

MINUTES
23.5.2006
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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 23 May 2006 commencing at 7.00pm**

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

Present:

Mayor J Collins, JP (Chairman)

Councillors:

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

Officers:

Mr C Frewing	Chief Executive Officer
Mr R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic & Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Mr S Camillo	Manager Environment Health and Regulatory Services
Ms D Gray	Manager Financial Services
Mrs M Clarke	Manager Collier Park Village
Mr N Kegie	Manager Community Culture and Recreation until 8.15pm
Mrs A Spaziani	Manager Human Resources from 6.50pm
Mrs S Evans	Registered Nurse-in-Charge Collier Park Village
Mrs N Jameson	Grants and Consultation Officer until 8.15pm
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Gallery

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

Apologies:

Cr G W Gleeson Civic Ward - leave of absence

4. DECLARATION OF INTEREST

The Mayor reported that Declarations of Interest had been received from Cr McDougall in relation to Agenda Item 9.0.1 and Cr Macpherson in relation to Agenda Item 9.3.1.

He then read aloud the disclosures, as detailed in the Minutes, before Items 9.0.1 and 9.3.1 respectively.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 26 April 2006 the following questions were taken on notice:

5.1.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question (3)

Previously, I have asked a series of questions regarding the compliance of the Councillors and Council staff in lodging Annual Financial Returns.

- (a) Did all Councillors lodge their 2005 Annual Financial Returns by the required date?
- (b) Did all the required Council staff lodge their 2005 Annual Financial Returns by the required date?
- (c) If a Councillor or staff member failed to lodge the required Return by 31 August, has the CEO reported the matter to the Corruption and Crime Commission as 'failure to lodge' as required is deemed serious misconduct?

Summary of Response(3)

A response was provided by the Chief Executive Officer, by letter dated 8 May 2006, a summary of which is as follows:

- (a) Yes
- (b) No
- (c) No

You may also be interested to know that the matter of the 2005 Financial Interest Returns was considered by Council at its meeting in September 2005.

Summary of Question (4)

I note in response to my question at the March Council Meeting regarding the parking requirements for the Metro Inn, the CEO stated that he was confident the report as presented to the Council Meeting was correct. I also note that the CEO has modified his response to Mr Groom stating the amount of compliant parking bays at the Metro Inn is only 68 and not the 98 in the officer's report to Council.

- (a) In revising the required parking requirement from 180 to 271, was this done in response to a query from the public?
- (b) In revising the required parking bays available from 98 to 68, was this done in response to a query from the public?
- (c) Does the CEO still have confidence in the report as presented to Council was correct?

Summary of Response(4)

A response was provided by the Chief Executive Officer, by letter dated 5 May 2006, a summary of which is as follows:

- (a) As advised in the City's previous letter dated 5 April 2006, the total car parking requirement for the (now withdrawn) proposal was 279 parking bays including the additional 119 bays required for the first floor function rooms. A query from the public was received in relation to this matter.
- (b) The agenda for the April 2006 Council meeting contains a revised response to a query from Mr Chris Groom relating to the dimensions of parking bays. This response states that 68 of the parking bays shown on the applicant's drawings comply with the dimensions prescribed by Town Planning Scheme No. 6.
- (c) Yes. The report refers to the required number of parking bays and to the number of parking bays shown on the applicant's drawings. The statements in the officer's report presented to the March 2006 meeting are correct in this respect.

5.1.2. Mr Chris Groom, 5 Hovia Terrace, Kensington

Summary of Question

In relation to the Metro Hotel development:

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? 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

A response was provided by the Chief Executive Officer, by letter dated 9 May 2006, a summary of which is as follows:

In relation to the Metro Hotel development application (now withdrawn), you have previously asked two questions and have received responses to both. At the April Council meeting you challenged the revised response to your first question and stated that it is "still incorrect - in particular the 'discretion'."

The revised response to your first question, as recorded in the agenda of the April Council meeting, resulted from further analysis and calculations based upon the applicant's submitted drawings. That response was provided in relation to the parking bays depicted on the application drawings. In providing this advice as to the number of parking bays complying with the dimensions prescribed by Town Planning Scheme No. 6, no discretion was exercised.

5.1.3. Mr Bob Simper, 32 Sandgate Street, South Perth

Summary of Question

In February I raised the issue of bins / rubbish outside the Coles Supermarket in Anstey Street. When is Council going to do something about bringing this organisation into line to comply with health regulations etc?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 8 May 2006, a summary of which is as follows:

Officers from the City's Environmental Health Services met with the owner of the premises and the Coles Management on 24 March 2006 to address the concerns raised by you in February. The meeting concluded that the bin enclosure as approved in the initial development is insufficient for the rubbish volume generated by the premises. Coles will be instructed to cease the storage of bins and rubbish on the pavement and to construct a suitable enclosure for that purpose.

Summary of Question

There is a problem with the footpath outside the Coles Supermarket in Anstey Street, in particular in relation to the Optus communications lid in the footpath. There are also similar situations with communication lids situated behind the Telecom Building (Post Office) in Angelo Street and at the corner of Hensman and Sandgate Streets. When will Optus be brought into line.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 May 2006, a summary of which is as follows:

The question related to a number of issues relating to the poor quality of work undertaken by contractors engaged by a number of telecommunications companies currently laying cable through the City. The Telco's and their contractors/agents etc. operate under the Commonwealth Telecommunications (Low Impact Facilities Determination 1997) made under the Telecommunications Act and the Telecommunications Code of Practice. As a Low Impact Facility the telco's are only required to inform the City of their intention to do works in the street. While the City will attempt to influence the type of structures being used by the telco's particularly in the high impact pedestrian areas the decision on what type and form the structures take is their sole prerogative. However as competent contractors the City expects the reinstatements around the pits to be to the same standard as the adjoining public infrastructure. The comments have highlighted that this is not always the case. The City has on previous occasions demanded of the contractors that remedial works be undertaken and in some instances have even addressed our concerns to the telco direct. The locations mentioned will be similarly addressed to the appropriate contractor and/or telco for remedial action.

5.2 PUBLIC QUESTION TIME : 23.5.2006

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that 2 minutes would be allowed to formulate questions, not statements, and that questions must relate to the area of Council's responsibility. He further stated that questions would be taken from the gallery on a rotational basis, with written questions being dealt with first and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.03pm.

5.2.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington

The Mayor read aloud the following written questions as tabled by Mr Defrenne.

Summary of Question

In November 2005 I had a meeting with the Mayor where I expressed concern that a number of buildings both built and not built may greatly exceed the legal permissible plot ratio. In December I received a letter from the CEO stating that he took the allegations very seriously and he had authorised a special report. This report was to be available by the end of January 2006. On 30 March, the CEO sent me an email stating the City had received the report. It is now nearly 6 months since my initial meeting with the Mayor and nearly two months since the CEO stated the City had received the report and I still have not had a response from either the Mayor or the CEO.

1. Has the Administration had an opportunity to consider the report?
2. Has the Administration discussed the contents of the report with Councillors at a briefing session?
3. Is the CEO in a position to consider what action will then be taken regarding the report or my assertions?

Summary of Response

The CEO advised:

1. Yes, but not fully. All of the matters are being assessed in detail through the consultant's report and appropriate responses are being prepared.
2. Only in general terms. Most recently in relation to a report that was provided to KCA in relation to a claim the City had mis-calculated the plot ratio of a particular building by 50%. That claim has now been verified as **incorrect**.
3. It is anticipated that a report will be available and a Briefing session scheduled by the end of June.

Summary of Question

At the April meeting, the Mayor indicated he would review his decision re the CEO's attendance at the 'Future of Local Government Summit' on 1 and 2 June 2006.

1. Has the Mayor reviewed the CEO's attendance at the conference?
2. In reaching a final decision regarding the CEO's attendance, what is that decision?
3. What matters did the Mayor take into consideration in coming to the decision he made?
4. How long will the CEO be away from his desk in South Perth due to his attendance at this conference?

Summary of Response

The Mayor responded:

1. Yes
2. The CEO shall remain at the City at this particular time.
3. Workload.
4. The CEO will not be away at this particular time.

The Chief Executive Officer stated that he had declined to attend the 'Future of Local Government Summit' on 1 and 2 June 2006 and that the Director Infrastructure Services would be representing the City at the Summit.

Summary of Question

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

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

Summary of Response

The CEO advised that the questions were taken on notice.

Summary of Question

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

Summary of Response

The Mayor stated that the question was taken on notice.

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

Summary of Question

Mr Drake referred to the issue in relation to 11 Heppingstone Street, South Perth and asked: Are all Councillors familiar with the particular matter before the Minister?

Summary of Response

The Mayor stated that he would not be taking questions on this matter as a decision by the Minister has not yet been handed down. He further advised that the CEO would keep Members fully informed in relation to this matter.

Summary of Question

Mr Drake referred to the word *amenity* discussed at last month's Council meeting in relation to a proposed development and asked: With respect to the current Council, would they have approved the developments at 11 Heppingstone Street and 10 Jubilee Street, South Perth?

Summary of Response

The Mayor stated that hypothetical questions would not be answered.

Summary of Question

Mr Drake referred to previous questions relating to building heights and his request for the building height of 10 Jubilee Street to be measured and asked: Am I permitted to arrange a survey of the heights of 11 Heppingstone Street and 10 Jubilee Street at my own expense and publish the results? Is it acceptable to the City of South Perth?

Summary of Response

The Mayor stated that if someone allows you to measure these particular buildings it is entirely up to you. It is not up to the City of South Perth but a personal decision.

5.2.3. Mr Bob Simper, 32 Sandgate Street, South Perth

Summary of Question

In February and March I raised the issue of bins / rubbish outside the Coles Supermarket in Anstey Street. This problem is getting worse with trolleys obstructing the footpath while deliveries are going on. There is also the issue of rubbish bins behind other shopping centres in the area creating obstruction to cars. When is something going to be done?

Summary of Response

The Manager Strategic and Environmental Health advised that officers have been in contact with the owner of the premises and the Coles Management in relation to this matter. He further stated that Coles have been instructed to construct an adequate storage area to contain the bins. We are now awaiting plans of this proposed storage facility being submitted by Coles. The Manager Strategic and Environmental Health acknowledged that from time to time that trolleys were on pavements for a short period of time but only during deliveries and that the City were addressing the situation.

Close of Public Question Time

There being no further questions the Mayor closed Public Question Time at 7.19pm

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1 Ordinary Council Meeting Held: 26.4.2006

MOTION

Moved Cr Ozsdolay, Sec Cr Macpherson

That the Minutes of the Ordinary Council Meeting held 26 April be taken as read and confirmed as a true and correct record.

AMENDMENT 1

Moved Cr Jamieson, Sec Cr Smith

That the Minutes of the Council Meeting held 26 April 2006 be amended on page 32 immediately before the Motion: *Cr Macpherson Moved that the officer recommendation be put. Seconded Cr Trent. CARRIED (7/5)* to include the words: ***Cr Jamieson advised the Mayor he wished to ask questions about other items in the Compliance Audit Return.***

The Chief Executive Officer read aloud the following Council resolution from March 2003 in relation to the recording of relevant Member comments:

That Council minutes record points of clarification, questions asked of staff and answers provided in relation to Agenda Items and pertinent member comments, preferably in dot point form, on items that are either rejected or amended during a meeting.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith for the Amendment

- if a Councillor has some disquiets and needs something included in the Minutes it should be included
- as long as it does not predicate against the thrust of the Motion then I see no problem including comments
- specific requests from a Councillor should be included.
- support the Amendment.

Cr Ozsdolay against the Amendment

- respect Councillor's right to ask questions
- Minutes have been recorded in line with Council 2003 resolution
- commend Minute Secretary on excellent job
- do not see a need for this Amendment
- against the Amendment

Cr Jamieson closing for the Amendment

- point raised by the CEO is in respect to Motion 2 proposed
- this Amendment is just after some business case context
- 2003 resolution is a recommendation

The Mayor put the Amendment

CARRIED (7/5)

AMENDMENT 2

Moved Cr Jamieson, Sec Cr Smith

That the Minutes of the Council Meeting held 26 April 2006 be amended on pages 90 and 92 by **all** of the **Member Comments For / Against Motion - Points of Clarification** for Item 9.5.1 being deleted.

The Mayor put the Amendment

CARRIED (12/0)

COUNCIL DECISION ITEMS 6.1.1

The Mayor put the Amended Motion

That the Minutes of the Ordinary Council Meeting held 26 April 2006 be amended on:

- page 32 immediately before the Motion: *Cr Macpherson Moved that the officer recommendation be put. Seconded Cr Trent. CARRIED (7/5) to include the words: **Cr Jamieson advised the Mayor he wished to ask questions about other items in the Compliance Audit Return;***
- pages 90 and 92 by **all** of the **Member Comments For / Against Motion** for Item 9.5.1 being deleted;

and with the foregoing amendments be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

6.1.2 Audit & Governance Committee Meeting Held: 8.5.2006

6.1.3 CEO Evaluation Committee Meeting Held: 8.5.2006

COUNCIL DECISION ITEMS 6.1.2 AND 6.1.3

Moved Cr Maddaford, Sec Cr Ozsdolay

That the Minutes of the Meetings of the Audit and Governance Committee and the CEO Evaluation Committee held 8 May 2006 be received.

CARRIED (9/3)

NOTE: CRS DOHERTY, JAMIESON AND SMITH REQUESTED THEY 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 - April Ordinary Council Meeting Held: 18.4.2006

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

6.2.2 Concept Briefing - Collier Park Village Hostel Review - Consultants Final Report: Meeting Held: 2.5.2006

Officers of the City presented background information and the Consultant gave a powerpoint presentation on the outcome of the review carried out. Questions were raised and responded to by the Consultant. Notes from the Concept Briefing are included as **Attachment 6.2.2.**

6.2.3 Concept Briefing - Sporting Facilities Needs Study and Families with young children and Seniors and Older Citizens Needs Studies Update: Meeting Held: 3.5.2006

Officer of the City presented the findings of two studies recently completed on behalf of the City by an external consultant: Questions were raised and responded to by officers. Notes from the Concept Briefing are included as **Attachment 6.2.3.**

6.2.4 Concept Briefing Meeting Held: 9.5.2006:

- **Perth Metro Rail - Southern Suburbs Railway Update**

Officers of the City and the Consultant presented an update on the Southern Suburbs Railway.

- **Ward Boundary Review Update**

Officers of the City presented an update on the Ward Boundary Review.

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

COUNCIL DECISION ITEMS 6.2.1 TO 6.2.4 INCLUSIVE

Moved Cr Cala, Sec Cr Maddaford

That the comments and attached Notes under Items 6.2.1 and 6.2.4 on the Council Agenda Briefings held since the last Ordinary Meeting of Council on 26 April 2006 be noted.

CARRIED (12/0)

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.

7.2.1 Water Campaign - ICLEI Local Governments for Sustainability - Milestone 2

The Mayor tabled the Milestone 2 Certificate presented to the City of South Perth from the Western Australian Government - Congratulating the Council for demonstrating leadership and commitment towards integrated freshwater.

7.2.2 Cities for Climate Protection Plus

The Mayor tabled a framed Certificate from the Minister for the Environment and Heritage presented to Council from the ICLEI Local Governments for Sustainability and the Australian Greenhouse Office for demonstrating leadership and continued commitment to reducing greenhouse gas emissions within the City of South Perth area.

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

Opening of Deputations

The Mayor opened Deputations at 7.40pm and advised that speakers would be permitted 10 minutes each to address the Members.

