



# NOTES

September Council Agenda Briefing  
**Held in the Council Chamber**  
**Tuesday 18 September 2007**  
**Commencing at 5.30pm**

Present:

Mayor, J Collins, JP (Chairman)

Councillors:

J Best

L J Jamieson

L P Ozsdolay

C A Cala

R Wells, JP

R B Maddaford

D S Smith

S Doherty

K R Trent, RFD

Civic Ward (from 5.41pm)

Manning Ward

Manning Ward

McDougall Ward

McDougall Ward

Mill Point Ward

Mill Point Ward

Moresby Ward

Moresby Ward (from 5.40pm)

Officers:

Mr G Flood

Mr S Cope

Mr M Kent

Mr L Croxford

Mr C Buttle

Mr S Camillo

Ms D Gray

Mr M Taylor

Mr R Bercov

Mr S McLaughlin

Mrs K Russell

Acting Chief Executive Officer

Director Planning and Community Services

Director Financial and Information Services

Acting Director Infrastructure Services

Manager Development Assessment

Manager Environmental Health Services

Manager Financial Services

Manager City Environment

Strategic Urban Planning Adviser (until 6.45pm)

Legal and Governance Officer

Minute Secretary

Apologies

Cr B W Hearne

Mr C Frewing

Como Beach Ward

Chief Executive Officer

Gallery

6 members of the public and 1 member of the press present

OPENING

The Mayor opened the Agenda Briefing at 5.30pm and welcomed everyone in attendance. He advised on the format of the Briefing stating that Deputations would be heard first followed by any questions on the Deputation items and then the September Council Agenda reports would be presented by the Acting Chief Executive Officer.

### STATEMENT BY THE MAYOR

The Mayor reported that as he was declaring an interest in Agenda Item 10.3.1 and would be leaving the Chamber that the Deputation on Item 10.3.2 would be heard first following which Deputy Mayor Maddaford would take the Chair. He further advised that there would be no 'Member Question Time' following the Agenda Briefing as it was proposed to hear a presentation from the Director Planning and Community Services on the SEMRC draft Proposed New Establishment Agreement which is the subject of a Workshop scheduled for 20 September 2007.

### OPENING OF DEPUTATIONS

The Mayor opened Deputation at 5.35pm

<b>Mr Greg Rowe of Greg Rowe &amp; Assoc. representing Mr Lex Kingdom - Agenda Item 10.3.2</b>
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Mr Rowe spoke against the officer recommendation on the following points:

- requirement to increase the lift shaft height
- proposal's compliance with TPS6
- at City's request and lodged amended plans/new development application
- continued dialogue with City officers in an endeavour to achieve an approval
- complied with maximum wall height - not seeking to compromise height of building
- seeking a 'wrap-around' roof - changed roof profile to a format that can be approved

**Note:** Cr Trent arrived at 5.40pm

- streetscape / focus area
- amended plans lodged reduced roof pitch from 60° to 45°

**Note:** Cr Best arrived at 5.41pm

- proposal complies with TPS6
- seek Council support for amended roof plans

### DECLARATION OF INTEREST : ITEM 10.3.1 : MAYOR COLLINS

*I wish to declare a conflict of interest in Agenda Item 10.3.1 on the Council Agenda for the meeting to be held 25 September 2007. Due to my close association with Members of the Board of the South Perth Hospital in Fortune Street, South Perth I will leave the Council Chamber at the Council Agenda Briefing on 18 September and the Council Meeting on 25 September during the discussion and vote on Item 10.3.1.*

**Note:** Mayor Collins left the Council Chamber at 5.46pm. Deputy Mayor Maddaford took the position as Chair.

<b>Mr Glenn McIntyre, 10 Fortune St, South Perth - Agenda Item 10.3.1</b>
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Mr McIntyre spoke against the officer recommendation and raised the following points:

- noise disturbance - machinery noise/delivery trucks noise
- measuring noise levels / range - comments from Environmental Health Services
- believe noise in excess of approved audio levels
- support special condition for acoustic report
- believe additional audit of hospital equipment should be done every 6 months

**Mr Robert Mitchell, 7 Pilgrim Street, South Perth - Agenda Item 10.3.1**

Mr Mitchell spoke mainly in support of the officer recommendation on the following topics:

- need to get this application correct on basis that it is intertwined with purchase of land in Burch Street for infrastructure facilities
- importance of achieving hospital's infrastructure housing on current site
- visual impact / loss of amenity - visual appearance can be improved
- height of total construction / water pumps
- machinery noise factor
- delivery noise / delivery of oxygen by tanker
- traffic flow - effect of loading dock/loading zone
- request a more up to date traffic study be done
- support location of proposed facility - needs softening
- possible re-design to minimise loss of residential amenity
- try to get this proposal right prior to Scheme Amendment proposal

**Mr Bob Mahar, 2/30 Mary Street, Como Chairman South Perth Hospital Item 10.3.1**

Mr Bob Mahar spoke for the officer recommendation on the following points:

- support comprehensive officer report
- only noise would be ambulance delivery situation
- noise from delivery vehicles - acknowledge it is a monitoring problem to ensure deliveries/pick-ups abide by correct timeframes
- large oxygen vessel will only be delivered every 3/4 weeks - an improvement as a reduction in noise/traffic
- location of pump - no plans to put this anywhere else but underneath - huge tanks involved
- support proposed location of infrastructure (water tanks/pumps/oxygen vessel) as eastern end of Burch Street
- seeking Council approval in order to go to tender prior to Christmas
- support recommendation as presented

**CLOSE OF DEPUTATIONS**

The Deputy Mayor closed Deputation at 6.25pm. He then advised that report Item 10.3.1 dealing with the South Perth Hospital application would be discussed first.

**10.3.1 South Perth Hospital**

This report deals with an application for extensions to South Perth Hospital. Council's discretion is sought in regard to setbacks, landscaped area, building height and on-site car parking bays.

**Note:** The Mayor returned to the Council Chamber at 6.30pm and resumed his position as Chair.

The Acting Chief Executive Officer presented the September Council Reports and provided a brief summary of each, as follows. Questions and points of clarification were raised by Members and responded to by the officers.

**10.0.1 Planning Policy P397 "Battle-Axe' Residential Development (Materials/Colours)**

Following approval to advertise in July 2007 this draft policy is now presented for adoption.

**10.0.2 Proposed Cat Local Law**

The purpose of this report is to enable Council to consider whether to proceed with the preparation and drafting of a Cat Local Law.

**10.1.1 Special Electors Meeting 4.9.07 Re St Columba's School Retaining Wall**

This report notes the Minutes from the Special Electors Meeting held on 4 September 2007. (*This matter will be the subject of a report to the October meeting of Council*)

**10.3.2 Modifications to Approved Drawings 17 South Perth Esplanade, South Perth**

This report considers a modification to the approved roof design for a Multiple Dwelling development which is currently under construction.

**Note:** The Strategic Urban Planning Adviser retired at 6.45pm

**10.4.1 Roof Preservation Civic Centre Building**

This report addresses some recently detected water damage in the City's Civic Centre building.

**10.5.1 Planning Approval Determined under Delegated Authority**

This report lists the applications for planning approval determined under delegated authority for the month of August 2007.

**10.5.2 Amendment to Parking Local Law 2003**

In order to better regulate traffic movement and car parking during the staging of the 2007 Red Bull Air Race, an amendment to the City's Parking Local Law 2003 has been proposed.

**10.5.3 Financial Interest Returns 2006-2007**

This report deals with the lodging of returns in accordance with the City's Management Practice M523 "Financial Interest Returns".

**10.6.1 Financial Management Accounts - August 2007**

The report presents the Financial Management Accounts for the month of August.

**10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2007**

This report presents a statement summarising the effectiveness of treasury management for the month.

**10.6.3 Warrant of Payments**

A list of accounts paid by the CEO under delegated authority for August 2007 is presented for information.

**MEETING CLOSED TO THE PUBLIC**

The meeting was closed to the public at 6.55pm to allow *Confidential* report item 15.1.3 to be discussed

**Note** Officers, with the exception of the Acting Chief Executive Officer, Legal and Governance Officer and the Minute Secretary left the Chamber.

**DECLARATION OF INTEREST : ITEM 15.1.3 : CR SMITH**

*I wish to declare a Financial Interest in Confidential Item 15.1.3 "Application for Legal Representation" on the Agenda for the Ordinary Council Meeting on 25 September 2007. I have sought legal advice and representation in relation to my response to the Inquiry conducted by the Department of Local Government and Regional Development and in view of this I will leave the Council Chamber and not participate in the discussion on this item.*

**Note:** Cr Smith left the Council Chamber at 6.55pm

**15.1.3 Application for Payment of Legal Cost (Item 15.1.1 referred August 2007 Meeting)**

This report considers an application for legal costs.

