencies.

Comment

A meeting was held to discuss the proposal on the 5 January 2006 with the officers in charge of Cannington, Kensington and Belmont Police Stations and representatives from the City of Canning and South Perth. The meeting addressed the operational process of an amalgamated LEMC and the need for a representative from each Council to attend these meetings.

The City of South Perth LEMC disbanded in 2000 and has not been reformed. The request to amalgamate between the Cities of Canning and South Perth is a timely opportunity to establish a new LEMC, involving the City. In amalgamating with the City of Canning, a delegate from the City of South Perth will need to be nominated onto the LEMC.

The proposed amalgamation seems a practical and efficient use of resources considering that the SES branches of Canning and South Perth are already combined utilizing shared equipment. The South Perth and Canning SES unit has been established for approximately 18 years and forms an integral component for the LEMC in the implementation of Emergency Management Arrangements.

Furthermore, a majority of the existing committee members (i.e. Hazard Management Agencies) on each LEMC are the same and would form the proposed new committee. The amalgamation would eliminate the need for committee members attend at two separate meetings in the future.

Council is requested to give consideration to supporting the amalgamation of the Local Emergency Management Committee (Canning) with the now defunct Local Emergency Management Committee (South Perth). Committee membership onto the proposed Cities of Canning and South Perth LEMC would typically include Hazard Management Agencies and organisations such as WA Police Service, FESA, Departments of Agriculture, Health, Community Services, Main Roads Environment, and Planning & Infrastructure, St John Ambulance, Red Cross, Alinta Gas, Western Power, Water Corporation, Waters & Rivers and Salvation Army Emergency Services.

Consultation

In considering the amalgamated Local Emergency Management Committee, consultation has occurred with officers of the following external organisations:

- City of Canning
- City of South Perth
- WA Police Service
- State Emergency Services

Policy and Legislative Implications

Provision for an amalgamation of LEMC's is included in the *Emergency Management Act 2005*.

Financial Implications

Nil

Strategic Implications

The proposal to amalgamate the Cities of Canning and South Perth LEMC relates to Goal 5 of the City's Strategic Plan, Organisational Effectiveness. In particular, reference is made to Strategy 5.3 which involves the development of partnerships with organisations which provide mutually beneficial opportunities for resource sharing and the exchange of ideas.

OFFICER RECOMMENDATION ITEM 9.5.1
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That....

- (a) Council support the establishment and amalgamation of a Local Emergency Management Committee for the Cities of Canning and South Perth;
- (b) Council nominate a Member onto the LEMC; and
- (c) the Superintendent of the South East Metropolitan Police District be advised, accordingly.

NOMINATION OF MEMBER

Cr Maddaford nominated Cr Gleeson as the Member onto the LEMC. Cr Gleeson accepted the nomination.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.1

Moved Cr Trent, Sec Cr Maddaford

That....

- (a) Council support the establishment and amalgamation of a Local Emergency Management Committee for the Cities of Canning and South Perth;
- (b) Council nominate Cr Gleeson as a Member onto the LEMC; and
- (c) the Superintendent of the South East Metropolitan Police District be advised, accordingly.

CARRIED (12/0)

9.5.2 Extraordinary Election

Location:	City of South Perth
Applicant:	Council
Date:	12 June 2006
Author:	Sean McLaughlin, Legal & Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Upon the resignation of Cr McDougall, the office of councillor for Civic ward became vacant. The *Local Government Act 1995* (the Act) requires that an extraordinary election be held to fill the vacancy.

Council needs to decide upon a date for the election and upon the appointment of the Western Australian Electoral Commissioner to conduct the election.

Background

By letter dated 16 May 2006, Councillor McDougall advised the Chief Executive Officer of his intention to resign from the Council effective from 1 June 2006.

Section 4.8 of the Act provides that if the office of a councillor becomes vacant in these circumstances an election to fill the vacancy must be held.

Council must determine the date of the election within one month after the vacancy occurs and the date shall allow enough time for the electoral requirements to be complied with, but it may not be longer than four months after the vacancy occurs - see section 4.9 of the Act.

Section 4.20 enables the Council to appoint the Electoral Commissioner to conduct the election. If this is to be done then it must be done at least 80 days prior to the election date fixed by the Council.

Council may also decide to have the election conducted by postal election. For it to comply with the electoral requirements it must do so 80 days before the election day - see section 9.61 of the Act.

The City has received written confirmation from the Electoral Commissioner that he agrees to be responsible for the conduct of the election and has suggested that the election could be conducted on 15 September 2006.

Comment

An Extraordinary Election is required to fill the vacancy of Councillor in the Civic Ward.

The Electoral Commissioner has advised that, in compliance with the electoral requirements of the Act, it would be possible to conduct the election on Friday 15 September 2006. He has prepared an Electoral Schedule which would accommodate this date and the electoral requirements which include a number of matter such as the time limits within which certain decisions must be made.

A copy of the Schedule is at **Attachment 9.5.2**.

For the electoral requirements to be observed and the Schedule to be maintained it is necessary for Council to:

- (i) fix the election date,
- (ii) appoint the Electoral Commissioner to conduct the election; and
- (iii) decide to have the election conducted by postal election.

It is recommended that Council resolve to fix 15 September 2006 as the day for the extraordinary election, appoint the Electoral Commissioner to conduct the election and to decide to have the election conducted by postal election.

Consultation

The Electoral Commissioner has been consulted on the conduct of the election.

Policy and Legislative Implications

The Act requires the conduct of an extraordinary election to fill the vacancy in the Civic ward.

Financial Implications

The Electoral Commissioner estimates that cost of conducting the election would be approximately \$10,000.00 plus GST.

Strategic Implications

Consistent with the Strategic Plan: **Goal 5 - Organisational Effectiveness:**

To be a professional, effective and efficient organisation.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.2

That pursuant to:

- (a) section 4.9 of the *Local Government Act 1995* Council to fix 15 September 2006 as the day for the extraordinary election to be held;
- (b) section 4.20(4) of the *Local Government Act 1995* Council to declare the Electoral Commissioner to be responsible for the conduct of the extraordinary election*; and
- (c) section 4.61 of the *Local Government Act 1995* Council to conduct the election as a postal election.

CARRIED BY EN BLOC RESOLUTION
and by Required Absolute Majority

9.6 GOAL 6: FINANCIAL VIABILITY

9.6.1 Monthly Financial Management Accounts – May 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 June 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. It is consistent with the structure of the budget information provided to Council and published in the 2005/2006 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 2005/2006 Amended Budget - including the introduction of the capital expenditure items carried forward from 2004/2005.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presentation of the Statement of Financial Position 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:

- Statement of Financial Position – **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)**

Operating Revenue to 31 May 2006 is \$29.34M which represents 101% of the Year to Date Budget. Major factors influencing this positive result continue to be increased Rates Revenue due to positive growth from interim rates and revenue from settlement agents for property enquiries - which is also well ahead of budget due to the strong interest in real estate within the City as well as better than expected lease revenue generation. Interest revenue remains ahead of budget expectations even after the recent positive Budget Review adjustment. This is due to the higher cash holdings in both Municipal and Reserve funds and excellent results from rates collections to date. Further comment on this item can be found at Agenda Item 9.6.2.

Revenue at the Collier Park Village is currently 3% below budget due to the less than anticipated amount from the Council Amenities charge. Conversely the Collier Park Hostel is 3% above budget due to increased RCS levels. Golf Course revenue remains 2% below budget overall. Revenue from Planning Services has improved slightly against budget – and there remains a possibility that the overall budget is attainable. Building Services revenue suggests that the full year budget target will be met comfortably after receipt of the building license fee for the Gracewood Development.

Animal Control Revenue has now exceeded the full year target due to the higher number of three year dog licenses and an increase in the volume of dog infringement notices being issued. Parking Management continues to show a very positive result and the full year target will be comfortably met. Operating Revenues within Infrastructure Services are 3% below budget – with the difference considered to be a timing difference.

Comment on the specific items contributing to the variance situation on revenues may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Operating Expenditure to 31 May 2006 is \$25.89M - which represents 99% of the Year to Date Budget of \$26.23M. Operating expenditures are 3% favourable in the Administration area - and on budget in the Infrastructure Services area.

The favourable variance in the Administration area is significantly influenced by savings on salaries due to several extended vacancies for staff positions in Libraries, Finance, Health and Building Services. Staff in several areas have also been on extended leave – when costs are charged against cash-backed provisions accumulated in prior years rather than to the normal cost centres.