7.3.1. Mrs Moharich of Lavan Legal, representing Midpoint Holdings (Village Green) Agenda Item 9.3.2

Mrs Moharich spoke against the recommendation and raised the following points:

- Council approval of an extension of time for a period of 12 months rather than the 6 months recommended.
- Identified reasons why there were delays in the substantive commencement of Stage 2 works in the 12 month period specified by the original development approval.
- Condition requiring substantial commencement for Stage 2 of development, rather than merely State 1 is unusual and prejudicial to Midpoint Holdings.
- Detriment will be suffered by Midpoint Holdings and the wider public if the request to vary the development approval is not approved as sought.

A copy of the Deputation was circulated to Members.

Close of Deputations

The Mayor closed Deputations at 7.48pm.

7.4 DELEGATE'S REPORTS

Delegate's written reports to be submitted to the Minute Secretary prior to **5 May 2006** for inclusion in the Council Agenda.

Nil

8. ANNOUNCEMENTS FROM THE CHAIRPERSON

8.1 Method of Dealing with Agenda Business

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 16 May 2006.

The Chief Executive Officer confirmed that this was correct.

Agenda Items 9.0.2 and 9.3.3

The CEO reported that Items 9.0.2 and 9.3.3 had been withdrawn, at the applicant's request, from the May Council Agenda but that the 'headings' for each of these items had remained listed so as not to affect the numbering sequence of other reports and their referenced attachments.

COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION

Moved Cr Ozsdolay, Sec Cr Maddaford

That the officer recommendations in relation to Agenda Items 9.2.2, 9.4.2, 9.6.1, 9.6.2, 9.6.3 and 9.6.4 be carried en bloc.

CARRIED (12/0)

8.2 Resignation Cr McDougall - Civic Ward

The Mayor reported to the meeting that Cr McDougall was moving to Applecross and that in view of this he had tendered his resignation affective from 1 June 2006. He further advised that he would give Cr McDougall the opportunity to address Members at the end of the meeting.

The Mayor then tabled a letter from Cr Gleeson, who was absent on leave of absence, commending Cr McDougall on behalf of the Civic Ward residents for his contribution to the City of South Perth and thanking him personally for all his efforts during his term of office.

Note: The Manager Human Resources arrived at 7.50pm.

9. REPORTS

9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

DECLARATION OF INTEREST : ITEM 9.0.1: CR McDOUGALL

The following Declaration was received from Cr McDougall:

"I wish to declare a conflict of interest in Agenda Item 9.0.1 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 7.55pm.

**9.0.1 Proposed Second Storey Addition to a Single House. Lot 67 (No. 36)
Roseberry Avenue, South Perth (Item 9.3.3 referred from Council 26.4.06)**

Location: Lot 67 (No. 36) Roseberry Avenue, South Perth
Applicant: Tangent Nominees Pty Ltd
File Ref: 11/6547 - 11.2005.490
Date: 5 May 2006
Author: Rod Bercov, Manager Development Services; and
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 and it is recommended that the application be approved.

Background

The matter was originally referred to the March 2006 Council meeting at the direction of the Chief Executive Officer in response to concerns expressed by an adjoining property owner regarding the effect of the proposed development on their existing views. At that meeting, a decision was deferred as a result of further issues raised by the adjoining neighbour and a representative acting on the behalf of that neighbour.

At the April meeting, Council again deferred its decision pending further discussion with the landowner. Following the April meeting, both the Director Strategic and Regulatory Services and the Manager Development Services have held discussions with the landowner about the issues, including the suggested substitution of a flat roof over the proposed rear balcony. In a letter to the landowner, he has been invited to submit comments in response to the issues raised in the debate at the April Council meeting and he has provided a written response [**Confidential Attachment 9.0.1 (i)**]. The landowner has also advised that he is prepared for the public record to show that due to the adverse effect on design, he does not propose to modify his plans and now seeks a decision from Council based upon the submitted plans.

A written response has also been received from the applicant, being the designer / builder [**Confidential Attachment 9.0.1 (j)**]. In that letter, the applicant states that the suggested modification to include a flat roof over the rear balcony would not be in keeping with the design of the dwelling. Furthermore, he makes the point that the suggested change to the roofing would not significantly increase the amount of light to the adjoining property to the south-east. Therefore, the applicant has requested that the Council now determine the application based on the drawings submitted to the April meeting.

Further to this, a site meeting was held on 10 May, attended by the landowner and the adjoining south-eastern neighbour. City Officers attended as observers. Most of the discussion took place while standing on the neighbour's rear balcony. During the site meeting, the adjoining neighbour indicated his preference for a flat roof over the proposed rear balcony and asked the landowner to consider this modification favourably. The landowner explained why he did not favour this change. He advised the City Officers that he would provide written confirmation of his decision a few days after the site meeting. The landowner's further letter conveying his decision will be tabled at the May Council meeting.

A response to matters raised by Council Members at the April meeting is included in the "Comment" section of this report.

This report includes the following attachments:

- Confidential Attachment 9.0.1(a):** Plans of the proposed development.
- Confidential Attachment 9.0.1(b):** Letter from Summit Home Improvements, dated 17 February 2006
- Confidential Attachment 9.0.1(c):** Submission from neighbouring landowners dated 6 November 2005.
- Confidential Attachment 9.0.1(d):** Submission from Planning Solutions on behalf of the neighbouring landowner received 14 November 2005.
- Confidential Attachment 9.0.1(e):** Unsigned Deed of Agreement submitted at Council meeting held 28 March 2006.
- Confidential Attachment 9.0.1(f):** Neighbouring landowner's submission received at March Council meeting.
- Confidential Attachment 9.0.1(g):** Submission from another neighbouring landowner received at March Council meeting.
- Confidential Attachment 9.0.1(h):** Submission from Phillips Fox on behalf of neighbouring property owner received at March Council meeting.
- Confidential Attachment 9.0.1(i):** Written submission from landowner, Mr K. Waterworth received on 5 May 2006.
- Confidential Attachment 9.0.1(j):** Submission from the applicant, Tangent nominees Pty Ltd received on 5 May 2006.

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

Whilst the owners of the property to the south-east of the development remain concerned about the loss of views as a result of the proposed development, they now acknowledge that some loss of view is unavoidable. The main focus of the neighbours' concern is now the reduced daylight to certain windows and to their rear balcony.

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 that:

"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, that neighbour's objection to the proposed development is valid under part (a) of clause 2 of the Policy. Acknowledging this, the question is 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 a possible amendment to the drawings currently before the Council. The applicant responded with a letter [**Confidential Attachment 9.0.1(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, the 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 width 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 unscreened balconies to have a setback of 7.5 metres from a side or rear property boundary in order to comply with visual privacy provisions of the Codes. 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 that have been identified, Table 1 - "General Site Requirements" of the Codes prescribes a setback requirement of 6.0 metres from the proposed dwelling to the rear property boundary. A rear setback of 14.4 metres has been provided, 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 require 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.

Matters raised at March Council Meeting

1. Deed of Agreement - Confidential Attachment 9.0.1(e)

An unsigned copy of a Deed of Agreement was presented at the March Council meeting. The Waterworth's' (applicants) name appears on this document as well as that of the Bauwens, being the owners of the adjoining property at No. 38 Roseberry Avenue. The deed attempts to ensure that development on No. 32 Roseberry Avenue would be designed so as to protect views to the city from Nos. 36 and 38 Roseberry Avenue. The deed does not seek to impose any development restrictions on the subject development site at No. 36 Roseberry Avenue. In any event, a Deed of Agreement between private property owners is not binding on the City, and is not a relevant matter which Council can consider in its assessment of a development application. Additionally, this particular deed relates to development on an unrelated site, and not the site which is the subject of Council's current consideration.

2. Submitter's letter No. 1 - Confidential Attachment 9.0.1(f)

Submitter's Comment	Officer Response
Owners are very disappointed with the proposed extension.	Comment noted.
Were not notified of the proposed development by the City.	The owners of this lot were not notified; as there was no requirement to do so under Council Policy P104 "Neighbour and Community Consultation in Town Planning Processes"
Development will have a negative impact on amenity of home.	While the proposed development will adversely affect the adjoining property with respect to a restriction on the extent of existing views, the proposed development complies with the provisions of the R-Codes.
For 12 years there has been an agreement between property owners to consider the amenity of each other. This agreement has been disregarded by the owner of 36 Roseberry Ave.	This is similar to the Deed of Agreement referred to above. An understanding between private property owners is not a relevant matter that can be considered by the Council in its determination of the application.

3. Submitter's letter No. 2 - Confidential Attachment 9.0.1(g)

Submitter's Comment	Officer Response
<p>The height and closeness to the neighbouring properties will create problems of privacy with neighbouring properties and restrict light entering these properties.</p>	<p>The permitted building height (wall height) under TPS6 is 7.0 metres with the proposed extensions having a wall height of 6.6 metres measured from RL10.15 being the point of highest Natural Ground Level underneath the footprint of the building.</p> <p>The closest wall to a side boundary is 12.5 metres long and 6.0 metres high (based on the ground height at the boundary of the adjoining lot). The required setback under Table 2a - Boundary Setbacks of the Residential Design Codes is 1.6 metres, with the setback provided being 1.9 metres. All other boundary setbacks are far in excess of the requirements of the Residential Design Codes.</p>
<p>The blocks in Roseberry Avenue are narrow and it is important that any extensions take into consideration the impact on adjoining properties.</p>	<p>See the above comments.</p>
<p>The proposal has not been presented to or discussed with neighbours and is creating unpleasant tension amongst neighbours</p>	<p>This comment appears to be related to the matter of the private understanding between private property owners. As previously stated, this understanding is not able to be considered by the Council in its determination of the application. As also referred to previously, under Council Policy P104, neighbour consultation was not required.</p>
<p>Would like the above matters to be considered by Council.</p>	<p>The development application is being determined by Council at the April meeting.</p>

4. Submitter's letter No. 3 - Confidential Attachment 9.0.1(h)

Submitter's Comment	Officer Response
<p>Possible non-compliance with the Planning requirements of the City relating to Solar Access to adjoining buildings.</p> <p>Furthermore, the drawings lodged do not show Finished Floor Levels using the same Australian Height Datum used for the site spot levels.</p>	<p>The adjoining lot being No. 38 Roseberry Ave has an area of 518 sq. metres.</p> <p>Clause 3.9.1(A1) of the R-Codes, "Solar Access for Adjoining Sites" states that the proposed development must be designed so that the shadow cast on any adjoining property does not exceed 25% at midday on 21 June.</p> <p>On this basis, the proposed development may cast no more than 129.5 sq. metres shadow onto the adjoining property. The actual amount of overshadowing that result from the proposed development is 85 sq. metres or 16.4% per cent of the site area of the adjoining lot. Therefore, the proposed development complies with the R-Codes in this respect.</p> <p>The applicant provided the City with a revised site plan on 17 January 2006 which shows the finished floor level of the existing dwelling relative to an assumed height datum. The proposed building height was interpolated from this information and calculated at a height of 6.6 metres. Such height fits within the maximum permitted building height of 7 metres.</p>
<p>Request that the Council decision be deferred to allow for further analysis. If the Council makes a determination (<i>at the March meeting of Council</i>), possible recourse via an application to the Supreme Court for prerogative relief.</p>	<p>The matter was deferred from the March meeting to the April meeting in order for Council to be further informed on the matters raised by the submitters.</p>

Council Members' Comments at April 2006 Meeting

At the April meeting, some Council Members expressed concern about the adjoining south-eastern neighbours' amenity. Clauses 1.6 and 7.5 of the City's No. 6 Town Planning Scheme largely focus on 'amenity' issues. Therefore, to respond to the 'amenity' concerns raised at the April meeting, it is necessary to comment on the proposed development in the context of clauses 1.6 and 7.5 of Town Planning Scheme No. 6. The relevant comments are contained in the sections below.

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

Clause 1.6 "Scheme Objectives" lists the overriding objective and the general objectives of the Scheme. It states:

- (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.*

It should be noted that precinct plans have not been adopted by the Council.

Subclause (2) lists the general objectives of the Scheme. Those applicable to the assessment of this application are:

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

The first part of Objective (a) is met by the nature of the proposed development being residential. The term 'amenity', as defined in the Council Policy P370_T "General Design Guidelines for Residential Development" means:

"those qualities and characteristics of a site and its neighbouring area that contribute to the comfort and pleasantness of the residential environment"

The Residential Design Codes form part of the City's No. 6 Town Planning Scheme. Clause 2.1.1 (v) "General Objectives" of the Residential Design Codes states that one of the objectives of the Codes is *to protect the amenity of adjoining residential properties*. As stated in the introduction to the Codes, compliance with the Acceptable Development provisions provides a means by which development can be "deemed-to-comply." As the proposed development more than adequately complies with Acceptable Development provisions of the Codes, it is considered to protect amenity to a sufficient degree, thus meeting Objective (a) of Town Planning Scheme No. 6.

Objective (f) relates to the amenity of the neighbouring area rather than the amenity of adjoining dwellings. The proposed development demonstrates harmony with the character of existing residential development in the neighbouring area. The scale of the proposed development is compatible with the existing scale of the streetscape. While noting that a number of the dwellings are single storey, others have two storeys.

The proposed development is therefore considered to be in compliance with clause 1.6 of TPS6.

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

Clause 7.5 "Matters to be Considered by Council" lists the matters to which Council will have due regard in the determination of an application for planning approval. The clauses most applicable to this application are clauses 7.5(a), (b), (c), (f), (i), (n), and (x).

Clause (a), (b) and (c) are generic to all residential development in the City and do not relate specifically to the matters of concern to Council relating to the current development application.

Clause (f) requires that any relevant Policies adopted under Town Planning Scheme No. 6 are to be considered. While the relevant Council Policies were adopted under the previous No. 5 Scheme, they remain valid. The two policies considered in the assessment of this development application are P370_T “General Design Guidelines for Residential Development” and P373_T “Views”.

In respect to Policy P370_T the proposed development demonstrates compatibility with the existing streetscape, and as such complies with the Policy.

Compliance with Policy P373_T has been discussed in detail in the “Comment” section of this (and previous) reports. The proposed development complies with this Policy.

Clause (i) relates to the preservation of the amenity of the locality. ‘Amenity’ is discussed above in relation to clause 1.6 of the TPS6.

Clause (n) relates to the compatibility of the development with the existing streetscape as is also required by Policy P370_T discussed above. The proposed development is considered to comply in this respect.

Clause (x) refers to “*any other planning considerations which the Council considers relevant*”. This clause is relevant in relation to comments made by Council Members at the April meeting. Comments made during debate at the April meeting largely related to a motion to amend the officer’s recommendation by the addition of the following condition:

Revised drawings shall be submitted showing a flat roof over the proposed rear balcony in place of the pitched roof shown on the submitted drawings.

The notion of replacing the applicant’s proposed pitched roof over the rear balcony with a flat roof appears to be based on the expectation that this would maintain more natural light for the adjoining property. The pitch of the proposed roof is 27 degrees, with the sun having a vertical angle of 33 degrees on 21 June (being the lowest vertical angle of the sun at the winter solstice). As such, the increase in the shadow from the roof does not result from the height of the roof ridge, but from the width of the eaves overhang. The width of the eaves overhang in this instance is 450 mm, casting a shadow 450 mm greater than that cast by the wall itself. Therefore the deletion of the pitched roof would not increase natural light to the ground floor level windows of the adjoining dwelling if the same width of eaves is maintained. The proposed 450mm width of the eaves is minimal, with the usual width being 600mm, while 750mm wide eaves are also common.