**Note:** Cr Smith returned to the Council Chamber at 7.15pm

This part of the Briefing concluded at 7.15pm

**Note:** Director Planning and Community Services and the Manager Environmental Health returned to the Council Chamber at 7.15pm.

**SEMRC PRESENTATION**

The Acting Chief Executive Officer referred Members to the Workshop scheduled for this coming Thursday 20 September which would be exploring other opportunities for the disposal of general 'green bin waste' and looking at the SEMRC New Establishment Agreement proposal against the existing agreement. He said that for Member information that the Director Planning and Community Services would provide an overview of the topics to be covered at that Workshop.

Director Planning and Community Services gave a power point presentation on the following:

- Background on Proposed new Establishment Agreement
- Future CoSP Waste Management Options
- SEMRC Regional Resource Recovery Facility Feasibility Study
- SEMRC RRF Feasibility Study Preliminary Outcomes
- New Proposed Establishment Agreement - CoSP Issues
- Future CoSP Waste Management Options

Questions were raised by Members and responded to by officers.

**Closure**

The Mayor closed the Briefing at 7.50pm



## NOTES

- Bentley Technology Park Update
- Network City
- Waterford Triangle

**Held in the Council Chamber  
Tuesday 2 October 2007  
Commencing at 5.30pm**

Present

Councillors:

R B Maddaford (Deputy Mayor) Mill Point Ward (Chair)

J Best	Civic Ward
G W Gleeson	Civic Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr S Cope	Director Planning and Community Services
Mr G Flood	Director Infrastructure Services (until 6.30pm)
Mr C Buttle	Manager Development Assessment
Mr R Bercov	Strategic Urban Planning Adviser

Presenters

Mr Peter Walton	Director, NS Projects (until 6.30pm)
Dr Linley Lutton	Principal Advisory Hames Sharley (until 6.30pm)
Ms Linden Prince	Creating Communities (until 6.30pm)

Apologies

Mayor J Collins, JP (Chairman)	
Cr D S Smith	Mill Point Ward
Cr L J Jamieson	Manning Ward
Mr C Frewing	Chief Executive Officer

OPENING

The Deputy Mayor opened the Concept Forum at 5.30 pm and welcomed everyone.

**1. Bentley Technology Park**

The Director Planning and Community Services introduced the representatives from NS Projects, Hames Sharley and Creating Communities..

Mr Peter Walton of NS Projects gave a PowerPoint presentation in which he outlined the stages in the study process including the community consultation program, the Canning Corridor and the sustainability model.

Dr Linley Lutton an urban designer of Hames Sharley presented a PowerPoint presentation covering the following key points:

- development strategy concept
- site planning analysis
- opportunity and constraints analysis
- water sensitive design principles
- integration of indigenous cultural ideas
- preliminary structure plan
- land use plan
- traffic investigations proposed
- transformation of existing character

One of the key design concepts spoken of was the idea of zones of intensity like a series of stepping stones, each approximately 10 minutes walk apart winding through Curtin University and Technology Park to the Department of Agriculture site; the ultimate aim being to allow for interaction and cross fertilisation of ideas between students, lectures, researchers, universities, creators and entrepreneurs to enable them to develop innovative ideas in the ICT sector and grow enterprises.

It was outlined that in the initial phase of development an ICT innovation intense hub is proposed for the large open plan area at Curtin University along Hayman Road linked via walkways to a mixed use town centre on government owned land at Technology Park where services such as cafes, shops, banks, theatre will be located thus creating areas where people can interact casually.

In conclusion both presenters spoke about the proposed transformation of existing character and generating a new intensity of development. It was also noted that ongoing benefits of these initiatives include world leading innovation and entrepreneurship, a dynamic vibrant and creative community, seamless meshing of key players and new intellectual and financial rewards.

Questions were raised by Councillors and responded to by the Consultants on the following issues:

- whether the proposed high rise buildings would be mixed use;
- whether traffic studies had been initiated;
- how the Consultants intended to address traffic flow/congestion problems on South Terrace/Douglas Avenue;
- whether it was envisaged that the project would be administered by an overall project development authority;
- whether the proposed town centre would compete with other existing commercial centre;
- whether it was intended to introduce social infrastructure into the development concept;
- whether any impact on Collier Park Golf Course was proposed;
- whether community safety, security considerations would be addressed;
- compatibility of existing land uses on north east side of Hayman Road with proposed development concept;
- whether Consultants are liaising with Curtin University with regard to parking and public transport;
- whether the community consultation/engagement program is proposed to be continuous while the Consultants are engaged or periodic; and
- whether it is intended to engage all stakeholders and the community in preparation of the Structure Plan from the beginning.

**Note:** Unfortunately the City has not been provided with a copy of the Consultants' presentations at this stage and this has been requested and will be circulated when received.

**Note:** This part of the Briefing concluded at 6.30pm.  
Representatives from NS Projects, Hames Sharley and Creating Communities left at 6.30pm  
The Director Infrastructure Services retired from the meeting at 6.30pm

## **2. Network City - Canning Bridge/South Perth Train Station Precincts Stage 2 Studies and Waterford Triangle**

The Director Planning and Community Services delivered a powerpoint presentation on the progress of the studies covering the following points:

- background to Stage 1 Train Station precinct studies;
- summary of Stage 1 outcomes - Canning Bridge
- Summary of Stage 1 outcomes - South Perth
- Stage 2 Studies - current status
- CoSP Council resolution - October 2006
- Stage 2 Study brief - Canning Bridge
- Stage 2 Study brief - South Perth
- Relationship to Civic Triangle
- Status of Waterford Triangle Project

The DSRS outlined the terms of the WA Planning Commission (WAPC) that funding of \$50,000 per precinct is subject to:

- Collaborative investigation with WAPC;
- Investigation of opportunities for transit oriented (TOD);
- Subject to feasibility of TOD proceed to preparation of a precinct plan
- Project management by local government;
- City of Melville a study partner on Canning Bridge

In conclusion it was advised that the City is proceeding with the Stage 2 train station studies in accordance with Council's October 2006 resolution, that project management of the Canning Bridge Study was likely to be undertaken by the City of Melville with City of South Perth being responsible for project management of the South Perth train station study, and further updates to be provided via briefings and bulletin items.

Questions were received and responded to on the following matters:

- Community expectation with regard to enhancement of Como Foreshore;
- The lack of toilet facilities at Canning Bridge station
- Councillors concerns as to the practicability
- Feasibility of TOD above and in the near vicinity of the station
- Greater representation for City of South Perth on the project steering committee
- Likelihood of Melville Parade re-opening in the vicinity of Richardson Street;
- Keeping Waterford Triangle residents informed of progress with respect to further planning studies.

The Director Planning and Community Services undertook to investigate and inform Councillors about project management arrangements and the specification of study outcomes in the study brief.

## **3. Closure**

The Deputy Mayor thanked those present and closed the briefing at 7.15 pm.





## NOTES

### Major Developments Concept Forum

- **Waterford Plaza**  
**Held in the Council Chamber**  
**Wednesday, 3 October 2007**  
**Commencing at 6:00pm**

#### Present

#### Councillors:

R B Maddaford (Deputy Mayor) Mill Point Ward (Chair)

G W Gleeson	Civic Ward (arrived at 6:22pm)
B W Hearne	Como Beach Ward
L P Ozsdolay	Manning Ward
R Wells, JP	McDougall Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward (arrived at 6:25 pm)

#### Officers:

Mr M Kent	Director, Financial and Information Services
Mr S Cope	Director, Planning and Community Services
Mr C Buttle	Manager, Development Assessment
Ms N Cecchi	Secretary, Planning Services (Notes)

#### Consultant

Mr Lynden Semmens	Greg Rowe & Associates (until 6.37pm)
Mr Greg Rowe	Greg Rowe & Associates (until 6.37pm)
Mr Stewart Johnson	Johnson Group (WA Development Manager) (until 6.37pm)

#### Apologies

Mayor J Collins, JP	
Cr D S Smith	Mill Point Ward
Cr J Best	Civic Ward
Cr L J Jamieson	Manning Ward
Cr C A Cala	McDougall Ward
Mr C Frewing	Chief Executive Officer

#### OPENING

The Deputy Mayor opened the Briefing at 6:00pm and welcomed everyone in attendance.

### 1. Waterford Plaza

The Director, Planning and Community Services introduced the presenters.

