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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 28 March 2006 commencing at 7.00pm**

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

Present:

Deputy Mayor Maddaford      Mill Point Ward (Chairman)

Councillors:

G W Gleeson	Civic Ward
M B McDougall	Civic 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
D S Smith	Mill Point Ward
S Doherty	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr R Burrows	Director Corporate and Community Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Acting Director Strategic and Regulatory Services
Ms D Gray	Manager Financial Services
Mr C Buttle	Acting Manager Development Services
Mrs S Evans	Acting Manager Collier Park Village
Mr S McLaughlin	Legal and Governance Officer
Ms S Cairns	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery

Approximately 22 members of the public present and 1 member of the press.

Apologies:

Mayor J Collins, JP	Leave of absence
Cr B W Hearne	Como Beach Ward - leave of absence
Cr K R Trent, RFD	Moresby Ward - leave of absence
Mr S Cope	Director Strategic and Regulatory Services - Conference

**4. DECLARATION OF INTEREST**

The Deputy Mayor reported a Declaration of Interest had been received from Cr McDougall in relation to Agenda Item 9.3.3.

He then read aloud the disclosure, as detailed in the Minutes, before Item 9.3.3 on the Agenda.

**5. PUBLIC QUESTION TIME**

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

At the Council meeting held 28 February 2006 the following questions were taken on notice. A response was provided by the Manager Engineering Infrastructure, by letter dated 3 March 2006, a summary of which is as follows:

**5.1.1. Mr Robert Simper, 32 Sandgate Street, South Perth**

Summary of Question

Mr Simper referred to bus shelters being replaced/damaged etc, in particular:

- existing shelter in South Terrace being replaced then removed
- one in Angelo Street being reduced in size
- others having been removed without advising ratepayers
- some in Canning Highway damaged; and

asked: What is happening, where are these bus shelter going and why?

Summary of Response

Basic shelters provided by the City in the past has been either the concrete “bunker” style shelter or the steel framed cantilever style shelter. Both types of shelters are gradually being phased out as part of an ongoing replacement program.

The bus shelter installed in South Terrace opposite the Como Hotel did not provide for unencumbered access for all bus users and requires modification to enable wheelchair access through the back of the shelter. The shelter in Angelo Street was installed at no cost to the City as part of an advertising agreement and was much larger than the cantilever shelter it replaced. Relocated the Highway type Jason Shelter from South Terrace to Addison Street and removed the concrete shelter. Purchased a modified Highway Type Jason Shelter with rear opening for installation in South Terrace and relocated the larger Adshel style shelter from Angelo Street to a location in Labouchere Road. Any damage to shelters along Canning Highway that would be a hazard to pedestrians or affect structurally the shelter are repaired as soon as it has been brought to our attention.

**5.2 PUBLIC QUESTION TIME : 28.3.2006**

Opening of Public Question Time

The Deputy Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements, must relate to the area of Council’s responsibility. He further stated that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. The Deputy Mayor then opened Public Question Time at 7.05pm.

**5.2.1. Ms Jane Elton, 80 Kent Street, Como**

Summary of Question

Ms Elton stated that she worked in the City of South Perth as a child care worker. She referred to the Study being conducted into the needs of families with children aged 0 - 5 years and asked if the City would considered extending the age group of the Study?

Summary of Response

The Director Corporate and Community Services stated that the Study referred to covers families with young children and seniors plus and that it was too far advanced at this stage to expand the age group of the children as to all intents and purposes the Study had been completed. He further stated that some interesting aspects had come out of the draft document and that expanding the age range of the children / young adults could certainly be included in the future.

Summary of Question

If the survey was extended and included children 0 - 12 years and young adults 12 - 18 years and based on the findings of research, will the City create a Strategic Plan?

Summary of Response

The Director Corporate and Community Services stated this could be considered once the findings of the Study have been presented in a report to Council.

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

Summary of Question

At the July 2003 Council Meeting I asked: *When will the Council install a footpath from Scenic Crescent to Sir James Mitchell Park ie along Heppingstone Street to Lamb Street?* The written response received advised the path extension would be included for consideration in the 2004/05 Capital Works Program. When will the path be built bearing in mind there is no path on either side of the road?

Summary of Response

The Director Infrastructure Services advised that the question was taken on notice.

Summary of Question

Why is it that the Council will not answer my question when I ask: *What is the plot ratio area and height of the building at 10 Jubilee Street, South Perth?* Believe ratepayers and residents have a right to know why you will not answer.

Summary of Response

The Chief Executive Officer stated that in respect to the height of the building that this question has been answered in the Council Chamber and in writing to Mr Drake. He further stated that the plot ratio issue has been passed to a third party for investigation and once these findings have been assessed there will be a report presented to Council on the issue.

Summary of Question

Mr Drake stated: That is not an answer. If you state that legally you do not have to tell us, fine I will accept that.

Summary of Response

The Chief Executive Officer advised that the City has no obligation to measure the height of buildings.

Mr Drake asked that his question be answered. The Deputy Mayor ruled that a response had been given.

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

Summary of Question

I note the Agenda Item for the Metro Inn has been withdrawn. At the Special Electors meeting held to discuss the Metro Inn proposal it was stated that the required number of parking bays was 160, at the March Council Agenda Briefing the number was changed to 180 and that figure was then changed again in the report to 271. This represents three changes in little over a week. Which figure is the CEO confident is correct? When did the CEO become confident with the figure as presented? Was the CEO confident that any of the other figures were correct? Is the CEO confident there is no other changes required?

Summary of Response

The Chief Executive Officer advised that the question was taken on notice.

Summary of Question

Yesterday I made a request to make a Deputation on a matter in which I believe I have a direct interest. My request for a Deputation was refused. In line with Standing Orders will my request be put to Council to make the decision as to whether I can make the requested Deputation?

Summary of Response

The Chief Executive Officer stated that the request for a Deputation by Mr Defrenne was in relation to the accuracy of the February Council Minutes. Mr Defrenne has no direct interest in the accuracy of the Minutes as stated in the Standing Orders Local Law and that request was therefore declined. He further stated that in any event the Minutes would have already been confirmed prior to Deputations being heard and that Mr Defrenne has the opportunity to ask any questions at public question time.

Mr Defrenne referred to his Questions on Notice provided in writing prior to the Council meeting.

Note: The Chief Executive Officer read aloud the following questions provided in writing by Mr Defrenne. He then responded to the questions:

Summary of Question

Mr Neil Douglas is a regular attendee at the Audit and Governance Committee meetings. In 2004 he was a Committee Member. In what capacity does he currently attend the meeting? Does Neil Douglas or Minter Ellison receive any payment for his attendance at the meetings?

Summary of Response

The Chief Executive Officer advised that Mr Douglas attends the Audit and Governance Committee meetings as a legal adviser. He further stated that Mr Douglas has received payments in the past but has not received any recently.

Summary of Question

At the February Council meeting in response to my question: *..in relation to No. 10 Jubilee Street Mr Defrenne asked: Has the building at No. 10 Jubilee Street been measured, if so what is it and if not, why not? What is the response in relation to the questions on plot ratio in accordance with the 1991 R Codes?* The final part of the response to this question *it would be dangerous to do so* is missing.

- (a) Why would it be dangerous to measure the building?
- (b) Is it because of some physical aspect?
- (c) Is it because of some legal aspect?
- (d) Is it because of some other aspect and if so what is it?

Summary of Response

The Chief Executive Officer responded as follows:

- (a) It would create a precedent.
- (b) No.
- (c) Possibly.
- (d) No.

**5.2.4. Mr Chris Groom, 5 Hovia Terrace, Kensington**

**Note:** The following questions from Mr Groom were provided in writing prior to the meeting. A response was prepared by the Acting Director Strategic and Regulatory Services as detailed below. Mr Groom did not want his questions or the responses read out.

Summary of Question

The officer's report on the proposed alterations to the Metro Hotel reports that there are 98 car bays available on site, or that could be made available with the proposed alterations. How many of these car bays meet the minimum size requirements as detailed in the City of South Perth Town Planning Scheme 6 including the supplementary requirement that any bays adjacent to a wall or column be a minimum of 300 mm wider?

Summary of Response

The applicant's drawings submitted as part of the application for the Metro Hotel (now withdrawn from the March 2006 Council agenda), show a total of 100 car bays on site. For the reasons explained in the officer's report, 98 of these bays are considered to be 'functional'. Based on the applicant's drawings, 2 car bays on the upper level and 1 bay on the lower level car park, do not meet the minimum size requirements of TPS6. The remaining 95 bays meet the minimum size requirements.

Summary of Question

How many car bays, complying with the minimum size requirements of the City of South Perth Town Planning Scheme 6 could be made available on the area proposed for parking?

Summary of Response

Based on the drawings forming part of the now withdrawn application for the Metro Hotel, if the car park were to be redesigned taking into account the actual physical constraints reflected on the plans, at least 95 car bays complying with TPS6 requirements could be accommodated on the site. While the 'underwidth' bays are less convenient to use, they are still functional.

Close of Public Question Time

There being no further questions, the Deputy Mayor closed Public Question Time at 7.18pm.

**6. CONFIRMATION OF MINUTES / BRIEFINGS**

**6.1 MINUTES**

- 6.1.1 Ordinary Council Meeting Held: 28.2.2006**
- 6.1.2 Audit & Governance Committee Meeting Held: 27.2.2006**
- 6.1.3 Special Electors Meeting Held: 13.3.2006 (Item 9.1.1 refers)**

**COUNCIL DECISION ITEM 6.1.1 AND 6.1.3**

Moved Cr Doherty, Sec Cr Macpherson

That the Minutes of the Ordinary Council Meeting held 28 February and the Special Electors meeting held 13 March 2006 be taken as read and confirmed as a true and correct record.

CARRIED (9/1)

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

**COUNCIL DECISION ITEM 6.1.2**

Moved Ozsdolay, Sec Cr Cala

That the Minutes of the Audit and Governance Committee Meeting held 27 February 2006 be received.

CARRIED (9/1)

**Note:** CR JAMIESON REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION.

**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 - February Ordinary Council Meeting Held: 21.2.2006**

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

**6.2.2 Concept Forum: Network City Train Station Study Meeting Held: 22.2.2006**

Officers of the City and representatives from Mr Linton Pike Estill & Associates presented an update on the Network City Train Station and answered questions. Notes from the Concept Forum are included as **Attachment 6.2.2.**

**6.2.3 Concept Forum: Collier Park Village Hostel Review Progress Report; and Debriefing Skyworks 2006 Meeting Held: 7 March 2006**

Officers of the City and Consultant Stuart Flynn of Southerncross provided an interim report as part of the review of the Hostel. The Manager Environmental Health provided a debriefing on the Australia Day 2006 event. Questions were raised and responded to following both Briefings. Notes from the Concept Forum are included as **Attachment 6.2.3.**



**6.2.4 Concept Forum: Meeting Held: 14.3.2006**

• **Capital Projects 2005/06; and Capital Projects Strategic Financial Plan Workshop**

• **SEMRC Update on Resource Recovery Feasibility Study**

Officers of the City presented an update on Capital Projects for 2005/06 and workshopped Capital Projects in the Strategic Financial Plan for 2005/6-2010/11.

Notes from the Concept Forum are included as **Attachment 6.2.4**.

**6.2.5 Concept Forum: Involvement of Community Associations in Town Planning Workshop : Meeting Held: 15.3.2006**

Officers of the City presented background and answered questions in relation to Community Associations involvement in Town Planning matters.

Notes from the Concept Forum are included as **Attachment 6.2.5**.

**COUNCIL DECISION ITEMS 6.2.1 TO 6.2.5 INCLUSIVE**

Moved Cr Ozsdolay, Sec Cr Cala

That the comments and attached Notes under Items 6.2.1 to 6.2.5 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 28 February 2006 be noted.

CARRIED (10/0)

**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 Deputy Mayor opened Deputations at 7.20pm and advised that speakers would be permitted 10 minutes each to address the Members.

**7.3.1 Mr Gary Lawrence of Lawrence Associates Agenda Item 9.3.2**

Mr Lawrence spoke in support of the officer recommendation and referred to previous Briefings and public consultation carried out. He spoke on the following points:

- centrepiece of the adaptive heritage proposal is that the Old Mill would be significantly modified and restored as a working mill which would be at the centre of a tourist precinct including a new museum made available to the City, and public / private art gallery, constructed in complementary style with the restoration of Millers Pool and a spur jetty.
- City's consent to the arrangement is critical and essential as it controls the land which is subject to the development proposal.
- ask Council support 'in principle' the Partnership Agreement between the Developer, National Trust and the City. Unless security of tenure is established nothing can proceed.

**7.3.2 Mr Keith Waterworth, 36 Roseberry Avenue, South Perth Agenda Item 9.3.3**

Mr Waterworth spoke in favour of the officer recommendation and raised the following points in relation to the proposed second storey addition to his property which he stated was in character with the existing house:

- overview
- setbacks
- overlooking
- R Codes; and
- Council Policies.

**7.3.3 Mr Frederick Bauwens, 38 Roseberry Avenue, South Perth Agenda Item 9.3.3**

Mr Bauwens spoke against the officer recommendation for the proposed second storey addition to No. 36 Roseberry Avenue and raised the following points:

- impact on natural light
- amenity - impact on residential area
- full consideration in the determination of the application
- previous Neighbourhood Agreement relating to another development in the focus area
- retaining existing views

**7.3.4 Ms Belinda Moharich, Phillips Fox representing Frederick Bauwens, 38 Roseberry Avenue, South Perth Agenda Item 9.3.3**

Ms Moharich of Phillips Fox Lawyers spoke against the officer recommendation and raised the following points:

- possible none-compliance with Residential Design Codes
- element 9 of the R Codes - compliance with solar access to adjoining buildings
- finished floor levels / Australia Height Datum / ground level calculation
- seek deferral of this matter to allow for further analysis of plans

Close of Deputations

The Deputy Mayor closed Deputations at 8.10pm and thanked everyone for their comments.

**7.4 DELEGATE'S REPORTS** Delegate's written reports to be submitted to the Minute Secretary prior to **10 February 2006** for inclusion in the Council Agenda.

Nil

**8. ANNOUNCEMENTS FROM THE CHAIRPERSON**

**8.1 Method of Dealing with Agenda Business**

The Deputy 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 21 March 2006.

The Chief Executive Officer confirmed that this was correct.

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

Moved Cr Macpherson, Sec Cr Smith

That the officer recommendations in relation to Agenda Items 9.0.1, 9.1.1, 9.3.4, 9.4.1, 9.6.1, 9.6.2, 9.6.3, 9.6.4 and 9.6.5 be carried en bloc.

CARRIED (10/0)

## 8.2 Report Item Withdrawn from Agenda

The Chief Executive Officer reported that at the request of the applicant, report Item 9.3.5 dealing with the Metro Hotel redevelopment proposal had been withdrawn. If view of this item not being discussed the Deputation requests from Messrs Richard Sneeuwjagt, Kevin Sproat, Chris Groom and Sam Taylor would not be heard.

## 9. REPORTS

### 9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

<b>9.0.1 Integrated Transport Plan - for Adoption</b> <i>(Item 9.0.3. referred from Council Meeting 24.5.2005)</i>
--------------------------------------------------------------------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	TT/901
Date:	9 March 2006
Author:	Trevor Quinn, Design and Traffic Engineer and Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Glen Flood, Director Infrastructure Services

#### Summary

To present the City of South Perth Integrated Transport Plan for Adoption.

#### Background

At the May 2005 meeting a Report outlining the proposed City of South Perth Integrated Transport Plan was noted by Council with the expectation that following widespread consultation with the local community and remaining stakeholders would be represented at the October meeting for endorsement. The intention of the Report was to release the document Draft City of South Perth Integrated Transport Plan as a Discussion Paper. An abridged version of the Discussion Paper was to be prepared and was to be widely distributed to all organisations acknowledged as stakeholders. Both the Discussion Paper and the Abridged Plan were placed on the City's website and into both libraries where numerous copies of the Abridged Plan were made available to and collected by the public. Copies of the Abridged Plan were also available for the taking from the front counter of the Civic Centre and Operations Centre.

The May Report detailed the genesis of the City of South Perth Integrated Transport Plan as the Perth Metropolitan Transport Strategy and the subsequent TravelSmart 2010 - a Ten Year Action Plan. Network City - a Community Planning Strategy for Perth and Peel was the next State initiative in the area of Planning and Transport and together all three provide the overall umbrella for a local government strategy to effectively operate under.

The Plan **Attachment 9.0.1** details the agreed strategies within the four core areas of vehicles, public transport, pedestrians and cyclists and will along with the Strategic Plan provide the basis for all activities within the areas of transport within the City. A copy of the Strategic Plan has been placed in the Councillors Lounge.

At the close of the "Out for Comment" period only eleven submissions had been received.

#### Comment

Despite the widespread distribution of the Abridged Integrated Transport Plan Draft document to only receive eleven submissions was disappointing.

The submissions received were generally expressing a personal opinion on a specific matter or the lack of detail in a certain area overlooking in our view the strategic nature of the document. The document is intended to identify the issues and to develop the framework to achieve an outcome, not to resolve the issue now. Some of the issues identified in the strategic plan are outside of the jurisdiction or capacity of the City to influence and while the actions proposed address the issues, it fell short of the expectation of some of the submitters.

Two responses applauded the City on the initiative and acknowledged the strategic nature of the document as being subject to review.

Generally the comments received were issues that have or would have been addressed as part of Action Plans that form part of the Strategic Integrated Transport Plan.

The officer group reviewing the comments along with the Consultant retained to prepare the Plan are satisfied that all of the feedback has been addressed in some form within the current document or within the intended actions that will follow from the adoption of the City of South Perth Integrated Transport Plan. Changes to the Draft document referred to previously as the Discussion Paper has been minimal.

The Plan **Attachment 9.0.1** identifies strategies that have been developed from the many issues raised by the working party and the original consultation process involving stakeholders.

The Action Plans developed from the above strategies will form part of the Departmental Business Plan and be monitored accordingly.

The City of South Perth Integrated Transport Plan will be subject to annual review as part of the Budget and Business Plan processes.

### **Consultation**

Following the May meeting, an Abridged Plan was developed from the Integrated Transport Plan Discussion Paper. The Abridged Plan was developed by the Consultation Officer, the TravelSmart/RoadWise Officer and the Traffic Engineer. The Abridged Plan was:

- circulated to the stakeholders list retained in the Community Services Directorate;
- listed on the “Out for Comment” section of the City’s website;
- placed in Libraries and at the front counters of the Civic Centre and Operations Centre; and
- forwarded to key transport stakeholders.

The above satisfies the requirements of the Management Practice M103 Communication and Consultation Matrix Level 2 - Consult as defined in Policy P103.

### **Policy and Legislative Implications**

Nil.

### **Financial Implications**

Adoption of the City of South Perth Integrated Transport Plan will have no financial implications in the immediate future. However as the “framework” for the future direction in transport issues it will provide input to the Budget process and will be addressed at that time and in the context of other competing needs.

### **Strategic Implications**

The development of the City of South Perth Integrated Transport Plan is consistent with Goal 3 Environmental Management Strategy 3.4:

*“Develop and implement an Integrated Transport Plan taking into account the planned Southern Suburbs Railway and the review of Canning Highway. The Plan will also incorporate the TravelSmart Local Action Plan and include an examination of a Community Bus Service.”*

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION 9.0.1**

That the City of South Perth Integrated Transport Plan **Attachment 9.0.1** be adopted for implementation.

CARRIED EN BLOC RESOLUTION

**9.1 GOAL 1 : CUSTOMER FOCUS**

**9.1.1 Minutes Special Electors Meeting 13 March 2006**

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/2
Date:	14 March 2006
Author:	Kay Russell
Reporting Officer:	Roger Burrows Director Corporate & Community Services

**Summary**

The purpose of this report is to note the Minutes from the Special Electors Meeting held on 13 March 2006. The meeting was called in response to a request from residents to discuss the full implications to the local residential community of the proposed change of use of the Metro Hotel.

**Background**

A petition was received 16 February 2006 from Mr Rick Sneeuwjagt, 17 Banksia Terrace, Kensington and approximately 140 signatures in relation to the Metro Hotel proposed Alterations, Additions and Change of Use from ‘Tourist Accommodation’ to ‘Hotel’. Pt. Lot 10 (No. 61) Canning Highway, South Perth. The petition was tabled at the February 2006 Council meeting.

As a result, under a requirement of the *Local Government Act, Section 528*, a Special Electors Meeting was held on 13 March 2006 to discuss the concerns raised by residents / ratepayers in relation to the proposed ‘change of use’ of the Metro Hotel.

**Comment**

The Minutes from the Special Electors Meeting held 13 March 2006 are attached. **Attachment 9.1.1 refers.**

MOTIONS

The following Motions were carried at that meeting:

MOTIONS

The following Motions were carried at that meeting:

Motion 1

That Council ensure that the proposal for a change-in-use be assessed under the No. 6 Town Planning Scheme in terms of its number of car parking requirements, taking into consideration all function rooms on the ground and second floors.

***Officer Response***

The issue is addressed in detail in the officer report Item 9.3.5 on the March Council Agenda. No further comment is required.

Motion 2

That the proposal is rejected until Council undertakes an independent child safety audit that takes into account access to school and road safety issues affecting the Banksia Terrace cycleway.

***Officer Response***

The issue is addressed in detail in the officer report Item 9.3.5 on the March Council Agenda. No further comment is required.

Motion 3

Since the community did not have the opportunity to view the Traffic and Parking Report before the close of public submissions, that Council rejects this proposal and subsequent proposals until the community is provided with the full information at the start of any public comment period.

***Officer Response***

The issue is addressed in detail in the officer report Item 9.3.5 on the March Council Agenda. No further comment is required.

**Consultation**

Notice of the Special Electors' Meeting scheduled for 13 March 2006 was advertised in the:

- West Australian newspaper 22 February;
- in the Southern Gazette newspaper on 28 February and 7 March 2006 respectively;
- on the City's web site; and
- on the Public Notice Board at the Civic Centre and the Libraries/Heritage House

**Policy Implications**

This issue has no impact on this particular area.

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with Strategic Goal 1: Customer Focus:

*To be a customer focused organisation that promotes effective communication and encourages community participation. .*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.1.1</b>
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That....