Having exhaustively examined all “amenity” expectations of the No. 6 Scheme as discussed above, the assessing officers remain of the view that the proposed development should be approved without modification to the design. While the proposed development will have some adverse impact on the adjoining property to the south-east, primarily through the loss of existing views and reduced natural light to that neighbour’s ground floor windows, the concerns raised by the adjoining neighbour must be balanced against the applicants’ reasonable development entitlements. In this instance, it is considered that the proposed development is reasonable, having regard to the wide range of development requirements against which the proposal must be assessed, and the demonstrated compliance with these requirements.

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 and are in compliance with all ‘Planning’ requirements of the City.

The proposed development was advertised to the adjoining south-eastern property owners who are affected the most by the development. 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.	Although the original plans showed an increase in the height of the boundary wall, this situation has now changed. The existing boundary wall will be retained; and its height will be reduced from that which currently exists.
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-eastern 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 which address the matters of concern raised by the assessing officer. The amended drawings satisfactorily address the concern raised by the submitter.
Loss of views.	This matter is discussed in the 'Comment' section of this report.

The 'Background' section of this report contains information about the further consultation with both the applicant (landowner) and the adjoining south-eastern neighbour which has occurred since the April Council meeting.

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" and P370_T "General Design Guidelines for Residential Development."

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.0.1**

Moved Cr Maddaford, Sec Cr Cala

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 second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, **be approved** subject to:

(a) **Specific 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) **Important Advice Notes**

- (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.

CARRIED (8/3)

Note: Cr McDougall returned to the Chamber at 8.01pm

9.0.2 WITHDRAWN Proposed Two Storey Single House. 15 Thomas Street, South Perth

Location:	Lot 16 (No. 15) Thomas Street, South Perth
Applicant:	Amano Homes (A Bisignano) for J L Masiello
File Ref:	11/6764 11.2006.66 TH4.15
Date:	1 May 2006
Author:	Eleni Demetriades, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

NOTE: THIS ITEM WITHDRAWN FROM MAY COUNCIL AGENDA FOLLOWING A WRITTEN REQUEST FROM THE APPLICANT.

9.0.3. Ward Boundary and Representation Review (*Item 9.0.1 referred from February 2006 Council Meeting*)

Location: City of South Perth
Applicant: Council
File Ref: GO/502
Date: 10 May 2006
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer.

Summary

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

Council resolved at its February 2006 meeting to commence the public consultation process as required by the Act and released a Discussion Paper (available in hard copy and on the City's website) to facilitate the public's participation in the review.

The public submission period opened on 7 March and closed on 21 April 2006 with two submissions having been received. Council discussed the submissions and the review process generally at a Council Briefing conducted on Tuesday 9 May 2006.

This report considers the submissions in the context of the issues raised in the Discussion Paper and canvasses a range of recommendations which Council may wish to consider in formulating its report to the Local Government Advisory Board.

The Local Government Advisory Board (the Board) has requested the City to submit a report on its review by 30 June 2006.

Background

Schedule 2.2 of the LGA (the Schedule) requires a local government to conduct a review of its ward boundaries and the number of Councillors for each ward every 8 years.

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

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

Upon completion of the review, the City is required to prepare and deliver a report to the Board pursuant to clause 9 of the Schedule.

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

Comment

The purpose of the review is to evaluate the current arrangements and consider other options to find a system of representation that best reflects the characteristics of the district and its people. For example, in addition to reviewing the *status quo*, any of the following options may also be considered:

- Change the current ward boundaries, retain the number of wards and retain the number of Councillors;
- Maintain the ward boundaries but reduce the number of Councillors for each ward;
- Reduce the number of wards but retain the number of Councillors for each ward;
- Reduce the number of wards and reduce the number of Councillors for each ward;
- Abolish the ward system but retain the same number of Councillors; or
- Abolish the ward system and reduce the number of Councillors.

In its consideration of these options a local government is to have regard, where applicable, to the following matters which are set out in clause 8 of the Schedule:

- Community of interests;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and,
- The ratio of Councillors to electors in the various wards.

The Board considers that the ratio of Councillors to Electors is always significant. It is expected that each local government will have similar ratios across its wards. The Board advises that the Minister for Local Government and Regional Development will not consider changes to ward boundaries and representation that result in ratios that have a greater than plus or minus 10% of the average Councillor/Elector ratio for that local government.

With respect to the issue of reduction of Councillors, it should be noted that section 2.17 of the LGA provides that where the method of filling the office of mayor is election by electors the council is to consist of between 5 and 14 Councillors. There is a general trend across the local government sector to reduce the level of representation. According to the Department, councillor numbers have dropped from 1,380 in 2001 to 1,300 in 2005.

A comparison of representation in neighbouring local governments, which was set out at Table 7 on page 10 of the Discussion Paper, demonstrates this trend. A copy of the Discussion Paper is at **Attachment 9.0.4**.

The Board suggests that in relation to the other four factors some may have less relevance than others to the particular situation of a local government; accordingly it is for each local government to decide which of the four factors have the most relevance to the assessment of its options.

Section 2.3 of the LGA also enables a local government to consider changing the names of its wards pursuant to the review process if it considers it appropriate.

Upon completion of the review, the local government is required to prepare and deliver a report to the Board pursuant to clause 9 of the Schedule.

The review process is concluded when a favourable recommendation goes from the Board to the Minister who can then make a recommendation to the Governor for the making of the appropriate order.

Discussion Paper and Public Consultation

The Discussion Paper, referred to above, which outlined the review process and the various factors for Council's consideration was released for public comment on 7 March 2006 consistent with the requirements of clause 7 of the Schedule. These requirements consist of giving local public notice advising that the review is being carried out and providing for a period of not less than six weeks for receiving submissions.

The Paper presented an analysis of the current situation and discussed a number of options for change together with a commentary on the potential implications of the proposed changes.

Submissions

Two submissions were received from members of the public and are analysed in the box below. A copy of one submission has previously been circulated to Councillors (upon request) and a copy of the other was made available to Councillors who attended a briefing concerning the review which was conducted on 9 May 2006.

SUBMISSION 1

Submission	Comment
Representation ratios will change over time therefore premature every 8 years 'to change the fabric of council again'	Ignores the statutory requirement and the rationale of 8 yearly review -that is, if significant change occurs and no review conducted representation is distorted and the principle of one vote/one value is eroded
Increase number of wards - increase number of Councillors	Maximum number of Councillors under the LGA is 14 - increasing the number of wards increases the statistical likelihood of ratio non-compliance and creates greater division in the communities of interests. Also general tendency to reduce number of Councillors.
In relation to demographic trends, it was submitted that impact of zonings, development approvals, future land/building stock should have been evaluated	Existing demographic trends (as disclosed in ABS data) of population growth, family structure, type of housing stock occupied were considered; housing density is reflected in zoning which is reflected in population density - difficult to see how consideration of development approvals (over the last 8 years?) would contribute to consideration of representation - future trends can be taken into account in subsequent reviews.
Mill Point ward should be over represented because it has 'big issues'	Councillors represent the residents and ratepayers of the district as a whole - not just the ward from which they were elected - most residents would consider that their ward also had big issues.

<p><u>Option A:</u></p> <ul style="list-style-type: none"> * the suggested re alignments are clearly against the essential <i>community of interests</i> * too few Councillors allows greater manipulation or influence by a smaller number * the council doesn't actually have to change ward boundaries to bring the ratios within the permissible limits 	<ul style="list-style-type: none"> * No evidence produced to support this contention - the suggested boundary changes are minor and could not be said to greatly affect the current <i>community of interests</i> - a concept which is not easily defined or measured; * arguable proposition given that council meetings are conducted in public and its decisions are scrutinised and reviewable - the events which engulfed the council in 2000 occurred with the same number of Councillors as now; * the Minister has determined that a recommendation from a local government which does not conform with the permissible ratio will not be considered.
<p><u>Option B:</u></p> <p>Reducing number of wards (to 4) and Councillors (to 8) reduces knowledge level vis-a-vis community of interests</p>	<p>Reducing number of Councillors would reduce the pool of knowledge available.</p>
<p><u>Option C:</u></p> <p>Whilst representation stays the same (at 12) the community of interests level/knowledge by the Councillors will be diluted</p>	<p>Arguable whether reducing number of wards from six to four has any effect on the community of interests and level of knowledge of Councillors</p>
<p><u>Options F, G and H:</u> (no wards) not supported</p> <ul style="list-style-type: none"> * with a ward system 'the residents/Councillors can best understand their own little patch'; * Elections would be a huge concern ...as the more active political areas could in fact run council .. and effectively increase the perceived problems raised, i.e. under representation, unhealthy competition for funding etc. * may encourage mediocrity (mediocrity) at elections as serious Councillors would see the task confronting them as too large 	<ul style="list-style-type: none"> * Councillors are elected from a ward to represent the interests of the district at large; * Arguable proposition in relation to the principles of democracy which underpin the system of government in Australia; * alternatively, prospective Councillors may see some merit in not being expected to represent a ward constituency (or a loud but unrepresentative body of opinion) whose views could adversely affect good decision-making in the city - eg. the NIMBY syndrome.
<p>The state-wide trend (in the reduction of elected members) shouldn't necessarily reflect on the needs of South Perth residents</p>	<p>The state-wide trend reflects changes already well advanced in all other states and could be considered to reflect community opinion - the comparative table (Table 7) indicates that only one of the City's six neighbouring councils enjoys a better councillor to elector ratio.</p>

SUBMISSION 2

Submission	Comment
<p>Supports <u>Option H</u> - no wards/8 Councillors -</p> <p>* Considers that the ward system has relevance for local governments where there is a discernible difference in the characteristics between wards - South Perth is largely homogenous - there are no discernible communities of interests, topographical features or economic drivers that warrant a ward system.</p>	<p>The Discussion Paper largely supports the view that South Perth is a homogenous community without sharply differentiated communities of interest.</p>
<p>Councillors are elected to represent the district - maintenance of a ward system is likely to focus Councillors' attention on how their ward compares to others - distorting their focus</p>	<p>It is true that the LGA mandates a councillor's responsibility to represent the interests of residents across the City - whether a ward system distorts the focus of Councillors' attention is arguable.</p>
<p>Would prefer to see reduction in the number of Councillors to 8 - cites review by the Australian Stock Exchange revealing that the average board size for the largest 20 companies was 9.3 - cites ASX Principles of Good Corporate Governance: "size of the board should be limited so as to encourage effective decision-making".</p>	<p>There may be merit in the ASX finding, based as it was on an analysis of Australia's 20 largest (and most successful?) companies - however it may also be said that corporate governance responds to different needs and demands than that of community governance.</p>
<p>A smaller council will ensure a more cohesive decision-making team and more efficient and effective council meetings - notes that South Perth is over-represented in comparison with neighbouring councils.</p>	<p>This is an arguable proposition which has merit - as against that there is the countervailing proposition that with a smaller council you may lose some diversity of knowledge, experience, wisdom and community contact.</p>

It is unfortunate that only two submissions were received but it is pleasing that both submitters had put considerable time and thought into the submissions. It is also interesting that the submissions were generally opposed to each other.

Both submitters should be thanked for their contributions to this important issue.

Summary of Options

Eight principal options were identified in the Discussion Paper, although it is acknowledged that there are potentially many more options available. The Discussion Paper made mention that comment could have been made on the alternative models. The eight identified options are as follows:

OPTIONS		
Option A	Retain six wards with two Councillors per ward but revise ward boundaries to achieve compliance with ratio	12 Councillors
Option B	Reduce number of wards to four but keep number of Councillors at two per ward.	8 Councillors
Option C	Reduce number of wards to four but increase number of Councillors to three per ward	12 Councillors
Option D	Reduce number of wards to three but retain number of Councillors at two per ward	6 Councillors
Option E	Reduce number of wards to three but increase number of Councillors to three per ward	9 Councillors
Option F	Abolish the ward system but retain the number of Councillors at twelve	12 Councillors
Option G	Abolish the ward system but reduce the number of Councillors to ten	10 Councillors
Option H	Abolish the ward system but reduce the number of Councillors to eight	8 Councillors

A Further Option - Option E+

A further option arose out of the Council's Concept Forum held on 8 May 2006 which proposes a variation to Option E. The proposal retains the three ward structure but increases the number of Councillors in each ward to four. For the purposes of this report the further option is called Option E+. This option keeps the present number of Councillors for the City at twelve thus maintaining the councillor to elector ratio (that is, level of representation) and has the merit of reducing the likelihood of ratio variance between wards in the future. The less number of wards you have the less is the mathematical probability of exceeding the plus or minus 10% variance in levels of representation between wards.

The E+ Option involves amalgamating the six wards into three as follows:

- Ward 1 Mill Point and Como into: "South Perth - Como"
- Ward 2 Civic and Moresby into: "Civic and Kensington"
- Ward 3 McDougall and Manning into: "Manning"

Preferred Options

As a result of its consideration of the issues raised during the process of review (which include a Workshop in December 2005 and a Council meeting in February 2006) and following on from the recent Concept Forum, Council has given an indication of favouring Option A and Option E+ as the preferred options at this stage.

Council has clearly indicated a preference to retain the present level of representation at twelve Councillors and would prefer to minimise the changes to current ward boundaries.

The Impact of Ward Boundary Changes on Councillor Terms

The Local Government Advisory Board has advised that it is not necessary to declare offices of Councillors vacant to implement amendments to ward boundaries.

If a local government does not wish to declare all offices of Councillors vacant, then this should be communicated in its submission to the Board. The City can recommend the allocation of Councillors who still have two years in office to the new wards if necessary. The Board requires evidence that the local government has consulted with the continuing Councillors and the community about the proposed allocation of Councillors to new wards.

If the local government request is supported, at the next ordinary elections Councillors complete their terms as normal.

However the application of this general advice is discretionary and is determined by the Board when assessing whether a spill of positions is required. It has further advised that it applies a 10% variation rule to these situations such that if the change in number of electors affected by the amended ward boundaries exceeds 10% of the current number of electors in the ward, it will require a spill.

Consider Option A as an example. An analysis of the proposed ward boundary changes would produce variations exceeding 10% in four out of the six wards - Civic, Mill Point, Como and Manning.

Option E+ on the other hand, would produce excessive variations in only two wards - Como and McDougall. This conclusion is based on the assumption that the Board will view an amalgamation of two wards into one ward, in which there are no ward boundary changes to either ward, as not producing any change for the electors. This is the case for Civic and Moresby which under Option E+ are amalgamated into the new ward nominally called "Civic-Kensington".

The situation is slightly different with respect to new ward "South Perth-Como" whereby the Mill Point ward boundary is unchanged but the Como boundary is not. Similarly with "Manning", where McDougall is changed but Manning ward is not. A question arises as to what is the attitude of the Board in these hybrid circumstances. The assumption made above is that the Board would conclude that no change had occurred in the Mill Point or Manning wards.

Policy and Legislative Implications

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

Financial Implications

The financial implications of the City changing its system of representation are regarded as being of minor significance.

Strategic Implications

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

To be a professional, effective and efficient organisation

OFFICER RECOMMENDATION ITEM 9.0.3

That....

- (a) Council:
- (i) thank the members of the public who made submissions on the Ward Boundary Review;
 - (ii) consider the implications arising from the officer report concerning the impact on Councillor terms;
 - (iii) undertake further consideration of the issues raised under the Review in a Concept Briefing attended by members of the Local Government Advisory Board; and
- (b) the matter be deferred to the June 2006 meeting of Council so that the report and recommendation may be considered and adopted by Council and submitted to the Local Government Advisory Board by 30 June 2006.