Mr Lynden Semmens of Greg Rowe & Associates commenced with an overview of the proposed development. Messrs Stewart Johnson and Greg Rowe provided background on the following:

**Note:** The Director, Financial and Information Services left the meeting at 6:05pm.

- (1) Site / landscaping plans considered at 28 August Council meeting.
- (2) Outcome - Application refused due to car parking deficiency and provision of soft landscaping (Council willing to support 825 car bays).
- (3) State Administrative Tribunal [SAT] - Council invited to reconsider decision and have power to approve current application (Should Council approve proposal, no further dealings with SAT are required).
- (4) Current proposal - Following changes have been made to plans:
  - 837 car bays + 1% motorcycle bays = 845 bays;
  - Northern car deck set back 2 metres from boundary to reduce bulk / scale to public open space reserve;
  - Additional pedestrian paths included to deck car parking areas; and
  - Additional minor amendments as requested by Council officers.
- (5) Current landscaping plan:
  - High street and plaza perspectives / aerial view / 3D model;
  - Street furniture and lighting (Bins / bench seats / bollards / luminaires);
  - Paving palette (Materials / textures / colours);
  - Paving colour options (Anise + peacock green / Anise + wellard);
  - Planting palette (Trees / shrubs / groundcovers); and
  - Entry paving (Waterford Plaza logo in granite setts).
    - Soft landscaping = 5% of site.
    - Soft landscaping + quality high street materials / finishes = 19% of site.
    - Additional 3,913 sq. metres of verge landscaping to be provided / maintained by owners.
    - Total provision of 10,946 sq. metres of soft / quality landscaping.

**Note:** The Director, Financial and Information Services returned to the meeting at 6:20pm.

Cr Gleeson arrived at 6:22pm and Cr Trent arrived at 6:25pm.

At the conclusion of the presentation, Members raised questions / points of clarification / comments on:

- Verge landscaping agreement;
- Car parking bay numbers;
- Bay widths (TPS6);
- Car deck shade structures / landscaping;
- Soft / hard landscaping - Plants or paving;
- Trees - Number on elevations compared to submission (Condition stating number / size);
- Meeting places - Number of fixed benches / seats;
- Outstanding issues - Addressed in standard / specific conditions;
- SAT - \$60,000 upgrade of pedestrian underpass;
- Shopping centre refurbishment - Residents / patrons need to be kept informed;
- Current state of car park - Customers unhappy.

**Note:** The presenters left the Concept Forum at 6:37pm.

Further questions were raised by Members and responded to by the Director, Planning and Community Services and Manager, Development Assessment.

**Note:** Hard copies of the presentation circulated to Members via their satchels on 4 October 2007.

### 3. Closure

The Deputy Mayor closed the Concept Forum at 6:45pm.



*Planning and Development Act 2005*

IN THE MATTER OF:

**Midpoint Holdings Pty Ltd ACN 009 421 381**  
-and-  
**City of South Perth**

Applicant  
Respondent

**Matter Number: DR 130 2007**  
**Application Lodged: 12 April 2007**

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**ORDER**

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On the application heard before Senior Sessional Member Antony Ednie-Brown on 31 August 2007, it is ordered that:

1. The applicant is granted leave to further amend its application and to submit any revised proposal to the respondent by no later than Friday 7 September 2007. ✓
2. If the revised proposal is received by the respondent by 7 September 2007, the respondent's Council is to consider the proposal at its meeting on 25 September 2007. ✓
3. For the purposes of order no. 2 of these orders, pursuant to s 31 of the *State Administrative Tribunal Act 2004 (WA)*, the respondent is invited to reconsider its decision.
4. The mediation proceedings be adjourned to 10:00am on 16 October 2007. ✓

**Senior Sessional Member Antony Ednie-Brown**

I certify the foregoing to be a true  
and correct copy of the original

  
State Administrative Tribunal  
Date: 4.9.07



16 February 2007

Planning Services Department  
City of South Perth

**LODGEMENT FOR PART CLOSURE OF RIGHT OF WAY 133  
GENTILE WAY & PATERSON STREET, COMO**

Please find attached the abovementioned to be presented at your next council meeting

We have 100% complete agreement from owners whose properties are affected by the said Right of Way.

If you have any further questions please contact Geoff Hurst on 9450 5850, 0437 800203 or Ming Lee on 9450 7818, 0421 456 702.

Yours sincerely

G Hurst & Ming Lee

**minglee**

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**From:** "Hurst" <reginahurst@aapt.net.au>  
**To:** <minglee@primus.com.au>  
**Sent:** Friday, 16 February 2007 3:31 PM  
**Subject:** RIGHT OF WAY 133 - from Geoff & Regina (with additional point on 12).

**RIGHT OF WAY 133  
GENTILLI WAY & PATERSON STREET COMO  
BETWEEN EDGECUMBE & LOCKHART STREETS**

1. The Right of Way 133 is nearby to the Mount Henry Tavern.
2. This presents a problem as it leads to noisy patrons using the right of way as a thoroughfare from the Tavern after closing time late at night and early hours of the morning.
3. It has also been experienced that half full stubbies have been thrown into the back yards.
4. Safety and security has become an issue as it allows easy access for undesirable elements to carry out unlawful acts such as burglaries and invasion of privacy.
5. This is a family area with a number of young children and senior residents, thereby affecting their security, creating a sense of vulnerability.
6. The current condition of the right of way is such that it is an eyesore and has become a dumping area with the possibility of it becoming a fire hazard.
7. Currently the right of current is not in use by any of the residents.
8. Ongoing maintenance of the right of way will be an ongoing issue with the local authority (City of South Perth) if it is not closed down. This would be using valuable resources that could easily be put to better use by the local shire.
9. The residents therefore propose that the Right of Way be closed and the land be apportioned to the properties backing thereon.
10. If one of the properties declines the offer to purchase their 50% of the land, the opposite resident has the opportunity to buy the whole portion.
11. The local authority will agree upon a reasonable price.
12. Since the cleaning of the Right of Way there has been an increased amount of traffic traversing thru. Therefore subjecting residents to overhearing domestic conflicts and foul language.
13. This will be a win win situation with the residents having the opportunity to have a safer, cleaner, quieter neighborhood, and with the local authority not having the responsibility for it any longer.

17/02/2007

**PETITION TO THE CITY OF SOUTH PERTH**  
Requesting Right of Way 133 Closure

We are the owners/occupiers who would like Right of Way 133 closed.  
Most importantly the lane is perceived to be a security risk to adjacent properties and the lane is very near to Mt Henry Tavern. The lane is no longer in regular use and has become a place to dump rubbish and has the potential to become a fire hazard.  
As owners we understand that there will be a purchase price and other costs involved in the closed.

List of petitioners:

BACK

Name	Residence	Signature
W H LEE GOH	7 Paterson Street	<i>[Signature]</i>
	2/89 Edgecumbe Street	
	93A Edgecumbe Street	
MING LEE	95A Edgecumbe Street	<i>Ming Lee</i>
GEOFF HURST	97A Edgecumbe Street	<i>[Signature]</i>
NOEL + MICHELLE MICHEL	99A Edgecumbe Street	<i>[Signature]</i>
NUNZIO + MARCARET GUNN	16 Gentilli Way	<i>[Signature]</i>
	5 Paterson Street	
	190A Lockhart Street	
R.P. CARLSON	192A Lockhart Street	<i>[Signature]</i>
EA BAIN	12 Gentilli Way	<i>[Signature]</i>

MRS GLADYS SAVAGE. 188 LOCKHART ST.

*[Signature]*

Statement by the organisers of the petition

I MING LEE of 95A Edgecumbe ST and

I Geoff Hurst of 97A Edgecumbe St

Being the organizers of the above petition, truthfully state that, to the best of the collector's knowledge and ability, the signatures above are genuine signatures of the petitioners.

*Ming Lee*  
Signature

*Geoff Hurst*  
Signature

**PETITION TO THE CITY OF SOUTH PERTH**  
Requesting Right of Way 133 Closure

We are the owners/occupiers who would like Right of Way 133 closed.

Most importantly the lane is perceived to be a security risk to adjacent properties and the lane is very near to Mt Henry Tavern. The lane is no longer in regular use and has become a place to dump rubbish and has the potential to become a fire hazard.

We understand that we will not be responsible for costs incurred as our properties are not backing onto the Right of Way in question. Our signatures indicate that we are in agreement to this petition and are required as these are strata title properties.

List of petitioners:

*Quin Ballard*  
175 Lebuschere Rd Camo 94741533  
6152

FRONT

Name	Residence	Signature
Amanda McEly	95 Edgecumbe Street	<i>A McEly</i> <i>Quin Ballard</i>
<del>A Hood</del> Ardis Hood	97 Edgecumbe Street	<i>A Hood</i>
MAX SIMEETH	99 Edgecumbe Street	<i>Max Simeeth</i>
GEARY DERKSEN	101 Edgecumbe Street	<i>Geary Derksen</i>
	190B Lockhart Street	
PETER DAWE	192 Lockhart Street	<i>Peter Dawe</i>
TERENCE QUAYLMAINE	194 Lockhart Street	<i>Terence Quaylmaine</i>

Statement by the organisers of the petition

I MING LEE of 95<sup>a</sup> Edgecumbe ST and  
I Gloff Hurst of 97A Edgecumbe St

Being the organizers of the above petition, truthfully state that, to the best of the collector's knowledge and ability, the signatures above are genuine signatures of the petitioners.