- (a) the Minutes of the Special Electors Meeting dated 13 March 2006 be received; and
- (b) the Motions passed at the Special Electors Meeting on 13 March 2006 be considered together with other submissions received in report Item 9.3.5 on the March 2006 Council Agenda in relation to the proposed alterations/additions and change of use to the Metro Hotel, No. 61 Canning Highway, South Perth.

CARRIED EN BLOC RESOLUTION

**9.2 GOAL 2: COMMUNITY ENRICHMENT**

Nil

**9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

<b>9.3.1 Public Open Space Review</b>
---------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/205/2
Date:	8 March 2006
Author:	Cliff Frewing
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

**Summary**

The purpose of this report is to seek Council's response to the recommendations made by WALGA in relation to the review of allocation of Public Open Space requirements on subdivision of land..

**Background**

In June 2005, the WA Local Government Association conducted a workshop to review and address concerns about the allocation of public open space for different recreational, environmental and drainage purposes as well as the development and on-going management of open space and recreational facilities. In particular there is concern by some Councils about the adequacy of current policy and practice in:

- Identifying the needs of the community for a range of recreational facilities, both structured and unstructured;
- Balancing the allocation of public open space for different uses and purposes such as to adequately provide for the range of community needs;
- Providing appropriate public open space and recreational facilities at district and regional levels as well as local and neighbourhood facilities; and
- Funding for the development and on-going management of recreational facilities and environmental resource areas.

One of the outcomes of the workshop was to develop a review which would aim to identify barriers that Local Governments are currently facing in the provision and development of Public Open Space to meet the needs of communities within WA and to provide recommendations to overcome those barriers.

Consultation was undertaken with a range of Councils and a working group was convened to develop an issues paper. Whilst it is acknowledged that this issue has more relevance to outer metropolitan or 'growth' Councils, there could be application in certain circumstances to Councils like the City of South Perth.

**Comment**

WALGA has sought feedback from Councils on the issues and recommendations raised in the *Public Open Space Review of Current Policy and Practice* draft report. The City officers have reviewed the document and generally support the recommendations contained in the report. The following comments are made in relation to the individual recommendations

***WALGA Recommendation:***

1. That a more comprehensive framework for open space planning be established, including provision for the full range of recreational needs as well as environmental and engineering requirements involving open space allocation, based on community needs and environmental resource assessment.

***Officer's Response:***

Noting recommendation 2, some consideration should be given to the preferred methodology for environmental resource assessment and a specific agency will play an advisory role in this regard

***WALGA Recommendation***

2. That the WAPC be requested to prepare or co-ordinate the preparation of, guidelines for community needs assessment, in consultation with representatives from local government, Department of Sport and Recreation, Department of Education and Training, Department of Conservation and Land Management and the University of Western Australia.

***Officer's Response***

Agreed

***WALGA Recommendation***

3. That the WAPC be requested to review its funding arrangements for the acquisition and on-going management of regional open space, including Bush Forever sites, to ensure there is no prejudice to the provision and management of local POS and associated facilities.

***Officer's Response***

Agreed

***WALGA Recommendation***

4. That the WAPC be requested to ensure that the Department of Sport and Recreation (DSR) is consulted in the preparation of local and district structure plans and in relation to large scale subdivision involving the provision of POS, where not governed by an approved structure plan with input by DSR.

***Officer's Response***

Agreed

***WALGA Recommendation***

5. That the WAPC and DPI (Land Asset Management Services) be requested to take into account the recreational needs of the community when considering proposals for re-development of school sites, with particular attention to any deficiencies in the provision of POS in those areas where redevelopment is proposed.



***Officer's Response***

Agreed

***WALGA Recommendation***

6. That the Association express its general support for the public parkland proposals included in the draft operational policy *Liveable Neighbourhoods* LN-3 subject to:
- (i) appropriate changes in response to local government submissions previously made to the Commission, including a review of standards for the various types of parkland identified, so as to bring them into line with current best practice;
  - (ii) inclusion of guidelines for the provision regional level sporting facilities, as recognised in the introduction to Element 4 – Public Parkland;
  - (ii) needs assessment to be highlighted as the basis for allocation and distribution of POS for the various types of recreational use, including both structured and unstructured recreation;
  - (iii) guidelines for the allocation and distribution of POS of various types to be qualified by reference to any needs assessment which may have been undertaken for the particular area and/or information about open space usage by the various user groups for whom facilities will be required;
  - (iv) inclusion of separate additional provision for contribution towards the cost of community facilities, including both land and development costs;
  - (v) inclusion of separate provision for developer contributions towards the cost of developing recreational facilities, in addition to basic earth works and grassing as currently proposed;
  - (vi) inclusion of a requirement to consider (rather than just encouraging) co-location of open space with schools, including both primary and secondary schools (public and private), at the structure planning stage, so as to facilitate the establishment of more versatile areas for community recreation and the sharing of services such as parking areas, change rooms, toilets, security, maintenance, etc;
  - (vii) inclusion of explicit recognition of the open space and recreational needs of the community in relation to the re-development of existing urban areas, in particular when considering proposals for re-development of school sites and associated playing fields;
  - (viii) removal of the exemption of small-scale subdivision from the requirement to contribute towards the basic development of POS, where land is in fragmented ownership or where it is restricted use POS; and
  - (ix) changes to cash-in-lieu provisions and removal of exemptions for small-scale subdivisions (5 lots or less) to reflect the changes in legislation, when the new *Planning and Development Act 2005* comes into effect.

***Officer's Response***

Agreed

***WALGA Recommendation***

7. That the Association request the expeditious replacement of Policy DC 2.3 and the associated *Guidelines for the Preparation of Local Structure Plans*, once the necessary changes have been made to *Liveable Neighbourhoods* LN-3. Consequential changes will also be required in relation to Planning Bulletin PB 18 Developer Contributions, so as to bring it into accord with the amended operational policy LN-3.

***Officer's Response***

Agreed

***WALGA Recommendation***

8. That until such time as the new *Liveable Neighbourhoods* LN-3 operational policy comes into effect, the Association requests the Commission exercise its discretion to prevent any trade off of POS against contributions towards development of POS<sup>1</sup> and that it limit the proportion of restricted use areas which can be credited as part of the POS contribution, to a maximum of one-fifth as provided for under LN-3.

***Officer's Response***

Agreed

***WALGA Recommendation***

9. That the Association expresses its general support for the new cash-in-lieu provisions under the *Planning and Development Act 2005*, under which cash-in-lieu may be required irrespective of the owner's agreement, where land within a subdivision is unsuitable or not required for POS. However, the Association requests reconsideration of the provisions of the new legislation which preclude the imposition of a cash-in-lieu requirement for two-lot subdivisions, in the interests of fairness and equity.

***Officer's Response***

Agreed

**Consultation**

WALGA is seeking feedback from Member Councils to enable its position to be determined.

**Policy and Legislative Implications**

Final position adopted by WALGA will form basis of negotiation with State Government for changes to legislation and Policy.

**Financial Implications**

Nil

**Strategic Implications**

In accordance with the City's Strategic Plan Goal 2 - Community Enrichment -

*To foster a strong sense of community and a prosperous business environment.*

<b>OFFICER RECOMMENDATION ITEM 9.3.1</b>
------------------------------------------

That the Western Australian Local Government Association (WALGA) be advised that the City of South Perth expresses general support for the recommendations contained in *Public Open Space Review of Current Policy and Practice* Draft Report as modified in report Item 9.3.1 of its March 2006 Council Agenda.

MOTION

Moved Cr Cala, Sec Cr Smith

That the Officer recommendation be amended to include the additional words in *italics* as follows:

That the Western Australian Local Government Association (WALGA) be advised that the City of South Perth expresses general support for the recommendation contained in Public Open Space Review of Current Policy and Practice Draft Report as modified in report Item 9.3.1 of its March 2006 Council Agenda *with the exception of: WALGA Recommendation 6. sub clause viii and ix; and WALGA Recommendation 9.*

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- requirement to pay a contribution to Public Open Space could be seen as an unfair exercise in revenue raising
- provision of Public Open Space as part of a new subdivision is standard practice
- established areas generally have Public Open Space already established
- ongoing enhancement is understood to come out of normal municipal revenue
- WALGA suggesting cash in lieu and support for the new Planning and Development Act that requires money for land that may not even be suitable for Open Space.
- WALGA not supporting cash in-lieu for 2-lot subdivisions but still in support of anything above this number
- Public Open Space should be provided as a requirement of normal large scale subdivision
- City should not add its support to cash in lieu payments for Public Open Space for small scale subdivisions.

Cr Smith for the Motion

- endorse Cr Cala's points
- support the Motion

Cr Macpherson point of clarification - what is meant by 'small scale' development?

Cr Cala responded - splitting in half

**COUNCIL DECISION ITEM 9.3.1**

The Deputy Mayor put the Motion

That the Western Australian Local Government Association (WALGA) be advised that the City of South Perth expresses general support for the recommendation contained in Public Open Space Review of Current Policy and Practice Draft Report as modified in report Item 9.3.1 of its March 2006 Council Agenda with the exception of:

WALGA Recommendation 6. sub clause viii and ix; and  
WALGA Recommendation 9.

CARRIED (10/0)

Reason for Change

The requirement to pay a contribution to Public Open Space in an established City like South Perth, where new subdivisions of 5 or less lots are undertaken could be seen as an unfair exercise in revenue raising. The provision of Public Open Space as part of a new subdivision is standard practice, but established areas generally have Public Open Space already established; and ongoing enhancement is understood to come out of normal municipal revenue.

Reason for Change 9.3.1 ( cont'd)

Whilst new subdivisions of 5 or less lots have exemption from contributing to Public Open Space, WALGA is suggesting cash in lieu; and in addition seeking support for the new Planning and Development Act that is requiring money when the land may not be even suitable for Open Space. It could be seen that these proposals are revenue raising by stealth from the small developer who may be in a position to split his block into two to five. Whilst WALGA is not supporting cash in-lieu for 2-lot subdivisions, it still is in support of anything above this number. Public Open Space should be provided as a requirement of normal large scale subdivisions, but the City should not add its support to cash in lieu payments for Public Open Space for small scale subdivisions.

<b>9.3.2 Old Mill Precinct - Concept Proposal for Adaptive Heritage Re-use and Revitalisation Redevelopment Proposal</b>
--------------------------------------------------------------------------------------------------------------------------

Location:	Old Mill Location Mill Point South Perth
Applicant:	Lawrence Associates
File Ref:	LP/212
Date:	17.3.2006
Authors:	Cliff Frewing, Chief Executive Officer Steve Cope, Director Strategic and Regulatory Services

**Summary**

An innovative proposal has been presented to Council by Lawrence Associates which involves the re-development of the land surrounding the Old Mill at Mill Point with the objective of reinstating the Mill to its original working order. The project also includes the re-creation of Millers Pool, development of community facilities and limited but necessary commercial buildings in the form of offices, conference facilities, restaurant and retail outlets including a bakery/cafe, to provide revenue to finance the project.

The centrepiece of the adaptive heritage proposal is that the Old Mill would be significantly modified and restored as a working mill which would be at the centre of a tourist precinct including a new museum made available to the City, and public / private art gallery, constructed in complementary style with the restoration of Millers Pool and a spur jetty.

Under this proposal, a Partnership Agreement would be established between the Developer, National Trust and the City which would detail the obligations of each party. The City's consent to the arrangement is critical and essential as it controls the land which is subject to the development proposal. Upon approval to commence development being given by the Swan River Trust, the City would be required to relinquish management control of the land under its control to the National Trust.

Council is being asked to indicate in principle its support of the proposal so that notice is given to the relevant State Government Departments and they are made aware of the City's position. This will give confidence to National Trust to give similar consideration and qualified support to the proposal to enable the preparation of the Partnership Agreement to be advanced.

The involvement of the National Trust is also seen as critical to the commencement and success of the project as its status is used to attract private and commercial donations to the Project with Tax deductibility benefits to donors. Income to the Fund can be first spent on the Project and then on any other similar project with the City. It is understood that a Trust Fund has already been established and private contributions made to it.

The “in principle” agreement sought is exactly that and simply enables advice to be provided to all interested parties and also gives confidence to the Developer that the parties are willing to seriously consider the proposal. This would also allow preparatory work to commence on the consolidation of land titles to be relinquished and consolidated on one land title. Council would not be agreeing to the development as consideration of the details of the Project would be identified in the Partnership Agreement and would need to be satisfied at the development application stage which would be considered a later time. The Partnership Agreement, signed by the City, Developer and the National Trust, would need to be agreed by Council in addition to consideration of the development application.

Importantly, if agreement is not reached on the contents of the Partnership Agreement, the obligations contained in the Partnership Agreement are not achieved, the development application is not approved or a range of other critical components of the project are not achieved, the concept would be abandoned and the land would not be transferred from the control of the City.

By virtue of the reservation status of the land, Swan River Trust is the decision-making agency for development approval. An application for development approval would be referred from the Swan River Trust to the City of South Perth for comment.

The proposal has been the subject of Concept Forum briefings to Council in July 2005 and February 2006 and received a favourable response. At the earlier briefing it was suggested that a traffic study and community consultation would be a pre-requisite to the proposal. At the February briefing, an update to the traffic study and results of the community consultation were presented along with a general update of the Project.

The proposal ideally fits the philosophy of the City facilitating development rather than being the principal provider or developer of community infrastructure.

The Executive Management Team has conducted a workshop on the proposal with relevant Managers in attendance and all officers conditionally support the proposal.

## **Background**

### **(a) History of Old Mill Site**

- Built 1835, oldest commercial lease and oldest industrial commercial building in Western Australia.
- Original site development included the Mill, the cottage and the water spur
- The Old Mill produced flour from 1835 to 1859
- Millers Pool was used for flour deliveries on the river, was connected to the river by an open channel, was filled in 1939
- During pre-planning for construction of Kwinana Freeway in 1958, demolition of Old Mill was proposed and a successful public campaign to save the Mill was conducted
- Brisbane & Wunderlich acquired lease of site in 1957 and restored Mill
- National Trust had management control of Old Mill site until 1992
- The City requested transfer of management control from National Trust
- The Old Mill is now a low key facility which has little or no appeal to the general public and tourists alike.
- The City bears all maintenance and operational costs associated with the Old Mill and surrounding reserves.

Affected Land Parcels are shown on **Attachment 9.3.2(a)**

	Land Description	Details	Vesting	Other	Land to be transferred to National Trust
1.	A portion of Sir James Mitchell Park - Former Off Ramp to Freeway	R357594 (Perth Lot 921)	City of South Perth		*
2.	Old Mill	R20804 (Perth Lot 818)	City of South Perth	Memorial Title	*
3.	Education Centre	R20804 (Perth Lot 833)	City of South Perth	Memorial Title	*
4.	Car park Old Mill	R37593	City of South Perth		*
5.	Sir James Mitchell Park - east of Mill Point Rd	R33804	City of South Perth		NO
6.	Local road, Bus turn-around	Local Road	Crown Land	Managed by City	*

Land marked with an astrix would be transferred to the National Trust, whilst land parcel where Millers Pool is located would be retained by the City.

**(b) Zoning Issues**

- The five land parcels are reserved under the Metropolitan Region Scheme and the City of South Perth TPS6 as regional recreation reserves.

**Comment**

Description of Project and Issues

The Project is significant in size and requires negotiation with numerous state agencies. It is acknowledged that significant negotiation and consultation has already occurred with these agencies. The Project raises many issues which are identified as follows and if the Project is approved 'in principle', this would allow more formal contact and negotiation with these agencies to occur. This process will also assist in avoiding duplication of tasks by various government agencies that would otherwise seem likely to occur. A plan of the proposed development is shown as **Attachment 9.3.2(b)**.

Description of proposal

(a) Development Concept

- Heritage tourism precinct focused on restored Old Mill as working mill
- Reconstruction of original ancillary development including Millers Pool, water spur and associated features
- Construction of new museum to be used by Historical Society
- Construction of new public/private art gallery
- Construction of new office/commercial buildings
- Complementary public infrastructure including parking, boardwalks, viewing stations and landscaping
- Aboriginal heritage interpretation and public art

(b) Old Mill

- Proposal is for heritage refurbishment, conservation and adaptive re-use
- Return site levels to as near as original site contours
- Revolve original gear to face sails toward City
- Revitalise machinery and grind flour for use in hot bread shop

(c) Millers Pool

- Reinststate Millers Pool and reconnect to River
- Rebuild water spur interpretation as a fountain design feature
- Recreate black swan nesting and habitation
- Indigenous art and interpretation

(d) New Development

Site plan indicates:

- 2 storey restaurant/conference building incorporating cafe (north of Old Mill immediately east of Kwinana Freeway Reserve)
- 3 storey office building (South of Old Mill immediately east of Kwinana Freeway Reserve)
- 2 storey museum building (along southern boundary of site between Mill Point Road and Kwinana Freeway Reserve)

Specific Issues

Some issues have been identified at an early stage and the Partnership Agreement will detail how they are to be addressed, assessed or verified.

(a) Traffic and parking

- Traffic Consultants predict that the development will generate 1774 trips per day.
- Increase in traffic flow particularly southbound will likely result in a parking prohibition on one side of the street i.e. off centre central markings.
- With a single lane volume proposed at 250 vehicles/hour south bound the difficulties now being experienced with parked vehicles either side and approaching traffic will be exacerbated, particularly as Mill Point Road is a bus route with a pavement width of only 10 metres.
- Using the overall trips/day predicted by the Consultants the peak hours, (early morning, midday and late afternoon), will increase by up to 34% on existing peak hour flows. The increase equates to some 130 vehicles/hour for the two way movement.
- Importantly, it is recognised that even without any redevelopment to the Old Mill, on-street parking in Mill Point Road will need to be addressed and formalised.

(b) Parking Areas

- Applicant has identified that the proposal is based on City control of the parking area to the south of the Old Mill and the parking areas under and adjacent to the Narrows Bridge being relinquished by the City. This is not supported in its present form and needs further investigation.
- All parking areas in the Mill Point area have a demand from other activities (unrelated to the Old Mill and redevelopment, and commuters to the CBD) such as water sports and resident parking. A Parking Plan for the area will be necessary if the project was to be supported.

(c) Pedestrian/Cycle Movement

Adequate provision is made for cycle and pedestrian movements into, through and around the proposed development

- (d) Foreshore management  
The proposal to re-create Miller's Pool is ambitious and could result in the loss of several large trees which are located in the proposed excavation area. In addition, foreshore dynamics have changed considerably since the original pool existed and the mouth of the inlet is likely to silt up regularly. The proponent would be required to seek appropriate coastal engineering advice before finalising their proposal. A detailed plan and a report on maintenance implications for the inlet would also be required. Further discussion on these design elements would be essential
- (e) Acid sulphate soils  
An investigation of the potential mobilisation of acid sulphate in the sub-soil will be a mandatory requirement of any Swan River Trust approval of this project. It is understood that the proponent has already undertaken a study. The Swan River Trust will need to be assured that any acid sulphate soil issue can be successfully managed.
- (f) Aboriginal Heritage
- Although heritage issues are properly described, the issue of native title is not dealt with and would need to be researched and advice prepared.
  - The City is currently undertaking an aboriginal heritage study of all its foreshores.
- (g) Existing recreational use  
The interrelationship between the existing public recreational use of the Pt Belches foreshore and waters and the project warrants consideration
- (h) Proposed museum and art gallery
- The City would be provided, on a long term lease basis a museum (250m<sup>2</sup>) in size which avoids the need for the City to provide such a facility. Management of the proposed museum would have ongoing maintenance implications but current maintenance and operational costs of the Old Mill and associated buildings would be avoided. Costs and responsibilities need to be determined
  - The public art gallery would be run as a commercial operation.
- (i) Proposed partnership agreement
- The purpose of the Partnership Agreement is to identify land involved in project , the nature of the development and the processes that are required to be completed to finalise the project
  - Parties to the project would include:
    - The City of South Perth
    - National Trust
    - The developer
  - Considerable further research, discussion and drafting is required to occur before the Partnership Agreement will be in suitable form for Council consideration
  - The Partnership Agreement would detail the extent of community consultation to be conducted and whom it should be conducted by
- (j) Proposed Future Land Tenure
- The developer proposes to bring all land encompassed in the project under an amalgamated title (other than the land on which the reinstated Millers Pool is located as this would remain under the control of the City)
  - As the subject land is under the management control of the City, in order to create an amalgamated title, a decision will be required by the City to relinquish formal management control (vesting) of this land



- The proposal also involves the minor reconfiguration of local roads in the vicinity of the project. This reconfiguration would aid traffic flow to and improve access to the site. Any portion of development over a local road would require the City to undertake the process of road closure set out in Section 59 of the Land Administration Act 1997 and in this instance is regarded as a formality
- Section 75 of the Land Administration Act provides for 'conditional freehold' whereby the holder of the title (National Trust) must obtain the consent of the Minister before leasing or transferring land the subject of conditional freehold. This arrangement has been proposed by the developer and would require the City to transfer the vesting of certain land under its control to the State so that the State is able to transfer the land to the National Trust without relinquishing control over the use of the land.
- The National trust would enter into a lease arrangement with the Developer which would be conditional and detail the obligations of each party
- It is understood that the National Trust has embarked on numerous similar arrangements involving Local Government and includes:
  - Serpentine/Jarrahdale (Jarrahdale Saw Mill)
  - Greenough (Hamlet heritage buildings)

(k) Technical investigations

The following technical investigations have been undertaken by the developer:

- Feature survey
- Cable management analysis
- Acid sulphate soil testing
- Old Mill Restoration Detail 1996
- Traffic Analysis
- Public consultation Strategy
- Wetlands Ecology
- Historical Verification

The following investigations were researched and findings used and interpreted for the proposal by the developer

- Conservation plan 1993 and Addendum 2005
- Structural Summary 1995

### Consultation

(a) Community Consultation

To date, no formal community consultation has been undertaken. This will be required should the concept proposal ultimately become a formal development application to the Swan River Trust. The proponent advises that a wide range of preliminary information sessions have been run, including:

- an open day at the Old Mill
- leaflet drops to 5,000 properties in the neighbourhood
- briefing sessions to Council members
- radio interviews, and
- discussions with individuals and groups of residents.