MOTION

Moved Cr Trent, Sec Cr Maddaford

That....

- (a) the officer recommendation not be adopted;
- (b) Council:
- (i) thank the members of the public who made submissions on the Ward Boundary Review; and
 - (ii) advise the Local Government Advisory Board that:
 - (A) it will be implementing Option A, the status quo with revised ward boundaries, as presented in the Discussion Paper issued in February 2006; and
 - (B) because there are only relatively minor changes to Ward Boundaries, all those Councillors who have been elected to 2009 continue in those positions until that time, representing the new wards as amended.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- residents have been invited to comment and have done
- option of three Wards with four Councillors in each was not put to the residents
- difficult for residents to know their representatives if there is another large scale change
- concept of two Councillors up for election in each Ward each two years will reduce the number of contested elections - will of residents would not necessarily be known.
- Elected Members represent the City as a whole and not just their Ward
- three Wards with four Councillors is abolition of Ward Boundaries by stealth
- three Wards/four Councillors is beginning process to reduce from twelve to six members
- seek Council support for Motion

Cr Maddaford for the Motion

- support Motion and reasons presented by Cr Trent

Cr Jamieson point of clarification - Cr Jamieson referred to recent discussions about the Manning Ward boundary and asked: What is happening with the boundary in Mt Henry Road?

The CEO acknowledged that this matter was discussed at a recent briefing session and that it was agreed that it was common sense to extend the boundary and that Option A incorporated the change.

Cr Doherty point of clarification - Will this report come back to the June meeting of Council in order that Members can view the final document?

Mayor advised that the document would go direct to the Local Government Advisory Board.

COUNCIL DECISION ITEM 9.0.3

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted;
- (b) Council:
 - (i) thank the members of the public who made submissions on the Ward Boundary Review; and
 - (ii) advise the Local Government Advisory Board that:
 - (A) it will be implementing Option A, the status quo with revised ward boundaries, as presented in the Discussion Paper issued in February 2006; and
 - (B) because there are only relatively minor changes to Ward Boundaries, all those Councillors who have been elected to 2009 continue in those positions until that time, representing the new wards as amended.

CARRIED BY REQUIRED ABSOLUTE MAJORITY (12/0)

Reasons for Change.

- (a) The residents have been invited to comment and have done so but the option of three wards with four councillors in each was not put to the residents.
- (b) While we live in a society where there is change all around us it is difficult to see how residents can get to know who their representative is if there is another large scale change.
- (c) The concept of two Councillors up for election in each Ward each two years will reduce the number of contested elections and hence the will of the residents would not necessarily be known.
- (d) While we are aware that the Elected Members are to represent the City as a whole and not just the ward they are elected from, it is difficult for Elected Members to have contact with the residents in such large areas.
- (e) The suggestion that there be three Wards with four Councillors is abolition of Ward Boundaries by stealth; and
- (f) The suggestion that there be three Wards with four Councillors is the beginning of a process to reduce the number of Councillors from twelve, which is appropriate, to six.

COUNCIL DECISION - CHANGE TO ORDER OF BUSINESS

Moved Cr Smith, Sec Cr Trent

That the order of business in the Agenda be changed to allow Item 9.3.1 to be brought forward and dealt with at this time.

CARRIED (12/0)

DECLARATION OF INTEREST : ITEM 9.3.1 : CR MACPHERSON

Declaration of Interest received

I wish to declare a conflict of interest in Agenda Item 9.3.1 “Replacement of Four Multiple Dwellings at No. 46 Leonora Street, Como” on the May Council Agenda.

I disclose that I live in Leonora Street, the street the subject of the report, and in view of this I will leave the Council Chamber and not seek to discuss or vote on this matter.

Note: Cr Macpherson left the Chamber at 8.10pm

9.3.1 Proposed Replacement of Four Multiple Dwellings with Four Single Houses - Lot 112 (No. 46) Leonora Street NE cnr Henley Street, Como

Location: Lot 112 (No. 46) Leonora Street NE Henley Street, Como
 Applicant: R.J. Knott, P.T. Ker & Associates for Tani Holdings Pty Ltd
 File Ref: 11/1966 11.2005.593 LE3.46
 Date: 1 May 2006
 Author: Eleni Demetriades, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to four Single Houses on Lot 112 (No. 46) Leonora Street, Como. The proposal is to replace the existing four Multiple Dwellings on the subject site with four Single Houses. Council needs to decide whether or not to exercise discretion in favour of the application having regard to the provisions of clause 6.1 of Town Planning Scheme No. 6 (TPS6) “Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits”. The recommendation is for approval, subject to a number of standard and special conditions.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.1(a):** Plans of the proposal
- **Attachment 9.3.1(b):** Letter from applicant dated 1 February 2006 describing the proposal

The development site details are as follows:

Zoning:	Residential
Density coding:	R20/30
Lot area:	1287 sq. metres
Building Height Limit:	Seven (7) metres
Development Potential:	Ordinarily Two (2) Single Houses or Grouped Dwellings in accordance with R20 density coding (the site does not qualify for development at an R30 density coding having regard to the number of performance criteria that can be satisfied). OR Up to four (4) Grouped Dwellings, Single Houses or Multiple Dwellings subject to Council granting approval in accordance with the provisions of Clause 6.1 of TPS6.

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

1. The Exercise of a Discretionary Power

- (i) *Proposals involving the exercise of discretion under Clauses 6.1 or 6.11 of the No. 6 Town Planning Scheme.*

In relation to this item, the extent of amenity impact arising from the proposal needs to be considered carefully. In particular, the existing development, whilst exhibiting similar characteristics in terms of density, (i.e. four dwellings) is relatively compact in scale and form in comparison with the proposed development.

The location of the development site is shown on the aerial photograph below. The site is adjoined by residential development to the north and east and bounded by Leonora Street to the west and Henley Street to the south.



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

Comment

(a) Clause 6.1 ‘Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits’

The proposal involves the replacement of four existing Multiple Dwellings with four Single Houses in accordance with the provisions of clause 6.1 ‘Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits’ of (TPS 6). Clause 6.1(1) of TPS6 states that:

- “(1) *Notwithstanding the provisions of the Codes but subject to the provisions of subclause (3), if, on the date of gazettal of the Scheme a site contained a residential development that exceeded:*
- (a) the density coding indicated on the Scheme Maps; or*
 - (b) the Building Height Limit; or*
 - (c) both the density and the Building Height Limit;*
- the Council may approve redevelopment of that site:*
- (i) to the same density or height or both, and with the same use as those of the development which existed on the site on the date of gazettal of the Scheme; and*

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

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

- “(3) *The power conferred by sub-clauses (1) and (2) may only be exercised if:*
- (a) *in the opinion of the Council, the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct than the building which existed on the site on the date of gazettal of the Scheme; and*
 - (b) *except where proposed development comprises minor alterations to the existing development which, in the opinion of the Council, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 7.3.”*

(b) Streetscape - Scale and Character

The streetscape along Leonora Street within the identified focus area does not reveal a dominant characteristic or style of dwelling. A diverse range of housing styles is apparent, predominantly double storey dwellings and generally lots are occupied by grouped dwellings rather than single houses. There are only three lots within the Leonora Street focus area which have not been redeveloped or re-subdivided. These three lots exhibit a low density character with large front yards and substantial areas of open space around the built structure. The proposed development is not out of keeping with the general character of development within the immediate vicinity of the development site.

The assessment of the streetscape along Henley Street is limited due to the extent of the focus area. There are two single storey dwellings and a double storey dwelling, all of older housing style and a vacant lot which has been approved for two double storey dwellings immediately opposite the development site. The two Single Houses recently approved opposite the subject property are generally consistent with the style and bulk of housing that is the subject of this application.

The proposed development comprises two double storey dwellings with undercroft garages facing Leonora Street and two double storey dwellings facing Henley Street. Proposed House 1 adjoins No. 44 Leonora Street and has a proposed setback of 7.1 metres to its garage at the undercroft level. House 2 (Cnr Leonora St and Henley St) has a garage setback of 6.3 metres. These setbacks comply with the 6 metre setback requirement of the R20 coding which would be applicable and acceptable for any ordinary development of the site. Houses 3 and 4 each face Henley Street.

It is evident that the replacement of the existing four Multiple Dwellings with the four Single Houses increases the built footprint and reduces the amount of open space across the entirety of the lot. It is not, however, considered that the proposal will have a detrimental impact on the character and amenity of the surrounding area. The existing development is an older style building with limited relativity to the

surrounding area in terms the Multiple Dwelling form of development. Around 40% of the Henley street frontage of the existing site is occupied by car parking, both in the form of extensive bituminised areas, a large garage and wide crossovers.

The proposed development would reduce the amount of parking area substantially as well as the dominance of crossovers along Henley Street. This will improve the amenity of the subject site and subsequently the amenity of the residential area. The proposed development also complies with the requirement for 50% of each development site to be maintained as open space.

The lot configuration (corner block) is also particularly conducive to a dwelling design which improves the amenity of the locality as it allows two dwellings to face each street frontage. The improved street appearance is particularly evident on the Henley Street frontage of the development site.

(c) **Clause 4.2 ‘Dual Density Codings: Performance Criteria for Determination of Applicable Coding’**

The subject lot is situated with the Como Beach Precinct and has been assigned a dual density coding of R20/30 within TPS6. In accordance with the provisions of Clause 4.2 (1) of the Scheme Text, development shall not exceed the lower density coding unless the Council is satisfied that the minimum number of performance criteria prescribed for that dual density coding, are met. The subject lot and proposed development do not meet the minimum number of performance criteria to allow for the site to be developed at the higher density of R30. It is appropriate, therefore, for the application be assessed in accordance with the provisions of the R-Codes relating to development at an R20 density code, with some additional requirements to ensure that any approved proposal is compatible with the existing streetscape and adjoining dwellings.

(d) **Clause 1.6 ‘Scheme Objectives’**

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

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

The proposed development is considered **to meet** this overriding objective having regard to the following precinct objective/s:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
Objective (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

The proposed development improves the residential character and amenity through the replacement of an older “block of flats” with four new Single Houses. The proposed development does not detract from the existing diverse streetscape both along Leonora and Henley Streets and maintains reasonable setbacks from both street frontages. It is

considered that the proposal will act to enhance the amenity of the residential area and through its compliance with the provisions of the R-Codes will be in keeping with the character and scale of existing and future residential development within the locality.

(e) Clause 7.5 'Other Matters to be Considered by Council'

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
 - (i) the preservation of the amenity of the locality;*
 - (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
 - (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
 - (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4.*

The proposal is considered to comply with the abovementioned listed matters. Particularly, the proposal exhibits visual harmony with neighbouring existing buildings in the focus area, in terms of its scale, form, construction material, orientation, setbacks from the street and side boundaries and architectural details.

Consultation

(a) Design Advisory Consultants' Comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 23 January 2006. Their comments are summarised below:

The Advisory Architects carefully considered the requirements set out in Clause 6.1(3)(a) of the No. 6 Town Planning Scheme relating to replacement of an existing building which exceeds the current density coding. They observed that the proposed building will have significantly greater bulk than the existing building and that it will extend a considerable distance closer to Leonora Street than the existing building. As a consequence, it was noted that the proposed building will obstruct views from the adjoining building at No. 44 Leonora Street to a much greater extent than the existing building. The greater building bulk will also be more imposing than the existing building.

Having regard to the circumstances outlined above, the Advisory Architects made the point that the applicant has not demonstrated compliance with the requirements of Clause 6.1(3)(a) of TPS6. Therefore, they did not support the application.

Officer Response

The Design Advisory Consultants have compared the existing development and the proposed development. The following main areas of concern were identified:

1. The proposed development has a significantly greater building bulk than that of the existing development; and
2. The reduced setback of the proposed development from Leonora Street as compared with the existing development.

It was suggested that both of the issues would cause the proposed dwelling to restrict views for the adjoining property at No. 44 Leonora Street.

The aspects of the proposed development raised at the DAC Meeting (increased building bulk and reduced setbacks) are not exclusively related to the proposed density of the development (i.e. the replacement of four Multiple Dwellings with four Single Houses). For instance, if two replacement dwellings were proposed, such an application would not require consideration under clause 6.1 of TPS6, but could still exhibit characteristics of increased building bulk and reduced setbacks when compared to the existing development. In assessing the subject proposal, the objective of Clause 6.1 of TPS6 is to ensure that the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives of the precinct, than the building which previously existed on the site. With the exception of dwelling density, the proposed development complies with the provisions of the R-Codes relating to development at an R20 density code. The development also complies with the relevant development standards of TPS6 such as the 7 metre maximum building height limit.

The dwelling at No. 44 Leonora Street (the adjoining property to the north of the subject property) has an approximate setback of 20 metres from the front boundary. Both the adjoining property and the subject property have a dual density coding of R20/R30. At the lower density coding of R20, all development is required to be an average distance of 6 metres and a minimum distance of 3 metres from the front boundary. It would therefore, be reasonable to expect that any new development proposed on the subject lot would be set back a lesser distance from the front boundary, than that of the existing dwelling at No. 44 Leonora Street, and therefore restrict views to a certain extent from the adjoining dwelling.

Single Houses are seen as being a form of development more compatible with the surrounding area than Multiple Dwellings, and the fact that the development site is situated at a street corner allows each dwelling to be developed with its own independent street frontage. In summary, it is considered that the proposed development will improve the amenity of the area and contribute more positively to the character of the streetscape and that the applicant has effectively demonstrated compliance with clause 6.1 of TPS6.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 44, 48 and 43 (Unit 2 & 3) Leonora Street, Nos. 3 and 6 Henley Street and No. 95 Robert Street were invited to inspect the application and to submit comments during a 14-day period. A total of seven (7) neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, 3 submissions were received, all of which object to the proposed development.