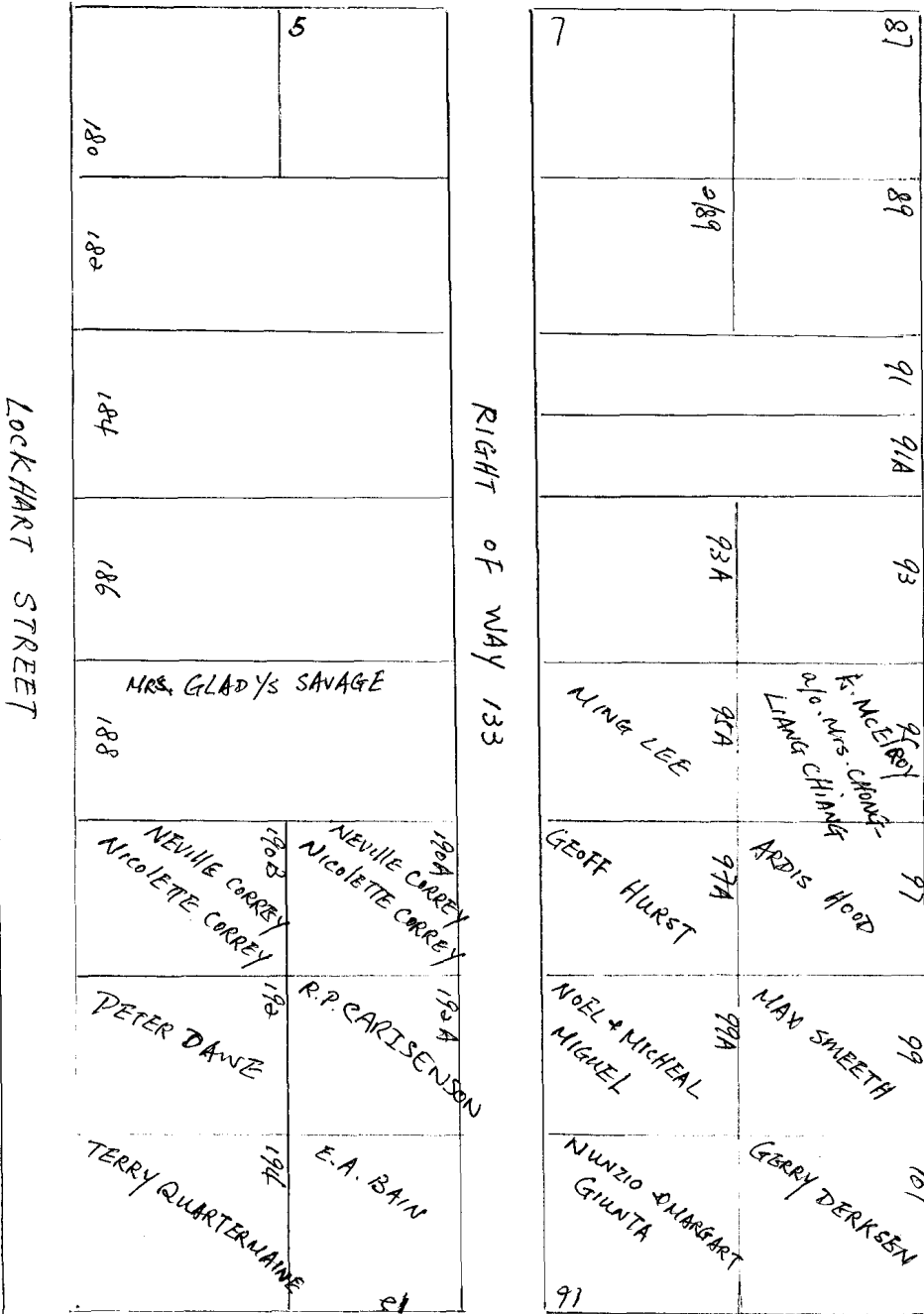
*Ming Lee*  
Signature  
*Gloff Hurst*  
Signature

→ MOUNT HENRY TAVERN

PATERSON STREET

PLAN

EDGECLIFFE STREET



GENTILLY WAY



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N + N Correy  
Owners of 190A + 190B Lockhart Street. Page 1 of 1

**Hurst**

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**From:** "N. Correy" <ncorrey@yahoo.com.au>  
**To:** <enquiries@southperth.wa.gov.au>; <lozsdola@iinet.net.au>  
**Sent:** Thursday, January 04, 2007 9:17 AM  
**Subject:** Petition requesting closure for Right of Way 133

Dear Councillor Les Ozsdola and Sarah Brown,

This is to inform you that we are the owners of 190A & 190B Lockhart Street and support the petition requesting closure for Right of Way 133.

We request that our strong support for the petition that is being organised be presented at the appropriate Council Meeting on our behalf.

We would like to be kept informed and if you require any further information please do not hesitate to email us. We may also be contacted by Mail at 34 Leyland Road Mount Waverley Victoria 3149.

Regards,  
Mr Neville Correy and Mrs Nicolette Correy

Send instant messages to your online friends <http://au.messenger.yahoo.com>

---

95B Edgecumbe Street

12 January 2007

Attn: Sarah Brown & Councillor Les Ozsdola  
City of South Perth

I Amanda McElroy of Quin Ballard Real Estate, 175 Labouchere Road Como, act on behalf of the owner Mrs Chong Liang Chiang of 95B Edgecumbe Street Como in signing the petition to close Right of Way 133.

A McElroy

Amanda McElroy Quin Ballard  
175 Labouchere Rd  
Como WA 6152  
94741533

16 February 2007

City of South Perth

I am the owner of 17 Gentili Way Salter Point, which is directly opposite the Right of Way 133. As such, I am in full agreement to the part closure of the laneway and can see the benefits derived therefrom. This would create a safer, cleaner, quieter and in general a more pleasant neighborhood.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dr MF Shanahan', written in a cursive style.

Dr MF Shanahan

**COPY**

**Enquiries:** Ms Sarah Brown on 9474 0740  
**Our Ref:** ROW 133  
**Doc ID:**

15 March 2007

Mr G Hurst and Ms M Lee  
95A Edgecumbe Street  
COMO WA 6152

Dear Mr Hurst and Ms Lee,

PETITION REQUESTING PARTIAL CLOSURE OF RIGHT OF WAY NO. 133

Thank you for the abovementioned petition received under the cover of your letter dated 16 February 2007. The petition was received by the Council at its meeting on Tuesday 27 February 2007 and referred to the City's Strategic and Regulatory Services Directorate for preparation of a report for consideration at the next available meeting.

You may be aware that the City is also dealing with other proposed partial right of way closures within the City. Recently, two of these proposed closures were opposed by officers advising the Western Australian Planning Commission (WAPC). The City has responded to these concerns and is presently waiting for the WAPC to provide their final response on these particular rights of way. Their response is likely to influence any future recommendation made by City officers on right of way closure requests as the support of the WAPC is very important; legislation requires that any right of way closure proposal must have the support of the WAPC (Section 52 (2)(a) of the Land Administration Act 1997).

It is important to note that this 'right of way', is in fact a gazetted public road known as Public Road No. 9801, and any closure will occur under Section 58 of the Land Administration Act 1997. While Section 58 and associated regulations do not require that the proposed closure be supported by the WAPC, it is highly likely that the WAPC position on the matter will be very highly regarded by the Minister for Lands. Therefore, the City considers that the WAPC position on the other right of way matters (presently being reconsidered by the WAPC) should be considered in conjunction with your request.

While the City waits for this response, to assist the City in assessing your request, would you please provide your own written response to the following questions as soon as possible. You may wish to have a Town Planning Consultant assist you in preparing your responses:

1. The WAPC's *Designing Out Crime Guidelines* suggests that places where people may possibly become entrapped should not be created. The WAPC has suggested to the City that the partial closure of a right of way creates a place of possible entrapment. Please respond to the WAPC's concern.
2. WAPC policies require sufficient turning circles for vehicles at the end of a road or accessway. Noting that this is a public road, do you have any suggestions as to how this matter may be addressed to the satisfaction of the WAPC?
3. The district has a significant number of properties which are underdeveloped, that is they have potential to be redeveloped with more houses than presently on the lot. The WAPC has adopted a position that where such redevelopment potential exists, laneways should be retained and used as access to those lots. Redevelopment potential has been identified for No. 184 Lockhart Street (potential for 4 dwellings) and No. 186 Lockhart Street (potential for 2 dwellings). Please explain how the proposed partial closure does or does not affect the redevelopment potential of these properties.
4. Only 9 out of 15 properties abutting the entire length of the laneway (i.e. 60%) have given their support for the partial closure. Please explain why the Council should support the partial closure given support from owners is less than the preferred 75%.
5. A partial closure means that part of the laneway is proposed to remain open. Explain how a partial closure will meet the objective of reducing antisocial behaviour, especially if it is the northern portion nearest the tavern that is proposed to remain open.
6. To be able to make a recommendation and obtain quotes on the proposed closure, the City requires a sketch showing the extent of the proposed partial closure and an expected allocation of land. Note that this does not bind any persons, but gives the Council the best possible indication of intentions at this time. Please provide a sketch which addresses these matters.