A summary of issues raised during the community consultation exercise and Lawrence Associates' responses, is attached to this report. Refer **Attachment 9.3.2(c)**. Also attached is a schedule of 'Frequently asked Questions' and responses provided by Lawrence Associates. Refer **Attachment 9.3.2(d)**.

To date neither the City nor the Swan River Trust has undertaken any community consultation.

If the project reaches the stage of a formal application to the Swan River Trust, that agency would require wide, formal community consultation. Rather than duplicate this intensive process at an early 'concept' stage, it is suggested that the City combines any community consultation processes with the Swan River Trust's formal process, with all written comments being directed to that agency in the normal way.

The Council might wish to consider whether or not to undertake any community consultation with respect to the possible change of vesting or ownership of the affected land parcels, prior to considering relinquishing control of the affected land but there is no legal obligation to do so. The land was formerly under the control of the National Trust.

**(b) Government Agencies**

The proponent advises that extensive preliminary consultation has been undertaken with respect to numerous government agencies. The City has not been involved in this process, nor seen any material supplied to the agencies by the proponent, nor the original comments of those agencies to the proponent, but understands that responses have been generally favourable. This process is not the concern of the City, however, but will be scrutinised by the Swan River Trust at the stage of any formal development application.

**(c) Swan River Trust**

As the responsible authority for considering approval of a development of this kind, the Swan River Trust would be consulted prior to any formal consultation being undertaken by the City (if any). This would avoid possible duplication of the process which the Trust might require to be undertaken differently.

**Policy and Legislative Implications**

**(a) *Heritage Act***

- The Old Mill is included on the State Heritage Register
- Approved Conservation Plan prepared by Ron Bodycoat in 1993
- The Heritage Council granted approval for restoration work on the Old Mill in December 1996
- The Adaptive heritage proposal can only proceed with the endorsement and approval of the Heritage Council

**(b) *Swan River Trust Act***

- All land parcels within the precinct are regional reserves under Metropolitan Region Scheme and subject to decision making authority of the Swan River Trust, who in turn make a recommendation to their Minister
- Swan River Trust will have regard to key considerations including but not limited to:
  - Consistency with Swan River Trust policy on foreshore development within the river system
  - Public access
  - Scale and form of construction
  - Acid sulphate soils
  - Re-establishment of original shoreline and re-vegetation
  - Swan River Trust will undertake community consultation prior to making a decision

(c) *Town Planning and Development Act*

As the land is classified as MRS regional reserves, the City would receive formal opportunity to comment by means of a future development application by referral from Swan River Trust.

(d) *Local Government Act*

Section 3.58. As the land is being transferred through relinquishing vesting status back to the Crown the City is exempt and not required to give local public notice of the proposal. This does not avoid community consultation obligations that are necessarily required and form part of this proposal which would be conducted at appropriate times. Any Council initiatives regarding community consultation need to be synchronised with the Swan River Trust's intended methods of community consultation.

**Legal Implications**

Appropriate legal advice will be taken prior to entering into the Partnership Agreement and at other relevant times to ensure that the City's interests are protected and risks minimised.

**Financial Implications**

Current operating costs to Old Mill are estimated at approximately \$36 000 per annum based on average expenditure over the past 5 years. Current average revenue from gate fees is approximately \$2 300 per annum

National Trust Fund

*The National Trust Act* allows for special Funds to be established that would benefit the Project and other local historical initiatives. In the first instances, a Charity Appeal Fund has already been established and private donations have been made. No disbursements have yet been approved, but allocation will be made to fund specific components of the Project.

Following completion of construction of the project, a City of South Perth Heritage Appeal would be established and this will also attract private donations as well as an annual contribution from the Project. It is envisaged that this fund will be managed by a committee with representation from the National Trust, City of South Perth, South Perth Historical Society and project owner. Guidelines for disbursement would be established by the National Trust and the Fund would be able to make donations to local historical projects within the City.

Future operational costs and maintenance issues

Future costs are yet to be determined. It would seem that existing costs associated with the operation of the Old Mill would be avoided. Operational costs would be incurred with the lease of the museum. It is possible that maintenance costs would be incurred in relation to Millers Pool but these would not necessarily be significantly greater than those currently incurred in the existing area which contains a pool.

Partnership Agreement

The Partnership Agreement should identify the extent of future financial obligations proposed to be met by 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 ITEM 9.3.2**

That...

- (a) Lawrence Associates Architects and the National Trust be advised that Council supports the concept proposal for adaptive re-use of the Old Mill Precinct in principle and encourages further development of the proposal subject to:
- (i) Agreement being obtained from all other statutory agencies as part of the application for approval to commence development including but not limited to National Trust, Heritage Council, Swan River Trust, Main Roads Western Australia, CALM and Telstra;
  - (ii) Preparation of a draft Partnership Agreement with relevant stakeholders including National Trust, the City of South Perth and the developer for consideration by each partner; and
  - (iii) Future development including use of land being subject to application to the Swan River Trust (and the City by referral from the Swan River Trust) for development approval. Among other issues, that the Partnership Agreement and development application would need to demonstrate that all issues raised in this report have been fully and properly addressed.
- (b) the Department for Planning and Infrastructure (Land Assist Management Services) and the Minister for Planning and Infrastructure, be advised that Council supports the proposal in principle subject to (a) above, however in the event that the concept proposal does not proceed or development approval for the proposal is not granted, then the land identified in this report is to revert to Council's control.

MOTION

Moved Cr Doherty, Sec Cr Smith

That...

- (a) the officer recommendation not be adopted.
- (b) Lawrence Associates Architects and the National Trust be advised that whilst the Council are supportive of the Adaptive Heritage Re-use and Revitalisation of the Old Mill, it is unable, at this time to support all components of the concept proposal submitted until such time as:
- (i) a formal consultation process is undertaken; and
  - (ii) Council Members are fully informed of all the ramifications of the concept proposal.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty Opening for the Motion

- asked to provide 'in principle' approval/encouragement of further development of a total concept proposal
- some aspects of proposal could be determined as acceptable to community but there are other that may not be acceptable.
- support is being sought so developer/National Trust can have more confidence to proceed. How can councillors provide that confidence when they have not had an opportunity for formal feedback from residents in the City?
- without Council conducting a formal transparent consultation process there can be no clear indication that all aspects of the proposal are fully understood by residents
- Councillor's favourable response to date has been in relation to the adaptive heritage re-use of the Old Mill.

Cr Doherty's comments cont'd

- until all aspects of the concept proposal are fully understood by the community, Council would be pre-empting their views by at this stage agreeing to 'in principle' approval and encouraging further development of the proposal
- community needs to be made aware of the process and any implications for the proposed vesting out of land currently under Council's control.
- Council may not have a legal responsibility prior to relinquishing land to undertake community consultation – morally and ethically Council has an obligation to do so.

Cr Smith for the Motion

- endorse Cr Doherty's points
- problems with 'approvals in principle' there is an expectation of approval in totality
- cannot do this - have responsibility to Mill Point Ward
- possible impacts on an expensive area
- peninsula area owners would never imagine a development alongside Narrows Bridge
- owe it to ratepayers to investigate all ramifications
- ratepayers rely on us to look after their interest
- change to liquor laws willacerbate existing problem
- support upgrading Old Mill / museum etc
- do not support problems associated with proposed restaurant - traffic, late night patrons exodus etc
- obligation to ratepayers of peninsular area to get their feedback

FORESHADOWED MOTION

Cr Smith foreshadowed that if the current Motion is lost he would be moving that all residents in the peninsular precinct area be notified of the concept proposal for the Old Mill site and all of the ramifications involved in such a redevelopment.

**COUNCIL DECISION ITEM 9.3.2**

The Deputy Mayor put the Motion

That....

- (a) the officer recommendation not be adopted.
- (b) Lawrence Associates Architects and the National Trust be advised that whilst the Council are supportive of the Adaptive Heritage Re-use and Revitalisation of the Old Mill, it is unable, at this time to support all components of the concept proposal submitted until such time as:
  - (i) a formal consultation process is undertaken; and
  - (ii) Council Members are fully informed of all the ramifications of the concept proposal.

CARRIED (10/0)

Reasons for Change

Council is being asked to provide an 'in principle' approval and encouragement of further development of a total Concept Proposal. Whilst there are aspects of that proposal that Council could determine were generally acceptable to the community, there are others that may not be acceptable. "In principle" support is being sought so the developer and the National Trust can have more confidence to proceed. How can councillors provide that confidence in the proposal when they have not had an opportunity for formal feedback from residents in the City? Without a formal transparent consultation process that Council would conduct, there can be no clear indication that all aspects of the proposal are fully understood by residents. Councillor's favourable response to date has been in relation to the adaptive heritage re-use of the Old Mill. Until all aspects of the concept proposal are fully

understood by the community, Council would be pre-empting their views by at this stage agreeing to 'in principle' approval and encouraging further development of the proposal.

Reasons for Change Item 9.3.2 cont'd

The community needs to be made aware of the process and any implications for the proposed vesting out of land currently under Council's control. While Council may not have a legal responsibility prior to relinquishing land to undertake community consultation – morally and ethically Council has an obligation to do so.

DECLARATION OF INTEREST : ITEM 9.3.3

The following Declaration was received from Cr McDougall:

*"I wish to declare a conflict of interest in Agenda Item 9.3.3 Proposed Second Storey Addition to a Single House at No. 36 Roseberry Avenue, South Perth. I disclose that the neighbour objecting to the proposed addition is employed by a radio station which does a considerable amount of business with my advertising agency. In view of this I will leave the Council Chamber and not seek to discuss or vote on this matter."*

**Note:** Cr McDougall left the Chamber at 8.10pm.

<b>9.3.3 Proposed Second Storey Addition to a Single House. Lot 67 (No. 36) Roseberry Avenue, South Perth</b>
-------------------------------------------------------------------------------------------------------------------

Location:	Lot 67 (No. 36) Roseberry Avenue, South Perth
Applicant:	Tangent Nominees Pty Ltd
File Ref:	11/6547 - 11.2005.490
Date:	9 March 2006
Author:	Frank Polglaze, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application is for a second storey addition to a Single House. The application complies with the 'Planning' requirements of the City of South Perth. The matter has been referred to the Council meeting at the direction of the Chief Executive Officer in response to concern expressed by an adjoining property owner regarding the effect on their existing views.

**Background**

This report includes the following attachments:

**Confidential Attachment 9.3.3(a):** Plans of the proposal.

**Attachment 9.3.3(b):** Letter from Summit Homes Improvements, dated 17 February 2006.

**Attachment 9.3.3(c):** Submission from adjoining landowners dated 6 November 2005.

**Attachment 9.3.3(d):** Submission from Planning Solutions on behalf of the adjoining landowners received 14 November 2005.

Zoning:	Residential
Density coding:	R15
Lot area:	540 sq. metres
Height limit:	7.0 metres

The development site is adjoined by residential zoned land and is shown below:



### Comment

The owners of the property to the south-east of the development are concerned about the loss of views as a result of the proposed development.

Based upon amended drawings submitted to the City on 27 January 2006 the proposed development now complies with the requirements of the Residential Design Codes and the City's Town Planning Scheme No. 6.

This report clarifies why the submitted drawings comply with Council's Planning Policy P373\_T "Views". The 'Background' section of Policy P373\_T states that:

*"While giving some consideration to the effect of proposed developments on existing views, Council is also mindful of the fact that 'when a person buys a house, he/she does not buy the view'. At best, views currently enjoyed over neighbouring properties can only be regarded as "borrowed views."*

*"Nevertheless, where the protection of one person's views would not interfere with another person's reasonable development entitlements, Council will expect new developments to have regard to existing views."*

Clause 2 of Policy P373 states:

*"Without affecting the intention of Policy Provision 1 (Provision 1 is not in this instance relevant), where:*

- (a) an adjoining land owner lodges a valid objection regarding the effect of a proposed development on views; and*
  - (b) it is possible to maximise views currently enjoyed by that adjoining land owner without affecting potential views from an applicant's proposed dwellings;*
- Council may require design changes with the object of maximising views for both parties."*



The proposed development will have a significant impact on the views currently enjoyed from the adjoining south-eastern property. Therefore the objection to the proposed development by the adjoining neighbour is valid under part (a) of clause 2 of the Policy.

The determination is therefore whether it is possible to modify the current drawings to maximise views currently enjoyed by that adjoining land owner without diminishing the potential views from the applicant's property. In order to test the situation in this regard, the City has asked the applicant to consider possible amendment to the drawings currently before the Council. They responded with a letter [**Attachment 9.3.3(b)**] to the effect that the narrow width of the lot (12.4 metres) left limited scope for any modifications to the current design, and that the current design was in compliance with the Residential Design Codes.

The loss of views from the adjoining lot will be towards the north (city views), being the views from the kitchen, dining and living area and the rear balcony. It should be noted that an outlook from the dining room, living room and the balcony is still achieved to the north-east, but without views to the city. To protect the adjoining neighbours' existing views from the kitchen to the balcony, the proposed two storey additions would have to be reduced by approximately 12 metres, from a total wall length of 16.5 metres. This effectively would require the deletion of the balcony, retreat and staircase on the drawings before Council.

If only the balcony was to be deleted, limited views from the neighbours' living room to the city would be maintained and uninterrupted views to the city from their rear balcony would be maintained. However due to the narrow nature of the development site, no alternative location for a balcony is apparent on the development site. As well as the constraint imposed by the narrow width of the development site, the ability to relocate the proposed balcony is further constrained by the Residential Design Codes requirement for balconies to have a visual privacy setback of 7.5 metres from a side or rear boundary. As such, the relocation of the balcony could not be supported due to the level of visual intrusion into the north-western adjoining property.

Having regard to the circumstance described above, in order to maintain some City views from the neighbour's living room and also from their rear balcony, it would be necessary for the applicant's proposed rear balcony to be deleted. This would deny the applicants their reasonable development entitlement, noting conformity of the proposed development with the standard Residential Design Codes requirements and also the City's Policy P373\_T "Views".

Separately from the visual privacy requirements, under Table 1 - General Site Requirements of the R-Codes, the balcony has a rear boundary setback requirement of 6.0 metres. The proposed rear setback, as measured from the balcony is 14.4 metres, being 8.4 metres in excess of the R-Code requirement. Therefore, the proposed length of wall of the proposed development cannot be said to constitute 'overdevelopment' of the site.

In the opinion of the assessing officer, the Council could not reasonably require the modification of the current drawings without interfering with the reasonable development entitlements of the owner of No. 36 Roseberry Avenue. Under these circumstances, it is recommended that the current drawings before Council be approved without modification.

### **Consultation**

Following the Planning Officer's assessment, the applicant was requested to submit amended drawings addressing all identified areas of non-compliance. Amended drawings were submitted on 27 January 2006. These drawings have been assessed as being in compliance with all 'Planning' requirements of the City.

The proposed development was advertised to the adjoining north-eastern property owners. Those owners and their Planning Consultant responded, objecting to the proposed development. It should be noted that their comments relate to the original drawings and not the amended drawings. The amended drawings have addressed, to the satisfaction of the assessing officer, those matters of concern that were identified in the drawings originally submitted. A brief overview of the comments from both the adjoining landowners and their Planning Consultant is provided below, together with the Planning Officer's response.

Submitters' Comments	Officer's Response
Objection to the height extension of the existing boundary wall.	The existing boundary wall is to be retained; however the amended drawings show the originally proposed height extension to the boundary wall being deleted on the amended drawings.
The proposed extension would obliterate our privacy as all the areas would overlook our pool and back garden.	The amended drawings now show screening to the north-east side of the balcony. No overlooking of the north-eastern adjoining property will occur.
Negative impact on the value of their property.	The R-Codes and Council's Policy P373_T regulate the permissible form of development. The monetary effect of the proposed development upon other properties is not a matter that is directly regulated, and therefore this cannot properly be a factor in the decision-making on the current application.
The drawings do not have sufficient detail to be assessed and should therefore be refused.	Amended drawings were submitted on 27 January 2006 addressing the matters of concern raised by the assessing officer to the applicant.
Loss of views.	This matter is discussed in the 'Comment' section of this report.

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

The development application has been assessed having regard to the provisions of the City's Town Planning Scheme No. 6 incorporating the Residential Design Codes and Council policies. Of particular note is Policy P373\_T "Views".

#### **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 9.3.3**

That .....

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme this application for planning approval for second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, **be approved** subject to the following conditions:
- (i) The external materials and colour finish of the proposed additions shall match with those of the existing building;
  - (ii) All plumbing fittings on external walls shall be concealed from external view as required by clause 7.5 (k) of Town Planning Scheme No. 6; and
  - (iii) The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval.
- (b) the following footnotes be applied:
- (i) This planning approval is **not** an authorisation to commence construction. A **building licence must be obtained** from Council's Building Services Department prior to commencing any work of a structural nature.
  - (ii) 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.

COMMENT ON DEPUTATION ITEM 9.3.3

The Deputy Mayor requested an officer comment on the Deputation. The Acting Director Strategic and Regulatory Services reported that based on the information provided by Phillips Fox during Deputations that it was his recommendation that Council consider deferring this matter in order to provide an opportunity for officers to fully investigate the issues raised.

MOTION

Moved Cr Gleeson, Sec Cr Wells

That the application for planning approval for second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, **be deferred** to allow time for officers to further investigate issues raised and present a further report to the next Ordinary Meeting of Council for consideration.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty point of clarification

During the address by Phillips Fox, Belinda Moharich referred to both parties getting together for a 'win win' solution - is that a possibility?

The Acting Director Strategic and Regulatory Services stated that if Council called for such a meeting that it could be undertaken but that it would not necessarily pre-empt a successful outcome.

**COUNCIL DECISION ITEM 9.3.3**

The Deputy Mayor put the Motion

That the application for planning approval for second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, **be deferred** to allow time for officers to further investigate issues raised and present a further report to the next Ordinary Meeting of Council for consideration.

CARRIED (9/0)

Reason for change

Deferred to allow time for officers to further investigate issues raised during the Deputation by Phillips Fox Lawyers and then present a further report to the next Ordinary Meeting of Council for consideration.

**Note:** Cr McDougall returned to the Chamber at 8.15pm  
Cr Gleeson left the Chamber at 8.15pm and returned at 8.17pm

**9.3.4 Application re Amphibious Tours - Coode Street Boat Ramp**

Location:	City of South Perth
Applicant:	WA Duck Tours
File Ref:	GC/PR/9
Date:	10 March 2006
Authors:	Mark Taylor Manager City Environment Christian Buttle Team Leader Planning Services
Reporting Officer:	Steve Cope, Director Strategic & Regulatory Services

**Summary**

The City has been referred an application to conduct amphibious tours on the Swan River, utilising the Coode Street boat ramp. Similar applications have been considered and approved by Council in 2001 and 2004. It is recommended that this application be approved subject to a range of conditions.

**Background**

The Swan River Trust has referred to the City an application from WA Duck Tours to conduct an Amphibious Tour Business on the river and proposing to utilise the boat ramp at Coode Street in Sir James Mitchell Park. The City has until 31 March to provide comment to the Trust which will provide a recommendation to the Minister for Environment. The Minister will ultimately decide whether to approve the application or not.

Similar applications were approved by the Trust and supported by the City of South Perth in October 2001 and February 2004. Each time, the applicant has not commenced the business during the approved period and it has subsequently lapsed. A new unrelated applicant (WA Duck Tours) has now made an application to the Trust seeking approval.

The applicant has submitted detailed information in support of the proposal, including characteristics and specifications of the amphibious vehicle, maps of proposed routes and hours of operation **Attachment 9.3.4** refers.

The amphibious vehicle is 12.2 metres long and 2.6 metres wide, capable of transporting 48 persons (including two crew). The vehicle is capable of driving on normal roads and down in to the water where it operates as a vessel.

The amphibious tours proposal is to undertake land and water based tours commencing in the Perth Central Business District, entering the Swan River in the vicinity of Royal Perth Yacht Club and then journeying on the river to the Coode Street boat ramp, where it will exit the river and proceed via Coode Street, Mill Point Road, Canning Highway over the Causeway back to the City.

It is proposed to operate up to six tours daily depending on the season, seven days per week. The peak periods of November to April would have up to seven tours daily while it is forecast that the shoulder and low seasons would have three to four tours per day. Downtime due to maintenance could be spread over anything from one to three weeks per year.

The exact times of operation have not been set as yet however it is expected that the tours would operate between 8 am and 6 pm approximately. If that was the case the first expected time of arrival at the South Perth Boat Ramp would be approximately 8.45 am.

At the February 2004 meeting Council resolved the following with regard to the most recent application, which was basically identical to the current one before Council:

*That the Swan River Trust and the applicant be advised that the City of South Perth will grant approval of the use of the Coode Street boat ramp for the amphibious tour vehicle for a period of 12 months subject to the following conditions:*

- (a) a detailed assessment be carried out by a suitably qualified Structural Marine Engineer, appointed by the City of South Perth, on the suitability of the boat ramp for this type of operation taking into account the load factors experienced on the ramp whilst the vehicle is exiting the water;*
- (b) the applicant entering into a legal agreement with the City to bear all costs associated with the assessment and any necessary upgrading and future remedial works associated with the use of ramp and erosion around the ramp are to be carried out at the applicant's expense and to the satisfaction of the City;*
- (c) the applicant being required to:*
  - (i) observe, conform and perform in accordance with all State and Federal legislation including the Workers Compensation and Occupational Health, Safety and Welfare Acts.*
  - (ii) hold a current public risk insurance policy covering both the applicant and the City against any claim against death or injury to persons or property.*

**Comment**

To assist the evaluation of the application input has been sought from the City's Manager, Engineering Infrastructure, regarding the suitability of the Coode Street ramp.

The comments provided are as follows: -

- Concern is expressed about the ability of the ramp to support the weight of the vehicle. The ramp is basically a suspended concrete slab anchored to piles sunk into the riverbed. The riverbed at the end of the ramp is frequently washed away and there is concern that it may also be occurring beneath the slab.
- The design of the ramp creates width and manoeuvring restrictions in the vicinity of the ramp. This requires further assessment as to suitability of the vehicle.