The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer Response
<p>a) Aesthetically the development would clutter the area.</p> <p>b) Four dwellings on the subject site are not in keeping with other developments in the area.</p> <p>c) In addition the height restrictions should be in accordance with the current planning scheme.</p>	<p>a) The proposal will change the nature of development of the site. Although there will be less overall open space on the site, each dwelling is provided with at least 50% open space in accordance with the normal requirements of the R-Codes. The comment is noted.</p> <p>b) The focus area is characterised predominantly by grouped dwelling developments. Surrounding properties have a development potential of two to three dwellings. Clause 6.1 of TPS6 gives Council the ability to approve up to the same number of dwellings as currently exists on the site. The comment is not upheld.</p> <p>c) The proposal complies with the maximum permitted 7 metre building height limit applied within the area. The comment is not upheld.</p>
<p>a) Proposed two houses faces Leonora should be restricted to a maximum of two storeys only (including garages) as is proposed for Henley Street.</p> <p>b) The whole concept seems to be 'overtaxing' the site, especially when the overall height is taken into consideration.</p> <p>c) The side setback to the house at Leonora/Henley corner should be maintained at the minimum of 2060 mm. The proposed Portico at 1200 mm is too close to the boundary.</p> <p>d) The proposed external wall colours are grey on two houses, and cream on the other two. Cream would be more in keeping with surrounding developments, looking south along Leonora Street. It is a more cheerful colour, easier on the eye, neutral.</p>	<p>a) The nature of the topography on the subject site allows for the proposed dwellings facing Leonora to include an undercroft garage level, with two storeys above, whilst still complying with the height limits prescribed by TPS6. The comment is not upheld.</p> <p>b) The height of all four dwellings complies with the height requirement of 7 metres as prescribed by TPS 6 while clause 6.1 of TPS6 authorises Council to approve up to the same number of dwellings as currently exists on site. With the exception of dwelling density, the proposal demonstrates compliance with the normal development requirements of the R-Codes for development at an R20 density code. The comment is not upheld.</p> <p>c) The side setback of House 2 faces a secondary street and in accordance with Residential Design Codes 2002 is required to be setback 1.5 m. The proposal has been amended to comply with this requirement. The submitters comment is not upheld.</p> <p>d) The matter of external colours and materials is an important consideration. There is a diverse range of housing within the focus area using different colours and materials. The proposed development is considered to be consistent with the streetscape. The comment is not upheld.</p>

Submitter's Comment	Officer Response
<p>a) The plans reflect an extensive expansion of the original development using a lot more of the land and substantially increasing the density compared to the existing non-conforming development.</p> <p>b) The proposed 4 green title residences fail to meet the zoning requirements R20-30 and related performance criteria.</p> <p>c) The proposed replacement of an existing building not complying with density, use or height restrictions' Clause 6.1, Part VI of Town Planning Scheme No. 6 does allow the council to approve development in certain circumstances, however, we believe the development goes beyond the intent of the approved City of South Perth Town Planning Scheme No. 6. In particular,</p> <ul style="list-style-type: none"> - 6.1 (1) The current dwelling, which consists of 4 small 2 bedroom flats, reflects far less density in practice and a has a completely different plot ratio that the proposed 4, four bedroom houses; - 6.1 (3) There is little or no attempt to contribute positively to the character of the streetscape and the amenity of the area and issues such as upgrading the right of way off Henley Street have not been addressed. - 6.1 (3) The proposed development can hardly be considered as 'minor alterations'. It will result in three boundary fence lines where one currently exists. It will block sunlight, cause privacy issues and increase pressure on street parking in an already dangerous area. - A lesser development would be more in character, with the streetscape and ambience of the neighbourhood. - The development will limit sunlight into the front bedrooms and restrict existing river views. 	<p>a) It is acknowledged that the proposed development utilises the development site far more intensively than the existing four multiple dwellings. However, the density of development does not increase beyond that which currently exists. The comment is noted.</p> <p>b) It is acknowledged that the density of development does not satisfy that which would ordinarily be catered for under the City's TPS6. However, there is a special provision in the Scheme which caters for situations like this where the existing density of development already exceeds that catered for by the Scheme. The comment is not upheld.</p> <p>c) It is acknowledged that the proposal presents a larger footprint over the entirety of the site than that of the existing development. However, the density of development remains consistent. The proposal complies with the 50% open space requirement of the Residential Design Codes and is not seen to detract from the character of the streetscape, which includes a diverse range of housing styles and density.</p> <p>The proposal is not considered to be minor alterations and has been advertised in accordance with clause 7.3 of TPS6. Each of the dwellings has been provided with a double garage to park two vehicles in addition to driveway space which could accommodate a further two vehicles.</p> <p>It is acknowledged that the new dwellings will block outlook and view to the adjoining dwelling, but only to an extent that would ordinarily be expected by development at an R20 density code. The proposed development also complies with the overshadowing provisions of the R-Codes. The comments are noted.</p>

Subdivision Application

The property owner has lodged an application for subdivision with the Western Australian Planning Commission (WAPC) who have subsequently referred that application to the City for comment.

If the development application receives Council approval, the City will forward a response to the WAPC recommending that the subdivision application be approved, and that a condition be imposed on that approval requiring the buildings reach plate height prior to final clearances being given. If such a condition were imposed on the subdivision approval, it will ensure that the current property owner is obliged to carry out development in accordance with that which has been the subject of Council's consideration rather than having the situation where the property owner may try to on sell each of the lots to four unrelated parties.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.1

Moved Cr Maddaford, Sec Cr Ozsdolay

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for four Single houses on Lot 112 (No. 46) Leonora Street, Como **be approved**, subject to:

(a) **Standard Conditions**

377, 390, 393, 455 (side and rear), 456, 470, 471, 550, 625.

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

- (i) Lot 112 shall be subdivided and shown on a Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office. The subdivision plan shall include an 8.5 metre truncation to the street corner and 4.25 metre truncation adjacent to the right-of-way.
- (ii) The fencing along the right of way shall be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where the fence adjoins the vehicle access point where the driveway meets the right of way for House 4.
- (iii) The floor level of the alfresco for House 4 shall be lowered so that it does not exceed 0.5 metres above natural ground level, or shall be set back 7.5 metres from the adjoining boundary.
- (iv) Fencing for house 4 shall not exceed 750mm in height within a 3m x 3m truncation area adjacent to the intersection of the lot and the right-of-way.
- (v) The finish of the surface of all boundary walls shall be of a high standard, either rendered and painted with a colour matching adjoining structures, or, in the case of face brick, all mortar joints shall neat and the bricks cleaned.
- (vi) No portion of house No. 1 shall project any closer than 6 metres from the front property boundary.
- (vii) Development shall be removed from within the 8.5 metre corner truncation area.

(c) **Standard Important Advice Notes**

646, 648, 651.

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

Note: Cr Macpherson returned to the Chamber at 8.12pm

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

9.1 GOAL 1 : CUSTOMER FOCUS
Nil

9.2 GOAL 2: COMMUNITY ENRICHMENT

9.2.1 Lord Mayor's Distress Relief Fund
--

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/201
Date:	5 May 2006
Author:	Nicole Jameson
Reporting Officer:	Roger Burrows, Director Corporate & Community Services

Summary

To consider donating funds to the Lord Mayor's Distress Relief Fund, which provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service.

Background

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

Appeals administered by the Fund raise money to assist those suffering hardship as well as helping residents repair their properties and restore normal living conditions. Communities across the State, interstate and overseas have been assisted by the Fund when facing adversity resulting from such natural disasters as floods, bushfires and cyclones. Recent relief appeals include:

- Cyclone Olivia (1997)
- Ashburton River Floods (1997)
- Brookton/Pingelly Fires (1997/1998)
- Esperance Floods (1999)
- Moora Floods (1999)
- Cyclone Vance (1999)
- WA Bali Casualties Appeal (2002/2003)
- Tenterden Fires (2003)
- Australia Day Tsunami Collection (2005)

The Fund provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service. The Lord Mayor's Distress Relief Fund can offer immediate financial assistance and advice in the event of such a disaster.

Since 1997, the Fund has distributed in excess of \$2.5 million to Western Australian residents. Public appeals for donations are not always launched owing to the small impact a disaster may have on the wider community. In these instances, the Fund provides support from its financial reserves with recent examples being the 2002 Gingin Fires and the 2004 Dumbleyung Fires.

All donations are fully accounted for. All Board Members are volunteers and the administrative support is provided free of charge by the City of Perth. The Board of the Fund comprises:

- The Lord Mayor, Dr Peter Natrass, Chairman
- Frank Edwards, Honorary Secretary
- Robert Mianich, Honorary Treasurer
- Digby Blight, AO
- Noelene Jennings
- Barry MacKinnon, AM
- Bill Mitchell
- Rob Rowell
- Jennifer Smith
- Ian Taylor
- Albert Tognolini, AM

Comment

The City has in the past provided support, separately to the Lord Mayor's Appeal, for other specific disastrous events such as:

- \$10,000 - Tsunami Disaster Relief (2005)
- \$1,000 - Bali Casualties Appeal (2002)
- \$2,000 - Moora Floods (1999)

This one-off payment will ensure ongoing individual requests for relief funding received by the City throughout the year can be redirected to the Mayor's Distress Relief Fund to be assessed at the discretion of their Board. This will also avoid the need for Council to individually assess the merits of each particular event /donation request and also enhances the City's position of a good corporate citizen. The City, at its discretion may choose to consider additional requests at any time.

Consultation

Discussion has occurred with the Director Financial and Information Services and Manager Community Culture and Recreation.

Policy and Legislative Implications

Nil.

Financial Implications

The \$5,000 can be accommodated within the current budget.

Strategic Implications

This donation to the Lord Mayor's Distress Relief Fund aligns with the City's Strategic Plan - Goal 2: Community Enrichment:

"To foster a strong sense of community...."

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.2.1

Moved Cr Trent, Sec Cr Ozsdolay

That an amount of \$5,000 be donated to the Lord Mayor's Distress Relief Fund for 2006.

CARRIED (11/1)

Note: The Manager Community Culture and Recreation and the Grants and Consultation Officer retired from the meeting at 8.15pm)

9.2.2 Community Safety Resource Centre Review
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Location:	Corner Mends Street and Labouchere Road
Applicant:	Council
File Ref:	CS/502
Date:	5 May 2006
Author:	Nicole Jameson, Grants and Consultation Officer
Reporting Officer:	Roger Burrows, Director Corporate and Community Services

Summary

To review the collaborative License Agreement between the City and WA Police relating to the Community Safety Resource Centre located at the corner of Mends Street and Labouchere Road South Perth.

Background

A Council resolution dated 3 February 2004, detailed that the Old South Perth Police Station situated on the corner of Mends Street and Labouchere Road be redeveloped for the purpose of accommodating City's functions such as Ranger Services, Environmental Health and the Safer City Officer for a period of up to two years, subject to an annual review.

Subsequent to that Council resolution, the City received a request from the South East Metropolitan Crime Prevention and Diversity Services Unit to establish a Community Policing Unit within the City. The unit would consist of a Community Policing Officer, a Crime Prevention and Diversity Officer - Youth, along with volunteers to support the centre.

The Old South Perth Police Station was identified as the most suitable location for the Resource Centre. Preliminary discussion between City and WA Police identified a number of community benefits from the collocation of a Community Policing Unit along with the City's Rangers Services and Safer City Officer. These anticipated benefits were:

- Increased efficiency in identifying and dealing with community safety and crime prevention issues through day to day contact between City officers and the Police Service;
- A reduction in the community's fear of crime as a result of a greater policing presence in the area;
- Closer links with and greater responsiveness to requests from City residents relating to community safety issues;
- The creation of a highly visible community safety focal point for children and adults concerned about their safety;
- The creation of a resource centre that will provide information about home security and community safety issues;
- A closer relationship between the Police Service and the City, key service providers and other stakeholders to more effectively identify and plan community safety and crime prevention strategies;
- A 'home' and focal point for the City's Safer City program including Neighbourhood Watch;
- Close links with the heritage of the area by utilising the site once again for Police services.

A subsequent resolution of council made on 24 August 2004 revoked the resolution of 3 February 2004 and furthermore resolved, as detailed in Item 9.2.2 (Part 3) (b) of the minutes, that;

- (b) the City negotiate with the Crime Prevention & Diversity Services Unit of the Police Service to establish a Community Policing Resource Centre at the old South Perth Police Station as outlined in this report for a period of up to three years, but subject to annual review*

Following completion of negotiations, the current arrangements have existed since that time. In accordance with the resolution, a review of the operations of the Community Safety Resource Centre is required.

Comment

The Community Safety Resource Centre is currently the base for the Rangers, Police and Safer City Officer since the commencement of the collocation arrangement. The first review was due in late 2005, however due to resourcing issues for WA Police and the City it was undertaken in April 2006 by the City's recently appointed Grants and Consultation Officer via a series of interviews with key stakeholders involved in the everyday service delivery and/or management of the Community Safety Resource Centre (see 'Consultation').

The review found that a number of significant initiatives were implemented as a result of the collocation of Police and City resources that provided an enhanced level of service delivery to the community in the area of community safety. These initiatives have included:

- Email Crime Alerts: Instant information from the Police Operations Centre is a valuable asset and integral to the mutual relationship that exists at the Community Policing Resource Centre. It also is essential for the Email Crime Alerts program (Australian Crime and Violence Prevention Award Winner 2002), which has an active impact on reducing crime and increasing awareness within South Perth. As a direct result of the success of the Email Crime Alerts program, other districts (Gosnells), programs (Neighbourhood Watch) and countries (Ottawa Police, Canada) have initiated the program. This program demonstrates best practice in collaborative community policing and has been further enhanced since the Community Policing Unit has been working closely with the City's Safer City Officer.
- Safer Car Project: The Safer Car project was a collaborative pilot project initiated in December 2005 between the Western Australian Police (Kensington District), City of South Perth Rangers and the City of South Perth Safer City program targeting the reduction of theft from cars through community awareness and education. The City of South Perth Rangers worked with the Police to remind the community about securing and removing valuables from vehicles. During standard patrols in designated 'Hot Spot' areas (Perth Zoo car park and nine South Perth Foreshore car parks), the Rangers noted vehicles that were unsecured or had visible valuables, they noted:
 - Time;
 - Date;
 - Location of vehicle; and
 - Vehicle registration number.

The Ranger forwarded this information to the Police who sent a friendly letter to the vehicle owner that the vehicle was noticed unsecured and/or with visible valuables in a high-risk theft-from-motor vehicle area. Rangers checked more than 400 vehicles per month, with more than 15 friendly letters sent per month to unsecured vehicles or those with exposed valuables.

Due to the success of this pilot, it is now being investigated for State-Wide rollout and continuation in South Perth 'Hot Spot' areas.

- Safer Roads Project: This project, as part of the Community Safety Initiative, is collaboration between the Rangers, Police, Safer City Officer and TravelSmart Officer to improve road safety around schools. This project is serving as the pilot project for a State-wide initiative.

- Held at Aquinas College, Manning Primary School and St Pius Primary School
 - Week long traffic and parking safety program (starting 15 May 2006) around schools to educate drivers about school zone speed limits, alternative transport options, parking and stopping issues, plus an electronic speed indicator to advise drivers of their current speed.
- Armed Hold-Up Lectures delivered by Community Policing officers and the City's Safer City Officer: A week long series held in 2005 that included more than 350 staff from 45 businesses as part of this education program. They included South Perth businesses such as delicatessens, golf clubs, hotels (Pagoda), supermarkets (Supa Valu), pharmacies, liquor outlets, video stores.
 - Outcomes also included a partnership with a local business, the Karalee Tavern, who provided the location and refreshments for the series.
 - Small groups formed the lectures for one-to-one contact and a more tailored approach for specific businesses.
 - Some community members also attended the lectures so they would be aware of how to respond in an armed hold-up (should they be a customer in a business).
- Curtin University Student Safety Program: Held at the beginning of the school year as part of Curtin University's orientation day, the Community Policing Officers and the Safer City Officer conduct an induction for international students to educate them on personal and home security.
 - This program is important in assisting new Curtin University students not being victims of crime.
 - Informs students on cultural differences in Australian everyday life such as the need to lock doors and the importance of reporting crime.
 - The Safer City Officer and Community Policing Officers are also represented on Curtin University's 'International Student Safety Committee'.
 - The inductions are held at the beginning of each school year (held in 2004, 2005 and 2006). Due to the success of the program, considerations are now being given to a mid-year induction that will capture students that missed the first session or came to Australia mid-year and can also act as a refresher course for students who wish to attend a second time.
- Bike Engraving Days: Three days held with over 1000 people having contact with the displays at Sir James Mitchell and McCallum Park's.
 - Community Safety Month (October 2005): 9am to 12pm with approximately 400 people participating. Collaborative event held at the Coode Street section of Sir James Mitchell Park. Involved Fire Brigade, Police, Safer City Officer, Rangers, TravelSmart Officer, Bicycle User Group and bike mechanics. Wesley College provided access to power for event.
 - A special bike engraving event similar to above was held as part of Bike Week (March 2006).
- Eyes on the Street: Has been a highly successful program whereby Council vehicles and staff act as direct conduits of information to the Police.
- Kindergarten and Pre-Primary School Tours of the Centre: Initial positive feedback about the tours which commenced in April 2006 indicates a strong interest in interaction between young children and Community Policing Officers. It is anticipated that the tours will continue, and will provide information about; :
 - Safety and security (Police and Safer City Officer)
 - History of Old Police Station (Police and Safer City Officer)
 - Responsible pet ownership (Rangers)

- Seniors Safety Presentations: Held at the seniors centres, with seniors groups and at retirement villages. Presentations by Community Policing Officers and the City's Safer City Officer inform seniors about projects including Neighbourhood Watch, personal safety, home security, banking and other scams.
- Crime Prevention Through Environmental Design (CPTED) Training: One course held for 24 people in 2004.
- Gopher Awareness Education Program: Programmed to start in May 2006. Educating seniors and people requiring gophers for mobility about the road/use rules associated with these vehicles.
- Shopping Centre Displays: Approximately 60 held throughout 2004 and 2005. Police and Council information and presence.
- Neighbourhood Watch Barbecues: Fourteen barbecues held with approximately 30 attendees each were held in 2004 (funded by Office of Crime Prevention).
 - These are highly successful in getting the community out into the street and activating Neighbourhood Watch in the community. They are the foundation for connecting the local community.
- Multi-Agency Approach to Local Crime and Safety Issues: Anti-social issues are addressed more easily and with greater immediacy with the Community Police and Rangers based from the same location. When situations arise, Community Police, Rangers and the Safer City Officer can work more efficiently with State agencies such as Homeswest and private businesses.