I look forward to receiving the requested sketch of the proposed closure and detailed responses to the abovementioned matters. The City is also hopeful of receiving a response from the WAPC on the other rights of way which are the subject of current reconsideration. When all this information has been received you will be advised which Council meeting the report on the petition will be referred to.

Should you wish to discuss the matter further, please contact Planning Officer, Ms Sarah Brown on 9474 0740 or sarahb@southperth.wa.gov.au

Yours faithfully



CHRISTIAN BUTTLE  
MANAGER, DEVELOPMENT ASSESSMENT



# Community Partnership Agreement



## The Parties

The parties to this agreement are:

City of South Perth ("the City")  
Cnr Sandgate Street and South Terrace  
SOUTH PERTH WA 6151



and

RSPCA ("RSPCA")  
PO Box 3147  
MALAGA WA 6945



ABN.....

DRAFT

## Community Partnerships

### Joint Objective

The objective of this partnership agreement is to enable the City and the RSPCA to work jointly on the RSPCA 'Million Paws Walk'

### City of South Perth

The City of South Perth recognises that effective community outcomes can best be achieved by working in partnership with organisations towards common goals. The City is committed to identifying partnering opportunities and developing Community Partnership Agreements that are aimed at delivering benefits to the City of South Perth Community.

The goals of the Community Partnerships program are to:

1. provide opportunities to develop partnerships between the City and the community;
2. enable groups and individuals to maximise their development opportunities;
3. provide an equitable means by which community groups can access funding;
4. provide a process for distributing funds to meet defined outcomes; and
5. involve stakeholders in a shared approach to the development of projects and services in the City.

The City of South Perth's Mission is;

*To enhance the quality of life and prosperity of our community*

Within the City's Strategic Plan sits six goals, one of which is Community Enrichment. Strategy 2.2 under this goal states;

"Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations"

The City's Community Partnership program is part of this strategy.

The City of South Perth has supported the Million Paws Walk in various ways since its inception. This Community Partnership agreement continues support for what has become a significant regional community based event.

## RSPCA

The RSPCA has been working tirelessly for the welfare of animals in Australia since 1871. It is now one of the most well known and well respected charities in the country and the only national animal welfare charity. Recent research indicates that 98% of Australians recognise the name "RSPCA".

The RSPCA's core values of Caring, Educating, Protecting and Improving Welfare Standards resonate strongly with the community and as a trusted charity the RSPCA can offer many benefits to its partners.

The RSPCA has a number of national partnership opportunities available which can be tailored to achieve relevant corporate objectives. It wishes to build a small close family of sponsors with similar values whose association with the RSPCA will strengthen their respective positions in the community.

The RSPCA works hard to preserve the integrity of the RSPCA's name and will only partner with organizations that are closely aligned to its ideals and can assist in one achieving its Mission.

Over the past 12 years the profile of the RSPCA Million Paws Walk event has grown such that the Million Paws Walk is a household name. The day has a festival-like atmosphere, with many participants dressing up for the occasion. The Million Paws Walk treats the Perth community to a fun, family day out, whilst raising much needed funds for the work of the RSPCA in Western Australia.

### Period of the agreement

This agreement commences on ..... 2007 and will cease on 30 June 2011.

## 1 The City's Commitments

The City will;

- 1.1 Provide access free of all fees and bonds to identified areas of Sir James Mitchell Park for the RSPCA Million Paws Walk. The City may at its discretion charge the RSPCA for any restoration required to the reserve caused by the RSPCA or its contractors before as a result of the Million Paws Walk.
- 1.2 Provide Rangers at the Million Paws Walk at no cost to the RSPCA. Attendance by Rangers at events will assist in ensuring that members of the public adhere to the City's by-laws and raise awareness of responsible pet ownership within the area.
- 1.3 Provide access to the City's street banner poles for promotion of the Million Paws Walk. All costs associated with the production and installation of the banners will be borne by the RSPCA.



- 1.4 Supply star pickets, witches' hats, water hoses and rope/bunting for defining car parking and supervision in setting them up, but not outside of normal staff hours. Staff required for the setup of event areas must be provided by the RSPCA.
- 1.5 Provide 25 additional bins including recycling bins for rubbish, 10 additional bins for animal waste and 5 000 plastic animal waste bags.
- 1.6 Provide access to one quarter page in at least one edition of the City's Peninsula Newsletter.
- 1.7 Display RSPCA, Million Paws walk and other event brochures at appropriate City venues;
- 1.8 Provide a link from the City's website to the RSPCA website.

## 2 RSPCA Commitments

The RSPCA will:

- 2.1 Provide the City with details of its Public Liability Insurance cover clearly identifying coverage of the 'Million Paws Walk'
- 2.2 Make contact with the City's Environmental Health services for information regarding the provision, at its own cost of an adequate number of toilets, as determined by the City, for the event and the City Environment department with regard to location, set up and site logistics.
- 2.3 Ensure all relevant approvals including Swan River Trust approval is obtained for the event.
- 2.4 Ensure that the event site is left at its own cost in a clean and tidy state
- 2.5 Provide a marquee for use by the City to promote its services during the event.
- 2.6 Provide free participation by a City of South Perth Corporate team of up to 20 members in the event including VIP parking and access to the official corporate area.
- 2.7 Provide signage display opportunities at the event. All signage production and installation costs will be borne by the City.
- 2.8 Ensure that the City's corporate logo appears on all promotional material for the Million Paws walk including; all print advertisements, registration forms, flyers, sponsorship books, letterhead and colour posters. Promotional material will be made available for distribution by City to residents, customers and employees.
- 2.9 Acknowledge the City as a major supporter of the Million Paws Walk in the RSPCA Today membership magazine and RSPCA Donor magazine.

2.10 Provide a link from the Million Paws Walk webpage link via a City of South Perth logo to the City of South Perth website.

2.11 Provide four invitations to any official Million Paws walk function including the post event sun-downer.

2.12 Verbal recognition of the City of South Perth as a major supporter of the Million Paws walk through announcements at the event and at any other official Million Paws Walk function.

2.13 Present an evaluation of the previous years event in conjunction with Event and Risk Management plans where requested.

### 3. Indemnity

3.1 RSPCA agrees to indemnify the City for loss or damage to any person or property arising from the performance of the RSPCA's obligations under this Agreement.

This indemnity includes, but is not limited to, loss or damage:

3.1.1 arising from claims and actions; and

3.1.2 resulting in the payment of damages and costs.

3.2 This indemnity includes, but is not limited to, loss or damage in connection with:

3.2.1 loss of life;

3.2.2 personal injury; and

3.2.3 loss or damage to property.

### 4. Termination

4.1 The Parties agree that this Agreement will terminate if both Parties agree in writing to terminate this Agreement.

4.2 The parties agree that this Agreement will terminate if either party gives two weeks notice in writing after the other party has breached a clause of the Agreement and continues to breach that clause of the Agreement after a notice in writing to remedy the breach.

### 5. Notices

Each party shall give all notices in writing to the other party at the address each party nominates for this purpose.

### 6. Interpretation

⋮

In this Agreement:

- 6.1 Words expressed in the plural shall also include the single and words expressed in the single shall also include the plural; and
- 6.2 In this Agreement the following definitions shall apply:
- 6.3 "Agreement" means this Deed of Agreement

**Execution and date**

Executed as an agreement on ..... 2007.

\_\_\_\_\_  
 CLIFF FREWING  
 CEO CITY OF SOUTH PERTH

\_\_\_\_\_  
Signature of authorised person 1

Pauline Green  
 \_\_\_\_\_  
 Name of authorised person 1

WA Development Manager  
 \_\_\_\_\_  
 Position of authorised person 1

\_\_\_\_\_  
Signature of authorised person 2

\_\_\_\_\_  
Name of authorised person 2

\_\_\_\_\_  
Position of authorised person 2



ACN 074 110 375  
ABN 51 828 614 001

CONSULTING CIVIL &  
ENVIRONMENTAL ENGINEERS,  
RISK MANAGERS.