Financial Services, Information Services and Customer Services are all operating within budget allocations - details of specific variances are provided in the Schedule of Significant Variances.

Rubbish site charges are currently 2% higher than budgeted – due to the higher charges for access to landfill sites. Ranger Services costs are now close to budget but a 10% overspend on managing the impacts of the Skyshow event is offset by a number of operational savings on other Ranger Services related areas.

The earlier favourable timing differences on maintenance programs for Parks and Streetscapes have now reversed and these programs are within 1% of budget. Environmental Management costs reflect the premium that has had to be paid for a consultant to cover an extended vacancy in this area as well as recognising the recruitment of the new Sustainability Coordinator. Overhead recovery is currently below budget expectations and will be adjusted via correcting journal entry before year end. Infrastructure maintenance programs such as Path Maintenance, Street Sweeping and Drainage show the results of a concerted effort to catch up on earlier timing differences. Recovery of fleet / plant costs is

still under budget - and will be corrected via a journal entry at year end. 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 of \$1.10M compares unfavourably to the year to date budget of \$1.13M due to the City being unable to claim for certain road grant monies until the works are completed and an acquittal can be prepared. Some of these monies may not be able to be accessed by year end as originally planned but will be received in the new financial year in any event.

Capital Expenditure at 31 May is \$8.52M against a year to date budget of \$10.26M which represents 83% of the year to date budget. This equates to approximately 70% of the total capital works program for the year. A further \$1.79M or 15% of the capital budget is proposed to be expended in the June period. Progress payments on the building refurbishment to date are now 1% over budget due to the cost of rectifying pre-existing defects in the Civic building. Information Technology Acquisitions will be on budget by year end as all purchase orders have been placed and contractors have committed to completing and invoicing the works by year end.

Replacement of some of the mechanical plant and equipment at the Collier Park Golf Course has now occurred with orders having been placed for the remainder. Several outstanding major maintenance activities at the Golf Course are progressing. The planned replacement of a fleet item in the Waste Management area is now progressing after Council's acceptance of the tender at the May Council meeting.

Further comment on status of specific infrastructure projects will be provided after year end.

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 & Info Services	3.39M	3.42M	101%	4.50M
Corp & Community Services	0.69M	0.52M	75%	0.77M
Strategic & Reg Services	0.24M	0.09M	38%	0.25M
Infrastructure Services	5.94M	4.49M	75%	6.54M
Total	\$10.26M	\$8.52M	83%	\$12.05M

Further comment on the variances relating to Capital Revenue & 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'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 & 35*.

Financial Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.1**

Moved Cr Trent, Sec Cr Hearne

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 9.6.1(1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.1(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2005/2006 provided as **Attachment 9.6.1(6)(A)** and **9.6.1(6)(B)** be received.

CARRIED (12/0)

Note: The Legal and Governance Officer left the Chamber at 8.45pm

9.6.2 Monthly Statement of Funds, Investments & Debtors at 31 May 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 June 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

(a) Cash Holdings

Total funds at month end of \$24.39M compare very favourably to \$22.69M at the equivalent stage of last year. The difference relates to funds quarantined for capital works and increased cash reserves. These positive treasury management results build on the very sound platform of effective cash management established last year.

Monies taken into the year, or 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 \$7.83M (compared to \$8.13M in 2004/2005). **Attachment 9.6.2(1)**. Major factors affecting this are the increased cash outflow relating to the building project and the increased level of interim rates levied in 2005/2006.

(b) Investments

Total investment in short term money market instruments as at month end is \$24.11M compared to \$22.45M 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 \$1.43M, well up from \$1.25M at the same time last year. Higher balances in Reserve Funds have contributed around 70% of the difference. Municipal cash holdings, resulting from effective treasury management, have also enabled the City to better the investment return on municipal funds at the equivalent stage of the previous year.

The average rate of return for the year to date is 5.69%. Anticipated yield on investments yet to mature is 5.82% reflecting the recent increase in investment rates and the placement of funds for slightly longer investment terms. 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 March 2006 represent 93.8% of total rates levied compared to 95.2% at the equivalent stage of the previous year - after the final rates instalment. The outstanding amounts now reflect pensioner rates, those on payment arrangements or those who are currently the subject of debt collection activity.

Collections of rates levied compared to last year are slightly behind last year's excellent result - but this is significantly affected by the distorting effect of the much higher level of interim rates in the current year. The Financial Services team is still confident that it will meet its key performance indicators in relation to debt collection. Timely debt collection initiatives, convenient user friendly payment methods and the early payment incentive scheme have all continued to have an extremely positive impact on rates collections again this year. General debtors stand at \$0.68M at 31 May 2006 compared to \$0.87M 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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2

That the 31 May 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

9.6.3 Warrant of Payments Listing
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 June 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 May 2006 and 31 May 2006 is presented to the 23 May 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's financial resources'*.

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.3

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

CARRIED EN BLOC RESOLUTION

Note: The Legal and Governance Officer returned to the Chamber at 8.55pm

9.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

9.7.1 Standing Orders Local Law Item 4.2 Audit & Governance Committee Meeting 8.5.2006

Location:	City of South Perth
Applicant:	Council
Date:	12 June 2006
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The current Standing Orders Local Law 2002 has been extensively reviewed over the past 12 months resulting in a new draft local law. It is proposed to replace the current Standing Orders with the new draft and for this purpose the local law making procedures of the *Local Government Act 1995* (the Act) need to be initiated.

Background

At its October 2005 meeting Council adopted the recommendation of the Audit and Governance Committee, which having completed its review of the Standing Orders, recommended to Council that it consolidate all the proposed changes into a comprehensive draft document for consideration by the City's legal advisers (Minter Ellison) prior to it being presented to Council for further consideration at a future meeting.

Accordingly, the CEO forwarded the consolidated draft document to Minter Ellison for comment and advice in November 2005 and subsequently received a revised draft which incorporated significant changes to the format so as to include reference to the relevant sections of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The Committee considered the revised draft at its meeting on 27 February 2006 and recommended further minor changes prior to a final draft being presented to the next meeting of the Committee.

A revised draft was duly presented to the Committee at its meeting on 8 May 2006 which, with the incorporation of some further minor drafting changes, recommended that the revised draft be presented to Council for its adoption to enable the local law making procedure to be initiated.

Comment

In addition to changes to the content of the proposed new Standing Orders, there is also a significant change to the format. The rationale behind the recommended format change lies in the fact that the laws affecting the City's meeting procedures are governed by three different laws which are not presently consolidated in one place. These are:

- (i) the *Local Government Act 1995*;
- (ii) the *Local Government (Administration) Regulations 1996*; and,
- (iii) the City of South Perth Standing Orders Local Law 2002.

The purpose of the changed format is to:

- (a) ensure consistency between the provisions of the Standing Orders and the other legislation;
- (b) eliminate clauses which deal with similar or overlapping matters and which were internally inconsistent; and
- (c) provide for clearer layout and organisation of clauses to make it easier to read and find the relevant provision.

The revised format, which incorporates the relevant provisions of the Act and Regulations, has now been adopted by a number of local governments which have recently reviewed their Standing Orders.

It is intended that the proposed Standing Orders result in:

- (i) better decision-making by the Council and committees;
- (ii) the orderly conduct of the business of meetings;
- (iii) better understanding of the process of conducting meetings; and
- (iv) the more efficient and effective use of time at meetings.

A copy of the proposed Standing Orders Local Law 2006 is at **Attachment 9.7.1**

Procedural Requirements for the making of a local law

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

Purpose and effect

At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law by ensuring that the purpose and effect of the proposed law is included in the agenda for that meeting; and, the minutes of the meeting of council include the purpose and effect of the proposed local law.

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

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

Public consultation

Section 3.12(3) of the Act requires the local government to —

- (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Consultation

In accordance with the October 2005 Council resolution the consolidated draft document was forwarded to Minter Ellison for comment and advice in November 2005. Further consultation occurred in February 2006 in preparation for the Audit & Governance Committee meeting.

Public consultation will be conducted as described above in accordance with the Act.

Policy and Legislative Implications

The policy and legislative implications are as described above.

Financial Implications

N/A

Strategic Implications

Consistent with the Strategic Plan: **Goal 5 - Organisational Effectiveness:**

To be a professional, effective and efficient organisation.

OFFICER RECOMMENDATION ITEM 9.7.1

That the proposed Standing Orders Local Law 2006, **Attachment 9.7.1**, be adopted for the purpose of initiating the local law making procedure in accordance with section 3.12 of the *Local Government Act 1995*.