As a result of the development and success of these initiatives, WA Police, City Rangers and the Safer City Officer are fully supportive of continuing the Agreement and collocation of services through the Community Safety Resource Centre.

Consultation

Consultation was conducted with key parties involved in the License Agreement and collocation at the 'Old Police Station'. They included:

- Safer City Officer (City of South Perth)
- Manager Environmental Health and Regulatory Services (City of South Perth)
- Senior Ranger (City of South Perth) - including feedback from the Rangers team
- Director Financial Services (City of South Perth)
- Senior Constable Coralie Wornes, Community Police Officer (South East Metropolitan Police District)
- Sergeant Peter Pope, Officer In Charge Community Policing (Cannington Police Station)

Policy and Legislative Implications

Nil.

Financial Implications

On continuation of this License Agreement, the City will receive an annual License Fee of \$1,000. This concessional fee recognises the ongoing significant benefit to the City of South Perth community resulting from the collaborative partnership between the City and WA Police, and the efficiencies and initiatives delivered as a direct result of the collocation of services.

Strategic Implications

The content of this report relate directly to:

- Strategy 2.3 of the Strategic Plan 2004-2008:
Enhance the Safer City Program to support, develop and deliver residential and business initiatives that reduce crime and promote safety.
- Strategy 1 of the Community Safety and Crime Prevention Plan 2005-2008:
Develop cooperative partnerships with stakeholders to strengthen and sustain communities and neighbourhoods.
- Strategy 2 of the Community Safety and Crime Prevention Plan 2005-2008:
Provide information, education and other services to the community, in order to reduce the risks of becoming a victim of crime.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.2.2

That the first review of the Community Safety Resource Centre (Old South Perth Police Station situated on the corner of Mends Street and Labouchere Road) be received.

CARRIED EN BLOC RESOLUTION

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

9.3.1 Proposed Replacement of Four Multiple Dwellings with Four Single Houses - Lot 112 (No. 46) Leonora Street NE cnr Henley Street, Como

Note: This matter dealt with following Agenda Item 9.0.3.

9.3.2 Request for Extension of Validity of Approval for Major Additions and Alterations to Village Green Shopping Centre, Karawara

Location:	Lots 101 (No. 37), 102 (No. 39), 104 and 105 (No. 33) Walanna Drive and Lot 802 (No. 230) Manning Road cnr Kent Street, Karawara
Applicant:	Lavan Legal for Midpoint Holdings Pty Ltd
File Ref:	11/1286 11.2005.147 WA1.33, 37 & 39 and MA3.230
Date:	1 May 2006
Author:	Christian Buttle, Team Leader, Planning Services
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

To consider a request from Lavan Legal on behalf of the owners of the Village Green Shopping Centre for a variation to the condition of approval relating to the period of validity of approval for major additions and alterations to that Centre.

Background

At its ordinary meeting held Tuesday 24 May 2005, Council granted a further planning approval for major additions and alterations to the existing Village Green Shopping Centre. This approval followed earlier consideration of development proposals for the site, the history of which is summarised below:

- May 2003: Council formally considered an application for planning approval for proposed major additions and alterations to the existing shopping centre. This application was refused.
- June 2004: Minute of Consent orders endorsed by the then Town Planning Appeal Tribunal has the effect of granting approval for the drawings (incorporating various modifications) that were the subject of Council refusal in May 2003.
- December 2004: Council endorsed revised drawings to those which were the subject of the Minute of Consent Orders, with a recommendation to the Town Planning Appeal Tribunal for the approval of those modifications.
- May 2005 Further planning approval granted for the proposed additions and alterations

The planning approval granted by Council in May 2005 was subject to 27 conditions, one of which related to the period of validity of approval. Condition (aa) of the approval states that:

“(aa) This approval shall cease to be valid if all stages of the development are not substantially commenced within 12 months by the completion of the floor slabs.”

The current request has been referred to a Council meeting for consideration as it relates to an application that was originally determined at a Council meeting.

Comment

The request for an extension to the validity of the approval for the additions to Village Green Shopping Centre was made by way of a letter 7 April 2006 from Lavan Legal. This letter has been provided as an attachment to this report. **Attachment 9.3.2(a)** refers.

In their correspondence, Lavan Legal request that condition (aa) of approval be varied by providing an extension to the length of validity for an additional 12 months (i.e. from 12 months to 24 months). They confirm that no additional development or modification of the approved plans is proposed.

The enabling power for the Council to consider such a request is contained within Clause 7.9 (7)(a) of Town Planning Scheme No. 6 (TPS6) which states that:

“Where a planning approval has been issued under this Scheme and remains current, an application in writing may be made requesting the Council to reconsider that approval in relation to:

- (i) varying the conditions of the approval; or*
- (ii) extending the period of validity of the approval nominated pursuant to sub-clause (4) with the maximum permissible extension of that period being 12 months, without the need for a new application for planning approval to be lodged.”*

In support of the request, the applicant has made the following five points. An Officer response is provided following each of the points raised by the applicant:

Applicant Comment No.1

Development works for stage 1 have been undertaken on site and substantial progress of stage 1 works has been achieved by my client.

Officer Response

Agreed.

Applicant Comment No. 2

The slab for the stage 2 works is due to be laid in August 2006 such that it is anticipated that substantial commencement of both stages will be completed well inside of the period sought by way of this development application.

Officer Response

Comment noted. A building licence application for stage 2 has been lodged.

Applicant Comment No. 3

The delay in the achieving of substantial commencement for both stage 1 and 2 arose from a number of circumstances outside my client's control, resulting in construction commencing in February 2006.

Officer Response

The applicant has not provided an explanation of the circumstances which were outside its clients control.

Applicant Comment No. 4

At present the Approval is due to lapse on 25 May 2006 despite significant development works being undertaken solely due to the inability to achieve substantial commencement of stage 2 works. If the Approval were to lapse then my client would technically be in breach of the planning laws applicable in the City of South Perth in respect of the development works already commenced to date.

Officer Response

Agreed.

Applicant Comment No. 5

My client and the City of South Perth have invested considerable time into the redevelopment of the South Perth district shopping centre at Village Green so as to realise its fulfilment of its district centre status. Further considerable benefit will accrue to the wider community from the redevelopment. If the City of South Perth were to refuse the enclosed development application or defer it then these investments and benefits would be jeopardised.

Officer Response

It is acknowledged that much work has been invested into the rejuvenation and expansion of the Village Green Shopping Centre. Council has been actively promoting the expansion of the shopping centre for many years. It is also acknowledged that an expanded centre will provide a community benefit that does not currently exist within the City. If the approval were to lapse, it is agreed that the investments and benefits referred to above would be placed in jeopardy, as the property owner would no longer have a valid approval from which to undertake the expansion works.

Conclusion

In response to the letter dated 7 April 2006 from Lavan Legal, the City responded by letter requesting further supporting justification with respect to the need for a 12 month extension of time when the substantial commencement was expected to be achieved by August 2006 (some 3 months after the original approval was due to expire).

Lavan Legal have now provided a further letter dated 20 April 2006, **Attachment 9.3.2(b)** refers. Within this correspondence, Lavan state that a 12 month extension “*is supportable on the grounds of orderly and proper planning given the community benefit that will accrue to the residents of the entire scheme area if the redevelopment and expansion of the Village Green Shopping Centre is completed.*” However, no substantive reply has been provided in response to the City’s question as to why a 12 month extension of time is now required having regard to the expectation for substantial commencement by August 2006, some 3 months after the expiry of the original planning approval.

It is acknowledged that the property owner is now unlikely to achieve substantial commencement within the timeframes specified within the planning approval granted by Council on 24 May 2005. Lavan Legal, on behalf of the property owners has advised that the slab for stage 2 works is due to be laid in August 2006, some three months after the expiry of the current planning approval. A satisfactory response has not been provided to the City as to why a 12 month extension to the validity of approval is required, having regard to the anticipated timing of stage 2 works.

It is acknowledged that the expansion of the shopping centre will provide a much anticipated benefit to the local community.

Having regard to the comments made above, an extension to the period of the validity of approval is considered to be appropriate, however a 6 month extension (i.e. to 24 November 2006) is considered more appropriate than the 12 month extension (24 May 2007) that has been requested.

Consultation

Neighbour consultation was not required in conjunction with the preparation of this report.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

COMMENT ON DEPUTATION : ITEM 9.3.2

The Mayor requested an officer comment on the Deputation for Item 9.3.2.

The Director Strategic and Regulatory Services advised that the 6 month extension proposed in the officer recommendation was based on a timetable outlined in correspondence received from the applicant and which was considered to be a reasonable time frame to achieve.

OFFICER RECOMMENDATION ITEM 9.3.2

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Council agrees to vary condition (aa) of the planning approval for major additions and alterations to the Village Green Shopping Centre, Karawara on Lots 101 (No. 37), 102 (No. 39), 104 and 105 (No. 33) Walanna Drive and Lot 802 (No. 230) Manning Road cnr Kent Street, Karawara granted on 24 May 2005 from 12 months to 18 months.

MOTION

Cr Cala moved the officer recommendation, Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala point of clarification - Cr Cala referred to pages 44 and 45 of the Agenda and asked if officers believed the explanation provided was outside the client's control? The Director Strategic and Regulatory Services stated that additional information by letter had been received on 22 May indicating a revised timetable to some degree. He further stated that it does not prevent Council from considering a further request for an extension in 6 months time.

Cr Cala opening for the Motion

- Council has already given a lot of 'good will' to this development
- if there is a need for a further extension Council can again consider a request
- on progress to date believe it is an appropriate timeframe
- support the officer recommendation.

Cr Maddaford for the Motion

- endorse Cr Cala's comments
- support the officer recommendation

AMENDMENT

Moved Cr Ozsdolay, Sec Cr Trent

That the officer recommendation be amended in the last line by the words *18 months* being replaced with the words ***24 months***.

Cr Ozsdolay for the Amendment

- listened to the Deputation
- current shopping centre is a blight on the landscape
- good to finally see some action
- Deputation request makes sense

Cr Trent for the Amendment

- with the building boom there will be delays
- 24 months is a logical way to go
- support the Amendment

Mayor for the Amendment

- development moving substantially
- better to impose a realistic timeframe than one that cannot be met
- there has obviously been doubts about the completion of the site
- unrealistic to impose 6 months in the hope the development can be completed

The Mayor put the Amendment

CARRIED (11/1)

COUNCIL DECISION ITEM 9.3.2

The Mayor put the Amended Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Council agrees to vary condition (aa) of the planning approval for major additions and alterations to the Village Green Shopping Centre, Karawara on Lots 101 (No. 37), 102 (No. 39), 104 and 105 (No. 33) Walanna Drive and Lot 802 (No. 230) Manning Road cnr Kent Street, Karawara granted on 24 May 2005 from 12 months to 24 months.

CARRIED (12/0)

9.3.3 WITHDRAWN Retrospective Approval Carport Addition to Single House. Lot 194 (No. 1/143) Lockhart Street, Como.

Location: Lot 194 (No. 1/143) Lockhart Street, Como
Applicant: Mitchell J Behan for T M Grimwade & K D Stannard
File Ref: 11/2188 11.2006.121.1 LO1/143
Date: 1 May 2006
Author: Eleni Demetriades, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

NOTE: THIS ITEM WITHDRAWN FROM MAY COUNCIL AGENDA FOLLOWING A WRITTEN REQUEST FROM THE APPLICANT.

9.4 GOAL 4: INFRASTRUCTURE

9.4.1 Tender 7/2006 Rigid Cab Chassis Truck with Bin Lifter

Location: City of South Perth
Applicant: Council
File Ref: 7-2006
Date: 5 May 2006
Authors: Ross Ridley, Project/Transport Coordinator; and
Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Glen Flood, Director Infrastructure Services

Summary

Tenders were invited for the Supply and Delivery of a rigid cab chassis truck fitted with hydraulic bin lifter. The purchase value of the truck excluding the trade is greater than the allowable limit under the Delegation DC607 and is referred to Council for determination, The Officer recommendation is based on providing best value to the City.

Background

The proposed unit will replace an existing Volvo FL10 truck fitted with hydraulic waste bin lifter and is included in the 2005/2006 Budget. Purchased in February 1997 the Volvo FL10 was fitted with the hydraulic lifter from the previous truck. The Volvo truck operates from the Collier Park Waste Transfer Station and has now travelled in excess of 400,000 kilometres.

Comment

Tender 7/2006, invitation to tender for the ‘Supply and Delivery of one new rigid cab chassis truck fitted with hydraulic bin lifter with the trade or outright purchase of a Volvo FL10, 8x4 truck fitted with hydraulic waste bin lifter.’ was advertised in The West Australian newspaper on 1 April 2006.

In response, six sets of tender documents were supplied to prospective tenderers and at the close of the tender period (28 April), six tenders had been received including one for the outright purchase of the trade vehicle.

In order to retain commercial confidentiality the tenders have been grouped in ascending order of net change-over.

Name of Company	Nett Position after Trade
Kenworth DAF WA - DAF	\$117,765
Skipper Trucks - Mitsubishi Fuso	\$145,230
Skipper Trucks - Iveco	\$164,360
Western Pacific Trucks - Mercedes	\$190,954
Max Winkless Pty Ltd - Volvo	\$198,702

The tender submitted by Brigold Pty Ltd for the purchase of the nominated trade vehicle was dismissed at this stage as the tendered amount of \$55,737.28 excluding GST was well below the trade considerations of most of the other units tendered.

Kenworth DAF WA and Skipper Trucks, also, provided the lowest purchase prices of the six tenders received.

As all requirements of the RFT had been met and acknowledging the nett price differential of \$46,595 between the lowest tender of Kenworth DAF and the third lowest tender, that of Skipper Trucks Iveco as shown in the above table, together with the cost of lost time in mobilisation of staff and the units being offered, only the two lowest tenders of Kenworth DAF and Skipper Trucks - Mitsubishi Fuso were assessed in accordance with the following qualitative criteria.