PO Box 937,  
SOUTH PERTH  
WA 6951

Telephone +61 8 9355 1300  
Facsimile +61 8 9355 1922  
Web www.shawmac.com.au  
Email shawmac@upnaway.com

Chief Executive Officer  
City of South Perth  
Sandgate Street  
SOUTH PERTH WA 6151

Dear Sir,

**St Columba's School - Lot 1 (HN 30) York Street, South Perth.**

Please find attached for approval the completed for Application For Planning Approval on the above property and as shown on the included Shawmac drawings No. SC-OV-01 and SC-OV-02.

The proposed development is to undertake improvements to the school oval with street frontages to Forrest Street, Hopetoun Street and Alexandra Street to maximize the play area of the oval up to the property boundary.

The work will include constructing a limestone block retaining wall along the property boundaries fronting the adjoining roads, lowering the general ground level of the oval between 0.75m and 0.35m and importing clean sand fill to raise the existing oval batters to match the design levels of the proposed wall. The existing batter along the southern side of the oval is proposed to be modified to have the batter toe lowered to match the design levels and to provide sections of stepped seating. A 1.2 metre high safety fence is proposed to be installed along the top of the wall for the full length of the wall with access onto Hopetoun Street being provided via a stairway located at the northwest of the oval.

The proposed methodology to undertake these works includes: -

- The project being managed by Shawmac Pty Ltd;
- Undertaking a geotechnical investigation of existing ground conditions along the proposed alignment of the retaining wall;
- Undertaking the design of the retaining wall in accordance with relevant standards and guidelines.



- Specifying all imported fill to the site is to be clean, granular sand fill free of any organic materials.
- Undertaking the construction of the wall in accordance with the relevant standards and good work practices.

Your early attention and reply will be appreciated.

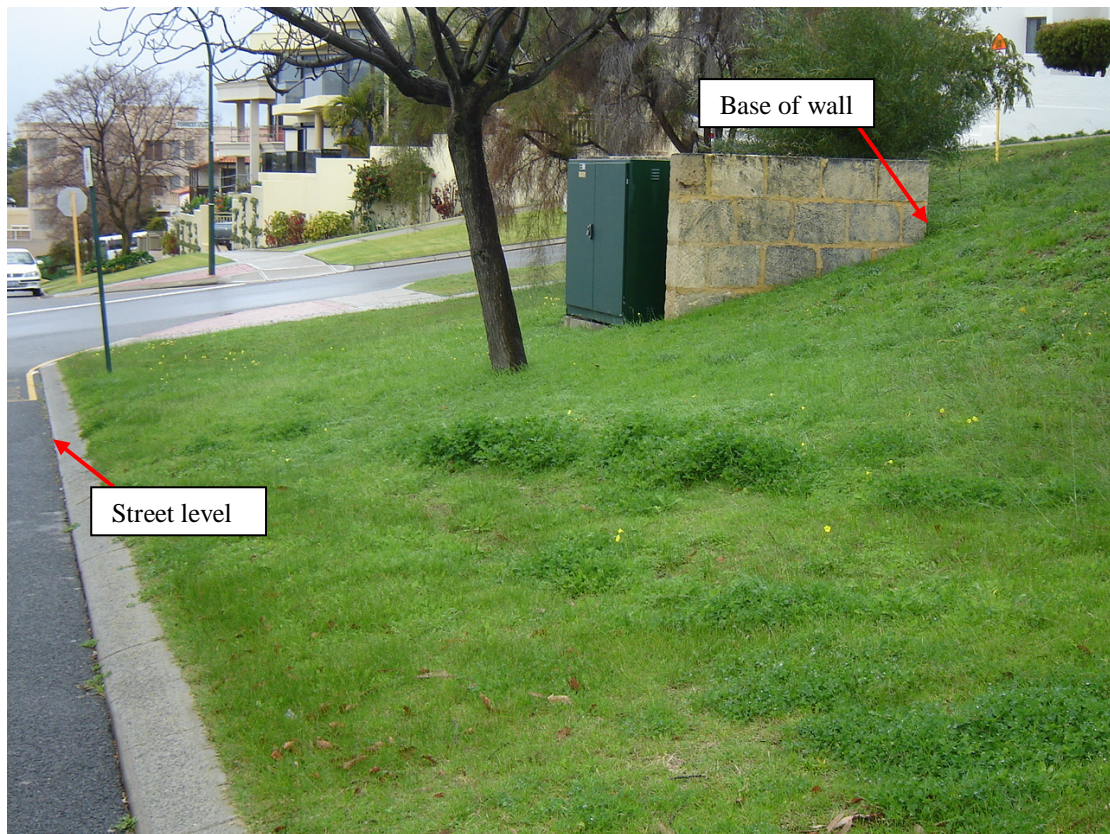
Yours faithfully,

A handwritten signature in black ink, appearing to read "R. Garton".

R. Garton

19 March 2007

Difference in levels between street and base of wall:



The proposed boundary wall will run along the back of the limestone wall surrounding the electric transformer, around 1.5 to 1.75 metres above the street level. These levels are shown on the site plan.

Streetscape surrounding St Columba's Primary School oval:



Alexandra Street



Corner of Alexandra Street and Hopetoun Street



Hopetoun Street



Hopetoun Street





Corner of Forrest Street and Hopetoun Street

Tree Canopy near corner of Alexandra Street and Hopetoun Street:





Examples of other schools in South Perth:



Wesley College, corner of Coode Street and Angelo Street



Wesley College, showing retaining wall at school side of oval



Penrhos College, showing retaining along school side of oval



Penrhos College, Ryrie Avenue



**MEMORANDUM**

<b>To:</b>	Andrew Carville
<b>From:</b>	Craig Thomas
<b>Date:</b>	7 August 2007
<b>File ref:</b>	St Columba Church
<b>Subject:</b>	Proposed Boundary Wall Around School Oval

Andrew

It is the opinion of the City Environment Department that the proposed removal of existing trees located on the St Columba primary school property at Hopetoun and Alexandra streets will create significant amenity impact on the immediate area of Hopetoun and Alexandra streets.

This impact includes the removal of shade provided by the trees which reduce the dangers of ultraviolet radiation, cool the air, insulate against cold or hot winds and reduce glare. In addition, the Eucalyptus trees on the grounds provide habitats for indigenous wildlife, filter atmospheric impurities, sequester carbon emissions, reduce stormwater run-off, reduce erosion and contribute significantly to the general quality of urban living in the vicinity.

The City Environment Department conducted an Amenity Valuation Study of the proposed trees to be removed by St Columba Primary School. The valuation took into account aesthetic value, locality factor, life span and growth rate, rarity of trees, tree form, and general overall condition of tree, support of native fauna and flora and significance of the trees valued.

The Amenity valuation totalled approximately \$56,000.00.

For the reasons outlined above it is strongly recommended that the proposed trees lost in construction of the boundary wall and fence be replaced by a suitable landscaping scheme approved by the City for the oval, wall and verge.

The City would strongly encourage the use of planting water wise local native species where possible that promotes the provision of fauna corridors between bush sites and establishing ecological links and reduce the pressure on our depleting water supply as per the City Of South Perth Green Plan.