MOTION

Cr Ozsdolay moved the officer recommendation, Sec Cr Macpherson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- Audit and Governance Committee have put a lot of time and effort into reviewing the Standing Orders Local Law and revising the format of the document
- now in a position to proceed with the public consultation process
- remind Councillors why we have Standing Orders - Cr Ozsdolay read aloud from the officer report as follows:
 - (i) better decision-making by the Council and committees;
 - (ii) the orderly conduct of the business of meetings;
 - (iii) better understanding of the process of conducting meetings; and
 - (iv) the more efficient and effective use of time at meetings.
- effect of the proposed Standing Orders Local Law is that all council meetings, committee meetings and other meetings as prescribed, shall be governed by these standing orders, unless otherwise provided by the Act, regulations or other written law.

Cr Macpherson for the Motion

- concur with Cr Ozsdolay's comments
- support the Motion

CHANGE TO ORDER OF BUSINESS

With the approval of the Chair, Cr Smith brought his Motion at Item 11.2 on the Agenda in relation to Standing Orders forward at this point as an Amendment to Agenda Item 9.7.1 also dealing with Standing Orders.

AMENDMENT

Moved Cr Smith, Sec Cr Jamieson

That Clause 3.6 Sections (a), (b), (c), (d), (e) and (f) be deleted and removed forthwith from the City of South Perth Standing Orders Local Law as this clause is unnecessarily restrictive to Councillors when they wish to move Motions on Council which reflect their concerns over certain matters.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith opening for the Amendment

- galling when I bring Motions about staff forward only to have them knocked back
- acknowledge CEO is only person that can recommend an officer be sacked
- if I find a member of staff acting inappropriately or receive a complaint from a ratepayer I will investigate - will inform CEO and follow due process
- I will resolve the matter and then bring the matter back to Council if full Council can advocate - then I will refer back to CEO for his deliberation as required under LGA
- repeat **nobody** is going to tell me I cannot fulfil my obligations to ratepayers- that is what I was elected for
- to bring a Motion forward to have it knocked back as it is a 'staff matter' is galling
- CEO refers to defamation - my experience extrapolates to 55 years of Local Government

- amazing reference to defamation. there are two elements of defamation: 1 - being in a public forum; and 2. it cannot be sustained as it is a lie
- resent that I would bring forward a Motion that contains lies
- an effrontery to me - thereby only re-course to delete section 3.6 of Standing Orders as it is used against me and used against Crs Jamieson and Wells
- first time in all my years as a Councillor that it has been used
- combination by Mayor and CEO to inhibit me in bringing forward any Motions re staff
- CEO - you are never going to dictate to me on those lines - I do not answer to you Mayor or the CEO - I answer to the ratepayers
- I have been unnecessarily inhibited and I will not tolerate this situation

Cr Jamieson for the Amendment

- shame it has got to this
- spirit and principle of Standing Orders and logic is fine
- my Motion to apologise for a meeting losing a quorum was blocked using s.3.6
- no justification for blocking my Motion - did not come under criteria to block
- cannot be blocked just by CEO but also by the Mayor
- CEO has a lot of experience - if a Motion comes forward and is blocked would prefer that it is re-worded etc
- CEO good at saying what we can not do - what about what we can do
- Standing Orders not being used in spirit intended
- support taking out section 3.6 now - any defamatory issues can be identified as *confidential*
- current use of Section 3.6 distresses me

Cr Gleeson point of clarification

Can you provide an overview why Section 3.6 is in Standing Orders? Is it a safeguard for Councillors trying to pursue an issue?

The Chief Executive Officer stated that a point of clarification was required in as much as Cr Smith's Motion deals with Section 3.6 of the current Standing Orders whereas the relevant clause in the reviewed Standing Orders, the subject of report Item 9.7.1 is in fact Section 5.3. He said that it was his understanding that with the concurrence of Cr Smith the Mayor sought to bring forward Item 11.2 which deals with an Amendment to Section 5.3 which is similar to Section 3.6 in the current Standing Orders.

The CEO emphasized the point that whether it was the proposed Standing Orders or the current Standing Orders that Council cannot change Standing Orders 'forthwith' as a matter of law. The *Local Government Act 1995* sets out the procedural requirements that must be followed before an amendment to a local law (including the City's Standing Orders) can take effect. These procedures include Statewide public notice, a period of at least six weeks for public submission, final adoption by Council, providing a copy of the proposed amendment to the Minister for Local Government and publication of the amendment in the Government Gazette.

The Chief Executive Officer, in response to Cr Gleeson's question, stated that the reasons for Section 3.6 were provided to Members in the 'Comments from CEO' section of Item 11.2 of the Agenda paper as part of the good governance of the City. It is a way for the CEO to protect Council if a Notice of Motion comes in that could have serious ramifications for the City. He then read aloud the comments relevant to Section 3.6 contained in the Agenda paper as follows:

- provisions similar to clause 3.6 are common in Standing Orders of local governments throughout this State;
- the clause is based on the WALGA model Local Laws;

- a check of the Standing Orders of the City's immediate neighbours and Regional Council partners, ie Armadale, Belmont, Canning, Gosnells, Melville and Victoria Park all have similar, if not identical clauses to the model Local Law contained in their Standing Orders;
- in the absence of clause 3.6, the Presiding Member may well have an implied power to exclude from the business of the meeting any Motion that was 'out of order' (including any Motion of which notice has been given); and
- in the absence of clause 3.6 there would be no provisions governing notices of Motion including when they need to be given and to whom they are to be given. The failure to address these issues would inevitably lead to confusion and uncertainty.

Cr Ozsdolay point of clarification

How many times have you deemed a Notice Motion to be out of order?

The Mayor said approximately three times to Cr Smith, twice to Cr Jamieson, once to Councillor Hearne and once to Cr Wells.

Cr Ozsdolay against the Amendment

- part (a) of Clause 3.6 of Standing Orders - **makes sense**
Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda
- part(b) of Clause 3.6 of Standing Orders **no problem**
A notice of motion under subclause (a) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- part(c) of Clause 3.6 of Standing Orders - **makes sense**
A notice of motion is to relate to the good governance of the district.
- part(d) of Clause 3.6 of Standing Orders **normal practice - receive/appreciate advice**
The CEO -
 - (i) *with the concurrence of the mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or*
 - (ii) *may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and*
 - (iii) *may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- part(e) of Clause 3.6 of Standing Orders **makes sense**
A motion of which notice has been given is to lapse unless:
 - (i) *the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or*
 - (ii) *council on a motion agrees to defer consideration of the motion to a later stage or date.*
- part(f) of Clause 3.6 of Standing Orders **makes sense**
If a notice of motion is given and lapses in the circumstances referred to in subclause (e)(i), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.
- Clause 3.6 - all makes sense
- Clause 3.6 (d) part (i) gives City options, allows capacity to provide advice to Councillors
- at times may not have been happy the way clause.3.6 has been used - no reason to remove it
- CEO's comments in Agenda paper safeguards City - is for benefit of Councillors
- Clause 3.6 **must be** retained - how we use it is what should be debated.
- support retaining Clause 3.6 of Standing Orders

Mayor statement against the Amendment

Mayor stated that on the occasions over the last 3 1/2 years where a Notice of Motion has come before him from the CEO because of 'legal issues' that it had to have sufficient accompanying information to prove that it was out of order legally ie whether Council was actually able to debate the issue and in three or four instances advice was given that it was illegal for Council to debate the Motion proposed. He further stated that as Mayor he would be irresponsible to put forward something that Council should not be debating.

He said that Section 3.6 was not used to stop any Motion being raised by Members but an opportunity to give advice to Council in relation to where its parameters lay. The Mayor stated that to delete this Section would be reckless and that he for one would not feel comfortable as some of the Motions that have previously come forward have in actual fact been in contravention of the *Local Government Act*. He further stated that Clause 3.6 had been used sparingly over the past 3.1/2 years and that four Councillors had experienced some difficulties whereas eight Councillors have never experienced any problems. He said he strongly recommended that Clause 3.6 of Standing Orders be retained.

Cr Cala against the Amendment

- understand Cr Smith's frustration
- need to be looking at amending Clause 3.6 not deleting it
- only in legal cases that Motions have been knocked back
- only Clause 3(d)(i) contentious
- important we retain something to protect Councillors legally

FORESHADOWED MOTION

Cr Cala foreshadowed that he would be moving an Amendment to Clause 3(d)(i) if the current Motion is lost.