Qualitative Criteria	Weighting%
1. Compliance with Specifications - a comparison of the specific credentials of the various units.	10%
2. Operational Assessment - an assessment undertaken by three operators having expertise in heavy rigid vehicles, as to operator comfort, layout and cabin working space.	10%
3. Mechanical Assessment - a critical assessment carried by two experienced trades personnel on accessibility and serviceability of the engine compartment and running gear.	10%
4. Warranty Service & Parts - an assessment carried out on the availability of parts in Western Australia or nationally, the level of service available locally and any additional attractive features in warranty.	10%
5. Price	60%

The total weighted scores appear below;

		Skipper Trucks Mitsubishi Fuso	Kenworth DAF WA DAF FAD CF85
Total Weighted Score	10	7.8	9.3

A Whole of Life Calculation had also been undertaken as part of the initial assessment with the results also supporting the Kenworth DAF tender.

Whole of Life costs - Kenworth DAF, \$37,072/annum
Mitsubishi Fuso, \$39,562/annum.

The format for the Whole of Life Calculation is endorsed by the Institute of Public Works Engineering Australia Limited and utilised by Local Government nationally.

The tender submitted by Kenworth DAF WA, for a DAF FADCF85 8 x 4 cab chassis truck fitted with a Multilift LHZ320.59 hooklift, being the lowest tender received and having been assessed with the highest weighted score represents best value to the city.

Consultation

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

Policy and Legislative Implications

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

The value of this tender is above the amount that the Chief Executive Officer has delegated power to accept.

Financial Implications

The City has allocated \$185,000 in the 2005/2006 Budget to affect this plant replacement.

Strategic Implications

This item is consistent with the City's Strategic Goal 4 - Infrastructure -

“To sustainably manage, enhance and maintain the City's infrastructure assets.”

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.1</p>
--

Moved Cr Hearne, Sec Cr Trent

That the tender of Kenworth DAF WA, for the supply and delivery of a DAF FAD CF85 8 x 4 cab chassis truck fitted with a Multilift LHZ320.59 hooklift for the nett change-over of \$117,765 (being the initial purchase amount of \$213,765 excluding GST less the trade of \$96,000 excluding GST for the existing Volvo F10 truck with lifter) be accepted.

CARRIED (12/0)

9.4.2 Tenders for the Supply and Installation of Stage 1 Automatic Reticulation System for the Karawara Greenways 9/2006

Location:	City of South Perth
Applicant:	Council
File Ref:	PR/535
Date:	10 May 2006
Author:	Gil Masters, Parks and Buildings Coordinator
Reporting Officer:	Glen Flood, Director Infrastructure Services

Summary

To consider and award the tender received for the Supply and Installation of Stage 1 Automatic Reticulation System for the Karawara Greenways. Tender 9/2006.

Background

The irrigation system within the Karawara Greenways was installed in 1977 for the original subdivision, which was based on the “Radburn” design concept. Over the last 30 years there have been a number of changes to the extent of the Greenways, the most significant being completed in 2000 under the Department of Housing and Works “New Living” program.

The reticulation system in the greenways has also been altered many times over its years of operation as part of routine maintenance and is now largely a patchwork of different systems. This has resulted in poor water coverage and inefficiencies of water use.

The system is also nearly 30 years old. The projected life of a reticulation system is usually between 25 to 30 years. The current status of the system reflects this projected life as mainline blockages, parts replacement and general repairs are becoming more costly, with the resultant efficiency of the system now borderline for effective watering.

In addition, the eastern portion of the Greenway’s reticulation was upgraded as part of the New Living program and there is now a marked difference between performance of the systems and outcomes on the ground.

This contract represents stage 1 of a 3 stage project to upgrade the reticulation and landscaping in the western portion of the Karawara Greenways.

Comment

Tenders were invited from companies and organisations on the basis of a Lump Sum for the installation of the Stage 1 system.

Initially, 22 sets of documents were distributed to prospective tenderers and at the close of the tender period only 1 tender was received.

An attempt was made to benchmark the sole tender received to ensure that the City was presented with a competitive bid; however the results were inconclusive so this tender was rejected and the decision made to re-advertise.

The second round of tenders closed on Tuesday 9 May after 10 sets of documents had been distributed. Five tenders were received from 4 contractors, with 1 submitting an alternative tender. One tender was delivered late so was not included in any further consideration.

A series of checks were carried out to ensure the suitability and capacity of the 4 remaining tenders to carry out the specified work. All remaining tenders (including the alternative) complied and were forwarded for further consideration.

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

Qualitative Criteria	Weighting %
6. Demonstrated Experience in completing similar projects.	10%
7. Skills and experience of key personnel	10%
8. Demonstrated understanding of the required task	10%
9. Satisfactory resources to complete works	15%
10. Referees	5%
11. Price	50%

To evaluate the amenity and park tree component each company's price submission and response to the criteria was incorporated into the Selection Criteria matrix. The total scores appear below.

Water Dynamics	Elliot's Irrigation	Elliot's alternative tender	Stirling Irrigation
8.90	8.83	8.78	8.64

The tender supplied by Water Dynamics achieved the highest score based on the criteria assessment and is therefore also recommended for approval. The Water Dynamics tender was also the lowest when considering price only.

The lump sum prices offered were very competitive with only \$10,100 difference between the lowest and highest tenderer. All of the tenderers have undertaken work for the City in the last 18 months and are recognised as competent and reliable reticulation contractors within the industry.

Consultation

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

Policy and Legislative Implications

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

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

Policy P605 - Purchasing & Invoice Approval

Policy P607 - Tenders and Expressions of Interest

Financial Implications

The City has allocated \$265,000 in the 2005/06 Capital Works budget to undertake this project.

Strategic Implications

This item is consistent with the City's Strategic Goal 4 - Infrastructure - *"To effectively manage, enhance and maintain the City's Infrastructure Assets"*.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.2</p>
--

The tender of Water Dynamics for the Supply and Installation of Stage 1 Automatic Irrigation System for the Karawara Greenways in accordance with the tendered lump sum of \$193,104.78 (ex GST), be accepted.

CARRIED EN BLOC RESOLUTION

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 Recommendations from Committee Minutes

Location: City of South Perth
Applicant: Council
Date: 11 May 2006
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consider those Recommendations, considered to be urgent, emanating from the Audit and Governance and CEO Evaluation Committee meetings held on Monday 8 May 2006.

Background

Audit & Governance Committee

At the Audit and Governance Committee meeting a number of Recommendations were made in relation to:

- Standing Orders Local Law
- Review of Council Delegations; and
- Review of Code of Conduct

These Recommendations will be addressed separately in reports to be included in the June 2006 Ordinary Council Agenda supported by associated documentation which are required to be adopted by Council.

One Recommendation, contained at Item 4.5 of the Minutes of the Audit and Governance Committee Meeting held 8 May 2006 is required to be dealt with immediately because of its urgency:

Recommendation 4.5:

That...

- (a) the Terms of Reference, as follows:

That the process in relation to the selection and awarding of the annual tender for the outsourcing of catering services for the Collier Park Hostel be audited and a Report be presented to Council at the earliest possible time.

for the Audit Assignment be adopted; and

- (b) all parties relating to the tendering process be invited to present their case to the auditor carrying out the investigation.

CEO Evaluation Committee

At the CEO Evaluation Committee Meeting held on 8 May 2006, the following Recommendation was carried:

Recommendation 4.1

That....

- (a) the 360° degree feedback process not be utilised on the basis that it does not serve as a useful objective measure of performance. It would only be useful as a supplement to the overall process and only indicated for use where the incumbent would find it helpful.
- (b) it is noted that KPI's with clear measures are be the most appropriate way to evaluate the performance of the CEO in terms of the achievement of organisational strategic goals and objectives.
- (c) the remuneration review be undertaken by the City's Human Resource Services, and be based on the process indicated in this report;
- (d) HRS would support the development and implementation of this CEO review process without the necessity for additional external resources, unless a 360°degree feedback process is pursued;
- (e) documentation related to the review that is appropriate for public consumption should consist of the final report to Council only; and
- (f) it is noted that the CEO is accountable for the performance of the Senior Management and Directors and that this forms part of his Evaluation.

Comment

These Committee Recommendations are now presented to Council for adoption.

Consultation

Recommendations adopted by Committees for Council consideration.

Policy and Legislative Implications

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

Financial Implications

Costs incurred by the City in the employment of an auditor.

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 AND COMMITTEE RECOMMENDATION ITEM 9.5.1 (Part 4.5)

That Council adopt the following Committee Recommendations:

Recommendation 4.5: Minutes of the Audit and Governance Committee Meeting : 8.5.2006

Recommendation 4.1: Minutes of the CEO Evaluation Committee Meeting : 8.5.2006

as detailed in the body of report Item 9.5.1 of the Council Agenda 23 May 2006.

COUNCIL DECISION - CHANGE TO ORDER OF BUSINESS

Moved Cr Trent, Sec Cr Hearne

That the order of business in the Agenda be changed to allow Item 9.5.1 Recommendation 4.5 of the Audit and Governance Committee Meeting to be dealt with under *Confidential* business at Item 13.

CARRIED (12/0)

MOTION

Moved Cr Ozsdolay, Sec Cr Maddaford

That Council adopt the following Committee Recommendation, as detailed in the body of report Item 9.5.1 of the Council Agenda 23 May 2006.

Recommendation 4.1: Minutes of the CEO Evaluation Committee Meeting : 8.5.2006

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

AMENDMENT

Moved Cr Doherty, Sec Cr Smith

That part (f) of the Motion be amended to read:

- (f) it is noted that the CEO is accountable for the performance of the Senior Management and Directors; this forms part of his Evaluation and shall be included in the CEO's KPI's.

Cr Doherty opening for the Amendment

- clarifies the CEO is responsible for the performance of Senior Managers and Directors.

Cr Smith for the Amendment

- concur with Cr Doherty's Amendment

Cr Ozsdolay against the Amendment

- support it being included in next year's KPI's
- currently we are dealing with KPI's agreed to 12 months ago

Chief Executive Officer confirmed that it was inappropriate for Members to change KPI's retrospectively as the review period had elapsed. It was more appropriate to include in next year's KPI's.

Cr Hearne for the Amendment

- implicit this be included in KPI's when CEO appointed
- Cr Doherty's Amendment is just stating the obvious

The Mayor put the Amendment.

CARRIED (10/2)

NOTE: CR OZSDOLAY REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE AMENDMENT.

COUNCIL DECISION ITEM 9.5.1

The Mayor put the Amended Motion

That Council adopts Recommendation 4.1, as amended at part (f), of the Minutes of the CEO Evaluation Committee Meeting held 8.5.2006 as follows:

That....

- (a) the 360° degree feedback process not be utilised on the basis that it does not serve as a useful objective measure of performance. It would only be useful as a supplement to the overall process and only indicated for use where the incumbent would find it helpful.
- (b) it is noted that KPI's with clear measures are be the most appropriate way to evaluate the performance of the CEO in terms of the achievement of organisational strategic goals and objectives.
- (c) the remuneration review be undertaken by the City's Human Resource Services, and be based on the process indicated in this report;
- (d) HRS would support the development and implementation of this CEO review process without the necessity for additional external resources, unless a 360°degree feedback process is pursued;
- (e) documentation related to the review that is appropriate for public consumption should consist of the final report to Council only; and
- (f) it is noted that the CEO is accountable for the performance of the Senior Management and Directors; this forms part of his Evaluation and shall be included in the CEO's KPI's..

CARRIED (12/0)

9.6 GOAL 6: FINANCIAL VIABILITY

9.6.1 Monthly Financial Management Accounts – April 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 May 2006
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is believed to be the most suitable format to monitor progress against the Budget. Information provided to Council is a summary of the detailed line-by-line information provided to the City's managers to enable them to monitor the financial performance of the areas of the City's operations under their control. It is consistent with the structure of the budget information provided to Council and published in the 2005/2006 Annual Budget.

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

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

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

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

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2005/2006 Adopted Budget and the 2005/2006 Amended Budget - including the introduction of the capital expenditure items carried forward from 2004/2005.

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

Comment

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

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

Operating Revenue to 30 April 2006 is \$28.45M which represents 101% of the Year to Date Budget. Major factors influencing this result include increased Rates Revenue due to positive growth from interim rates and revenue from settlement agents for property enquiries - which is also well ahead of budget due to the strong interest in real estate within the City. Interest revenue remains ahead of budget expectations even after the recent positive Budget Review adjustment. This was due to the higher cash holdings and the excellent result from rates collections to date. Further comment on this item can be found at Agenda Item 9.6.2.

Revenue at the Collier Park Village is currently 3% below budget due to the less than budgeted amount from the Council Amenities charge. Conversely the Collier Park Hostel is 3% above budget due to increased RCS levels. Golf Course revenue is now 2% below budget overall after a very quiet April period - possibly due to the high number of public holidays in the month. Revenue from Planning Services has improved slightly against budget - and there is a possibility that the overall budget is now attainable. Building Services revenue reflects the Q3 Budget Review adjustment after receipt of the building license fee for the Gracewood Development.

Animal Control Revenue has now exceeded the full year target due to the higher number of three year dog licenses and an increase in the volume of dog infringement notices being issued. Parking Management continues to show a very positive result and is well ahead of budget expectations even after recognising an increase in the Q3 Budget Review. Operating Revenues within Infrastructure Services are within 1% of budget in most areas - after recognising the favourable variance in the (non cash) gain in the value of nursery greenstock issued in the Q3 Budget Review.

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 30 April 2006 is \$23.37M - which represents 98% of the Year-to-Date Budget of \$23.89M. Operating expenditures are 3% favourable in the Administration area - and on budget in the Infrastructure Services area.

The favourable variance in the Administration area is significantly influenced by savings on salaries due to several extended vacancies for staff positions in Libraries, Finance, Parks, Health and Building Services. Staff in several areas have also been on extended leave - when costs are charged against cash backed provisions accumulated in prior years rather than to the normal cost centres. The significant favourable timing difference in relation to the Fiesta expenses (noted in last month's report) has reversed in April - and expenditure is now on budget.

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

Rubbish site charges are currently 4% higher than budgeted. The earlier favourable timing difference on kerbside rubbish collections has largely reversed. Ranger Services costs are now within 3% of budget after the adjustments and reallocations in the Q3 Budget Review.

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

concerted effort to catch up on earlier timing differences. Recovery of fleet / plant costs is still slightly under budget - but is being closely monitored. Comment on the specific items contributing to these variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Capital Revenue of \$0.93M compares unfavourably to the year to date budget of \$1.05M due to the City being unable to claim for certain road grant monies until the works are completed and an acquittal can be prepared. This is expected to occur by the end of the financial year.

Capital Expenditure at 30 April is \$7.63M against a year to date budget of \$9.38M which represents 81% of the year to date budget. This equates to approximately 63% of the total capital works program for the year. A further \$2.6M or 22% of the capital budget is proposed to be expended in the May – June period. Progress payments on the building refurbishment to date are on budget. 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 having been placed for the remainder. Several outstanding major maintenance activities at the Golf Course are progressing. A planned fleet item replacement in the Waste Management area has not yet been invoiced but has been ordered.

Comment on status of specific infrastructure projects is presented as Item 9.6.4 of the May 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	3.03M	3.05M	101%	4.69M
Corp & Community Services	0.64M	0.40M	63%	0.77M
Strategic & Reg Services	0.24M	0.09M	38%	0.25M
Infrastructure Services	5.47M	4.09M	75%	6.34M
Total	\$9.38M	\$7.63M	78%	\$12.05M

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

Consultation

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

Strategic Implications

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

Policy and Legislative Implications

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

Financial Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.1**

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; and
- (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

9.6.2 Monthly Statement of Funds, Investments & Debtors at 30 April 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 May 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- the level of controlled Municipal, Trust and Reserve funds at month end;
- an analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions; and
- 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 \$25.02M compare very favourably to \$23.36M at the equivalent stage of last year. The difference relates to funds quarantined for capital works, increased cash reserves and a significant amount relates to the excellent results achieved to date from rates / other debtor collections. These positive treasury management result builds on the very sound platform of effective cash management established last year.