Other concerns include possible future plans for the Coode Street ramp. The City has in the past expressed the view that Coode Street boat ramp should be downgraded, particularly now that the new personalised water craft or jet ski ramp has been constructed to the west of the Narrows Bridge. Consequently, any approval should be conditional on potential likelihood of the ramp becoming unavailable in the future for this type of use.

**Appendix 1 “Commercial Activity on Sir James Mitchell Park”** of the Sir James Mitchell Park Management Plan has been utilised in assessing this proposal.

In Section 1. - **Policy Statement**, the following points are made:

*It is recognised that the area known as Sir James Mitchell Park has been created primarily as a regional passive recreation area, which contains significant environmental, conservation and public amenity areas. It is important that these values together with the integrity and amenity of the area are not compromised.*

*The City of South Perth recognises that limited commercial activity is necessary for the benefit of users however any such activity should be in harmony with the realised values of the parkland.*

In Section 3. - **Commercial Activities** it states:

*To ensure that a development is appropriate to the area preference will be given to developments which demonstrate a clear integration of water based and land-based activities and where the water based activity forms a significant part of the development.*

Under Section 3.3.9 - **Impacts**, development proposals should be considered under the following criteria:

**1. Impact on adjoining and adjacent residents**

The applicant has not submitted details about noise output of the vehicle. These have been requested from the applicant and his response is set out below. Approval should be conditional on the vehicle meeting noise regulations as set under the *Environmental Protection Act (1986)*.

*The manufacturer in the USA has never had to produce such figures as the machines are built on an existing truck chassis which would normally comply anyway. The engine is completely enclosed within the hull. Sound proofing materials built around the engine bay also enhance the noise reduction.*

*I have enquired with an operator in New Zealand who operates one of these American machines. He has never been requested to produce such figures. He reports that his machine is far quieter than his tour buses and idles at about the same noise level as a car.*

*I have also made enquiries with a manufacturer of these machines in Queensland. He too does not have the figures you request recorded but assures me that they will fall well inside the limits set by Environmental Protection standards otherwise he would not be able to have his vehicles registered.*

**2. Environmental Impacts**

The major impact of this operation would be during its water-based activities. Assessment of this is therefore the provenance of the Swan River Trust and DPI.

**3. Social and Physical Environment**

The site is compatible with the proposed use except for size and weight concerns as detailed with the boat ramp concerns.

**4. Likely changes to foreshore**

Negligible, if utilising the provided ramp however there could be some erosion concern in the immediate vicinity of the ramp.

**5. Pollution and erosion**

The major pollution concerns are during the vehicle's water based activities. Erosion, both in the vicinity of the ramp and the adjacent foreshore, is an issue of concern for the City and one that will require ongoing monitoring should the application be approved.

**6. Public usage and likely impact on access**

The applicant's vehicle is large and will adversely impact access when it is in the vicinity of ramp, however due to the transient nature of the use; this is not considered to be a significant issue.

**7. Protection of amenity values and without interruption to quiet enjoyment of the parkland by existing passive users**

The boat ramp is currently open for this type of use. Whilst this vehicle will be the largest accessing the ramp, there should not be any additional adverse impacts.

**8. Public amenities**

Will have little or no impact on the public amenities along the foreshore.

**9. Traffic and parking impact**

No impact as vehicle will be transiting the area.

**10. Visual amenities**

The applicant's vehicle is large, however the visual impact is not deemed to be significant as the vehicle will not be staying in the area.

**11. Complementary Activities**

This proposal does not figure strongly in this aspect and has very limited benefits for South Perth. There may be an opportunity to provide added value to South Perth by proposing that one location (eg Old Mill) is included in their cruise back to the City with added incentives offered to consider such aspects.

**Consultation**

The application has been assessed in accordance with the Commercial Activity Statement and recommendations of the Sir James Mitchell Park Foreshore Management Plan which was developed with community consultation.

The matter has also been referred the members of the Sir James Mitchell Park Community Advisory Group who were individually invited to provide comments. Comments were provided by members of the group.

On balance the comments from the advisory group members indicate general support for the proposal with the following concerns:

- *The strength of the Coode Street boat ramp is questioned as to whether it is strong enough to take the vehicle and if not, who would pay for the strengthening of it?*
- *In the photograph the vehicle puts out a huge amount of spray and churns up the water, what effect would this have on the wildlife?*
- *What are the speed restrictions in the area of the amphibious route?*
- *Number of trips per day, if up to 8 as mentioned what impacts can this have on users of boat ramp area and car parks? This area can get crowded at certain times, will this usage increase frustrations in area?*
- *Issues such as noise levels, pollution from engines and waste etc, disturbance to wildlife in the area are of concern for the whole of the river, not just in the areas adjacent to the South Perth Foreshore, but these are within the responsibilities of the Swan River Trust.*

- *Although there are some concerns about this type of venture on the river, there are already a variety of water-based activities being carried out at the present time. So, as long as the recommendations of the COSP and the SRT are carried out I feel that this is one more opportunity for WA residents and tourists to gain a vision and insight into the beauty of the Swan River and its environs. As always consideration must be taken of the way in which this operation is carried out.*
- *Suggestions for access using ramp near Narrows may be worth considering, but I am not sure what facilities are at present in that area, and if the ramp would be able to support a vehicle of this nature. It would make for an interesting addition if utilised in conjunction with other tourism sites.*
- *I would like to express my support for the proposed Amphibious Vehicle Tours proposal on the Swan River. The proposal will be a much needed tourist attraction for our City.*

### **Policy and Legislative Implications**

The principal policy guiding the City over use of the Coode Street boat ramp is the Sir James Mitchell Park Foreshore Management Plan (April 2001). The following Actions contained within the plan provide guidance when considering this application:

- Action 2: Commercial developments and special events should only be permitted in suitable locations which are chosen after careful consideration of social, environmental and physical planning criteria, in the context of the City of South Perth Policy for Commercial Activity on Sir James Mitchell Park.
- Action 5: Ensure any new water based activity likely to increase crowding on the foreshore be consistent with the infrastructure required to support the activity.

The Legislative implication of this application is that it is within the Swan River Trust's Management Area and as such is subject to the requirements of the Swan River Trust Act (1988). Council's resolution on this issue will be the subject of consideration by the Swan River Trust Board and then approval or otherwise, with conditions, by the Minister for Environment.

### **Financial Implications**

The direct financial implications are difficult to determine at this stage. However conditions of any approval would need to address the financial risks associated with:

- (a) Any resultant soil erosion costs will need to be met by the applicant.
- (b) Initial ramp maintenance costs to be met by applicant.

### **Strategic Implications**

The assessment of this application relates to the City's Strategic Plan Goal 3, Environmental Management. Strategy 3.3 is of particular relevance:

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

### **Conclusion**

The proposal has been assessed against established policy and assessment criteria. Additional input has been provided from officers of the City in respect to the suitability of the ramp to accommodate a vehicle of this nature. Whilst the proposal does not conflict to any great extent with the assessment criteria, there are some concerns about the suitability of



the boat ramp for the operation. A detailed assessment of the suitability of the ramp needs to be carried out before an approval is finally given. Conditional approval is therefore recommended.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.3.4**

That the Swan River Trust and the applicant be advised that the City of South Perth will grant approval of the use of the Coode Street boat ramp for the amphibious tour vehicle for a period of 12 months subject to the following conditions:

- (a) a detailed assessment be carried out by a suitably qualified Structural Marine Engineer, appointed by the City of South Perth, on the suitability of the boat ramp for this type of operation taking into account the load factors experienced on the ramp whilst the vehicle is exiting the water;
- (b) the applicant entering into a legal agreement with the City to bear all costs associated with the assessment and any necessary upgrading and future remedial works associated with the use of ramp and erosion around the ramp are to be carried out at the applicant's expense; and
- (c) the applicant being required to:
  - (i) observe, conform and perform in accordance with all State and Federal legislation including the Environmental Protection, Workers Compensation and Occupational Health, Safety and Welfare Acts; and
  - (ii) hold a current public risk insurance policy covering both the applicant and the City against any claim against death or injury to persons or property.

CARRIED EN BLOC RESOLUTION

**9.3.5 Metro Hotel: Proposed alterations, additions and change of use from 'Tourist Accommodation' to 'Hotel'. Pt. Lot 10 (No. 61) Canning Highway, South Perth**

Location: Pt. Lot 10 (No. 61) Canning Highway, South Perth  
Applicant: Oldfield Knott Architects for Transmetro Corporation Ltd  
File Ref: 11/168 11.2005.485.GJF CA6.61  
Date: 14 March 2005  
Author: Gina Fraser, Senior Planning Officer  
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application for planning approval relates to proposed alterations and additions to the Metro Hotel, predominantly on the ground floor. The application is also for conversion of the hotel from 'Tourist Accommodation' (formerly identified as 'Private Hotel'), to 'Hotel'. Council's discretion is sought in regard to the number of car bays on site. The recommendation is for refusal, based on the car parking shortfall, and also due to the adverse impact on neighbourhood amenity.

**Background**

This report includes the following attachments:

- **Confidential Attachment 9.3.5(a)** Plans of the proposal.
- **Attachment 9.3.5(b)** Letter from Oldfield Knott, Architects, dated 24 October 2005.
- **Attachment 9.3.5(c)** Letter from Oldfield Knott, Architects, dated 16 November 2005.
- **Attachment 9.3.5(d)** Traffic and Parking Report, Riley Consultants, January 2006.

- **Attachment 9.3.5(e)** Report and minutes, 18 November 1997.
- **Attachment 9.3.5(f)** Summary of submissions and response to submissions.
- **Attachment 9.3.5(g)** Extract from City of South Perth *TravelSmart* cycle plan.
- **Attachment 9.3.5(h)** Letter from the Cycling Unit of Department for Planning and Infrastructure, dated 3 March 2006

Agenda item 9.1.1 dealing with a related Special Electors' Meeting held on 13 March 2006 is also directly relevant.

Zoning	Highway Commercial
Density coding	R80 <i>(Not relevant to the current application)</i>
Lot area	3,834 sq. metres
Building height limit	10.5 metres <i>(Not relevant to the current application)</i>
Maximum plot ratio	0.5
Minimum landscaped area	15%
Permitted uses	P - Service Industry. D - Multiple Dwelling, Café / Restaurant, Convenience Store, Educational Establishment, Local Shop, Mixed Development, Motor Vehicle Wash, Office, Shop, Showroom. DC - Cinema / Theatre, Club Premises, Consulting Rooms, <b>Hotel</b> , Indoor Sporting Activities, Light Industry, Motor Vehicle and Equipment Hire, Motor Vehicle and Marine Sales Premises, Night Club, Public Parking Station, Reception Centre, Research and Development, Service Station, Take-Away Food Outlet, Tavern, <b>Tourist Accommodation</b> , Veterinary Clinic.

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

**3. The Exercise of a Discretionary Power**

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

There is a significant departure from the No. 6 Scheme in relation to the number of on-site car parking bays proposed.

**6. Amenity Impact**

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

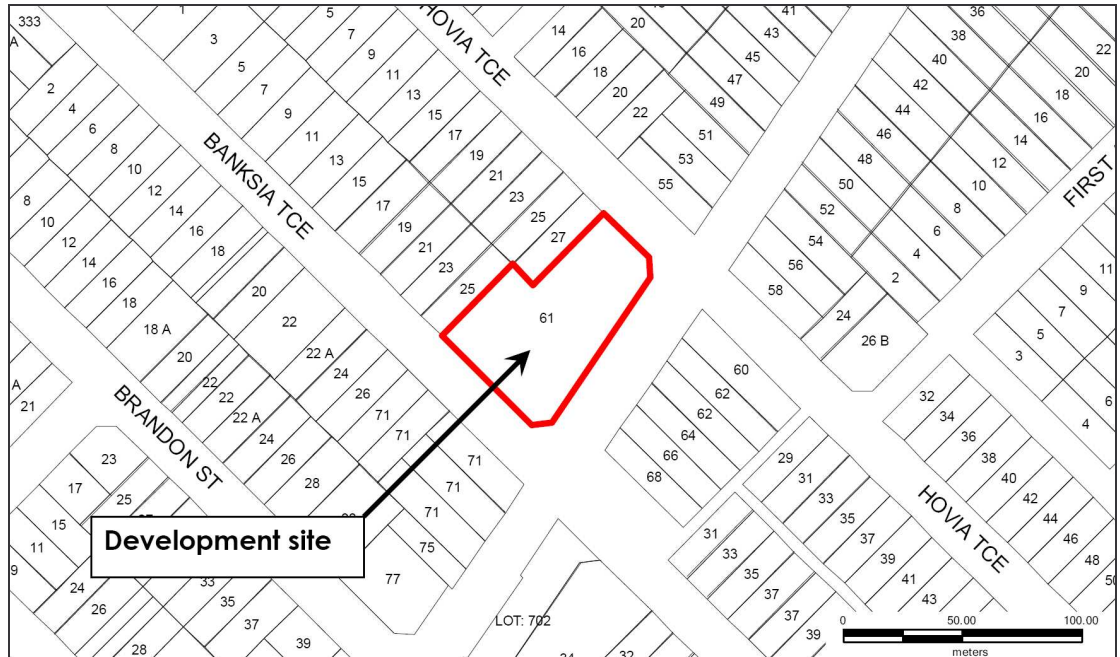
In relation to item 6 above, residents have expressed fears regarding the extent of amenity impact arising from the proposal, mainly with respect to increased and disruptive traffic, car parking congestion in streets, noise, anti-social and criminal behaviour by patrons, safety of drivers, pedestrians and cyclists, and proposed building design.

As shown in the table above, 'Hotel' is a 'DC' (discretionary with consultation) use. As stated in the No. 6 Town Planning Scheme, 'DC' means:

*"that the Use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 7.3."*

In the case of a 'DC' use, after having considered any submissions received in response to neighbour consultation, before granting planning approval, the Council must exercise discretion based upon being satisfied that the proposed development will not have any adverse amenity impact.

The site is bordered on three sides by Canning Highway, Hovia Terrace, and Banksia Terrace. This part of South Perth is characterised by relatively small Single House 'cottages'. Opposite, on the site formerly occupied by Rosie O'Grady's Hotel, 26 Multiple Dwellings have been approved. A TAB outlet will remain on an independent site next to the former Rosie O'Grady's Hotel. Single Houses also predominate along the south-eastern side of Canning Highway. The location of the development site is shown below:



The following 2000 aerial photograph shows the site in relation to surrounding buildings and the adjacent underpass below Canning Highway:



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

## Comment

### (a) History of the Building

The original 'Town Planning' instrument within the City of South Perth, being the City's By-Law No. 1 'Classification of Districts' (precursor to a Town Planning Scheme), was amended in September 1968 to create a 'Special District for Composite Development', with the following provisions:

*"In the 'Special District for Composite Development' no building shall be erected, altered or enlarged and no land or building shall be used otherwise than for the purpose of and as part of composite development for use for the following purposes:*

- (i) limited hotel within the meaning of the Licensing Act;*
- (ii) shops;*
- (iii) public restaurant;*
- (iv) conference and convention centre;*
- (v) residential flats."*

No other requirements or restrictions were imposed under By-Law No. 1 which was operative when the development on the subject site was approved.

The Metro Hotel, then called the 'Viking Hotel' and later the 'Westos Hotel', was approved in 1969 as a 'Private Hotel', having a 'hotel restricted licence'. A 'hotel restricted licence' is defined in section 41(1)(b) of the Liquor Licensing Act 1988, as being the kind of hotel licence which:

- (i) prohibits the sale of packaged liquor to persons other than lodgers; and
- (ii) restricts other sales to liquor sold for consumption on the licensed premises.

The hotel was approved with 100 accommodation rooms and supporting services. Various minor improvements and additions have been approved over the years. Some of these have resulted in a reduction in the number of car bays on site, from 115 originally to 96 currently.

A proposal similar to the current application (but without a bottle shop or drive-through component) was approved by the Council in 1997 [**Attachment 9.3.5(e)**]. That proposal did not involve a change of use or status of the hotel. It was approved under the then operative No. 5 Town Planning Scheme (TPS5), but did not proceed. Under that Scheme, car parking bays were not required for areas open to the public for consumption of liquor within a 'Private Hotel', i.e. 'Tourist Accommodation'. That component of the 1997 proposal was exempt from car parking requirements. However, under TPS5, the Metro Hotel would have required a total of 207 car bays if it had been originally approved under that Scheme. The 1997 proposals, however, involved a shortfall of only 10 car bays, as assessed under TPS5. This concession was granted at that time.

### (b) Description of the Proposal

The application form describes the proposal as "alterations, additions and change of use to the existing Metro Hotel, South Perth". The 'alterations' include the conversion of existing retail outlets and a meeting room situated at the southern end of the building into other hotel uses, namely expanded bar and dining facilities, a bottle shop and a drive-through bottle shop. The proposed bar and dining facilities are being relocated from elsewhere on the ground floor of the hotel. The Banksia Terrace and Canning Highway ground floor façades of this portion of the building are to be redesigned in a more decorative 'Old English' or 'Tudor-style' theme to create an ambience better suited to the more mature patrons who will be encouraged to use these facilities.

The ‘additions’ form part of the modified bar areas, and are very minor in terms of floor space. This is discussed further in the technical analysis of the project, below.

The ‘change of use’ relates to an expanded liquor licence which the proprietor intends to apply for if the current application is approved, enabling packaged liquor to be sold for consumption other than on the premises. This change of liquor licence would have the effect of changing the classified use of the building from ‘Tourist Accommodation’ to ‘Hotel’. Both uses are classified ‘DC’ (discretionary with consultation) under Town Planning Scheme No. 6 (TPS6). The change would also have the effect of permitting the proposed bottle shop and drive-through bottle shop, currently not permitted while the building is classified as ‘Tourist Accommodation’.

Although the existing Metro development complied with prevailing requirements at the time of its original approval in 1969, it does not comply with TPS6 requirements in terms of its plot ratio, building height, and number of car parking bays provided on site. While this situation may remain indefinitely as a legitimately approved building, any areas of non-compliance should not be made ‘worse’ under TPS6 provisions by approval of this or any future application. In the absence of the current application for planning approval, compliance with TPS6 could not be required for the existing building. However, the current application is required to be assessed under TPS6 requirements.

The applicant seeks a concession with respect to the number of car bays which would normally be required to be provided for the new facilities proposed under TPS6. This is discussed further under the relevant heading, below.

**(c) Plot Ratio**

The plot ratio for the site is as follows:

	<b>Plot Ratio</b>
Existing building as approved in 1969 with minor subsequent modifications	2.2 existing
Highway Commercial zone TPS6	0.5 maximum permitted under TPS6
Current application	Reduction in plot ratio area by 93 sq. metres

Although plot ratio is not an issue requiring the Council’s consideration, it is mentioned because of the historic circumstances relating to the particular development. At the time it was approved, a plot ratio of 2.2 was acceptable. The current proposal, by virtue of the definition of plot ratio in TPS6 and the extent of ‘non-plot ratio’ areas involved, technically reduces the total plot ratio area of the building slightly. The exact extent of overall reduction has not been recalculated according to the current TPS6 definition, because little more than the ground floor is involved in the application, and a retrospective total recalculation would not be relevant to the application. However, it has been calculated that the current proposal would result in a reduction of approximately 93 sq. metres of plot ratio area.

**(d) Landscaping**

The landscaping requirement of TPS6 is 15%. The current application proposes to retain slightly more than this, that is 15.47%. Therefore, the proposal complies in this regard.

(e) **Setbacks**

The applicant is extending the building slightly towards the Canning Highway frontage, but the proposed additions comply with the prescribed minimum setback. Table 5 of TPS6 lists the prescribed setback from Canning Highway as being 4.0 metres for a non-residential building on this side of Canning Highway, the stated objective being “*to provide for future road widening while retaining a 1.5 metre setback to development*”. In this case, the road widening took place many years ago. The buildings could therefore be situated as close as 1.5 metres from the street boundary. The main parts of the additions are proposed to be set back 4.0 metres at the closest corner of the building, with two columns supporting a roofed entrance feature set back 2.5 metres from the boundary.

TPS6 does not prescribe setbacks for streets other than Canning Highway and Manning Road in the Highway Commercial zone. Therefore, the Council may determine appropriate setbacks from Banksia Terrace, where, as part of the refacing and refurbishing of the ground floor façade, it is proposed that two roofed entrance features will each be supported by two columns situated 0.3 metres from the street boundary. While no ‘concession’ is required technically, the matter is brought to the attention of the Council for consideration in its determination of the application. If the Council decides to conditionally approve the application, it is recommended that these minor setback projections be approved.

The application does not propose any additional building along Hovia Terrace.

(f) **Building Height Limits**

TPS6 prescribes a Building Height Limit of 10.5 metres for the site. The existing building has a height of approximately 31.0 metres. The work proposed in the current application complies with TPS6 building height, being at ground floor level. Other minor modifications to the building are internal and again will not affect building height. Therefore, the proposal complies to this extent.

(g) **Car Parking**

(i) Original approval

The Metro Hotel was approved in 1969 as a ‘composite development’. At that time, it was not required to provide car parking for areas of the hotel open to the public for liquor consumption. In total, 115 bays were provided for the joint use of patrons of any of the hotel’s facilities. Under the later Town Planning Schemes Nos. 2 and 5, the building was classified as a ‘Private Hotel’. Over the last 35 years, Council approval of various minor additions to the hotel has caused the number of on-site car bays to be reduced to 96 bays.

At the time of the initial approval in 1969, the applicant advised the Council that approximately 80% of resident hotel guests arrived by taxi or shuttle buses and depended on public transport for the duration of their stay. This, they explained, was a typical proportion for a limited licence hotel at that time. The same statement is made with respect to the current application, based upon the current operation of the hotel. Although this figure has not been verified by the City, and while it is acknowledged that many tourists and visitors do depend on taxis and public transport, it is also to be expected that the location of the hotel outside the CBD, and an increasing expectation of comfort, convenience and independence, would lead some patrons to hire a car while staying at the hotel. The applicants provide no information as to the number or proportion of resident hotel guests who hire cars during their stay at the hotel.

(ii) Current proposal and car parking requirements

The current request for a change of use and function from ‘Tourist Accommodation’ to ‘Hotel’ now causes the building’s car parking needs to be reassessed. The following table draws a comparison between the parking requirement under Table 6 of TPS6 and the actual on-site provision of parking bays. The difference between the respective numbers is the extent of the deficiency in parking provision.