Cr Hearne against the Amendment

- sympathise with Cr Smith
- need a CEO that is a 'can do' not 'can't do' person
- amending clause 3.6 will not solve problem
- if item 9.7.1 is lost CEO needs to come up with a solution to problem
- support spirit of Amendment only
- recommend item 9.7.1 if lost be deferred for further investigation.

Cr Smith closing for the Amendment

- get told 'got a legal opinion' - could not care less
- if you cannot challenge a legal opinion then do away with appeals
- glad to hear comments from Crs Cala and Hearne
- motion proposed in frustration - to get a meaningful discussion
- no one is going to tell me that I cannot fulfil my duties as a Councillor
- previously functioned well within provisions of LGA - did not have Standing Orders and Code of Conduct
- will never bring something forward that would destroy Council

The Mayor put the Amendment

LOST (4/8)

Cr Jamieson against the Motion

- take back to Audit & Governance Committee to consider a number of issues
- refer page 14 of Standing Orders Attachment 9.7.1- 'Order of Business' needs changing
- Audit and Governance Committee did not pass this and bring to Council
- problems in areas of business - untidy
- include 'Questions Without Notice from Elected Members'
- send back new Clause 5.3 (old Clause 3.6) and rework
- swap item 7 and 8 of 'Order of Business'

FORESHADOWED MOTION

Cr Jamieson foreshadowed he would be moving that consideration of Standing Orders be referred back to the Audit and governance Committee for further consideration if the current Motion is Lost.

The Chief Executive Officer referred to Cr Hearne's comments and stated that Clause 3.6(d)(i) is replaced by the new Clause 5.3 part 4(a) and the fact that there are changes to that particular clause addresses the concerns raised this evening and makes it clear that any Notice of Motion can only be excluded as identified in Clause 5.3 part 4(a) as follows:

- (4) *The CEO -*
- (a) *with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Standing Orders or any other written law; or,*
 - (b) *may make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
 - (c) *may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*

which tidies up the Clause. He further advised that the Order of Business follows the Department of Local Government "Guidelines" and that this organisation has been recognised as achieving "Best Practices" in its Agendas and Minutes.

The Mayor put the Motion

LOST (5/7)

The Mayor requested that the Votes for and Against the Motion be recorded.

<u>For</u>	<u>Against</u>
Cr Macpherson	Cr Hearne
Cr Ozsdolay	Cr Jamieson
Cr Gleeson	Cr Wells
Cr Cala	Cr Maddaford
Mayor Collins	Cr Doherty
	Cr Trent
	Cr Smith

MOTION

Moved Cr Hearne, Sec Cr Jamieson

That the proposed Standing Orders Local Law 2006, **Attachment 9.7.1**, be referred back to the Audit and Governance Committee for further review, taking into consideration the following points raised during debate:

- 'Order of Business' needs changing (swap items 7 and 8)
- include 'Questions Without Notice from Elected Members'
- re-work new Clause 5.3 (old Clause 3.6) and rework

Cr Macpherson point of clarification - suggest any debate discuss issues of Parliamentary Privilege when discussing Standing Orders. Cr Doherty stated - we are covered by "Qualified Privilege".

COUNCIL DECISION ITEM 9.7.1

The Mayor put the Motion

That the proposed Standing Orders Local Law 2006, **Attachment 9.7.1**, be referred back to the Audit and governance Committee for further review, taking into consideration the following points raised during debate:

- 'Order of Business' needs changing (swap items 7 and 8)
- include 'Questions Without Notice from Elected Members'
- re-work new Clause 5.3 (old Clause 3.6) and rework

CARRIED (11/1)

NOTE: CR MACPHERSON REQUESTED SHE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

9.7.2 Review of Council Delegations (*Item 4.3 referred from Audit and Governance Committee meeting held on 08.05.06*)

Location: City of South Perth
Applicant: Council
Date: 12 June 2006
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Every local government is required by the *Local Government Act 1995* to review its delegations each financial year. City officers have previously presented a report on the review to the Audit and Governance Committee which with some minor amendments subsequently recommended its adoption by Council.

The Committee's recommendation is now presented to Council for decision.

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43. Any decision to make, amend or revoke a delegation is to be by an *absolute majority* - see section 5.45(1)(b).

Section 5.46 of the Act requires a council to review its delegations at least once every financial year.

The following delegations, listed under the relevant Strategic Plan Goal, are reviewed in this report:

Goal 2 - Community Enrichment

DC241 Appointment of Authorised Officers
DC244 Administer the City's Local Laws

Goal 3 - Environmental Management

DC342 Town Planning Scheme 6
DC343 Issue of Building Licences
DC345 Administration of Building Controls within the City
DC346 Authority to Issue Strata Title Certificates
DC347 Issuing Notices & Taking action on Land

Goal 4 - Infrastructure Management

DC441 Authorisation of Parking Restrictions
DC443 Partial Closure of a Thoroughfare for Repair or Maintenance

Goal 5 - Organisational Effectiveness

DC545 Employment of Appropriate Officers

Goal 6 - Financial Viability

DC609 Leases and Licences

Comment

The purpose of the review is to consider the operational effectiveness of the current delegation, whether it is necessary, whether it remains appropriate and whether legislative amendments necessitate any changes.

All delegations have been revised to ensure format consistency with other City documents (such as policies), and in some instances amendments have been made to correctly describe statutory references or to take account of changes to the relevant legislation which describes the power or duty being delegated.

Goal 2 - Community Enrichment

DC538 [DC241] Appointment of Authorised Officers

This delegation has been re-numbered so as to correctly align it and avoid a clash with existing Management Practice MP241 - Withdrawal of Infringements. It has also been placed under the more appropriate Strategic Plan Goal 5: Organisational Effectiveness.

This revised delegation now incorporates the references to sections 3.25 and 3.27 of the Act which are currently found in DC347 - Issuing Notices. As these references do not need to be the subject of a separate delegation, DC347 may be revoked.

DC539 [DC244] Administer the City's Local Laws

This delegation has been re-numbered to place it under the more appropriate Strategic Plan Goal 5: Organisational Effectiveness.

Goal 3 - Environmental Management

DC342 Town Planning Scheme No. 6

This delegation has been amended to correct an anomaly in the description of the powers and duties which are conferred by the delegation which is made pursuant to Town Planning Scheme No. 6, to take account of recent changes in the planning legislation and to take account of changes in the description of officer positions within the Directorate of Strategic and Regulatory Services.

DC343 Issue of Building Licences

DC345 Administration of Building Controls within the City

DC346 Authority to Issue Strata Title Certificates

Each of these three delegations has had format and minor textual changes only.

DC347 Issuing Notices and Taking Action on Land

The delegation of power to issue notices under sections 3.25 and 3.27 of the Act has been inserted into revised DC538 Appointment of Authorised Officers. This delegation may be revoked.

Goal 4 - Infrastructure Management

DC441 Authorisation of Parking Restrictions

This delegation is no longer needed as the powers to which it refers are no longer in the Parking Local Law but are now found in the Act. It should be revoked.

DC443 Partial Closure of a Thoroughfare for Repair or Maintenance

This delegation has been revised to correct references to the statutory powers being delegated.

Goal 5 - Organisational Effectiveness

DC545 Employment of Appropriate Officers

The current delegation empowers the CEO, firstly, to employ such persons as the CEO believes are necessary to enable the functions of the City to be performed; and secondly, to appoint an acting CEO.

The first part of the delegation is considered to be unnecessary as the CEO is already empowered to do this under section 5.41(g) of the Act and as a consequence has been removed. The Committee recommended that the second function be retained as it confers power on the CEO to appoint an employee to be an acting CEO for a limited period of time, four weeks, upon the CEO being satisfied that the acting CEO is capable of performing the role.

The delegation has been amended accordingly and the title has been changed to "Appointment of Acting CEO" to reflect the change.

Goal 6 - Financial Viability

DC609 Leases and Licences

This delegation has been amended for minor format and textual changes only.

A copy of each delegation, amended as described in this report, is at **Attachment 9.7.2**.

Consultation

The director and relevant staff of each directorate have been consulted during the process of review. The Audit and Governance Committee considered the review at its meeting on 8 May 2006, suggested a number of changes and recommended that Council endorse the review, revoke two delegations and adopt the amended delegations as outlined in this report.

Policy and Legislative Implications

The review has been conducted in accordance with the relevant legislation.

Financial Implications

N/A

Strategic Implications

Consistent with the Strategic Plan: **Goal 5 - Organisational Effectiveness:**

To be a professional, effective and efficient organisation.

OFFICER RECOMMENDATION ITEM 9.7.2

That Council....