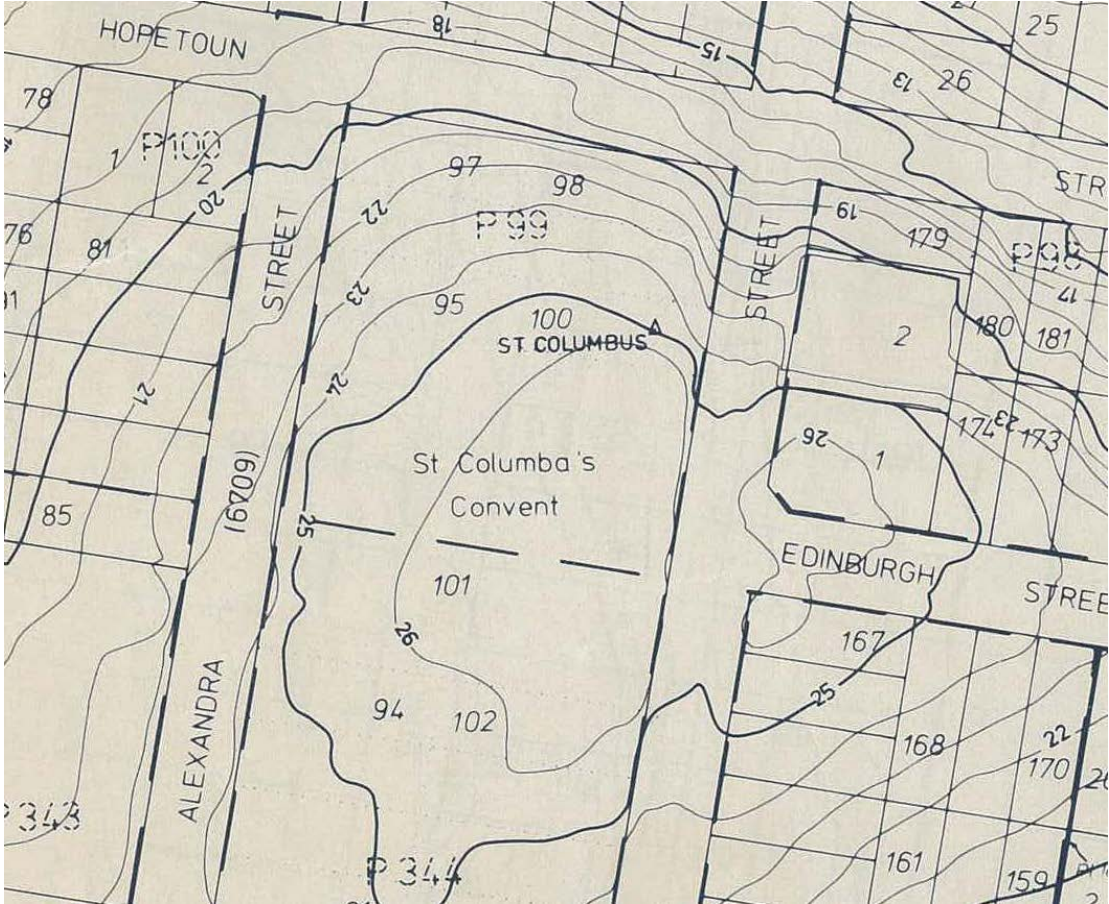
**Attachment 10.3.4(g)**

The City Environment department is able to offer advice in the development of the Landscape plan to be submitted by St Columba to City where required.

CRAIG THOMAS

CITY LANDSCAPES OFFICER

Original and existing contours of St Columba's oval:







Your ref: AL2/2 -Y01/30  
 11.2007.127.ALC  
 Our ref: P2383/21389  
 Enquiries: SMorrison / (08) 9220 4131  
 sheree.morrison@hc.wa.gov.au



HERITAGE  
 COUNCIL  
 OF WESTERN AUSTRALIA

July 25, 2007

Chief Executive Officer  
 City of South Perth  
 Civic Centre  
 Cnr Sandgate Street & South Terrace  
 SOUTH PERTH 6151  
 Attention: Mr Andrew Carville

CITY OF SOUTH PERTH	
27 JUL 2007	
Doc ID No:	496092
File No:	901/30 & AL2/2
Original To:	PS
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>
	File <input type="checkbox"/>

SCANNED

Dear Andrew

**ST COLUMBA'S CHURCH GROUP & ST JOSEPH'S CONVENT, SOUTH PERTH  
 Proposed Oval Extension and New Boundary Fence**

Thank you for your correspondence we received on Monday, 2 July 2007 regarding the proposed oval extension and new boundary fence at St Columba's Catholic Primary School, which forms part of *St Columba's Church Group*, South Perth. The proposal also includes the removal of existing trees.

*St Columba's Church Group and St Joseph's Convent* site is a prominent landmark with distinctive aesthetic characteristics. The place contributes to the sense of place for the South Perth community, and also the wider community. St Columba's Church and St Joseph's Convent buildings are the main physical elements that contribute to the cultural heritage significance of the place.

We have considered the current proposal and conclude that it is related to the amenity of the area rather than adversely impacting on significant heritage values, as identified in the Register Entry and Assessment Documentation. We have also had a community member contact us concerned about the potential impact of the proposal.

As an open area that contributes to the overall setting and amenity of a place on the State Registered of Heritage Places, we suggest that the City of South Perth discuss with the applicant possible modifications to the current proposal to minimise the impact of the boundary fence and maximise retention of mature trees.

We would be pleased to further discuss our comments or attend a meeting if required. If you would like to discuss the matter further contact Ms Sheree Morrison on 9220 4131 at [sheree.morrison@hc.wa.gov.au](mailto:sheree.morrison@hc.wa.gov.au).

Yours sincerely

Ian Baxter  
 DIRECTOR



**AUDIT & GOVERNANCE COMMITTEE MEETING**  
**Minutes of the Audit and Governance Committee Meeting**  
**held in the Council Chamber, Sandgate Street, South Perth**  
**Wednesday 3 October 2007 commencing at 5.43pm**

**1. OPENING**

Cr Maddaford opened the meeting at 5.43pm and welcomed everyone in attendance.

**2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

Committee

Cr R B Maddaford	Mill Point Ward (Deputy Mayor) (Chair)
Cr L P Ozsdolay	Manning Ward
Cr R Wells, JP	McDougall Ward (arrived 5.43pm)

Observers

Cr B W Hearne	Como Beach Ward
Cr S Doherty	Moresby Ward

Officers

Mr M J Kent	Director Financial and Information Services
Mrs K Russell	Minute Secretary

Apologies

Mayor J Collins, JP	
Cr J Best	Civic Ward
Cr C A Cala	McDougall Ward
Cr R Wells, JP	McDougall Ward (anticipated late arrival)
Cr L J Jamieson	Manning Ward
Cr D S Smith	Mill Point Ward (Deputy Member)
Mr C Frewing	Chief Executive Officer

**3. CONFIRMATION OF MINUTES MEETING HELD: 6.6.2007**

**COMMITTEE DECISION ITEM 3**

Moved Cr Ozsdolay, Sec Cr Maddaford

That the Minutes of the Audit and Governance Committee Meeting held 6 June 2007 be taken as read and confirmed as a true and correct record.

CARRIED (3/0)

#### 4. REPORTS

##### DECLARATION OF INTEREST : CR WELLS : ITEM 4.1

*"I wish to declare an interest in Agenda Item 10.7.1 "Recommendation from the Audit and Governance Committee Meeting Held 3.10.07 - in particular relating to the Audit Report / Financial Statements for year ended 30.6.2007 - on the Agenda for the Council meeting scheduled for 16 October 2007. Macri Partners, Certified Practising Accountants, the City auditors are also my accountants.*

*I declare that I have had no involvement in the audit or the report and as such will remain in the Council Chamber during the discussion and vote on this item.*

**Note:** Cr Wells remained in the Chamber.

#### **4.1 Audit Report and Audit Management Letter - 2006/2007 Financial Statements**

Location:	City of South Perth
Applicant:	Council
File Reference:	GO/108
Date:	26 September 2007
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

##### **Summary**

To present the Auditors Report in relation to the annual audit of the City's financial statements for 2006/2007.

##### **Background**

In accordance with Section 7.9 of the Local Government Act, the Audit Opinion (Report) arising from the conduct of the annual audit of the City's financial records is to be presented to the Council, CEO and Minister for Local Government before 31 December each year. The Audit Report also is to be included in the publicly available Annual Report as part of our discharge of accountability to the community.

Audit regulations provide for a further more detailed communication (identifying potential business improvement opportunities) known as the Management Letter, to be prepared and submitted to the CEO. This Management Letter is not a public document and is a confidential communication between the City's Auditors, the Chief Executive Officer, Council and the Minister for Local Government. Accordingly, the Management Letter is provided to the Audit & Governance Committee as a **Confidential Attachment 4.1(a)**.

##### **Comment**

An interim audit of the City's financial systems occurred in June 2007. The audit examined the internal controls in place in the City's systems and related processes. This audit also involved transaction testing to review how effectively the controls worked in practice. Following the close off of the 2006/2007 books of account in early August, the City's 2006/2007 Financial Statements were completed and made available for audit on 20 August. The annual audit was undertaken in the second half of August with the final sign off on the Audit Report occurring on 14 September 2007.

The City has now received an audit report recognising that the City's financial report fairly and accurately presents the financial position and results of the City's operations for 2006/2007. The audit opinion indicates that there were no errors detected, nor matters which disclosed significant adverse trends in the City's financial position or practices. In addition, there were no significant matters of non-compliance with relevant legislation were detected in the conduct of the audit although two minor matters were noted. Further comment on these is provided below.

In conducting their field work, the City's Auditors have acknowledged the integrity of the City's financial management systems and procedures. In presenting the City's annual financial statements and full supporting documentation in line with a best practice reporting timeframe, the City has again achieved its corporate performance indicator of achieving audit sign off by mid September.

The minor matters of non compliance have been discussed with the City's auditors who have been provided with the City's reasons for not complying with the 'letter of the law' of the relevant sections of the Local Government Financial Management Regulations.

In essence, the City has opted to disclose alternative information that it believes provides more relevant, useful and value-adding information to users of the financial statements - notwithstanding that it may be argued that this constitutes non compliance. Specifics of the minor matters of non compliance are provided below:

### **Original Budget Estimates**

The City has elected to include the *Revised* Budget Estimates on the Income Statement and related notes to the accounts rather than using the *Original* Budget Estimates. Local Government Financial Management Regulations mandate periodic budget reviews during the year to ensure that a local government's treasury is dynamically managed to reflect changing financial circumstances and emerging opportunities during the year - rather than blindly following the adopted budget and potentially missing important opportunities.