	<b>TPS6 Requirement</b>	<b>Actual or Proposed</b>	<b>Deficiency</b>
<b>HOTEL</b>			
1 car bay per bedroom .....	99 bays	98 bays	1 bay
1 car bay per 3 sq. metres of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games ...	173 bays	0	173 bays
<b>SHOP</b> (bottle shop)			
1 per 20 sq. metres gross floor area (Highway Commercial zone) .....	7 bays	0	7 bays
<b>TOTAL</b> .....	<b>279 bays</b>	<b>98 bays</b>	<b>181 bays deficient overall</b>

The large deficiency in on-site parking bays for the various public areas of the hotel, being a deficiency of 173 bays, is predominantly attributable to the re-calculation of parking requirements for the existing building under current TPS6 parking provisions. This has been necessitated by the requested change of use of the building to ‘Hotel’. Although not physically changing as a result of the current application, the three existing Function Rooms on the first floor attract a parking requirement of 119 car bays (1 car bay per 3.0 sq. metres of public area) when calculated under current TPS6 requirements. The proposed new bar / dining facilities and other public areas to be refurbished on the ground floor require provision of 54 car bays. None of these parking bays exist on the site.

At the Special Electors’ Meeting held on 13 March 2006, City officers advised that there was a total shortfall of 62 car bays on the site. On re-examining the calculations, however, it has been found that the three existing Function Rooms were not originally included in the City’s calculations because no physical change is proposed. These areas do need to be included for the purpose of parking calculations. Their inclusion causes the parking shortfall to be increased by a further 119 bays. The same omission is identified in the applicant’s own calculations.

In terms of car parking provision on site, the plans show potential to increase the number of bays to a small degree. On the lower level of the car park, an area is identified as ‘existing storage - 2 additional car parking spaces’. This would increase the number of bays on that level from 52 to 54.

At the upper level, a total of 44 bays are drawn on the plan. However, of these, the City is of the opinion that:

- 1 bay (No. 86 on plan) is cramped, in a corner and in front of a stair well, would not function efficiently in reality, and should be deleted; and
- 2 bays (Nos. 68 and 69 on plan) are located close to the drive-through bottle shop and would need to be deleted if that facility is approved; but
- 3 new bays could be reinstated if a disused laundry and plant room were to be completely removed.

If all of these modifications are carried out, the total upper level car park would retain a capacity of 44 bays.

The site currently provides 44 car bays at the upper level and 52 bays (proposed to be increased to 54) at the lower level of the car park, a total of 98 bays. Thus, under TPS6 current requirements, the site would have a shortfall of 181 bays if approved as a Hotel, based upon the submitted application drawings.

In the current application, two residential rooms are proposed to be combined into one larger suite, reducing the number of rooms from 100 to 99. A total of 98 car bays are to be provided, rendering the rooms one car bay deficient, based upon the proper assessment under current TPS6 requirements.

At present, the existing shops, bar and dining areas are not provided with their own dedicated car parking bays. This was not required when they were originally approved. Although these facilities are being retained (albeit in a different location within the building), no car parking 'transfer' can be allowed for these facilities due to the need for normal car parking assessment under TPS6 requirements, since the application proposes the introduction of 'Hotel' use for the first time. Accordingly, the new bar, dining area and bottle shop will attract car parking requirements based upon their new function as part of the 'Hotel'. The above table reflects this calculation.

In their submission [**Attachment 9.3.5(b)**], Oldfield Knott has included a car parking calculation which indicates that the proposal would normally attract a parking requirement of 193.5 (i.e. 194) car bays, based on separate calculations for each element of the proposal, compared with a theoretical requirement of 183 car bays for the existing development if calculated under TPS6. Based on this interpretation, the proposal would result in a shortfall of 96 car bays. However, Oldfield Knott states that the shortfall would be 9 bays. Based on their own figures, this is incorrect. Oldfield Knott's method of comparing TPS6 parking requirements for the current hotel, with TPS6 parking requirements for the proposed modifications, is flawed. There is no need to calculate TPS6 parking for the existing hotel under TPS6 other than as an academic exercise. The shortfall is based on the required car bays for the proposals, compared with the actual provision of car bays on site. The City calculates the shortfall to be 181 bays.

As discussed below, it has been suggested by Riley Consulting, on the other hand, that there is a smaller shortfall of 23 bays which could be reduced to zero depending on the method of calculating parking requirements. The City does not accept the rationale of Riley Consulting in arriving at that conclusion. As previously stated, the City has calculated the shortfall to be 181 bays, and is presenting the application to the Council on the basis of this assessment.

(iii) Riley Consulting Traffic and Parking Report

The City has instructed the applicant to provide the City with a traffic and parking impact assessment report as part of the necessary documentation associated with the application. This report was prepared by Jonathan Riley of Riley Consulting, Traffic and Transportation Consultants. A copy of this report is provided as **Attachment 9.3.5(d)**.



The Riley report concludes as follows:

- *The redevelopment of the Metro Inn Hotel to provide a bottle shop and lounge bar / dining facility could increase peak daily traffic to the site by up to 770 vehicle movements per day, based on standard trip generation data. However, the redevelopment of Rosie O'Grady's opposite the subject site is anticipated to reduce traffic in the area by 711 vehicle movements per day, using standard trip generation rates. Overall, the changes to local land uses are anticipated to have minimal impact to traffic movements on local streets.*
- *The provision of a bottle shop and lounge bar / dining facility at the Metro Hotel is easily accessed from Canning Highway and by local residents walking. The traffic impact assessment has considered the peak attraction to the site, and assumed no cross-visitation from hotel patrons.*
- *Access to the site is currently provided from Banksia Terrace and Hovia Terrace and the existing arrangements are recommended to be retained. Since the closure of Rosie O'Grady's there is no longer a need to restrict vehicular access from Banksia Terrace.*
- *Surveys of the Metro Hotel car park demonstrate that sufficient parking is currently available to satisfy the City's Town Planning Scheme No. 6 car parking requirements for the proposed development.*
- *There is no evidence to suggest that the parking problems previously associated with Rosie O'Grady's will occur with the proposed Metro Hotel development, which would be significantly smaller with sufficient parking currently available on the site.*

In reaching these conclusions, Riley Consulting has examined the former Rosie O'Grady's tavern which had an approved total capacity of 690 people in its various bars, function rooms and other public areas. With this potential traffic generating maximum capacity removed, Riley Consulting believes that the traffic in Banksia Terrace resulting from the proposed new facility will now be manageable. Riley concludes that there is now no need to restrict access to either level of the car park from Banksia Terrace, and suggests that the current 'self-imposed' total closure of the vehicular ramp from Banksia Terrace to the lower level car park could be reinstated, and that the restriction by the hotel to vehicular access between 3:00 pm and 6:00 am from Banksia Terrace to the upper level car park, could also now be removed.

While the removal of the theoretical maximum of 690 patrons from the nearby site has made a positive difference to amenity, it is not known how frequently, if ever, that maximum capacity was reached. Anecdotal comments indicate that, for several years, Rosie O'Grady's has attracted far less patrons than the theoretical maximum. Regardless of maximum capacity figures, local residents refer to 'normal' trading levels at the former Rosie O'Grady's as being unacceptably disturbing to them.

Riley sums up the trip generation changes which will result if the proposed development proceeds at the Metro, as follows:

	Vehicle trips per day changes
Metro Hotel accommodation	- 6
Existing meeting room (to be deleted)	- 60
Existing shops (to be deleted)	- 58
Proposed lounge bar / dining facility	+ 174 on peak days
Proposed bottle shop	+ 720 on peak days
<b>COMPARISON</b>	<b>+ 770</b>

Riley identifies that the net increase in traffic movement which might be expected as a result of the proposed development would be in the order of 770 vehicle trips per day. This figure does not take into account trips generated by the hotel accommodation rooms, which would remain similar before and after the proposed development, at approximately 594 trips per day.

Riley compares this with the former Rosie O'Grady's at its full capacity of 690 people which would have generated 893 trips per day. However, while drawing a comparison with this theoretical trip generation by Rosie O'Grady's, the Riley report contains no data relating to the **actual** trips, which were undoubtedly a significantly lesser number. Replacing Rosie O'Grady's will be 26 Multiple Dwellings, which he expects will generate about 182 trips per day. After factoring in this replacement development and its estimated trip generation, the net figure for that site, for comparative purposes, is a theoretical 711 trips per day.

In terms of direction of travel to and from the Metro resulting from the proposed development, Riley assumes that 80% of all increased vehicular movements to and from the hotel and the bottle shop will be via Canning Highway, with 20% of the increase via Banksia Terrace (and Mill Point Road). No traffic increase via Hovia Terrace is predicted by Riley. A small net increase compared with when Rosie O'Grady's was trading, has been calculated. However, the actual increase would be greater than predicted by Riley since Rosie O'Grady's had not been trading at full capacity.

Riley has calculated the proposed Metro bar / dining facility to be approximately a quarter of the size of the former Rosie O'Grady's with traffic of a corresponding ratio, and predicts that the overall traffic impact on the area will be less than when Rosie O'Grady's was operational. The City has estimated the maximum capacity of the proposed Metro facilities as follows:

- Lower Lounge - 75 persons;
- Upper Lounge / Dining - 110 persons;
- Courtyard - 115 persons;
- Total - 300 persons.

This figure is 43% of the total Rosie O'Grady theoretical capacity, and it is agreed that the actual traffic generated would be less than that of the former Rosie O'Grady's.

Self-imposed restrictions to vehicular access into the Metro site have been in place for some years. As stated previously, the lower level car park is not accessible at all from Banksia Terrace, and the upper level is closed off between 3:00 pm and 6:00 am at Banksia Terrace, originally to prevent use of the Metro car park by Rosie O'Grady's customers. Now that that establishment no longer exists, and with the Metro's new facilities proposed to face Banksia Terrace,

Riley recommends that entrances at Banksia Terrace to both the upper and lower car park levels could be fully reinstated. His surveys indicate that the lower level car park is now rarely used. He suggests that the Metro management could confine the lower level to residents only, retaining the upper level for mixed residential and commercial use. In this instance, he concludes that access to the lower car park from Hovia Terrace only, would be appropriate.

The proposed drive-through bottle shop is shown on plan as having its entrance from Banksia Terrace, exiting either straight through to Hovia Terrace, or allowing for a U-turn within the car park to exit via the upper level ramp back out to Banksia Terrace. Riley has examined the proposed access to the drive-through facility, and recommends that it operate on a one-way movement only, entering via the upper level car park ramp, with a U-turn in the car park to exit back through the drive-through bottle shop to Banksia Terrace. As part of this arrangement, he further recommends that the City's five existing angled parking bays in Banksia Terrace be replaced by one parallel bay.

Riley's car parking calculation for the site differs significantly from that of the City, in the following ways:

- Existing shops and meeting room - Riley reduces the total number of required car bays by 35 bays, to take account of parking for the shops and meeting room which are being removed. However, because dedicated car parking for these facilities was never previously required nor provided, and on-site parking provision is 181 bays deficient, based on TPS6 requirements, it is not justifiable to grant a 'credit' of 35 bays as argued by Riley.
- Proposed development - Riley calculates required car parking for the proposed lounge / bar and bottle shop facilities as being 58 bays in total. The City calculates the same facilities as requiring 61 car bays.
- Total parking deficiency - In total, the City calculates the parking deficiency for the current application as being 181 bays. One of the deficient bays is attributable to a slight shortfall in parking for the residential component. The total deficiency, according to Riley, is 23 bays which he also suggests can be further reduced by calculating differently. However for the reasons explained above, Riley's method of assessment is not supported.
- Existing facilities - While the car parking required for the existing residential rooms is almost entirely met on site, Riley fails to calculate the number of car bays required for the Function Rooms on the first floor. Based on TPS6 requirements for a Hotel, these require a total of 119 car bays.

In terms of method of calculating the required number of parking bays, Riley suggests that if the bar / dining facility is considered to be a 'Café / Restaurant' under TPS6, then the parking requirement for this facility would reduce by 21, resulting in an overall shortfall of just 2 car bays. He also makes the point that he has not assumed any reciprocal use of resident hotel guests' parking, which he calculates could be up to 30%. (The City has also not allowed for any reciprocal parking.) In addition, the applicant's plan shows that an additional 6 car bays (Riley's calculation) could be added to the site by reconfiguring the existing car parks. Having regard to these matters, Riley concludes that sufficient car parking is provided on site theoretically. On the other hand the Riley report does not factor in any car hire by Metro Hotel's residential guests, and the need for parking those cars on site.

While Riley's suggestion of calling the bar / dining area a 'Café / Restaurant' is convenient in terms of eliminating the car parking shortfall, there is no reference to a 'Café / Restaurant' in the current application. The submitted proposal is for '*refurbishment and conversion of ground floor retail tenancies to lounge bar, dining and bottle shop facilities*'. The applicant, Oldfield Knott, in their letter dated 24 October 2005, also state that "*all the alterations proposed are consistent with and conform with the hotel use...*". The City cannot change the terms of the application as submitted for approval. In any event, due to the interconnected layout of the various 'Hotel' facilities, it would be inappropriate to artificially classify the bar / dining area as a Café / Restaurant. The TPS6 parking table recognises these facilities as forming part of a 'Hotel'.

As previously indicated, Riley's rationale for some parts of the assessment of parking compliance is not supported. The City's responsibility is to ensure that the proposal will not cause any detrimental impact to neighbours, and the City's calculations have been correctly based on TPS6 requirements.

(iv) Consideration of Car Parking Concession

In considering whether or not the Council should grant a concession with respect to the required number of on-site car bays, the decision should be influenced by the extent of the deficiency in the number of bays provided, and the amenity effect resulting from such deficiency. The applicants are proposing a change of use from 'Tourist Accommodation' to 'Hotel' and therefore, in respect of both the existing development and the proposed additions, the present-day No. 6 Scheme parking requirements for 'Hotel' use must be applied. Assessed on this basis, there is a shortfall of 181 car bays in the current proposal.

The Council has power under TPS6 to grant a car parking 'concession' as follows:

**(A) Clause 6.3.(4) relating to Car Parking**

Relevant parts of this clause are reproduced below:

*"(4) ... In the case of non-residential Uses, the Council may grant planning approval for a development having a lesser number of car parking bays than the number prescribed in Table 6, provided that the following requirements are met:*

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site...*
- (c) In the Highway Commercial and the Local Commercial zones, in the case of additions which do not increase the existing floor area by more than 10%, or 50 square metres, whichever is the greater, the Council is satisfied that sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development..."*

In relation to 4(a), it is noted that the peak parking demand for the accommodation would be when hotel guests return for the night in their own vehicles or hire cars, while at the same time the bar and public dining areas would be at peak usage by external patrons. Other external patrons needing to park while making purchases from the bottle shop will add to this demand. The peak parking demand of these various uses would at

least partially coincide. In terms of the *peak parking demand for different uses on the development site*, while there could be some reciprocal use of the car park by patrons staying in the hotel and visiting the bar / dining facility, the City is concerned about the clash of peak parking demand for various uses. There is not a clear separation between the hours when the car park will be used by residents of the hotel, and hours when it will be used by drinkers, diners or alcohol shoppers. Therefore, there is no justification for the Council to grant a parking concession under Part (4)(a) of TPS6 Clause 6.3.

Part 4(c) cannot be invoked for the purpose of granting a parking concession because there are no public parking bays in the vicinity, other than street parking and these streets should not be relied upon because the overflow of parking into the streets would adversely affect the amenity of neighbouring residents. The side streets immediately adjoining the hotel are Banksia Terrace and Hovia Terrace. No car parking is permitted in Canning Highway. The City discourages commercial parking in residential streets. This option would not be supported in this instance. Both streets are narrow and have been designed with traffic calming devices to assist in managing a previous traffic problem.

In their submissions, residents have expressed concern at a return of alcohol-related driving inconsistencies in these streets, which is a safety concern. They also fear a return of parking congestion in these narrow streets, not only between Canning Highway and Mill Point Road, but also east of Canning Highway in the continuation of these streets from where hotel patrons can walk to the hotel via the pedestrian underpass.

In terms of *additions which do not increase the existing floor area by more than 10%, or 50 square metres, whichever is the greater*, the proposal is eligible for consideration under Part (4)(c) of TPS6 Clause 6.3 set out above, in that the increase in floor space is 38 sq. metres. However, under this same part of TPS6, the Council must also be satisfied that *sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development*. For the reasons explained above, the only available public parking in the vicinity, being kerbside space in Banksia Terrace and Hovia Terrace, cannot appropriately be relied upon to support a parking concession. At times of peak parking demand, there could well be a shortfall of on-site parking bays. Based upon the resultant 'overflow' at such times, coupled with constraints imposed by numerous crossovers and slow points in the streets, a considerable length of street could be used to accommodate overflow parking.

As it has not been demonstrated that the proposed development will satisfy the requirement of Clause 6.3(4) of TPS6, no car parking concession should be granted under this clause.

**(B) Clause 7.8 relating to Discretion to Permit Variations from Scheme Provisions**

Relevant parts of this clause are reproduced below:

“(1) (a) ... if a development the subject of an application for planning approval does not comply with site requirements prescribed by the Scheme with respect to:

...

(v) car parking;

...

the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

(i) 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;

(ii) 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

(iii) 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.”

The clause requires each requested concession to be tested against three parameters, summarised as orderly and proper planning, amenity of residents of the site and the precinct, and the objectives for the precinct. The objectives for Precinct 5 ‘Arlington’ are examined further below.

In terms of orderly and proper planning of the site and the locality generally, residents have expressed concerns about feared increased traffic in their residential streets, and parking congestion in those streets which currently contain traffic management devices. The concerns principally relate to:

- noise of people parking in the street calling to one another late at night;
- noise of car doors and screeching tyres;
- safety of drivers who might be affected by alcohol;
- safety of residents, pedestrians and cyclists in the confined and constrained streets; and
- possible antisocial behaviour of people affected by alcohol walking down the residential streets to reach their parked cars.

Some of the concerns expressed by neighbours cannot be quantified or proved, being speculative in nature, based on past experiences with the former Rosie O’Grady’s tavern nearby. However, any concern relating to amenity and safety is taken seriously by the Council.

Based upon TPS6 requirements, the proposal is 181 car bays deficient. There is no opportunity to provide additional car bays on site in the current proposal. With such a large shortfall, it must be assumed that at certain times of peak parking demand, up to 181 cars could be forced to park in surrounding streets.

Having regard to the valid concerns expressed by residents, the size of the parking shortfall on site, and the TPS6 requirement that the Council must be satisfied that no adverse outcomes would result from the approval of a concession, it is recommended that no car parking concessions be granted under Clause 7.8 of TPS6.

**(h) Safety**

The proposal is intended to increase the popularity of the Metro Hotel to external customers by enhancing its existing bar and dining facilities, and by introducing a bottle shop which includes a drive-through facility. Apart from the obvious safety issues associated with alcohol and driving, which is not a town planning consideration for the Council to become involved with, other safety issues arise.

**(i) Dedicated dual use cycle path in Banksia Terrace**

Several residents have raised the issue of the increased use of existing car parking ramps in close proximity to a dedicated dual use pedestrian / cycle path leading to an underpass which crosses Canning Highway. This path and underpass are used regularly by school children travelling from South Perth to Kensington Primary School, and by Kensington residents accessing the foreshore. The introduction of a new drive-through bottle shop access point adds a further potential danger, and this access point is situated closer to the underpass entry. The City's *TravelSmart* map [**Attachment 9.3.5(g)**] shows Banksia Terrace as being part of the route of a dual use path leading from Kensington to the foreshore. If the proposal is to be approved, this route should be considered carefully in relation to the access points to the hotel car park and drive-through bottle shop. Vehicular exit from the drive-through on to Banksia Terrace would not be satisfactory in relation to the cycle path.

Some residents have referred their concerns to the Cycling Unit of the Department for Planning and Infrastructure for comment. An officer of this unit has provided the City with that Department's assessment [**Attachment 9.3.5(h)**]. While there is no concern with vehicles entering the proposed drive-through bottle shop from Banksia Terrace, where drivers have a wide angle of view of pedestrians and cyclists using the dual use path, the Department makes the following comments regarding traffic exiting the drive-through facility at Banksia Terrace:

*“Any vehicle exiting from the redevelopment site into Banksia Terrace poses a real safety problem for shared path users. The average passenger-type vehicle bonnet length is approx 1.8m, but the building walls are set back approx 1.8m from the boundary line, and large columns closer to the boundary line also interfere with drivers' sight lines. The driver is still, effectively, in a position behind the building wall (unable to see approaching shared path users) when the front bumper bar is at the property line and crossing the path. This could risk injury to path users, especially children, pedestrians with visual or mobility impairment, cyclists and other people not aware of the movement of a large number of vehicles in this area.*

*It is felt that vehicular, pedestrian and cyclist safety could be enhanced by adopting a one-way traffic flow direction, with entrances from Banksia Terrace and exits at Hovea Terrace. This would also minimize conflict potential within the development's car park area. No impediment to this traffic flow is detected from the plans viewed, therefore its adoption is strongly recommended in the interest of public safety.”*

The Department's comments are valid, based upon the application as submitted. However, the Department's comments are in direct conflict with the findings of Riley Consulting, who are recommending that traffic be directed so as to exit from the drive-through facility into Banksia Terrace. If the development application is approved by the Council, a condition should be imposed to confine traffic movement to 'entry only' from Banksia Terrace.

(ii) Children's playground, Brandon Street

Another matter of concern to residents, is the access to a children's playground in Brandon Street, with an access path connecting to Banksia Terrace in close proximity to the Metro. Residents express fear of possible entry to the park by people affected by alcohol, who might deposit glass bottles or syringes, etc which could be dangerous to children playing there. This should also be considered in the Council's determination of the application. A further concern is that children using this playground could be in danger from additional traffic in Brandon Street, or from people affected by alcohol finding their way into the playground.

(i) **Amenity**

Residential amenity features strongly as a concern of submitters objecting to the proposal. The details of these comments are summarised in **Attachment 9.3.5(f)**.