- (a) endorses this review of Council delegations for the financial year 2005-2006;
- (b) * revokes delegations:
DC347 Issuing Notices and Taking Action on Land; and
DC441 Authorisation of Parking Restrictions
- (c) * adopts the following revised delegations as set out in **Attachment 9.7.2:**
DC342 Town Planning Scheme No. 6;
DC343 Issue of Building Licences;
DC345 Administration of Building Controls within the City;
DC346 Authority to Issue Strata Title Certificates;
DC443 Partial Closure of a Thoroughfare for Repair or Maintenance;
DC538 Appointment of Authorised Officers;
DC539 Administer the City's Local Laws;
DC545 Appointment of Acting CEO
DC609 Leases and Licences.

(NOTE: AN ABSOLUTE MAJORITY IS REQUIRED)

MOTION

Cr Ozsdolay moved officer recommendation. Sec Cr Macpherson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- part of annual view
- well covered in report
- support the recommendation

Cr Doherty against the Motion

- Environmental Management Delegations to go to Director in respect to
DC343 Issue of Building Licences
DC345 Administration of Building Controls within the City
DC346 Authority to Issue Strata Title Certificates
- responsibility should go to Director level

AMENDMENT

Moved Cr Doherty, Sec Cr Smith

That the officer recommendation be amended by Delegations:

- DC343 Issue of Building Licences;
 - DC345 Administration of Building Controls within the City;
 - DC346 Authority to Issue Strata Title Certificates;
- being given to the Director Strategic and Regulatory Services.

Chief Executive Officer advised that a word of caution was required. He stated that the general principle is that Council delegates to the Chief Executive Officer and the Chief Executive Officer delegates to appropriate officers. Therefore it is not the role of Councillors to delegate to officers directly.

The Legal and Governance Officer advised that Council has the power to Delegate to the Chief Executive Officer and that the Chief Executive Officer has the power to Delegate to specific employees.

Note: Cr Maddaford left the Chamber at 9.40pm and returned at 9.42pm

The Mayor put the Amendment.

LOST (4/8)

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.7.2

The Mayor put the Motion

That Council....

- (a) endorses this review of Council delegations for the financial year 2005-2006;
- (b) * revokes delegations:
 - DC347 Issuing Notices and Taking Action on Land; and
 - DC441 Authorisation of Parking Restrictions
- (c) * adopts the following revised delegations as set out in **Attachment 9.7.2**:
 - DC342 Town Planning Scheme No. 6;
 - DC343 Issue of Building Licences;
 - DC345 Administration of Building Controls within the City;
 - DC346 Authority to Issue Strata Title Certificates;
 - DC443 Partial Closure of a Thoroughfare for Repair or Maintenance;
 - DC538 Appointment of Authorised Officers;
 - DC539 Administer the City's Local Laws;
 - DC545 Appointment of Acting CEO
 - DC609 Leases and Licences.

CARRIED BY REQUIRED ABSOLUTE MAJORITY (12/0)

Note: The Director Financial and Information Services left the Chamber at 9.43pm and returned at 9.44pm

9.7.3 Review of Code of Conduct (<i>Item 4.4 Audit and Governance Committee Meeting 8.5.2006</i>)
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Location:	City of South Perth
Applicant:	Council
Date:	12 June 2006
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Every local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes as it considers appropriate.

The *Local Government (Official Conduct) Amendment Bill 2005* is presently before State Parliament and is expected to be passed into law within the next three months. The Bill once enacted will replace many of the provisions contained in the City's Code of Conduct and will require local governments to significantly revise their existing codes.

Because the present review has been conducted with the imminent prospect of this legislative reform in mind, only minor changes are recommended for the Code.

Background

Every local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes as it considers appropriate. The current Code was last reviewed in June 2004 following the 2003 elections.

The *Local Government (Official Conduct) Amendment Bill 2005* is presently before State Parliament and is expected to be passed into law within the next three months. The Bill once enacted will replace many of the provisions contained in the City's Code of Conduct.

The Audit & Governance Committee considered the matter at its meeting on 8 May 2006 and resolved to endorse the current review and the recommended changes.

Comment

Minor revision of the Code is recommended.

Clause 2 - Dealing with interests and conflicts of interest

Clause 2.1(c) refers to "discretionary employees". The clause should refer to "designated employees" which is defined in the *Local Government Act 1995* as an employee to whom any power or duty has been delegated under section 5.44 of the Act.

Clause 6.10 needs to be amended accordingly. The phrase "designated employee" needs to replace the phrase "discretionary employee" and the definition itself needs to be recast so as to reflect the meaning set out in the Act.

Attachment 9.7.3 sets out the suggested amendments.

The Code is intended to generally reflect the principles of good governance but does not stand in place of provisions of the Act or other written laws which regulate the conduct of members or employees performing their respective roles within the City.

Consultation

The Department of Local Government was consulted on the implications and timing of the Official Conduct Bill. The Audit and Governance Committee considered the review of the Code at its meeting on 8 May 2006 and resolved to endorse the recommended changes.

Policy and Legislative Implications

It is a requirement of section 5.103 of the *Local Government Act 1995* that the Code be reviewed within 12 months of an election.

Financial Implications

Nil.

Strategic Implications

Consistent with the Strategic Plan: **Goal 5 - Organisational Effectiveness: *To be a professional, effective and efficient organisation.***

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.7.3

That Council endorses this review of the Code of Conduct and resolves to adopt the amendments to clauses 2 and 6.10 as set out in **Attachment 9.7.3**

CARRIED EN BLOC RESOLUTION

10. APPLICATIONS FOR LEAVE OF ABSENCE

Note: Applications for Leave of Absence dealt with at the end of the Meeting.

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

<p>11.1 Removal of Condition of Planning Approval issued for Single House Lot 650 (No. 5) Carey Street, Kensington : Cr K Trent 9 June 2006</p>
--

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 June 2006.

MOTION

That....

- (a) consideration be given to revoking Item 9.3.4 insofar as it relates to the Minutes of the Ordinary Council Meeting dated 24 May 2005 as follows:

That, in respect of the planning approval issued for a proposed Single House on Lot 650 (No. 5) Carey Street, Kensington, the applicant be advised that Council is not prepared to delete Condition 6 (iii) of the planning approval which requires modification to the crossover to provide a minimum clear distance of 1.2 metres between the street tree and the crossover, having regard to the comments contained in the Planning Officer's report dated 2 May 2005.

(NOTE: SUPPORT OF A MINIMUM OF ONE THIRD OF THE MEMBERS IS REQUIRED)

- (b) Item 9.3.4 insofar as it relates to the Minutes of the Ordinary Council Minutes dated 24 May 2005 be revoked;

(NOTE : AN ABSOLUTE MAJORITY IS REQUIRED);

- (c) in respect of the planning approval issued for a proposed Single House on Lot 650 (No. 5) Carey Street, Kensington, the applicant be advised that Council:
- (i) is prepared to delete Condition 6(iii) of the planning approval which requires modification to the crossover to provide a minimum clear distance of 1.2 metres between the street tree and the crossover; and
 - (ii) the applicant be advised that he is required to pay Council for the cost of removing the existing verge tree, a Peppermint and the cost of replacing this tree with a Jacaranda (*Jacaranda mimosifolia*), the predominant verge tree on the southern side of Carey Street.

COMMENT CEO

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

The street tree on the verge of No. 5 Carey Street is a WA Peppermint (*Agonis flexuosa*). While this is not the preferred tree species for Carey Street under the Street Tree Management Plan (*Jacaranda mimosifolia*), it is a healthy specimen and therefore not normally removed for the sole reason of its replacement by the preferred species. The Street Tree Management Plan - (10d) - is clear in that where development occurs, it is expected that all necessary measures will be undertaken to preserve street trees when designing access ways to lots.

In regard to the resident's request and the City's subsequent response, it is normal practice for the City to request residents to alter their crossover widths to facilitate the retention of verge trees. There are a large number of cases where this has occurred and the result has been successful, with minimal impact on residents, but importantly the streetscape has been preserved. This case has been reviewed again by City officers and does not involve a significant concession by the resident. If Council resolves to remove the tree, the Street Tree Management Plan - (10d.) - provides the following guidance. In cases of removals for private development, the applicant will bear all costs associated with tree removal, replacement and maintenance of the new tree, including administration of the process.