The City believes that its practice of comparing Actual performance against the *Revised* Budget is more appropriate as the business decisions that led to those actual expenditures were premised on the revised budget - not the budget adopted in July. To use the original budget numbers in the annual financial statements can lead to the disclosure of apparent 'significant' variances - when in reality there is no variance. This would confuse users of the financial statements rather than help them to gain a clear understanding of the City's financial position.

To illustrate this point, consider the following example. As a consequence of Western Power's inability to deliver the Stage 3 Underground Power Project (UGP), the City revised its revenue budget for the Transport Program (where UGP is disclosed) downwards by \$4.8M (in one of its periodic budget reviews during 2006/2007) when it became aware that the project would not proceed. This responsible management practice eliminated the related revenue and expenditure of \$4.8M each. Had the City complied with the requirement to disclose the Original Budget for each of these items in the Annual Financial Statements, we would have had the ridiculous situation of the financial statements showing a \$4.8M variance between Budget and Actual on both Operating Revenue and Expenditure for the Transport program. How this could be argued to assist users of the financial statements in understanding the City's operations is unclear.

A similarly confusing situation would occur every time that the City was successful in obtaining unbudgeted grant revenue during the year. Clearly, it was not the intent of the department to stifle timely and responsible financial management, so the defect would appear to be only an unintended consequence of the drafting of the regulation.

Adopting a strict and narrow interpretation of the Local Government Financial Management Regulations would lead to the City's practice being identified as non compliance with the regulations - notwithstanding that the, perhaps unintended, results of the department's required practice are in fact contrary to the spirit of the legislation. Arguably, the City's chosen practice actually provides a more transparent and accurate presentation of our operations and financial position.

The City's auditors are required to note the non compliance - and have done so in accordance with their obligations. However, they have since written to the Department of Local Government supporting the City's position and suggesting that it may be necessary to review the relevant regulation in future. Anecdotal evidence has suggested that a number of other local governments have encountered similar problems and would support the City's view - but it has taken the City's Financial Services team to demonstrate the leadership to our profession by challenging the rule.

The City has therefore opted to maintain its position on this issue and take the audit comment on non compliance rather than compromise the integrity of our financial statements simply to comply with an illogical legislative requirement.

### **Monthly Financial Reports**

The City provides comprehensive monthly financial management reports to Council on its financial position (Balance Sheet), its operations, treasury management, investments, debtor collections, progress of the capital program as well as statutory accounts, quarterly budget reviews etc. The level of detail of these reports and the breadth of matters that they cover is well in excess of statutory requirements.

The auditors have identified that in spite of providing a comprehensive suite of financial reports that achieve the spirit of the legislation, the City is not fully complying with the 'letter of the law' of Local Government Financial Management Regulation 34 - in that it is not providing a monthly Rate Setting Statement in the form of Reg 22 (1)(d) nor showing the composition of the Net Current Assets at the end of the month. It has been the City's view that the composition of Net Current Assets at month end is clearly disclosed on the face of the Balance Sheet (this is an alternative presentation to the standard 'Rate Setting Statement' - but nonetheless it does show the composition of Net Current Assets clearly).

However, to date the City has not expended its limited staff resources on preparing a monthly Rate Setting Statement because it believes that the Rate Setting Statement can be a useful and meaningful statement **only at one time during the year** - at the precise time that rates are being struck in July. Hence the statement is a valid inclusion in the Annual Budget.

At all other times during the year, the Amount Required to be Raised From Rates (the ultimate result of the statement) is already pre-determined and not at the discretion of Council to alter. In fact, the statement is quite contrived for the remainder of the year - as other differences in the statement that are either the consequence of timing differences or will simply be disclosed as Committed Assets or a change to the Closing Balance. Arguably, even that latter figure is unhelpful to most users of the financial statements as it does not represent the 'surplus' as is commonly believed, but rather it is a modified accrual figure that excludes loans and cash backed future employee entitlements (which are disclosed at NPV and not even in current dollars).

Preparing the statement, although conceptually not that complex, becomes much more involved when there are certain types of complicating transactions such as cash flows into and out of reserves associated with the retirement village and hostel and where it involves self supporting loans where receivables and liabilities are for different values. The City is in the unenviable position of having most of the unusual and complicating types of transactions embraced within its operations. This will result in a significant amount of potentially unproductive effort in producing the statement on a monthly basis - to the detriment of other more value adding endeavours.

The City administration has acted in accordance with its belief that there are other more meaningful ways to disclose this information to Council and has attempted to provide such information in alternative formats throughout the period since this regulation came into force.

In the opinion of the City's current auditors, this constitutes a matter of non compliance with the regulations. Notwithstanding the logic of the City's argument that this statement serves little purpose when presented on a monthly basis, it appears that there is not currently industry support to challenge this regulation. Accordingly, the City is left with little option but to comply with the regulation - if only to 'tick the box as having done so. This practice will take effect from the preparation of the September 2007 accounts onwards.

### **Management Letter**

In the detailed analysis of all financial procedures by the Auditors, three specific minor recommendations were made in the Management Letter. These items related to the following:

- Providing a signature on the bank reconciliations as evidence that they had been reviewed (it was not contested that they were not reviewed - the auditors merely sought confirmation that the review had occurred).
- Minor disclosure matters in the 2006/2007 Budget Adoption Recommendation relating to the Swimming Pool Fee and Rubbish Charge for Non Rateable Properties. (This had already been addressed on July 10 when the 2007/2008 Budget was adopted)
- Cross referencing Tender Numbers on Purchase Orders for the convenience of the auditors (This is a simple administrative task and relates only to cross referencing numbers and not any failure to call or properly record tenders) .

In addition, the Management Letter also noted the absence of the Rate Setting Statement in the Monthly Financial Statements (already discussed under matters of non compliance above).

These issues are regarded as only minor matters - and have been considered by senior management who have provided appropriate responses in relation to proposed actions arising from these observations. A summary of these observations - and the City's responses are included as **Confidential Attachment 4.2.(a)**

### **Consultation**

Consultation has occurred between the City's senior Financial Services staff, the CEO and Macri Partners (auditors). Macri Partners staff have contributed positively and cooperatively to the resolution of these matters in conjunction with City staff.

### **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 7.9 of the Local Government Act , Department of Local Government Guidelines, relevant Australian Accounting Standards and the Local Government (Financial Management) Regulations.

### **Financial Implications**

Nil - this reports relates to the validation of previously reported information about the City's financial performance and financial position.

## **OFFICER RECOMMENDATION ITEM 4.1**

That ....

- (a) the Audit Report for the 2006/2007 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants, **Attachment 4.1(b)** be received ;
- (b) the Management Letter for the 2006/2007 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants **Confidential Attachment 4.1(a)** be received; and

- (c) the proposed actions in response to the matters noted in the Management Letter be noted and endorsed.



**STATEMENT : DIRECTOR FINANCIAL AND INFORMATION SERVICES**

As a result of questions raised in relation to the Audit Report at Item 4.1 the Director Information and Financial Services provided an explanation between an *Attestation Audit* and a *Systems Audit*. He stated that the purpose of the City's Annual Audit is to audit the annual financial statements to ensure that they truly and fairly represent the City's financial position and results of its operations.

During that audit, the auditors give consideration to the integrity of the City's financial systems and the internal controls within them. This determines the extent of testing that they do in order to reach an informed assessment about the financial statements. Once every four years the City engages auditors to undertake a comprehensive review of all systems and the controls in place. This exercise is due to be conducted within the next 12 months and following its conclusion the auditors' results from that audit would then be presented to Council.

**OFFICER AND COMMITTEE RECOMMENDATION ITEM 4.1**

Moved Cr Ozsdolay, Sec Cr Maddaford

That ....

- (a) the Audit Report for the 2006/2007 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants, **Attachment 4.1(b)** be received ;
- (b) the Management Letter for the 2006/2007 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants **Confidential Attachment 4.1(a)** be received; and
- (c) the proposed actions in response to the matters noted in the Management Letter be noted and endorsed.

CARRIED (3/0)

**5. OTHER BUSINESS**

**5.1 Expression of Appreciation - Financial Services**

Cr Hearne requested that appreciation be extended to the Director Financial Services on a satisfactory report from the independent auditors (which showed a positive result) and that the Financial Services Team be commended for all their work on the financial statements.

The Audit and Governance Committee Members concurred.

**6. CLOSURE**

Cr Maddaford closed the meeting at 5.55pm.

These Minutes were confirmed at a meeting held on \_\_\_\_\_ 2007

Signed \_\_\_\_\_

Chairperson at the meeting at which the Minutes were confirmed