Amenity is also a major consideration of the Council. It is referred to in both TPS6 and Precinct objectives, in 'matters to be considered' listed within Clause 7.5 of TPS6, and in clauses 6.3(4) and 7.8 of TPS6 in relation to parking (or other) concessions. If the Council is satisfied that residential amenity will not be detrimentally affected by the proposal, or that measures can be taken to alleviate any adverse effects, then these objectives will have been met. However, if the Council is not satisfied, and is of the opinion that amenity will be adversely impacted upon, then it will need to consider whether to refuse the application, or to impose conditions of approval that are seen to remedy the specific issues likely to cause distress to neighbours.

In relation to amenity, concern has been expressed by residents living further a field than the adjoining streets. Some residents living on the eastern side of Canning Highway relate past experiences of former Rosie O'Grady's parking on street verges in Kensington streets. Residents in Brandon Street have also advised of concerns about that street being used as a 'short-cut' by patrons trying to access Canning Highway.

The list of previous experiences related by submitters is contained in the attached summary. These are expressed in terms of fears that similar events could eventuate if the proposed bottle shop and bar are permitted to operate. However there is no proof that the proposed facilities will result in any adverse behaviour - this could only be tested after the facilities have been operating for some time.

It is noted that the greatest concern of submitters is in relation to the bottle shop and the drive-through facility. Many residents have stated that they would strongly support the expansion and improvement of the hotel's dining and even bar facilities for use by local people. The social value of the hotel is well appreciated.

Written support for the whole application has been expressed, mainly in general terms, by residents living further removed from the immediate area. Such comments are valuable in providing the Council with an understanding of the wider support for the hotel in the long term.



The extent of objection, however, appears to outweigh the level of support. In particular, the change of use from 'Tourist Accommodation' to 'Hotel', in the form of the proposed bottle shop and drive-through facility, are not supported by submitters, based on their fear of increased and erratic traffic, and anti-social and criminal behaviour experienced at some other such places. Any such effects would impinge strongly on the residential neighbourhood, being located on a residential street within a few metres of the nearest house. While it could be said that the hotel has been operating for 35 years and that the neighbourhood is familiar with its operations, those operations are now proposed to change, and that change can only be approved at the Council's discretion.

(j) **Design**

The proposal was referred to the City's Design Advisory Consultants (DAC) at a meeting held on 14 November 2005. Notes from that meeting are quoted below:

*"The Design Advisory Consultants were supportive of the intended function and internal layout of the proposed alternative use of space on the ground floor. However, they expressed concern about the elevation treatment of the additions as viewed from both Canning Highway and Banksia Terrace. In this regard, they suggested that the design of the façades should be modified to reflect a more contemporary character or a contemporary interpretation of a period character.*

*A query was also raised regarding the possible impact on the neighbouring residents of Banksia and Hovia Terrace by virtue of traffic generated by the drive-through bottle shop. To confirm the likely impact of the new facility, the Design Advisory Consultants suggested that a traffic impact report should be submitted."*

The comments indicate the DAC's dissatisfaction with the choice of architectural design selected for the treatment of the Canning Highway and Banksia Terrace elevations of the modified and extended ground floor building. The proposal has a pseudo-'Old English' slatted appearance. The DAC suggested a style reflecting a more contemporary character, or a contemporary interpretation of a period character, would be more appropriate.

An almost identical design proposal was approved by Council in October 1997. There is no documentation on the City's file to indicate that the previous application was referred to the DAC for comment at that time. The design was approved by Council without modification.

In defence of their design for the street façades of the proposed bar / dining and bottle shop facilities along Banksia Terrace, Oldfield Knott comment as follows [**Attachment 9.3.5(c)**]:

*"Although we live in a contemporary society and normal practice would be to design buildings of a contemporary nature, the proposal before you has been done quite differently intentionally.*

*The interior theme proposal is that of an English-style pub and as such, it was intended to reflect this theme externally through the use of Tudor-style architectural elements.*

*This part of the overall building façade is currently a nondescript single storey structure. By comparison with the main building, it is believed to be an appropriate solution as the two (2) different architectural styles also give the impression of two (2) separate buildings on separate titles.*

*With Rosie O'Grady's Hotel across the road (Banksia Terrace) being demolished and a new contemporary styled residential development being eventually built, it is also considered more appropriate to stand out from the crowd rather than blend in.*

*The premises will eventually become somewhat of a talking point as it will catch your eye whilst driving along Canning Highway."*

It is agreed that the new facilities will contrast markedly with the existing hotel tower. The desirability of this is not in contention. The particular style, however, was not considered favourably by the Council's design consultant panel. It is therefore recommended that the proposed façade design be modified if Council should decide to approve the application.

**(k) Heritage**

This is not an issue for this site.

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

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

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

The proposed development addresses this overriding objective with respect to Precinct 5 'Arlington'. The relevant draft Precinct Plan contains the following statement:

*"To encourage the refurbishment, upgrading and / or redevelopment of the Metro Inn ... recognising the importance of such facilities for the Perth Metropolitan Region but to improve their appearance and / or functionality given their close proximity to residential areas. No additional development, redevelopment or use of these facilities is to have a substantial adverse impact on surrounding properties in terms of amenity, privacy and overlooking, overshadowing, reflective glare, access, traffic volumes, loss of significant on-site vegetation or unreasonable loss of views from residential properties. In this regard an Impact Assessment Report may be required to accompany such proposals addressing each of these issues."*

In this instance, an Impact Assessment Report has been required in the form of the attached traffic assessment report [**Attachment 9.3.5(d)**]. Having regard to the various 'amenity' based concerns discussed in this report, it is considered that this objective has not been met.

The following objectives stated for the Highway Commercial zone in this precinct, have also been considered:

*"(a) To encourage upgrading of commercial facilities adjoining Canning Highway for uses and development which:*

- (i) Require a regional road frontage for accessibility or exposure;*
- (ii) Contribute to the physical appearance of development adjacent to the roads and to the variety and diversity of commercial facilities available to the local community; and*
- (iii) Will not adversely jeopardise access or safety aspects of either road's primary function as important roads within the region.*

- (b) *To recognise the role played by Highway Commercial activities in serving both local and regional catchments by servicing passing trade, or relying on high exposure and accessibility and offering a range of commercial activities beyond those supportable by a local community in a location and environment that is already not conducive to residential amenity.”*

The Metro Hotel is one of the City’s regional facilities, recognised for its role in tourism and commerce within the City. The proposal meets relevant objectives in that it seeks to enhance and upgrade the building generally, as suggested also by the community aspirations expressed at the time of preparation of TPS6, as being desirable.

The proposal has also been assessed under the general objectives listed in Clause 1.6(2) of TPS6. Of the list of twelve general Scheme objectives, the following are considered to be relevant to the current application, to varying degrees:

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

Several of the above objectives indicate that the amenity of surrounding residential areas is paramount in the Council’s consideration of any application. All of these objectives will feature strongly in the Council’s determination of the current proposal. Due to the expected adverse impacts upon neighbourhood amenity, it is considered that the proposed development does not meet objectives (e), (f), (g) and (l) set out above.

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

It is considered that the proposed development does not fully meet the Council's expectations in relation to these matters, having regard to the concerns expressed elsewhere in this report.

**(n) Conclusion**

Having regard to the above comments, the overriding issue of preserving residential amenity is the principal concern in relation to this application. As discussed above, this is of great concern to many residents, and from the City's technical calculations and assessments, there is some foundation for those concerns. The deficiency of 181 parking bays, based upon the TPS6 prescribed parking ratios, is a major cause for concern. This will contribute significantly to the adverse amenity impact.

In considering whether or not to grant approval, the Council must be satisfied that the amenity of the locality will be preserved. This does not appear to be the case in terms of possible traffic and parking overflow onto the surrounding residential streets.

The Council's decision on the requested change of use from 'Tourist Accommodation' to 'Hotel' is discretionary - that is, the desired use is not a 'P' (permitted) use. In deciding whether or not to approve the change of use which will permit the sale of packaged liquor for people other than residential guests, the Council must consider all of the aspects discussed in this report, and must be satisfied that all of the relevant objectives are met.

The assessment of issues in this report highlights the likelihood that serious adverse amenity impacts could result if the application is approved.

This leads to the recommended that this application for planning approval should be **refused**.

## 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 14 November 2005. The proposal was not favourably received by the Consultants. The matter is discussed more fully above.

### (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' for a 'Hotel' - that is, within 'Area 2', by mail for 21 days, concluding on Monday 21 November 2005. Three signs were also located on site during this period. However, during the advertising period, the Director, Strategic and Regulatory Services decided, as provided by Clause 13(b) of Policy P104, that the proposal could have a wider amenity impact than would ordinarily be experienced from a proposal of the kind under consideration, and that a wider extent of consultation was warranted. The proposal was then advertised for further community comment until Friday, 16 December 2005. This was undertaken by mail within Area 3, (modified) signs on site and a notice in the 'Southern Gazette' published twice during the extended advertising period. A total of 70 neighbour consultation notices were mailed to individual property owners and occupiers.

The proposal was also forwarded for comment to Department for Planning and Infrastructure, Main Roads, and relevant internal City departments.

During the advertising period, a total of 45 individual submissions, 3 petitions and 1 set of questionnaire forms were received, representing the following opinions:

- 36 individual submissions against the proposal;
- 2 petitions from a total of 49 signatories against the proposal;
- 9 individual submissions supporting the proposal;
- 1 petition in favour of the proposal, signed by 181 patrons, submitted by Metro Hotel; and
- 1 set of 137 questionnaire forms completed by customers, generally in favour of the proposal, submitted by Metro Hotel.

The submissions have been summarised and responses provided to all comments, in **Attachment 9.3.5(f)** to this report.

The comments objecting to the proposal generally relate to:

- Change of use to include packaged alcohol sales through the bottle shop and drive-through facility;
- Increased traffic in residential streets;
- Car parking congestion in streets arising from insufficient parking on site;
- Increase in anti-social and criminal behaviour;
- Increased noise and general reduction of residential amenity;
- Comment on compliance with other TPS6 provisions (e.g. plot ratio and landscaping);
- Design of the proposal; and
- Inadequacy of plans and information provided.

The comments supporting the proposal can be categorised into the following general topics:

- Need for replacement facilities with the loss of Rosie O'Grady's from the area;
- Improved appearance of the hotel; and
- Provision of a place for the local community to meet, eat and drink.

An Officer response to all of the issues raised is contained in the summary of submissions comprising **Attachment 9.3.5(f)**.

**(c) Department for Planning and Infrastructure**

That Department for Planning and Infrastructure (DPI) advises that the site is not affected by any land requirements for the existing (Canning Highway) reservation. However concerns have been expressed by the Cycling unit of DPI in their letter dated 3 March 2006 (**Attachment 9.3.5(h)**) regarding possible safety issues with respect to the cycle path. As advised previously in this report, the Cycling Unit of DPI has expressed concern about the exit of vehicles from the drive-through bottle shop onto Banksia Terrace for safety reasons. Owing to the minimal setback of the main building from the path, there is a danger of drivers of exiting vehicles being unable to see any cyclists or pedestrians until the vehicle has moved partly onto the dual use path.

**(d) Main Roads**

Main Roads advises that the proposed development does not affect roads under Main Roads control and as such, no comment is made. Canning Highway is under the control of the Department for Planning and Infrastructure.

However, Main Roads makes the following observations:

*“Main Roads has concerns that the on-site parking is minimal and as a result, surplus cars could spread out onto the streets causing a traffic hazard.*

*While the incidence of traffic accidents at the intersection of Banksia Terrace and Canning Highway is not high, there exists a potential for accidents at this intersection, due to poor sight lines, as vehicles are entering to the west of the crest in Canning Highway.”*

**(e) Manager, Engineering Infrastructure**

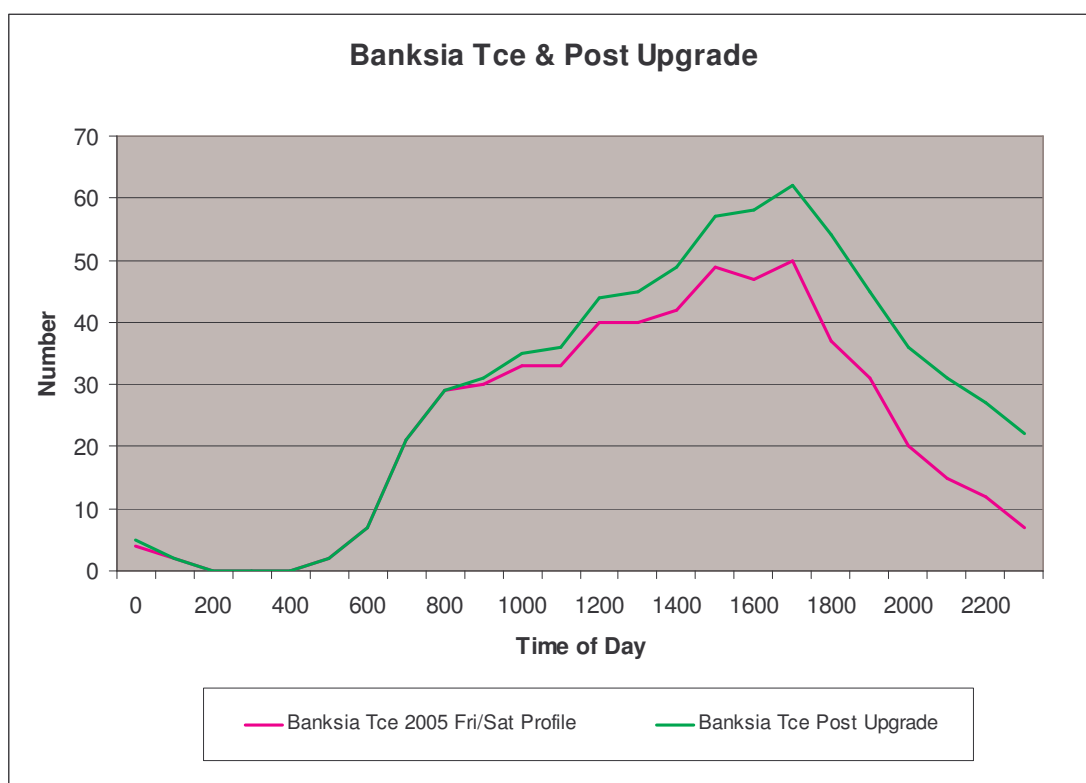
The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. His comments are as follows:

*“In 1998 Rosie O'Grady's (the former Hurlingham Hotel) was operating at the peak of its popularity. The impact of Rosie O'Grady's at that time was to direct some 918 vehicles / day through Banksia Terrace on a typical Friday / Saturday night. On average however across the week the average daily traffic flow (virtual day) was 641 vehicles / day i.e. to say the extra vehicles generated by the hotel was at least 277 vehicles above the virtual day and considerably more than a typical Monday or Tuesday. In essence the increase on Friday / Saturday was nearly 50% more than that experienced at the beginning of the week.*

*The concern however is not as much the question of the traffic increase but the distribution of the traffic flow. In effect the Friday night traffic profile for the typical residential street becomes greatly skewed to the right with much more traffic in the*

*less sociable hours of 2100 hours through to midnight or beyond when the profile changed at midnight from approximately 2% of all traffic to nearer 5% i.e. 15 vehicles in the preceding hour to 45 vehicles in the same hour.*

*Rosie O’Grady’s now no longer operates as a hotel and for a number of yeas the residents of Banksia Terrace have enjoyed the residential aspects of the street with its typical residential traffic profile peaking at around 1700 hours at 50 vehicles / hour (Friday / Saturday profile, an increase of about 10 vehicles / hour on the virtual day) or 9% of all traffic movements. In the hour preceding midnight in December 2005 the percentage of traffic movement was just over 1%.*



*I am satisfied the generation figures supplied by Riley Consulting represent an accurate assessment of the traffic from the upgrade. I am of the view however that it is unreasonable to discount the previous traffic from Rosie O’Grady’s in assessing the application. From the Consultants assessment some 20% of the trips generated will be to or from Mill Point Road or 154 vehicles trips per day with the balance of 616 vehicle trips being to and from Canning Highway. Counts hereafter relate generally to that part of Banksia Terrace from the “Entry Plateau Slow Point” and immediately adjacent to the Metro Hotel.*

*Adopting a similar profile to that endured by the residents in 1998 onto the 2005 traffic counts results again in an unreasonable skew to the right in the profile with the peak increasing by some 12 vehicles / hour to about 62 vehicles / hour and in the hour preceding midnight from some 8 vehicles in the hour to 22 vehicles.*

*The effect of the proposed development is to direct at least a further 154 vehicles into Banksia Terrace from that currently being experienced and all of the increase being concentrated in a 12 hour interval with maximum concentration in the evening hours from 2000 hours to midnight.*

*Traffic counts taken in 2005 were towards the Mill Point Road end of Banksia Terrace.*

*While there are no counts for the section of Banksia Terrace immediately off Canning Highway the expectation is that the average daily volume will be in excess of the maximum Friday / Saturday counts of 544 vehicles / day.*

*Irrespective of the current peak hour counts the proposed development will add at least a further 50 trips / hour to the intersection. The addition of a further 50 vehicle movements per hour onto a street identified as Perth Bicycle Network Route SE24 and linking to the only underpass crossing along Canning Highway will need to be managed and signposted very effectively to minimise the impact in particular of cyclists.*

*I cannot accept the conclusion from Jonathan Riley Consulting that the redevelopment of the Metro Hotel will have minimal impact on the traffic movements on the local streets of Banksia Terrace in particular and Hovia Terrace to a lesser extent.”*

**(f) Other City Departments**

Comments have also been invited from the Building and Environmental Health areas of the City’s administration. The Team Leader, Building Services has no comments to make on the proposal at this stage; however, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

The Manager, Environmental Health Services has no comments to make on the proposal at this stage; however, if approved, the proposal will be the subject of a more thorough examination at a later stage.

**(g) Special Electors’ Meeting**

A Special Electors’ Meeting was held on Monday 13 March 2006 for the purpose of electors expressing their opinions about the proposed Metro upgrading and expansion works. The meeting was attended by approximately 65 residents. This meeting, and motions passed by the electors attending the meeting, are discussed in Item 9.1.1 of the Council agenda. The officer recommendation contained in this report reflects the issues raised at the Electors’ Meeting, both for and against the proposals, as well as written submissions received during the neighbour notification period, and the City’s technical assessment of the application.

During the presentation of the proposal at the Electors’ Meeting, it was advised that the City had calculated a car parking shortfall of 62 bays. This figure has since been reviewed and a shortfall of 181 car bays has been identified. An explanation of this difference is contained in the section headed ‘(g) Car Parking’, above.

**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 payment of the required Planning Fee by the applicant.

**Strategic Implications**

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

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



**OFFICER RECOMMENDATION 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 proposed alterations, additions and change of use from 'Tourist Accommodation' to 'Hotel' for the Metro Hotel, South Perth, on Pt. Lot 10 (No. 61) Caning Highway, **be refused** for the following reasons:

- (a) Due to the change of use, the entire development, both existing and proposed, must be assessed under the No. 6 Town Planning Scheme requirements. There is a deficiency of 181 car parking bays on the site.
- (b) Before approving the conversion to 'Hotel', being a 'DC' (discretionary with consultation) use, the Council must be satisfied that all of the relevant Scheme and Precinct objectives would be met in relation to orderly and proper planning and the preservation of amenity of the locality. The Council is not satisfied in this respect.
- (c) The Council is not prepared to exercise its discretion under Clause 6.3(4) of Town Planning Scheme No. 6 to approve a lesser number of car parking bays than is prescribed by Table 6 of the Scheme, because the Council is not satisfied, as it is required to be, that:
  - (i) the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site; and
  - (ii) sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development.
- (d) The Council is not prepared to exercise its discretion under Clause 7.8 of Town Planning Scheme No. 6 to approve a lesser number of car parking bays than is prescribed by Table 6 of the Scheme, because the Council is not satisfied, as it is required to be, that:
  - (i) 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;
  - (ii) 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
  - (iii) 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.
- (e) Noting the views expressed by the City's Design Advisory Consultants, Council is not satisfied with the detailing of the street elevations of the proposal, although no objection is held to the use of a 'Tudor-style' design.

**COUNCIL DECISION ITEM 9.3.5**

**Note:** This item was withdrawn at the request of the applicant. Item 8.2 on the Agenda refers.

**9.4 GOAL 4: INFRASTRUCTURE**

**9.4.1 Tender 3/2005 Supply and Lay of Brick Pavers**

Location:	City of South Perth
Applicant:	Council
File Ref:	3/2005
Date:	9 March 2006
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Glen Flood, Director Infrastructure Services

**Summary**

Tenders were invited for the supply and lay of brick paving for a three year period. The value of the contract exceeds the delegated limit for the acceptance of tenders and is referred to Council for determination.

**Background**

Brick paving as part of the Capital Works Program and to a lesser extent maintenance operations is undertaken by contract. The contract is based on the supply and lay of brick pavers in accordance with a schedule of rates depending upon the area of paving involved. The contract has been subject to annual tenders and has for all but a few years been retained by the same contractor.

As a schedule of rates contract the City is not bound to or guarantees the quantities identified in the contract specification will be delivered in the year. The quantities are indicative only and cannot be relied upon as the required. The indicative quantities provide the opportunity to determine the value of the contract and assist in the assessment process.

The tender requires that the successful contractor will undertake all activities required to supply and lay brick pavers to an excavated work site including but not limited to:

- supply of bedding sand and screed sand;
  - supply of brick pavers; and
  - supply of all labour and plant to undertake the works
- for the three years subject to the schedule of rates.

One tenderer was unable to provide a fixed annual price beyond the first year as no brick supplier was prepared to give him rates beyond the first year.

At the close of the tender period two tenders had been received.

**Comment**

Tenders were received from Progressive Brick Paving Pty Ltd and Access Brick Paving Co. Progressive Brick Paving is the current contractor.

Both contractors are competent operators experienced in local government operations with current contracts in local government. Both contractors are capable of undertaking the works.

The following table provides the notional contact value per annum for the supply and lay of brick paving.