MOTION

Cr Trent moved his Motion as contained in the Agenda paper at Item 11.1, Sec Cr Doherty

Cr Trent opening for the Motion

- refer to area between Carey and Broad Streets
- land subdivided prior to Church sub-dividing
- trees in the verge situated in wrong position as outside No. 5 Carey Street
- Street tree at No. 5 Carey Street not in right place for driveway
- ask Councillors support this Motion

Cr Doherty for the Motion

- concur with Cr Trent's comments
- support the Motion

Note: Cr Jamieson left the Chamber at 9.46pm

COUNCIL DECISION ITEM 11.1

The Mayor put the Motion

That....

- (a) consideration be given to revoking Item 9.3.4 insofar as it relates to the Minutes of the Ordinary Council Meeting dated 24 May 2005 as follows:

That, in respect of the planning approval issued for a proposed Single House on Lot 650 (No. 5) Carey Street, Kensington, the applicant be advised that Council is not prepared to delete Condition 6 (iii) of the planning approval which requires modification to the crossover to provide a minimum clear distance of 1.2 metres between the street tree and the crossover, having regard to the comments contained in the Planning Officer's report dated 2 May 2005.

CARRIED BY REQUIRED SUPPORT OF A MINIMUM OF ONE THIRD OF THE MEMBERS

- (b) Item 9.3.4 insofar as it relates to the Minutes of the Ordinary Council Minutes dated 24 May 2005 be revoked;

CARRIED BY REQUIRED ABSOLUTE MAJORITY

- (c) in respect of the planning approval issued for a proposed Single House on Lot 650 (No. 5) Carey Street, Kensington, the applicant be advised that Council:
- (i) is prepared to delete Condition 6(iii) of the planning approval which requires modification to the crossover to provide a minimum clear distance of 1.2 metres between the street tree and the crossover; and
 - (ii) the applicant be advised that he is required to pay Council for the cost of removing the existing verge tree, a Peppermint and the cost of replacing this tree with a Jacaranda (*Jacaranda mimosifolia*), the predominant verge tree on the southern side of Carey Street.

CARRIED (11/0)

11.2 Clause 3.6 of the City of South Perth Standing Orders Local Law : Cr D Smith : 14.6.2006
--

I hereby give notice that I intend to move the following Motions at the Council Meeting to be held on 27 June 2006.

MOTION

That Clause 3.6 Sections (a), (b), (c), (d), (e) and (f) be deleted and removed forthwith from the City of South Perth Standing Orders Local Law as this clause is unnecessarily restrictive to Councillors when they wish to move Motions on Council which reflect their concerns over certain matters.

COMMENT CEO

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

Clause 3.6 of Council's Standing Orders are repeated as follows:

3.6 Motions of which Previous Notice has been Given

- (a) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (b) A notice of motion under subclause (a) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (c) A notice of motion is to relate to the good governance of the district.
- (d) The CEO -
 - (i) with the concurrence of the mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (ii) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (iii) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (e) A motion of which notice has been given is to lapse unless:
 - (i) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (ii) council on a motion agrees to defer consideration of the motion to a later stage or date.
- (f) If a notice of motion is given and lapses in the circumstances referred to in subclause (e)(i), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

The Motion proposes that clause 3.6 be deleted 'and removed forthwith' from the City's Standing Orders. As a matter of law, clause 3.6 cannot be 'removed forthwith' as a result of a Council resolution. The *Local Government Act 1995* sets out the procedural requirements that must be followed before an amendment to a local law (including the City's Standing Orders) can take effect. These procedures include Statewide public notice, a period of at least six weeks for public submission, providing a copy of the proposed amendment to the Minister for Local Government and publication of the amendment in the Government Gazette.

A report is contained on the Agenda at Item 9.7.1 to consider Council's existing Standing Orders Local Law. The two items would need to be considered together and the relevant clause in the proposed new Local Law amended if Council was to proceed in this direction.

The following comments are also provided:

- (a) If the Council was to consider whether to support the proposed removal of clause 3.6 of the Standing Orders, it may wish to bear in mind that:
 - (i) provisions similar to clause 3.6 are common in Standing Orders of local governments throughout this State;
 - (ii) the clause is based on the WALGA model Local Laws;
 - (iii) a check of the Standing Orders of the City's immediate neighbours and Regional Council partners, ie Armadale, Belmont, Canning, Gosnells, Melville and Victoria Park all have similar, if not identical clauses to the model Local Law contained in their Standing Orders;
 - (iv) in the absence of clause 3.6, the Presiding Member may well have an implied power to exclude from the business of the meeting any Motion that was 'out of order' (including any Motion of which notice has been given); and
 - (v) in the absence of clause 3.6 there would be no provisions governing notices of Motion including when they need to be given and to whom they are to be given. The failure to address these issues would inevitably lead to confusion and uncertainty.
- (b) If Motions do appear on the Agenda that are potentially defamatory, unlawful or irrelevant, implications may arise when they are debated and decisions may not be lawfully capable of being implemented and could lead the Council to be exposed to legal action.

COUNCIL DECISION ITEM 11.2

Note: Item 11.2 was dealt with as part of consideration of Agenda Item 9.7.1.

11.3 Policy of Open Accountable and Clearly Transparent Tender Processes : Cr D Smith : 14.6.2006
--

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 June 2006.

MOTION

I move a Motion of no confidence in the City's Administration for its failure to implement a Policy of Open Accountable and Clearly Transparent Tender Processes in relation to outside sources quoting on all road traffic management resources, including traffic movement surveys and the positioning of road calming devices etc, which the Council decides to out-source.

COMMENT

The fact that the clear majority of the successful firms which obtain such work is a firm called Shawmac, the principals of whom are Mr Tony Shaw and Mr Gordon McPherson, both former employees of the City of South Perth in the then Works Division. Mr McPherson being the City Engineer at that time. It is neither inferred or imputed in any way whatsoever that there was anything illegal or improper in this firm obtaining work with the Council. But it clearly begs a moral question and even more significantly creates a climate in which the Elected Council and some areas of the staff of the City could be perceived and in fact accused by the Ratepayers and Electors of the City of South Perth of being guilty of corruption and nepotism especially as the City has an avowed Policy of Open and Accountable Government.

SUPPORTING DOCUMENTATION FROM CR SMITH

A document has been received in support of Item 11.3 Notice of Motion. The document reads as follows:

“We the undersigned Councillors of the City of South Perth require and will insist (that the Motion re the tendering processes of the City of South Perth which will be brought to the June meeting of Council by Councillor Smith) is to be debated in open Council so that the public of South Perth can observe our determination to ensure that in future all tenders for outside work are carried out in a completely open, accountable and a transparent manner.”

The document was signed by the following Members:

Councillors

D Smith	Mill Point Ward
B Maddaford	Mill Point Ward
R Wells	McDougall Ward
G W Gleeson	Civic Ward
S Doherty	Moresby Ward
K Trent	Moresby Ward
L Jamieson	Manning Ward
B Hearne	Como Beach

COMMENT CEO

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

There is no justification for such a Motion to be considered by Council. No evidence has been presented to support the claim that in respect of “Road traffic management resources” the City’s Administration has failed to implement a “policy of open accountable and transparent tender process”.

The “comment” provided by Cr Smith relates to arrangements entered into with a firm called Shawmac, the principals of which are both former employees who left the city ten years ago, in 1996. Shawmac is a reputable consulting engineering practice that provides a range of services to a range of customers including State and Local Government and private enterprise within and external to Australia.

The firm Shawmac is a locally based engineering consulting firm which has been employed by the City over many years. Because of the extended period of engagement, the firm has built up a considerable amount of knowledge and experience of the City’s road and other infrastructure asset systems and requirements. As the firm is relatively small, the rate charge is generally very competitive and as a result reflects excellent value for the City.

Since July 2001 (as far back as this matter has been researched), the firm has been engaged on a number of different assignments, none of which has needed tenders being separately called. The work typically involves preparing and conducting studies relating to transport and traffic management issues.

The total amount paid to Shawmac over the relevant financial years is as follows:

2001/02	\$19,767
2002/03	\$ 8,947
2003/04	\$21,890
2004/05	\$36,735
2005/2006	\$0

It has not been necessary to call tenders for any of the work as the total amount paid in each financial year has been significantly less than the tender threshold of \$50 000. In the case of each assignment awarded to Shawmac, the City's Purchasing Policy and Management practices have been adhered to. Shawmac has been engaged properly in accordance with the WA Local Government Tender Regulations and the City's Purchasing Policy and Management Practices.