Monies taken into the year, or collected subsequently, are invested in secure financial instruments to generate interest income until those monies are required to fund operations or projects later during the year as major construction initiatives progress. Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$8.95M (compared to \$8.27M in 2004/2005). **Attachment 9.6.2(1)** refers.

(b) Investments

Total investment in short term money market instruments as at month end is \$24.30M compared to \$23.19M 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 \$1.31M, well up from \$1.14M 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 5.72% reflecting the placement of funds for slightly longer investment terms. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate interest revenue to supplement its rates income.

(c) Major Debtor Classifications

The level of outstanding rates relative to the equivalent time last year is shown in **Attachment 9.6.2(3)**. Rates collections to the end of March 2006 represent 93.2% of total rates levied compared to 94.5% at the equivalent stage of the previous year - after the final rates instalment. The outstanding amounts now reflect pensioner rates, those on payment arrangements or those who are currently the subject of debt collection activity.

Collections of rates levied compared to last year are slightly behind last year's excellent result - but this is affected by the distorting effect of the much higher level of interim rates in the current year. The Financial Services team is still confident that its key performance indicators in relation to debt collection will be met. 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 \$0.39M at 30 April 2006 compared to \$0.87M at the same time last year. This represents a large reduction in outstanding sundry debtors - primarily pensioner entitlements collectible from the Office of State Revenue relative to the same time last year.

Consultation

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

Strategic Implications

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

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

Policy and Legislative Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2

That the 30 April 2006 Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

9.6.3 Warrant of Payments Listing
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 May 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent ,Director Financial and Information Services

Summary

A list of accounts paid by the CEO under delegated authority between 1 April 2006 and 30 April 2006 is presented to the 23 May 2006 Council meeting.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's Auditors each year during the conduct of the Annual Audit. Once an invoice has been approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund.

Comment

A list of payments made since the last list was presented is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Strategic Implications

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.3

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

CARRIED EN BLOC RESOLUTION

9.6.4 Capital Projects Review to 30 April 2006

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

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved Capital Projects to 30 April 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 81% of the year to date target (63% of the full year's budget). A further 22% of the overall capital program is scheduled for completion by 30 June 2006. The current position represents a 4% improvement in the overall position since the last bi-monthly reporting period ending 28 February.

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'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.4

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 30 April 2006, be received.
Attachments 9.6.4(1) and **9.6.4(2)**

CARRIED EN BLOC RESOLUTION

10. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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

11.1 Notice of Motion - Reimbursement of Travelling Expenses - Attendance at Council Meetings. Councillor Jamieson 15.5.2006

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 23 May 2006:

MOTION

That in the event that Cr Jamieson is required to return from a work assignment near Bunbury, Western Australia to South Perth for the expressed purpose of attending an Ordinary or Special Meeting of Council on an evening between 24 May 2006 and 31 August 2006 inclusive, Council preapproves the reimbursement of his travelling expenses subject to:

- (a) no individual instance exceeding an amount of \$350.00 for reimbursement of travelling expenses;
- (b) the aggregate amount of such travel reimbursements during the pre-approved period not exceeding \$1000.00; and
- (c) all expenses being fully and properly vouched and supported by relevant documents which are to be provided to the City prior to any reimbursement being made.

MEMBER COMMENT

Should a Council Member find themselves in a regional centre such as Bunbury for work purposes on the day of a Council Meeting they would have a number of options available to them, including:

- 1. Make an apology for the meeting or apply for leave of absence if known far enough in advance.
- 2. Claim reimbursement under LGA Section 5.98 and LG Reg 31 (Sub Reg 4(ii)). However if the distance travelled is more than 100Kms then the extent to which travel costs can be reimbursed is only the cost for the person to travel from the outer boundary of an adjoining local government and back to that boundary (e.g. from the South East border of the City of Canning).
- 3. Make an application directly to Council via a Notice of Motion to seek their pre-approval to reimburse amounts (outside and in excess of the prescribed amount) during a specified period but up to a pre-determined value.

This legislation (and the apparent restriction of limiting travel to the boundary of the adjacent local government if more than 100Kms travelling distance is involved), applies only to reimbursement of the costs of travelling to a Council meeting. A Council Member claiming a travel allowance for other travel on Council related business that may aggregate to over 100Kms worth can do so under Section 5.98 without the reimbursement cost being restricted to those associated with travelling from the boundary of an adjacent local government. Pre-approval of reasonable travel expenses in this circumstance will permit full representation for the Manning Ward at Council meetings during the specified period.

MOTION

Moved Cr Jamieson, Sec Cr Smith

That in the event that Cr Jamieson is required to return from a work assignment near Bunbury, Western Australia to South Perth for the expressed purpose of attending an Ordinary or Special Meeting of Council on an evening between 24 May 2006 and 31 August 2006 inclusive, Council preapproves the reimbursement of his travelling expenses subject to:

- (a) no individual instance exceeding an amount of \$350.00 for reimbursement of travelling expenses;
- (b) the aggregate amount of such travel reimbursements during the pre-approved period not exceeding \$1000.00; and
- (c) all expenses being fully and properly vouched and supported by relevant documents which are to be provided to the City prior to any reimbursement being made.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay against the Motion

- commend diligence/effort in Councillor coming back for Council meetings
- we do have meeting procedures/rules that allow for this situation
- as long as we have a quorum we can proceed with business

Cr Smith for the Motion

- if Councillor has due diligence to return from country - he should have the option
- hardly likely we would not have a quorum, nevertheless, could occur
- Motion proposed only looking at the 'eventuality'
- support the Motion

Mayor against the Motion

- commend Councillor for wanting to return from the country
- a preferable option would be to adopt a policy for all Councillors
- policy could cater for Cr Jamieson and any other Councillor
- do not believe in setting a precedent

Cr Cala for the Motion

- support the Motion with the addition of a part (d) calling for a policy

AMENDMENT

With the concurrence of the mover and the seconder it was agreed that an additional clause be added to the Motion calling for a policy.

Cr Jamieson closing for the Motion

- my position is that this situation would occur with 'short notice'
- no time to wait for a policy to come forward
- ask Members support the Motion

COUNCIL DECISION ITEM 11.1

The Mayor put the Motion

That....

- (a) in the event that Cr Jamieson is required to return from a work assignment near Bunbury, Western Australia to South Perth for the expressed purpose of attending an Ordinary or Special Meeting of Council on an evening between 24 May 2006 and 31 August 2006 inclusive, Council pre-approves the reimbursement of his travelling expenses subject to:
- (i) no individual instance exceeding an amount of \$350.00 for reimbursement of travelling expenses;
 - (ii) the aggregate amount of such travel reimbursements during the pre-approved period not exceeding \$1000.00;
 - (iii) all expenses being fully and properly vouched and supported by relevant documents which are to be provided to the City prior to any reimbursement being made; and
- (b) a policy be prepared and presented to Council at the first available meeting, dealing with the reimbursement of travel expenses incurred by Members returning to South Perth to attend Ordinary or Special Meetings of Council.

CARRIED (11/1)

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that a *Confidential* item of 'New Business of an Urgent Nature' and considered to be a 'special circumstance' had been received from Cr Smith.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 12

Moved Cr Hearne, Sec Cr Doherty

That the item of new business introduced be discussed under *Confidential* business.

CARRIED (12/0)

13. MEETING CLOSED TO PUBLIC

13.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Trent, Sec Cr McDougall

That the meeting be closed to the public at 8.43pm in accordance with the *Local Government Act Sections 5.23 (a),(b) and (c)* while the item of 'New Business of an Urgent Nature' and Item 13.1.1 are discussed as they relate to:

- a *Confidential* staff matter;
- the personal affairs of a person; and
- a contract entered into by the local government.

Note: The following staff and the remaining members of the public gallery left the Chamber at 8.44pm

Mr R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic & Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Mr S Camillo	Manager Environment Health and Regulatory Services
Ms D Gray	Manager Financial Services
Mrs M Clarke	Manager Collier Park Village
Mrs A Spaziani	Manager Human Resources
Mrs S Evans	Registered Nurse-in-Charge Collier Park Village

MEETING ADJOURNED

Moved Cr Ozsdolay, Sec Cr Doherty

That the meeting be adjourned at 8.45pm to allow for a 5 minute break.

CARRIED (12/0)

MEETING RECONVENED

The meeting reconvened at 8.50pm with all those present before the adjournment returning to the meeting.

NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ITEM 12 REFERS

12.0 Special Council Meeting Held 13 December 2005

Moved Cr Smith, Sec Cr Maddaford

That the Council decision made at the Special Council meeting conducted on 13 December 2005 be formally revoked.

CARRIED (7/5)

NOTE: MAYOR COLLINS AND CRS CALA, MACPHERSON, McDOUGALL AND OZSDOLAY REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION.

CHANGE TO ORDER OF BUSINESS ITEM 9.5.1 PART 4.5 DEALT WITH HERE

9.5.1 Recommendations from Committee Minutes

Location:	City of South Perth
Applicant:	Council
Date:	11 May 2006
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consider those Recommendations, considered to be urgent, emanating from the Audit and Governance and CEO Evaluation Committee meetings held on Monday 8 May 2006.

Background

Audit & Governance Committee

At the Audit and Governance Committee meeting a number of Recommendations were made in relation to:

- Standing Orders Local Law
- Review of Council Delegations; and
- Review of Code of Conduct

These Recommendations will be addressed separately in reports to be included in the June 2006 Ordinary Council Agenda supported by associated documentation which are required to be adopted by Council.

One Recommendation, contained at Item 4.5 of the Minutes of the Audit and Governance Committee Meeting held 8 May 2006 is required to be dealt with immediately because of its urgency:

Recommendation 4.5:

That....

- (a) the Terms of Reference, as follows:
That the process in relation to the selection and awarding of the annual tender for the outsourcing of catering services for the Collier Park Hostel be audited and a Report be presented to Council at the earliest possible time.
for the Audit Assignment be adopted; and
- (b) all parties relating to the tendering process be invited to present their case to the auditor carrying out the investigation.

CEO Evaluation Committee

At the CEO Evaluation Committee Meeting held on 8 May 2006, the following Recommendation was carried:

Recommendation 4.1

That....

- (a) the 360° degree feedback process not be utilised on the basis that it does not serve as a useful objective measure of performance. It would only be useful as a supplement to the overall process and only indicated for use where the incumbent would find it helpful.
- (b) it is noted that KPI's with clear measures are the most appropriate way to evaluate the performance of the CEO in terms of the achievement of organisational strategic goals and objectives.
- (c) the remuneration review be undertaken by the City's Human Resource Services, and be based on the process indicated in this report;
- (d) HRS would support the development and implementation of this CEO review process without the necessity for additional external resources, unless a 360° degree feedback process is pursued;
- (e) documentation related to the review that is appropriate for public consumption should consist of the final report to Council only; and
- (f) it is noted that the CEO is accountable for the performance of the Senior Management and Directors and that this forms part of his Evaluation.

Comment

These Committee Recommendations are now presented to Council for adoption.

Consultation

Recommendations adopted by Committees for Council consideration.

Policy and Legislative Implications

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

Financial Implications

Costs incurred by the City in the employment of an auditor.

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
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That Council adopt the following Committee Recommendations as detailed in the body of report Item 9.5.1 of the Council Agenda 23 May 2006.

Recommendation 4.5: Minutes of the Audit and Governance Committee Meeting : 8.5.2006

Recommendation 4.1: Minutes of the CEO Evaluation Committee Meeting : 8.5.2006

MOTION

Moved Cr Maddaford, Sec Cr Trent

That...

- (a) the Terms of Reference, as follows:

That the process in relation to the selection and awarding of the annual tender for the outsourcing of catering services for the Collier Park Hostel be audited and a Report be presented to Council at the earliest possible time.

for the Audit Assignment be adopted; and

- (b) all parties relating to the tendering process be invited to present their case to the auditor carrying out the investigation.

AMENDMENT

Moved Cr Hearne, Sec Cr Cala

That part (b) of the Motion be amended by the inclusion of the following additional words after the word *parties*, ***including staff, councillors and the tender applicants....*** and an additional part (c) be added as follows:

- (c) *the audit investigation will include, but will not be limited to an assessment of Items (i) to (vii) of the Confidential Terms of Reference document tabled by Cr Hearne at the Council meeting held 23 May 2006;*

The Mayor put the Amendment.

CARRIED (11/1)

COUNCIL DECISION ITEM 9.5.1 PART 4.5

The Mayor put the Amended Motion

That...

- (a) the Terms of Reference, as follows:

That the process in relation to the selection and awarding of the annual tender for the outsourcing of catering services for the Collier Park Hostel be audited and a Report be presented to Council at the earliest possible time.

for the Audit Assignment be adopted;

- (b) all parties including staff, councillors and the tender applicants relating to the tendering process be invited to present their case to the auditor carrying out the investigation; and
- (c) the audit investigation will include, but will not be limited to an assessment of Items (i) to (vii) of the *Confidential* Terms of Reference document tabled by Cr Hearne at the Council meeting held 23 May 2006.

CARRIED (11/1)

Reason for change

To more thoroughly expand the Terms of Reference.

13.1.1 License Arrangement - Kiosk Facility *CONFIDENTIAL REPORT*

Location: City of South Perth
Applicant: Council
File Ref: FS/FI/9
Date: 10 May 2006
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Confidential

The CEO has designated this report as ***Confidential*** under the *Local Government Act Sections 5.23(b) and (c)* as it relates to a contract entered into by the local government and the personal affairs of a person.

Note: *Confidential Report Circulated Separately*

COUNCIL DECISION ITEM 13.1.1

Moved Cr Wells, Sec Cr Ozsdolay

That the license as identified in *Confidential* report Item 9.6.5 of the Council Meeting held 23 May 2006, be terminated in accordance with Clause 8.2.2 of the License Agreement.

CARRIED (12/0)

13.2 Public Reading of Resolutions that may be made Public.

COUNCIL DECISION - MEETING OPENED TO PUBLIC

Moved Cr Trent, Sec Cr Hearne

That the meeting be again open to the public at 9.45pm

CARRIED (12/0)

Note: At the request of the Mayor, and for the benefit of the members of the public that returned to the Chamber, the Chief Executive Officer read aloud the Council decisions for Item 12, Item 9.5.1(**Part 4.5**) and Item 13.1.1.

RESIGNATION : CR McDOUGALL

The Mayor reported to the meeting that Cr McDougall was leaving the City to live in Applecross. He acknowledged Cr McDougall's resignation affective from 1 June 2006 and thanked him for all his work for the City and for his support to the Mayor and fellow Councillors over the period that he has been a Councillor. He then wished him well for the future.

Cr McDougall thanked the Mayor for his kind words. He stated that he had been a resident of South Perth for 25 years and was currently moving to Applecross. He thanked his fellow Councillors for their support over the last 3.1/2 years when dealing with some difficult issues and extended his best wishes to them all and the City's staff asking them all to keep up the good work in making the City of South Perth one of the most desirable areas to live and work.

14. CLOSURE

The Mayor closed the meeting at 9.55pm and thanked everyone for their attendance.

DISCLAIMER

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

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

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

These Minutes were confirmed at a meeting on 27 June 2006

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.