	Year 1	Year 2	Year 3
Progressive Brick Paving Co	\$150,130	\$159,595*	\$165,680*
Access Brick Paving	\$143,838	\$146,747	\$154,068

\*Progressive Brick Paving have not supplied paver costs for years 2 and 3, only fixed annual lay rates. An index of 2.5% has been applied to the paver component so that the assessment can be across the three years.

Using the two criteria for assessment the tender of Access Paving Co. is not only the lowest priced tender but also received (understandably with the heavy weighting on price) the highest weighted score in the first year and subsequent years.

	Year 1	Year 2	Year 3
Access Brick Paving Co	9.97	9.97	9.97
Progressive Brick Paving	9.63	9.43	9.36

Access Brick Paving Co. is currently the contractor for the Town of Cambridge and has the capacity and capability to undertake the City's paving works.

The tender documents require the Contractor to deliver the service within 10 working days of formal notice of the work. In the event the Contractor cannot meet the 10 working day period the City has the right to engage another contractor to carry out the work and any variation between the rate paid for the work and the contracted rate will be recovered from the annual contractor by deducting the variation from monies owed to the preferred contractor. It is therefore suggested that:

- the preferred contractor for the supply and lay of brick paving be Access Brick Paving Co.; and
- Progressive Brick Paving be listed as the alternative contractor if, for whatever reason, Access Brick Paving Co. is unavailable to carry out any work.

### **Consultation**

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

### **Policy and Legislative Implications**

It is a requirement of the Local Government Act that tenders be called for goods and services having a value in excess of \$50,000 and to be determined by Council unless through a resolution and Policy it has been delegated to the Chief Executive Officer or Director for determination.

As a three year contract the value of the tender has been deemed to be greater than the intent of the delegation and accordingly referred to Council for determination.

### **Financial Implications**

The tendered service forms part of the Capital Works Program and the Operational Budgets. The contract is a Schedule of Rates contract for the provision of services. The City does not guarantee or is bound to undertake the quantity of works referred to in the Contract document (indicative only).

### **Strategic Implications**

Nil.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.4.1**

That....

- (a) the Schedule of Rates Tender of Access Brick Paving Co. having a notional annual contract value of \$143,838 per annum rising to \$154,068 in year three be accepted as the preferred contractor; and
- (b) Progressive Brick Paving be nominated as the alternative contractor should Access Brick Paving Co., for whatever reason, be unable to meet the service requirements of the contract.

CARRIED EN BLOC RESOLUTION

**9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

**9.5.1 Audit & Governance Committee Recommendations - Meeting held  
27 February 2006**

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	8 March 2006
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 27 February 2006 which require a Council decision.

**Background**

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve its corporate governance procedures. After the elections of 2005 Council resolved at its meeting in May 2005 to review the membership and terms of reference of the Audit & Governance Committee as established by Council in October 2004. The review of the Terms of Reference was considered (amongst other things) at the most recent meeting of the Committee. The Committee meets on a regular (usually quarterly) basis.

**Comment**

The Minutes of the most recent Committee meeting held on 27 February 2006 are attached. **Attachment 9.5.1** refers.

The Committee does not have delegated authority to make decisions but may make recommendations to Council to enable it do so. There are a number of recommendations from the Committee which require Council's consideration and action. These are numbered and set out below with comments and recommended action.

**1. Draft Standing Orders Local Law**

AUDIT & GOVERNANCE COMMITTEE RECOMMENDATION ITEM 4.1

*That the proposed draft Standing Orders Local Law 2006 be amended as discussed and brought back to the next meeting of the Audit & Governance Committee for endorsement prior to it being presented to Council for adoption.*

**Comment**

The Committee made a number of suggestions to clarify and improve the proposed draft which required further subsequent revision of the text by City officers and the City's external legal advisers.

**RECOMMENDATION**

That the Committee Recommendation for Item 4.1 be adopted.

**2. Terms of Reference of the Audit & Governance Committee**

AUDIT & GOVERNANCE COMMITTEE RECOMMENDATION ITEM 4.2

*That...*

- (a) *the current Terms of Reference of the Committee be approved and retained; and*
- (b) *a new reference be added to the Terms of Reference: (ix) the City's Local Laws.*

**Comment**

The Committee considered that the current Terms of Reference remained relevant and effective; however in light of the Committee's considerable and valuable work in relation to the review of the City's Standing Orders Local Law 2002, for which there is no specific reference, it recommended adding a reference to include all the City's local laws.

**RECOMMENDATION**

That the Committee Recommendation for Item 4.2 be adopted.

**3. Policy Review**

AUDIT & GOVERNANCE COMMITTEE RECOMMENDATION ITEM 4.3

*That.....*

- (a) *Policy P518 "Management of Corporate Records" be considered as part of the next policy review to be presented to the Audit and Governance Committee; and*
- (b) *the following Policies, as per Attachment 4.3 be endorsed and referred to Council for adoption*  
*P103, P140, P210, P245 [241] P501, P502, P503, P504, P505, P506, P507.*  
*P508, P509, P511, P513, P514, P515, P516 and P520*

<b>Note:</b> Policies listed above are contained in <b>Attachment 9.5.1(a)</b> of the Council Agenda.
-------------------------------------------------------------------------------------------------------

**Comment**

The Committee sought further information concerning the review of Policy P518 with particular reference to the issue of electronic data storage and the currency of the City's Record Keeping Plan.

**RECOMMENDATION**

That the Committee Recommendation for Item 4.3 be adopted.

#### 4. Statutory Compliance Audit

AUDIT & GOVERNANCE COMMITTEE RECOMMENDATION ITEM 4.4  
*That the Committee, having reviewed the Compliance Audit Return, recommends that Council adopt the Return so as to enable its submission to the Department of Local*

**Note:** Compliance Audit Return is contained in **Attachment 9.5.1(b)** of the Council Agenda

##### **Comment**

The recommendation is self-explanatory and no further comment beyond that recorded in the Committee Minutes is considered necessary.

##### **RECOMMENDATION**

That the Committee Recommendation for Item 4.4 be adopted.

##### **Consultation**

N/A

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

The report and recommendations are made in accordance with the requirements of the *Local Government Act 1995*.

##### **Financial Implications**

Nil.

##### **Strategic Implications**

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

#### **OFFICER RECOMMENDATION ITEM 9.5.1**

That Council adopt the following recommendations from the Audit and Governance Committee meeting held 27 February 2006:

- (a) Recommendation 4.1  
*That the proposed draft Standing Orders Local Law 2006 be amended as discussed and brought back to the next meeting of the Audit & Governance Committee for endorsement prior to it being presented to Council for adoption.*
- (b) Recommendation 4.2  
*That...*
- (a) *the current Terms of Reference of the Committee be approved and retained; and*
- (b) *a new reference be added to the Terms of Reference: (ix) the City's Local Laws.*

(c) Recommendation 4.3

*That.....*

(a) *Policy P518 “Management of Corporate Records” be considered as part of the next policy review to be presented to the Audit and Governance Committee; and*

(b) *the following Policies, as per Attachment 4.3 be endorsed and referred to Council for adoption.*

*P103, P140, P210, P245 [241] P501, P502, P503, P504, P505, P506, P507, P508, P509, P511, P513, P514, P515, P516 and P520*

**Note:** Policies listed above are contained in **Attachment 9.5.1(a)** of the Council Agenda.

(d) Recommendation 4.4

*That the Committee, having reviewed the Compliance Audit Return, recommends that Council adopt the Return so as to enable its submission to the Department of Local Government and Regional Development by 31 March 2006.*

**Note:** Compliance Audit Return is contained in **Attachment 9.5.1(b)** of the Council Agenda

REQUEST FOR CHANGE TO ORDER OF DEBATE ON ITEM 9.5.1

Cr Jamieson requested that each part of the officer recommendation for item part 9.5.1 be dealt with separately with part (a) being dealt with last. The Deputy Mayor approved the request.

**OFFICER AND COMMITTEE RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.5.1 PART(b)**

Moved Cr Ozsdolay, Sec Cr Macpherson

That Council adopt the following recommendation from the Audit and Governance Committee meeting held 27 February 2006:

Agenda Item 9.5.1(b) (Audit & Governance Recommendation 4.2)

That...

(a) the current Terms of Reference of the Committee be approved and retained; and

(b) a new reference be added to the Terms of Reference: (ix) the City's Local Laws.

CARRIED (10/0)

**OFFICER AND COMMITTEE RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.5.1 PART(c)**

Moved Cr Smith, Sec Cr Ozsdolay

That Council adopt the following recommendation from the Audit and Governance Committee meeting held 27 February 2006:

Agenda Item 9.5.1(c) (Audit and Governance Recommendation 4.3)

That.....

(a) Policy P518 “Management of Corporate Records” be considered as part of the next policy review to be presented to the Audit and Governance Committee; and

(b) the following Policies, as per Attachment 4.3 be endorsed and referred to Council for adoption. P103, P140, P210, P245 [241] P501, P502, P503, P504, P505, P506, P507, P508, P509, P511, P513, P514, P515, P516 and P520

**Note:** Policies listed above are contained in **Attachment 9.5.1(a)** of the Council Agenda.

CARRIED (10/0)



MOTION ITEM 9.5.1(d)

Moved Cr Smith, Sec Cr Wells

That the Committee, having reviewed the Compliance Audit Return, recommends that Council adopt the Return so as to enable its submission to the Department of Local Government and Regional Development by 31 March 2006.

AMENDMENT

Moved Cr Jamieson, Sec Cr Smith

That prior to its submission to the Department of Local Government and Regional Development, the Compliance Audit Return be amended as follows:

Section (f) Meeting Process

Item 19: Change the response to Bullet One to No

Item 21: Change the response to No

Item 24: Change the response to Bullet Six to No

Comments explaining or qualifying any cases of non-compliance:

- (a) Item 19 Bullet One: 24 May 2005 meeting public question time was only 13 minutes; 28 June 2005 meeting public question time was only 12 minutes.
- (b) Item 20: At the special council meeting on 14 February 2005 the meeting continued without a quorum for 3 minutes.
- (c) Item 21: At the special council meeting on 14 February 2005 the meeting conducted a secret ballot to determine the preferred candidate for the CEO position.
- (d) Item 24 Bullet Six: Questions taken on notice by the Mayor at 28 June 2005 meeting were answered administratively under instructions by the CEO to the Minute Secretary following a decision by the Mayor.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Jamieson opening for the Amendment

- important our Compliance Audit Return is correct
- 24 May 2005 meeting public question time was only 13 minutes; 28 June 2005 meeting public question time was only 12 minutes.
- at the special council meeting on 14 February 2005 the meeting continued without a quorum for 3 minutes.
- at the special council meeting on 14 February 2005 the meeting conducted a secret ballot to determine the preferred candidate for the CEO position.
- questions taken on notice by the Mayor at 28 June 2005 meeting were answered administratively under instructions by the CEO to the Minute Secretary following a decision by the Mayor.
- need to acknowledge these errors occurred - apologise to ratepayers
- request for Motion to be put to Council blocked by CEO and Mayor
- ask Member support that our Audit Report be amended.

Cr Wells point of clarification - are any of the issues brought forward by Cr Jamieson true and factual? If any are incorrect Council cannot accept the report.

The Chief Executive Officer stated that he was not privy to Cr Jamieson's Motion or the reasons for the Motion and therefore had not had time to research the issues. He further stated that he certainly disagreed with some items but did agree with Item 21 relating to the Special Council Meeting secret ballot.

Cr Cala point of clarification - Item 19 why is there a 'reduced' time allocated to Public Question Time.

The Chief Executive Officer stated that 15 minutes is always available for total use at Public Question Time.

Cr Cala point of clarification - In relation to Item 21 - no vote to be secret. Is that no vote of each Councillor or the total vote?

The Chief Executive Officer stated that his reading of that question, without reading the particular Local Government Regulation, is that the vote of individual Councillors is not supposed to be secret but that his reading of the Minutes in question the voting pattern was secret.

#### FORESHADOWED MOTION

Cr Gleeson foreshadowed that if Cr Jamieson's Amendment was Lost that he would be moving that Item 9.5.1(d) be taken on notice and a reply be provided in the form of a report by the Chief Executive Officer at a due date.

Cr Doherty point of clarification - the Compliance Audit Return needs to go to the Department by 31 March 2006 - is there capacity for an extension of this date?

The Chief Executive Officer stated that we can advise the Department that we are not in a position to respond by the due date.

#### MOTION

Moved Cr Macpherson, Sec Cr Doherty

That the Amendment be put.

CARRIED ON THE CASTING VOTE OF THE DEPUTY MAYOR (6/5)

The Deputy Mayor put the Amendment.

LOST (3/7)

#### MOTION

Moved Cr Gleeson, Sec Cr Smith

That the issues referred to by Cr Jamieson in relation to the Compliance Audit Return, Item 9.5.1(d) be taken on notice and a response be provided by way of a report from the Chief Executive Officer to the next meeting of Council.

#### Cr Gleeson opening for the Motion

- issues raised need to be investigated
- support deferring this matter pending a further report from the CEO

#### Cr Smith for the Motion

- support alternative motion
- opportunity for CEO to research issues raised
- need to investigate Cr Jamieson's concerns

#### Cr Jamieson for the Motion

- maintains integrity of where we are going
- applaud motion for further research
- found problems - need to be addressed

**COUNCIL DECISION ITEM 9.5.1 PART(d)**

The Deputy Mayor put the Motion

That the issues referred to by Cr Jamieson in relation to the Compliance Audit Return, Item 9.5.1(d) be taken on notice and a response provided by way of a report from the Chief Executive Officer to the next meeting of Council.

CARRIED (10/0)

**VERBAL REPORT CEO ITEM 9.5.1 PART (a)**

The Chief Executive Officer reminded Councillors that the officer recommendation for Item 9.5.1(a) relating to the draft Standing Orders Local Law is to refer the document back to the next meeting of the Audit and Governance Committee. He further stated that all Members will received a copy of the Agenda of the next meeting and that any Member is able to make a submission on the draft document. Any submissions or comments received will be taken on board. It is then for Members to debate the particular clauses when the Standing Orders Local Law comes back to Council for adoption.

**OFFICER AND COMMITTEE RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.5.1 PART(a)**

Moved Cr Ozsdolay, Sec Cr Doherty

That Council adopt the following recommendation from the Audit and Governance Committee meeting held 27 February 2006:

Agenda Item 9.5.1(a) (Audit & Governance Recommendation 4.1)

That the proposed draft Standing Orders Local Law 2006 be amended as discussed and brought back to the next meeting of the Audit & Governance Committee for endorsement prior to it being presented to Council for adoption.

CARRIED (10/0)

**9.5.2 Appointment of Deputy to Committees of Council**

Location:	City of South Perth
Applicant:	Council
File Ref:	PE/401 and GO/108
Date:	7 March 2006
Author:	Kay Russell
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to appoint a Deputy Member to each of the City's current Committees. The City currently has two committees of Council. These are the Audit and Governance Committee and the Chief Executive Officer Evaluation Committee.

**Background**

After each election, the Council must review the membership of each of its committees. Following the 2005 election a report was submitted to Council reviewing the City's two current committees and recommending that Council nominate Council Members to sit on the Committees.

**Comment**

At a recent meeting of the Audit and Governance Committee a committee member was absent on leave and if another Member was unable to attend for any reason, the meeting would have had to be re-scheduled. Following discussion it was agreed that it would be beneficial for committees to have a Deputy Member available to attend meetings of the Audit and Governance and CEO Evaluation Committees when a committee member is unavailable for any reason.

**The Audit and Governance Committee**

*The Audit and Governance Committee is responsible for auditing and reviewing the City processes and performance in relation to:*

- (i) the annual financial audit;*
- (ii) the City's risk management framework;*
- (iii) the annual Statutory Compliance Audit;*
- (iv) the Code of Conduct;*
- (v) complaint reviews;*
- (vi) access to information;*
- (vii) policy and delegation reviews; and*
- (viii) the Australian Business Excellence Framework.*

The Committee meets four times a year with the timing of each meeting coinciding with the conduct of a particular aspect of the City's audit and governance cycle.

The following are the current members of the Audit and Governance Committee:

- Mayor, Mr J Collins, JP
- Cr R B Maddaford (Deputy Mayor)
- Cr B W Hearne
- Cr L P Ozsdolay

**CEO Evaluation Committee**

This Committee oversees the quarterly review of the CEO's performance and conducts annual performance reviews for the CEO. The functions of the CEO Evaluation Committee are to:

- (i) review and ratify agreed performance areas;*
- (ii) establish timelines for quarterly review periods;*
- (iii) establish timelines for achievement of Performance Focus Areas;*
- (iv) conduct first quarterly Evaluation Committee meetings;*
- (v) conduct Annual Performance Reviews;*
- (vi) review the remuneration package of the CEO;*
- (vii) discuss performance issues with the CEO; and*
- (viii) make recommendations and establish outcomes.*

The following are the current members of the CEO Evaluation Committee:

- Mayor Collins, JP
- Cr Maddaford (Deputy Mayor)
- Cr L P Ozsdolay (Chair)
- Cr L M Macpherson

The Committee meets four times a year in line with the Quarterly Reporting periods.

**Consultation**

Nil

**Policy and Legislative Implications**

This is in accordance with the *Local Government Act 1995* section 5.11 provides that the tenure of a committee member ceases at each ordinary election day. The appointment of Deputy Members to the current committees will sit within this tenure and still ensure that these Council committees are appropriately constituted.

**Financial Implications**

Nil

**Strategic Implications**

In line with Strategic Plan Goal 5: Organisational Effectiveness.

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

**OFFICER RECOMMENDATION ITEM 9.5.2**

That Council appoints a Deputy Member to the:

- (a) Audit and Governance Committee; and
- (b) CEO Evaluation Committee

to attend these committee meetings when any of the appointed Members are absent for any reason.

**COUNCIL DECISION ITEM 9.5.2 PART(a)**

Moved Cr Doherty, Sec Cr Smith

That Council appoints Cr Jamieson as the Deputy Member to the Audit and Governance Committee to attend committee meetings when any of the appointed Members are absent for any reason.

CARRIED (10/0)

**COUNCIL DECISION ITEM 9.5.2 PART(b)**

Moved Cr Cala, Sec Cr Ozsdolay

That Council appoints Cr Wells the Deputy Member to the CEO Evaluation Committee to attend committee meetings when any of the appointed Members are absent for any reason.

CARRIED (10/0)

**9.5.3 Western Australia - Daylight Savings Time Referendum**

Location:	City of South Perth
Applicant:	Council
Date:	7 March 2006
Author:	Kay Russell
Reporting Officer:	Chief Executive Officer

**Summary**

The purpose of this report is to provide a response to questions raised by the WA Local Government Association as to whether the City of South Perth:

- supports the introduction of Daylight Savings in Western Australia; or
- opposes the introduction of Daylight Savings in Western Australia; and
- believes Daylight Saving Time is a Local Government issue that members would like WALGA to pursue.

Recent articles in the media have raised the issue of Western Australia's lack of daylight savings reform and the potential impact on the West Australian economy and community. Western Australia along with Queensland and the Northern Territory are the only States and Territory not to utilise DST.

In response to these concerns a number of Councils have requested feedback from Local Governments to ascertain whether WALGA should develop a Local Government policy position in relation to daylight savings. At present 70 out of 268 nations utilise Daylight Saving Time (DST) in at least some portion of the country, including Australia. Japan is the only major industrialised country not to have introduced DST.

### **Background**

In Australia Daylight Saving Time was first introduced during World War I from 1 January 1917 to 25 March 1917 and during World War II for three summers beginning in 1942 under Commonwealth Legislation which, due to wartime emergency, was binding to all States.

Western Australia did not use DST during the summer of 1943.

In 1967, Tasmania experienced a drought which depleted their reserves of water. The State Government introduced one hour of DST that summer as a means of saving power and water. Tasmanians reacted favourably to DST and the Tasmanian Government has declared DST each summer since 1968. After persuasion by the Tasmanian Government, all states (except WA and the Northern Territory) passed legislation in 1971 for a trial season of DST. The following year New South Wales, South Australia and Victoria joined Tasmania for regular DST. Queensland did not do so until 1989 and only then for a trial period of one summer.

In response to the problems caused by the lack of DST uniformity, a Private Members Bill, the *National Measurement (Standard Time) Amendment Bill 1991*, was introduced to Federal Parliament in May 1991. The aim of the Bill was to define a national system of time zones and DST for Australia and its external territories.

In March 1992, the Federal Government decided to not proceed with the Bill. The setting of time zones and daylight saving remains the responsibility of the State and Territory Governments. At present New South Wales, Victoria, Tasmania, South Australia and the ACT use DST.

### **Comment**

In Western Australia there have been three referenda that have rejected the implementation of DST, the most recent being 13 years ago.

The first DST Referendum was held in March 1975 and posed the question:

*“Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in March next following?”*

The outcome was the proposal to make DST permanent after a trial period was rejected.

The second DST Referendum was in April 1984 and posed the question:

*“Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in following March?”*

The proposal to make DST permanent was again rejected.

The third DST Referendum was held in April 1992 and posed the question:

*“Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in a similar fashion for each year thereafter?”*

Again the proposal to make DST permanent was rejected.

At present the Queensland State Government is holding two e-petition the first which supports the introduction of DST began on 12 October 2005 and is due to be completed on 12 March 2006. At present 58,733 e-petitions have been signed in support of the introduction of DST. The second began on 31 October and is again due to be completed on 12 March 2006. This petition wants to stop the introduction of DST and 6,862 e-petitions have been signed. Further information on this process can be obtained by accessing the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au) and enter ‘e-petitions’ as a search criteria.

There has been great debate on this issue with a number of positives and negatives being highlighted. The positives are generally associated with economic, environmental and lifestyle gains especially those involved in business with the Eastern States. Supporters highlight how daylight saving aligns working and living hours with the sunlight in the hope of reducing community energy consumption.

Those opposed to DST highlight that the benefits are linked more closely to those living in cities, than those living in rural and remote areas. Negatives are also closely associated with those in the construction and building industry, small business and agricultural and farming industry.

The WA Local Government Association team is seeking local government opinion on this issue to ascertain whether this is a matter of importance for Local Government in Western Australia.

#### **Consultation**

WALGA is seeking feedback from Member Councils to enable its position to be determined.

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

Final position adopted by WALGA will form basis of negotiation with State Government for changes to legislation and Policy.