In response to a question from Cr Smith on this subject, a Memorandum was prepared by the Director Infrastructure Services and given to Cr Smith. The contents of the memo are repeated as follows:

“Earlier this week you contacted me to obtain some information on whether Shawmac Pty Ltd Consulting Engineers provided services in relation to the following projects:

- 1. Traffic Study for the Gracewood Development*
- 2. Round-a-bouts in Challenger (@ Griffin & Henning)*
- 3. Round-a-bouts on Welwyn Avenue (@ Hope & Conochie)*
- 4. Traffic Calming Measures on South Terrace between Canning Highway and Hayman Road.*
- 5. Round-a-bouts on Coode Street (@ Preston & Comer)*

With regard to the Gracewood Development, Klyne Consulting undertook traffic investigations on behalf of the City not Shawmac.

With regard to the other listed projects all detailed designs and management of construction activities were conducted in-house. However, Shawmac were commissioned in September 2003 to undertake the preliminary traffic study for the area South of Manning Road and West of Elderfield Road (Area 14/15 Traffic Study). The cost of this study was \$12,400 + GST and they provided the lowest quote of eight other submissions through a formal quotation process as per our City practices. The round-a-bouts in Challenger and Welwyn were later outcomes of this study.

Shawmac were also commissioned in January 2004 to undertake a traffic study for South Terrace between Canning Highway and Hayman Road for the sum of \$7,500 + GST. Again the resultant traffic treatment designs and construction works were undertaken in-house. Shawmac did not provide consulting support services for the round-a-bout works on Coode Street.

It should be noted that on all of these occasions where the services of Shawmac Pty Ltd were engaged it was administered in accordance with the City's purchasing guidelines.”

MOTION

Moved Cr Smith, Sec Cr Hearne

I move a Motion of no confidence in the City's Administration for its failure to implement a Policy of Open Accountable and Clearly Transparent Tender Processes in relation to outside sources quoting on all road traffic management resources, including traffic movement surveys and the positioning of road calming devices etc, which the Council decides to out-source.

Note: Cr Jamieson returned to the Chamber at 9.52pm

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith opening for the Motion

- appalled by memos received from Mayor and CEO re Shawmac (Cr Smith read aloud the Memos)
- no inference of corruption
- appalled after stating my concerns and that of other Elected Members that CEO would not have gone to ultimate ends to put Members beyond criticism of the public perception of corruption

Cr Macpherson point of Order

Can Cr Smiths identify where the process has not been open, accountable and transparent?
Cr Smith stated that because it did not go to the full process of tendering

Cr Smith cont'd

- assumed, wrongly, Mr Frewing would see our concerns in light of who Shawmac was and go to full tender process
- cannot have this stigma
- this Council is accountable to open and accountable governers
- other Councillors share concerns - nothing to do with illegality but public perception
- if Mr Frewing is full arbiter of this he has no right to expose us to the innuendoes
- bulk of Councillors share my concerns
- asked Councillors to support bringing this up in public to be open and accountable
- hope you agree to this, hope Mr Frewing takes notice and goes to full tender process on road traffic management
- if not will be standing up and singing a different song

Cr Hearne for the Motion

- acknowledge ex-employee has right to win a tender
- acknowledge signed Motion was out of frustration in getting information from management
- CEO should have bent over backwards when this issue was first raised
- asked CEO for City's policy on tendering and got 3 pages - not all relevant documents
- asked CEO if he would make any changes to policy - response - not sure
- then received 5 page memo which went some way to explaining tenders over \$50,000
- stated that the CEO's memo of June 21 highlighted that the City's tendering practices were not utilised in contracting Shawmac
- highlighted that the City did not obtain 3 quotations as required from alternative suppliers for supply of services with a total value between \$5000 and \$19999 as detailed on page 2 third paragraph of CEO's memo of June 21
- lack of co-operation in management addressing this situation now results in a vote of no confidence

FORESHADOWED MOTION

Cr Hearne foreshadowed he would be moving that a review be carried out of the City's Tendering Policies if the current Motion is Lost.

The Mayor requested that the Chief Executive Officer comment.

CEO COMMENT

The Chief Executive Officer stated that on behalf of the administration he was very disappointed that Councillors Smith and Hearne had chosen this venue to say what they have. He said that as stated in the CEO Comments section for Item 11.3 which appears in

the Agenda paper no evidence has been presented to support the claim that in respect of “Road traffic management resources” the City’s Administration has failed to implement a “policy of open accountable and transparent tender process” whereas we have significantly Best Practices in our Tender Manual process.

He further stated that approximately one year ago the matter had been raised by Cr Smith with the Mayor. The Mayor in turn referred the matter to him following which the enquiry raised was dealt with. As far as he could recall, he had not heard the name Shawmac mentioned again until the Notice of Motion received last week from Cr Smith and was not sure what this issue is all about. He said that Shawmac is a reputable consulting engineering practice that provides a range of services to a range of customers including State and Local Government and private enterprise within and external to Australia.

The Chief Executive Officer stated that he took exception to Cr Hearne’s inference that he had not provided information requested. Her said at no stage had he understood that Cr Hearne was talking about Management Practices and that as far as he was concerned he had provided the information sought and advised that all Council Policies were on the web site. He had provided promptly what he had been asked to provide. Shawmac had not been the subject of the tender process as the amounts involved were less than \$50,000.

In summary the CEO stated that the administration has extensive purchasing and tendering documentation which has been identified as “Best Practice” and that in respect to using Shawmac that the firm has built up a considerable amount of knowledge and experience of the City’s road and other infrastructure asset systems and requirements, is a relatively small firm, and the rate charge is generally very competitive and as a result reflects excellent value for the City. It is therefore disappointing that the administration with a committed staff trying to do the best for the organisation is treated to a Motion in public where there is not one shred of evidence that the City has not followed Best Practice.

Cr Ozsdolay against the Motion

- agreed when Cr Smith stated there was a suggestion of bias
- it was appropriately followed up and I commend Cr Smith doing so
- why are we now voting on a Motion of No Confidence
- is the fact that we do not trust staff
- are we insulting all staff by stating that we do not trust them
- how do you suppose staff feel about trusting these Councillors
- how do staff trust the collective business of Council when we are bringing this forward
- if Motion is carried - just picture talk in the staff room tomorrow
- a Motion of No Confidence carried for what - based on no evidence
- what is the complaint - CEO stated City has been open, accountable and transparent
- being open and transparent does not mean you have to tender for every little job
- Best Practice outlined by CEO is the best efficient way of conducting work done
- accept where there is a ‘perception’ we have to just deal with
- no work given to Shawmac in 2006
- pools of contractors - good for larger organisations - inefficient for small contractors
- do we go forward from here running a business or do we go backwards
- Motion of No Confidence is not to be taken lightly
- no problem in reviewing our Policies and Management Practices
- a Motion of No Confidence against our staff - where is the evidence
- refer you to the 4 Way Test:
 - Is it the TRUTH?;
 - Is it FAIR to all concerned?
 - Will it build GOODWILL and BETTER FRIENDSHIPS? and
 - Will it be BENEFICIAL to all concerned?

Mayor against Motion

- refer to correspondence to Cr Smith in 2005 regarding 'perception'
- CEO came back with reply/report that controls, as far as he was concerned, were in place
- surprised to see this matter now coming forward
- agreed to this matter coming forward as it was supported by signatures of eight of the Councillors of this City
- would have thought a review of our procedures was always a better alternative
- we spend in purchases around twenty to thirty million dollars a year and here we are talking about of figures around \$19,000
- have serious concerns in relation to comments made

Cr Hearne point of clarification

Cr Hearne offered his apologies to the CEO if there was a misunderstanding of his request for additional information. He then stated that the third last paragraph on page 2 of CEO memo of 21 June clearly highlights the need to seek three quotations, why did it not happen? The memo is clearly confusing and potentially misleading, what actually did happen?

The Director Infrastructure Services stated that when purchasing services that we seek written quotations from three or more firms. For purchases between \$5,000 and \$20,000 verbal quotations are obtained. He suggested that Members read the information provided in the memorandum which draws on the City's Management Practices and Policies.