#### **Financial Implications**

Nil

#### **Strategic Implications**

In line with Strategic Plan Goal 5: Organisational Effectiveness.

*‘To be a professional, effective and efficient organisation.’*

**OFFICER RECOMMENDATION ITEM 9.5.3**

That in response to questions raised, the Western Australian Local Government Association be advised that the City of South Perth supports / opposes the introduction of Daylight Savings Time in Western Australia for the following reasons:

MOTION

Moved Cr Cala, Sec Cr Wells

That in response to questions raised, the Western Australian Local Government Association be advised that the City of South Perth:

- (a) is not in a position to speak on behalf of its residents on this matter until such time that it undertakes a full consultation process; and
- (b) can state its support for the introduction of Daylight Saving only as it relates to its business operations.

MEMBER COMMENTS FOR / AGAINST MOTION / POINTS OF CLARIFICATION

Cr Jamieson point of clarification - part(b) of the Motion states it will support our business operations, however at the recent Agenda Briefing discussion the CEO indicated it would not have much affect on our business?

The Chief Executive Officer advised that whilst there is a slight impact on business operations it is negligible.

Cr Jamieson on the motion

- support part (a) of the Motion
- cannot support part (b) of the Motion

FORESHADOWED MOTION

Cr Smith foreshadowed that he would be moving to delete part (b) of the Motion if the current Motion is lost.

**COUNCIL DECISION ITEM 9.5.3**

The Deputy Mayor put the Motion

That in response to questions raised, the Western Australian Local Government Association be advised that the City of South Perth:

- (a) is not in a position to speak on behalf of its residents on this matter until such time that it undertakes a full consultation process; and
- (b) can state its support for the introduction of Daylight Saving only as it relates to its business operations.

CARRIED ON THE CASTING VOTE OF THE DEPUTY MAYOR (6/5)

Reason for Change

There needs to be a clear distinction between the personal views of the community on this matter and the operational aspects of the City. Clearly from a business point of view the loss of an additional hour a day to communicate and carry out business with the eastern states is a disadvantage to all Western Australian Councils when Daylight saving is not a nation wide practice.



**9.5.4 Annual Tender for Outsourcing of Catering Services - Collier Park Hostel.**

Location: City of South Perth  
Applicant: Collier Park Village Hostel  
File Ref: Ten 19/2005  
Date: 10 March 2006  
Author: Margaret Clarke, Manager, Collier Park Village  
Reporting Officer: Roger Burrows, Director, Corporate and Community Services

**COUNCIL DECISION CHANGE TO ORDER OF BUSINESS ITEM 9.5.4**

Moved Cr Smith, Sec Cr Jamieson

The consideration of Item 9.5.4 be dealt with under Item 13.1 *Confidential* Business at the end of the Agenda.

CARRIED (10/0)

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

**9.6 GOAL 6: FINANCIAL VIABILITY**

**9.6.1 Monthly Financial Management Accounts – February 2006**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 5 March 2006  
Author/Reporting Officer: Michael J Kent, Director Financial & 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 28 February 2006 is \$26.93M which represents 101% of the Year to Date Budget. Rates revenue continues to reflect positive growth from interim rates although the City still has concerns about some possible downward valuation adjustments from commercial properties in the City that have objected to the Valuer General's Office about property valuations. If determined in the objecting owners favour, these appeals will result in downwards adjustments to rates revenue.

Interest revenue remains comfortably ahead of budget expectations due to the higher cash holdings and the excellent result from rates collections to date even after recognising the gain in the Q2 Budget Review. Further comment on this item can be found at Agenda Item 9.6.2. Revenue at the Collier Park Village is below budget at present due to the lower level of revenue generated by the Council Amenities Charge (Rates) because of the ongoing issue of entitlements to seniors concessions. Golf Course revenue is 1% below overall budget after a quiet month in February.

Revenue from Planning Services reflected a much lower level of activity on residential projects. Building Services revenue remains slightly ahead of budget after the Q2 Budget Review. Animal Control and Parking Management continue to show a very positive result and both are well ahead of budget expectations. Revenues within Infrastructure Services are now very close to budget in most areas after recognising budget amendments for the low level of activity on crossovers and a gain in the value of nursery greenstock issued to various projects.

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 28 February 2006 is \$18.52M - which represents 98% of the Year to Date Budget of \$18.87M. Operating expenditures are almost 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 that are currently being recruited. Allocations outwards of corporate support areas including Finance and Human Resources were corrected in February as noted in last month's agenda report. A number of favourable timing variances exist in the administration areas - but these are expected to largely reverse over the next few months. EBA increases for all administration staff have now been costed into the accounts and are comfortably contained within the approved salaries budget.

Favourable timing differences also exist on maintenance programs for parks and streetscapes. The street tree maintenance program had accelerated beyond year to date budget expectations - but the February accounts provide evidence that the responsible manager has intervened to ensure that the program is balanced out in the second half of the year. Certain infrastructure maintenance programs such as path maintenance, street sweeping, drainage and bus shelter maintenance currently show favourable variances but are expected to reverse in future months - particularly with the awarding of new tenders for some of these works. Other apparent variances relate to adjustments made in the Q2 Budget Review. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Capital Revenue of \$0.76M compares favourably to the year to date budget of \$0.75M. The small difference relates to the higher than expected level of lease premiums and refurbishment levies resulting from the increased turnover of units at the Collier Park Village.

Capital Expenditure at 28 February is \$5.59M against a year to date budget of \$7.57M, representing 74% of the year to date budget. This represents around 46% of the total capital works program for the year. A further \$1.6M or 13% of the capital budget is proposed to be expended in the March - April period. Progress payments on the building refurbishment to date are very slightly unfavourable - but this is known to be a timing difference only and will reverse in subsequent months. Information Technology Acquisitions are progressing in line with budget. Replacement of some of the mechanical plant & equipment at the Collier Park

Golf Course has now occurred with orders placed for the remainder. Some maintenance activities at the golf course have not yet progressed but are now being initiated by responsible staff. Comment on status of specific infrastructure projects as at 28 February is presented as Item 9.6.4 of the March Council agenda.

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	2.25M	2.29M	102%	4.41M
Corp & Community Services	0.60M	0.35M	58%	0.77M
Strategic & Reg Services	0.24M	0.06M	25%	0.45M
Infrastructure Services	4.49M	2.89M	64%	6.44M
<b>Total</b>	<b>\$7.58M</b>	<b>\$5.59M</b>	<b>74%</b>	<b>\$12.07M</b>

Further comment on the variances relating to Capital Revenue & Capital Expenditure items may be found in **Attachment 9.6.1 (5)** and **Attachment 9.6.4**.

### 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.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.1</b></p>
--------------------------------------------------------------------------

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 EN BLOC RESOLUTION

<b>9.6.2 Monthly Statement of Funds, Investments &amp; Debtors at 28 Feb 2006</b>
-----------------------------------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 March 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial & 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 \$27.57M compare very favourably to \$25.52M at the equivalent stage of last year. Whilst some of the difference relates to funds quarantined for capital works, and some to increased cash reserves, a significant amount relates to the excellent results achieved to date from rates collections. This result builds on the very sound platform of effective treasury 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 \$11.42M (compared to \$11.49M in 2004/2005). **Attachment 9.6.2(1).**

#### (b) Investments

Total investment in short term money market instruments as at month end is \$27.71M compared to \$25.42M 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 \$1.07M, well up from \$0.91M at the same time last year. Higher balances in Reserve Funds have contributed around 65% 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 5.69% reflecting the relatively flat yield curve at present. 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 February 2006 represent 87.1% of total rates levied compared to 86.9% at the equivalent stage of the previous year - after the third rates instalment. The final instalment for non pensioners is due in March 2006. Collections of rates levied in July compared to last year are still ahead of the prior year despite the distorting effect of the much higher level of interim rates in the current year. Timely debt collection initiatives, convenient user friendly payment methods and the early payment incentive scheme have all had an extremely positive impact on rates collections again this year.

General debtors stand at \$0.32M at 28 February compared to \$0.84M at the same time last year. This outstanding result represents a large reduction in outstanding sundry debtors including GST receivable from the ATO, recoupable works and, in particular, pensioner entitlements collectible from the Office of State Revenue relative to the same time last year. The Debtors and Rates Officers of the Financial Services Team continue to earn recognition for their excellent achievements in this regard.

**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's financial resources'*.

**Policy and Legislative Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2</b>
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That the 28 February 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**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 March 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial & Information Services

#### **Summary**

A list of accounts paid by the CEO under delegated authority between 1 February 2006 and 28 February 2006 is presented to the 28 March 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 the subject of 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, the actual payment to the relevant party must be made from either the Municipal Fund or the Trust Fund (as appropriate).

#### **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

**9.6.4 Capital Projects Review to 28 February 2006**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 March 2006
Author/Reporting Officer:	Michael J Kent, Director Financial & Information Services

**Summary**

A schedule of financial performance supplemented by relevant comments is provided in relation to approved Capital Projects to 28 February 2006. Comment is made only on significant identified variances as at the reporting date.

**Background**

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

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

**Comment**

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

Overall, expenditure on the Capital Program represents 74% of the year to date target (46% of the full year's budget). A further 13% of the overall capital program is scheduled for completion by 30 April 2006. This represents a 2% deterioration in the year to date position since the last bi-monthly reporting period ending 31 December.

The major items contributing to the variances are mobile plant acquisitions (delay in supply of commercial vehicles from overseas), footpath replacement (catch up after awarding tender recently), Karawarra Greenway Upgrade (currently out for tender) etc. Specific comment on the other variances can be found in **Attachment 9.6.4 (1)**.

The Executive Management Team continues to closely monitor and review the Capital Program with operational managers. This includes seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility.



Comments on the broad capital expenditure categories are provided in Attachment 9.6.1(5) and details on specific projects impacting on this situation are provided in **Attachments 9.6.4(1)** and **9.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

#### **Consultation**

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

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

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

#### **Financial Implications**

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

#### **Strategic Implications**

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

*'To provide responsible and sustainable management of the City' financial resources'.*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.4</b>
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 28 February 2006, be received.

**Attachments 9.6.4(1)** and **9.6.4(2)**

CARRIED EN BLOC RESOLUTION

<b>9.6.5 Billing of Rental Fees for Sporting Clubs</b>
--------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 March 2006
Author:	Erin Burns, Property and Insurance Officer
Reporting Officer:	Michael J Kent, Director Financial & Information Services

#### **Summary**

Lease rental fees established in the past for sporting clubs within the City of South Perth are somewhat varied despite relatively similar arrangements of occupation. With such variations, the question of fairness in charging each club a different rental is apparent. This has prompted City Officers to consider the viability of establishing a standard lease rental fee that is appropriate for sporting clubs that operate on a not-for-profit basis.

This report discusses:

- the benefits of adopting a standard lease rental fee; and
- what is an appropriate standard lease rental fee.

### **Background**

The City owns a number of sporting pavilions and club houses that it leases to various sporting groups. **Attachment 9.6.5** shows the current arrangements of Occupation for each of the leased premises.

The City has traditionally negotiated individually with these sporting groups in respect of lease renewals. It is clear from **Attachment 9.6.5** that past lease negotiations have showed no consistent practice of determining appropriate lease rentals. Some tenants are paying market rent rates, whilst others are paying no rent at all. In any event, recovery of lease rental fees is minimal in comparison to the overall administrative and maintenance costs for work performed at each property by the City.

City Officers have recently conducted a review of the City's lease portfolio. From this review, areas for improvement were identified. This has resulted in the development of a new lease management process that is consistent and aligns with organisational Policy.

The aim of this new lease management process is to establish a portfolio that is:

- standard across the board;
- reflective of current times; and
- meets the reasonable needs of sporting clubs, community groups and the City.

### **Comment**

Standardising the City's lease rental fees for 'not-for-profit' sporting groups, aligns with the aim of the City's new lease management process in that it ensures:

1. Consistency - A standard lease fee ensures a consistent level of service to all sporting clubs; and
2. Clarity - A standard lease fee provides clarity for City Officers and clubs in negotiating leasing and billing arrangements.

### Considering an Appropriate Lease Rental Fee

In setting an appropriate dollar figure for a standard lease rental fee, the City would need to be mindful of the financial implications on sporting clubs and the City.

The Connected Community Plan 2005 - 2008 references the key elements of "connection, partnerships and participation" for a socially sustainable community.

Community based sporting groups contribute to this ideal by providing people of all ages and backgrounds with skills, opportunities to forge friendships with people who they may not ordinarily meet, offer positive ways of using spare time and provide obvious health benefits to members of the community. These benefits highlight the importance of maintaining and sustaining sporting groups within the community.

In considering that these clubs are not-for-profit, community based groups; charging an inappropriate rental fee could impact on the long-term survival of some clubs. On this basis, it is proposed that Council consider the benefits to the community as a whole, in offering the standard annual lease rental fee for '**not-for-profit**' sporting clubs of 'one peppercorn' or \$1.

In weighing up the viability of this option, consideration should be given to the fact that recovery of rent for administrative and maintenance costs for work performed at the property by the City is minimal, however the expected positive feedback within the community for setting a peppercorn rental is likely to be favourable. Whilst the City would lose some rental revenue in taking up this option, it could be argued that this positive feedback would outweigh the loss of revenue to the City.

### **Consultation**

City Officers have consulted with the Executive Management Team and the relevant departments within the organisation (including Community, Culture and Recreation and City Environment), on this issue. Each party has endorsed the proposal as an appropriate course of action for future management of lease rental fees for ‘not-for-profit’ sporting clubs.

Similar steps have already been taken in support of this method of managing not-for-profit leasing arrangements, with the adoption of the standard peppercorn lease rental fee for kindergartens and pre-schools within the City of South Perth. This proposal was adopted at the Council meeting held 26 February 2002. This option is also expected to align with the recommendations of the ‘Future Directions and Needs Study for Sporting and Recreational Clubs in the City of South Perth’. The City will be receiving the results of this study in April 2006.

City Officers conducted a survey in 2004 with six metropolitan Local Governments as to how they manage and accommodate sporting clubs within their municipality. Of the six Local Government’s surveyed, four of the six charge a rental fee for lease arrangements. Of these, only two maintain formal leasing arrangements to the equivalent level as the City of South Perth.

### **Strategic Implications**

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City’s Strategic Plan –

*‘To provide responsible and sustainable management of the City’ financial resources’.*

### **Policy and Legislative Implications**

In line with Best Practice the new lease management process was developed in accordance with Policy P609 “Leasing of City Owned Buildings”. This process has included the establishment of Management Practice M609 “Leases and Licences” and a standardised Lease Agreement (as adopted at the Council Meeting held 24 February 2004).

### **Financial Implications**

In setting a ‘peppercorn’ rental fee for sporting clubs, the City will incur a minor loss of revenue. Based on the current rental figures shown in **Attachment 9.6.5**, the total loss of revenue to the City would be \$5,360 per year. However, the City will continue to receive a player fees contribution from sporting clubs for use of grounds or reserves, as per the billing rates specified in the 2005/2006 ‘Fees & Charges’ Schedule. These consist of:

<b>Fee Description</b>	<b>Conditions</b>	<b>Fee</b>
Senior - Standard	Per Player	\$52.00
Senior - Concession	Training Only (not playing on reserve)	\$26.00
Junior - Standard	Per Player	\$10.50

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 9.6.5**

That Council agrees to :

- (a) the establishment of a Standard Lease Rental Fee for 'not-for-profit' based sporting clubs in the City of South Perth; and
- (b) a standard lease rental fee of 'one peppercorn' for not-for profit sporting clubs in the City of South Perth.

CARRIED EN BLOC RESOLUTION

**10. APPLICATIONS FOR LEAVE OF ABSENCE**

**10.1 Request for Leave of Absence - Cr McDougall 10.4.2006 - 29.4.2006**

Moved Cr Wells, Sec Cr Macpherson

That Cr McDougall be granted leave of absence from any meetings held between 10 April and 29 April 2006 inclusive.

CARRIED (10/0)

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

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**  
Nil

**13. MEETING CLOSED TO PUBLIC**

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

**COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC**

Moved Cr Cala, Sec Cr McDougall

That the meeting be closed to the public at 9.08pm in accordance with the *Local Government Act Sections 5.23(a)* while Agenda Item 13.1.1 is discussed as it relates to the personal affairs of a person.

**Note:** The following staff and the remaining members of the public gallery left the Chamber at 9.08pm

Mr R Bercov	Acting Director Strategic and Regulatory Services
Mr C Buttle	Acting Manager Development Services
Mr S McLaughlin	Legal and Governance Officer

ADJOURNMENT

Moved Cr Cala, Sec Cr McDougall

That the meeting be adjourned from 9.09pm to allow for a 3 minute break.

CARRIED (10/0)

The meeting reconvened at 9.12pm with all those being present before the adjournment returning to the meeting.

CHANGE TO ORDER OF BUSINESS ITEM 9.5.4 TO BE DEALT WITH HERE

**9.5.4 Annual Tender for Outsourcing of Catering Services - Collier Park Hostel.**

Location: City of South Perth  
Applicant: Collier Park Village Hostel  
File Ref: Ten 19/2005  
Date: 10 March 2006  
Author: Margaret Clarke, Manager, Collier Park Village  
Reporting Officer: Roger Burrows, Director, Corporate and Community Services

**Summary**

To consider tenders received for the Outsourcing of Catering Services for Collier Park Hostel.

**Background**

At the October 2003 meeting, Council approved a tender for the Catering Services for a period of 12 months commencing 1 December 2003, with a 1 year option, from the tenderer Brightwater Catering Services.

The Form of Agreement was signed on 15 January 2004, thus the present contract expired on 15 January 2006. An extension of the contract has been requested and granted to the end of April, to ensure that the service will continue until after the March Council meeting.

Request for Tender No. 19/2005 was advertised in the West Australian newspaper on 3 December 2005 and closed at the Civic Centre on 19 December 2005.

**Comment**

Tenders were requested from qualified companies and organisations on the basis of a Schedule of Rates for the provision of an on site "Cook Chill/Cook Fresh" prepared food service.

The tender specifications identified the requirements as "*the Contractor is required to provide the catering service*" and included:

- (a) *Providing a quality cost-effective catering service for the Collier Park Hostel.*
- (b) *Maintain the Commonwealth Accreditation 4.8 Standard.*
- (c) *To be HACCP accredited.*
- (d) *Provide suitable trained and skilled staff and relief staff.*
- (e) *To work within Occupational Health and Safety Management Systems.*

At the close of the tender period, one conforming and two non conforming tenders were received from the following organisations. The price per day per resident is also reflected.

<b>Tenderer</b>	<b>Cost per resident day</b>
Brightwater Catering (non conforming)	\$13.97
Aurum Catering (non conforming)	\$16.27
Medirest	\$16.98

An evaluation of the 3 tenders submitted, including the two non-conforming tenders, was then carried out by the hostel management.

Over and above a paper evaluation, interviews and presentations were conducted with all three tenderers. This was done to ensure that the product offered, even by the non conforming tenderers, was the best suited for the residents of the hostel.

Based on the evaluation by the Collier Park Management the tender submitted by Medirest is recommended as the prospective contractor.

Medirest's core business is Aged Care focussed. As part of the Compass Group they globally operate more than 1,500 hospitals, aged care and residential sites across 15 countries including Australia. Medirest are financially viable and more than capable of providing a quality cost-effective and accredited service. They also have the capability of meeting the Hostel accreditation standards.

It should be noted that the other all three tender submissions were of a high quality, and if this quality had been the measurement of their overall competence, any one of the three tenderers may have provided an excellent catering service to the hostel.

#### **Consultation**

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

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

A requirement of the *Local Government Act* as the expected value is in excess of \$50,000. The value of this tender is above the amount that the Chief Executive Officer has delegated power to accept and, as a result, the tender is referred to Council for approval.

#### **Financial Implications**

The amount of \$249,660 is already included in the 2005/2006 Budget for the onsite service provided.

#### **Strategic Implications**

This proposal is in accordance with Strategic Goal 5 Organisation and Effectiveness -

*“To be a professional, effective and efficient organisation.”*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.4</b>
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Moved Cr Cala, Sec Cr Wells

That...

- (a) the tender of Medirest for the provision of catering services to the Collier Park Village Hostel, to the value of \$247,908 per year for the period of thirty six (36) months commencing 1 May 2006, with an option to extend the contract with an additional twenty four (24) months, be accepted; and
- (b) it be noted that Medirest have confirmed that in the event the circumstances of the Hostel Management changed during the period of the tender contract that only six (6) months notice of cancellation of the contract would be required.

CARRIED (9/1)

**13.1.1 Bad Debt Write Off** *CONFIDENTIAL REPORT*

Location: City of South Perth  
Applicant: Council  
File Ref: FS/FI/9  
Date: 17 March 2006  
Author/Reporting Officer: Michael J Kent, Director Financial & Information Services

***Confidential***

The CEO has designated this report as ***Confidential*** under the *Local Government Act Section 5.23(b)* as it relates to the personal affairs of a person.

**COUNCIL DECISION ITEM 13.1.1**

Moved Cr Macpherson, Sec Cr Gleeson

That subject to the debt owing to Council as identified in *Confidential* report Item 13.1.1 of the March Council Agenda (ie rental payments and variable outgoing) being paid in full by 30 April 2006 consideration of this matter be deferred until the May 2006 meeting of Council.

CARRIED BY REQUIRED ABSOLUTE MAJORITY (7/3)

**Note:** CRS CALA, SMITH AND WELLS REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION.

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

**COUNCIL DECISION - MEETING OPENED TO PUBLIC**

Moved Cr Doherty, Sec Cr Macpherson

That the meeting be again open to the public at 9.35pm

CARRIED (10/0)

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

**Note:** At the request of the Deputy Mayor, and for the benefit of the members of the public that returned to the Chamber, the Minute Secretary read aloud the Council decisions for Items 9.5.4 and 13.1.1.

**14. CLOSURE**

The Deputy Mayor closed the meeting at 9.40pm and thanked everyone for their attendance.

**DISCLAIMER**

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

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate.

Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

**These Minutes were confirmed at a meeting on 26 April 2006**

**Signed** \_\_\_\_\_

**Chairperson at the meeting at which the Minutes were confirmed**