Cr Macpherson against the Motion

- commend officers for documentation provided on this matter
- have seen no evidence that the process has been less than accountable, open and transparent
- eight Councillors have signed this Notice of Motion
- my name was not on the list nor was this matter raised with me
- cannot debate perceptions - there will always be perceptions
- I also deal with tenders/quotes - am well aware of the process to be followed
- from evidence officers provided it is clear processes/procedures have been follow
- no evidence presented to support Motion
- do not know what we are debating

Cr Gleeson against the Motion

- speak against Motion even though I signed supporting
- signed because I believed we were to debate the tender process
- Cr Smith outlined issues raised by ratepayers that he did not like
- my perception is that Cr Smith is personally attacking the administration of Council
- named Cliff Frewing and his accountability six times in his debate
- did not sign the supporting motion document for those remarks to come forward in the public forum
- support Cliff Frewing and the staff - wrote a letter to Councillors to that affect
- current tender process is following correct process - is accountable
- do not have to call for tenders when under \$50,000 for work
- a few Councillors are pointing a finger causing frustration with Council staff - sick of it
- Council is heading for ruin if this keeps up - a few Councillors pursuing personal issues
- do not enjoy what has been happening since elected last year
- came on Council to represent City of South Perth and get on with the business of representing the City
- want it on notice I will not sign any other document put before me denigrating staff

Cr Wells for the Motion

- believe spirit of Motion is not an out and out vote of no confidence per-se'
- concerns only one particular item
- Shawmac has been a very contentious name
- not a vote of no confidence in total only in relation to particular area

Cr Smith closing for the Motion

- make no apologies whatsoever - not to staff - CEO - Mayor no one
- as far as I am concerned only one way to deal with element of Shawmac
- if Shawmac were not who they are it would not matter
- Shawmac have been doing work with this Council since 1997 - since they left Council without equivocation there is only one way to deal with this situation to remove any allegations
- motion not against staff but about not going to tender in relation to the Shawmac issue
- want the process out in the open because of public perception
- have always protected staff - when they needed it
- if Shawmac were not a player it would not be issue

The Mayor put the Motion

LOST (5/7)

Note: Councillors requested that the vote be recorded

<u>For</u>	<u>Against</u>
Cr Smith	Cr Gleeson
Cr Hearne	Cr Macpherson
Cr Jamieson	Cr Ozsdolay
Cr Maddaford	Cr Cala
Cr Wells	Cr Doherty
	Cr Trent
	Mayor Collins

Note: Cr Macpherson left the Chamber at 10.35pm

CHANGE TO ORDER OF BUSINESS

Moved Cr Ozsdolay, Sec Cr Hearne

That the Order of Business in the Agenda be changed to allow Item 12 "New Business of an Urgent Nature" to be dealt with later after *Confidential* Item 13.

CARRIED (11/0)

13. MEETING CLOSED TO PUBLIC

13.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Trent, Sec Cr Hearne

That the meeting be closed to the public at 10.38pm in accordance with the *Local Government Act Sections 5.23 (a),(b) and (d)* while items 13.1.1, 13.1.2 and 13.1.3 are discussed as they relate to legal advice obtained, the personal affairs of a person and matters relating to an employee and an ex-employee.

CARRIED (11/0)

Note: The following staff and the remaining members of the public gallery left the Chamber at 10.38pm

Mr R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic & 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 Environment Health and Regulatory Services
Ms D Gray	Manager Financial Services
Ms S Cairns	City Communications Officer

Note: Cr Macpherson returned to the Chamber at 10.38pm

MEETING ADJOURNED

Moved Cr Trent, Sec Cr Hearne

That the meeting be adjourned for a 5 minutes break at 10.40pm CARRIED (12/0)

MEETING RECONVENED

Moved Cr Trent, Sec Hearne

That the meeting be reconvened at 10.45pm CARRIED (12/0)

Note: All those present after the meeting was closed to the public and before the adjournment returned to the Chamber.

13.1.1 Supreme Court Legal Action *CONFIDENTIAL REPORT*

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/406
Date:	9 June 2006
Author and Reporting Officer:	Cliff Frewing, Chief Executive Officer

Confidential

The CEO has designated this report as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a), (b) and (d) as it relates to legal advice obtained regarding a matter to be discussed and also relating to an ex-employee and the personal affairs of that person.

Note: ***CONFIDENTIAL REPORT CIRCULATED SEPARATELY***

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 13.1.1**

Moved Cr Trent, Sec Cr Hearne

That....

- (a) the action of the CEO in defending the writ by appointing Corrs Chambers Westgarth to represent the City be noted; and;
- (b) the Council receive regular reports from the CEO of the progress of this action.

CARRIED (12/0)

13.1.2 Recommendation from CEO Evaluation Committee Minutes
CONFIDENTIAL REPORT

Location: City of South Perth
Applicant: Council
Date: 20 June 2006
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

The CEO has designated this report 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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 13.1.2**

Moved Cr Trent, Sec Cr Ozsdolay

That Council adopt the following Committee Recommendation:

Recommendation 4.1 of the Minutes: CEO Evaluation Committee Meeting Held: 19.6.2006

as detailed in the body of *Confidential* report Item 13.1.2 of the Council Agenda 27 June 2006.

CARRIED (12/0)

13.1.3 Legal Professional Privilege CONFIDENTIAL REPORT

Location: City of South Perth
Applicant: Council
Date: 22 June 2006
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

The CEO has designated this report as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(d) as it relates to legal advice obtained.

NOTE: CONFIDENTIAL REPORT CIRCULATED SEPARATELY

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 13.1.3**

Moved Cr Hearne, Sec Cr Doherty

That....

- (a) the advices received from the Department of Local Government and Regional Development be noted and received; and
- (b) the Council formally resolves to waive legal professional privilege in connection with legal advice received from Minter Ellison and McLeods lawyers as requested by the Department of Local Government in relation to the matter the subject of *Confidential* report Item 13.1.3 on the June 2006 Council Agenda.

CARRIED (11/1)

NOTE: CR SMITH REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that an item of 'New Business of an Urgent Nature' and considered to be a 'special circumstance' had been received from Cr Cala.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 12

Moved Mayor Collins, Sec Cr Trent

That Council accept the item of New Business.

CARRIED (12/0)

COUNCIL DECISION - ITEM 12 TO BE DEALT WITH AS *CONFIDENTIAL BUSINESS*

Moved Cr Cala, Sec Cr Ozsdolay

That the item of New Business accepted be dealt with as *Confidential* business.

CARRIED (9/3)

NOTE: CRS WELLS, JAMIESON AND SMITH REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

MOTION

Moved Cr Cala, Sec Cr Doherty

That this Council acknowledges the failure to provide an adequate process in assessing a Code of Conduct complaint by Councillor Wells. Further, that it apologises for the personal stress that this has caused him and to ensure him that this Council will establish measures are in place to address this inadequacy in the Code to avoid similar situations occurring.

Cr Cala read aloud the 'comments' supporting his Motion from the sheet circulated to Members.

Note: The Chief Executive Officer left the Chamber at 11.25pm and returned at 11.28pm

Mayor Collins read aloud from a written statement in relation to the process and the handling of the issue the subject of the Motion.

COUNCIL DECISION ITEM 12

The Mayor put the Motion

That this Council acknowledges the failure to provide an adequate process in assessing a Code of Conduct complaint by Councillor Wells. Further, that it apologises for the personal stress that this has caused him and to ensure him that this Council will establish measures are in place to address this inadequacy in the Code to avoid similar situations occurring.

CARRIED (8/4)

NOTE: CRS GLEESON, MACPHERSON AND MAYOR COLLINS REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

10. APPLICATIONS FOR LEAVE OF ABSENCE

10.1 Request for Leave of Absence - Cr Doherty 1.7.2006 - 31.7.2006 inclusive and 8.8.2006

Moved Cr Smith, Sec Cr Ozsdolay

That Cr Doherty be granted leave of absence from any meetings held between 1 July and 31 July inclusive and on 8 August 2006.

CARRIED (12/0)

10.2 Request for Leave of Absence - Cr Ozsdolay 25.7.2006 - 27.8.2006 inclusive

Moved Cr Doherty, Sec Cr Smith

That Cr Ozsdolay be granted leave of absence from any meetings held between 25 July and 27 August inclusive.

CARRIED (12/0)

10.3 Request for Leave of Absence - Cr Hearne 13.7.2006 - 20.7.2006 inclusive

Moved Cr Trent, Sec Cr Ozsdolay

That Cr Hearne be granted leave of absence from any meetings held between 13 July and 20 July inclusive.

CARRIED (12/0)

13.2 Public Reading of Resolutions that may be made Public.

COUNCIL DECISION - MEETING OPENED TO PUBLIC

Moved Cr Smith, Sec Cr Ozsdolay

That the meeting be again open to the public at 12.03am

CARRIED (12/0)

Note: For the benefit of the two members of the public that returned to the Chamber, the Mayor read aloud the Council decisions for Items 13.1.1, 13.1.2, 13.1.3 and Item 12 dealt with under *confidential* business.

14. CLOSURE

The Mayor closed the meeting at 12.08am 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 25 July 2006

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.