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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 28 October 2008 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. He then paid respect to the Noongar people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best

Mayor's Activities Report for the month of September attached to the back of the Agenda.

3.2 Audio Recording of Council meeting

The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P517 "Audio Recording of Council Meetings" and Clause 6.1.6 of the Standing Orders Local Law which states: "*A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member*" and stated that as Presiding Member he gave his permission for the Administration to record proceedings of the Council meeting.

3.3 Statement on Item 10.6.2 Monthly Statement of Funds, Investments and Debtors

The Chief Executive Officer said that he wished to clarify a statement contained on page 53 of the Council Agenda relating to report Item 10.6.2 in connection with Funds, Investments and Debtors. He said that the statement under the heading - **(b) Investments** - in the second paragraph that *the portfolio currently comprises at-call cash, term deposits and bank bills...* relates to our policy position that allows investment in bank bills and does not relate to the current practice as we **do not** have investments in bank bills. The CEO confirmed that the report will be amended accordingly in the Council Minutes.

4. ATTENDANCE

Present:

Mayor J Best

Councillors:

I Hasleby	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
D Smith	Mill Point Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr S Cope	Director Development and Community Services
Ms D Gray	Acting Director Financial and Information Services
Mr R Kapur	Manager Development Assessment (until 8.00pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 8.00pm)
Mrs G Fraser	Acting Strategic Urban Planning Adviser
Ms R Mulcahy	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery There were 9 members of the public and 1 member of the press present

4.1 Apologies

Mr M Kent Director Financial and Information Services

4.2 Approved Leave of Absence

Cr G W Gleeson Civic Ward
Cr K R Trent, RFD Moresby Ward
Cr S Doherty Moresby Ward

5. DECLARATION OF INTEREST

Nil

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 23 September 2008 the following questions were taken on notice:

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

Summary of Question

Did the Building Licence that was issued by the City of South Perth for the construction of two Multiple Dwellings at 11 Heppingstone Street comply with the conditions of the Planning Approval that was previously issued by the City of South Perth?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 1 October 2008, a summary of which is as follows:

Yes. This is confirmed in a memorandum from former Planning Officer, Greg Bowering, dated 22 February 2002 which itemises the conditions that needed to be met before a building licence was issued. The memorandum explains how the conditions have been met. At that time, only Condition 16 was outstanding. A check of the building licence plans against the planning consent plans has confirmed that Condition 16 has also been met.

6.1.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

In past years I have asked various questions in relation to the use of temporary staff. Can Council provide a similar table as in previous years on the use of temporary staff?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 24 September 2008, a summary of which is as follows:

The City uses temporary staff to ensure that appropriate services and standards of service are maintained when vacancies exist in approved permanent staff positions. Temporary staff are used only to cover approved vacancies caused by the current skill shortage in the WA job market. All temporary staff costs are recorded directly against the budgets for approved staff positions.

At year end, the combined total of both permanent and temporary staff costs was 5.5% **under** the approved Budget. The State Government Common Use Agreement (CUA) for temporary staff is the first source of temporary staff, but when the suppliers on the CUA are unable to provide a suitable candidate within the required timeframe, the broader private sector providers are approached.

Suppliers	2007/2008
Flexi Staff	\$ 36,714.79
Drake	\$ 38,133.00
Hays Personnel	\$184,624.24
Flex Health	\$ 1,480.85
Sure Personnel	\$217,231.33
Gel Group	\$ 59,528.35

6.2 PUBLIC QUESTION TIME : 28.10.08

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes, that questions, not statements, must relate to the area of Council's responsibility and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7:05pm.

6.2.1 Mr John Stewart, 7 Keaney Place, Waterford

Summary of Question

Has any consideration by the City been given to the current ingress or egress at the Conlon Street junction either by closure or any other manner? Has Main Roads made any approach to the City along similar lines?

Summary of Response

The Mayor responded that the question was taken on notice.

6.2.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

Apart from myself, has any ratepayer from the City of South Perth ever complained/objected to the Minister about a building site being over built, and had that complaint/objection referred by that Minister to the SAT with the SAT confirming that the site had been overbuilt by 18%? - Has what I did ever happened in the history of Council?

Summary of Response

The Mayor responded, no, that he was not aware of any.

Summary of Question

To date, how much (dollar value) has the City of South Perth spent defending the property owners of No. 11 Heppingstone Street for having breached the condition of the Building Licence which was issued to them by the City of South Perth?

Summary of Response

The Chief Executive Officer replied, nothing.

Summary of Question

How much time has been devoted (ie officers time), to defending the property owners of No. 11 Heppingstone Street?

Summary of Response

The Chief Executive Officer responded that it would be incalculable.

The Mayor further stated that the City would be defending its own position and not the owners of the property at No. 11 Heppingstone Street.

Summary of Question

With respect to Agenda Item 10.5.4 - Why do you refer to the payment by the City of my out of pocket costs in proving the building at No. 11 Heppingstone Street was overbuilt as being dangerous?

Summary of Response

The Chief Executive Officer said the statement relates to the City '*Setting a Dangerous Precedent*' as it would not be usual for someone in a SAT hearing to claim costs against the City. In report Item 10.5.4 under the same heading it refers to six successful appeals against the City in the last 18 months and a dangerous precedent would be set if parties who have had success in SAT claimed costs from the City.

Summary of Question

The answer to my first question was - that there have been no other complaints to the Minister such as mine that have been successful - why would this create a precedent?

Summary of Response

The Chief Executive Officer said that whether or not SAT has upheld a decision or not the report states that the essential issue is that if Council agrees to pay legal costs then a precedent would be made which would enable other such claims to be made. Every case before SAT would have its own unique features.

6.2.3 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

In regard to legal expenses relating to planning matters and Item 10.5.4 on tonight's Agenda, so that residents are fully informed and in the spirit of open government please advise the legal expenses the Council has paid directly, or through insurance claims for:

- Gorrill and others vs City of South Perth
- Canning Mews vs City of South Perth
- No. 12-14 Stone Street, South Perth
- the cost of producing what I think is called the 'Belmont Report' in various buildings in the City
- an estimate of the cost of the time the officers of the City spent assisting or preparing documents in relation to these legal matters?

To assist in minimising the costs to the City an estimate to the nearest \$20,000 for amounts under \$200,00 or \$50,000 for amounts over \$200,000 would be acceptable.

Summary of Response

The Chief Executive Officer said that as a response to the questions raised would take a huge amount of time and resources to research that he would require a Council resolution to this effect.

The Mayor further stated that as the City is short staffed, and in view of the fact that a lot of the information requested is available, that if Councillors felt it appropriate the request could be discussed later in the Agenda at Item 10.5.4. He also advised that the Budget in the Annual Report identifies legal expenses incurred by the City.

Summary of Question

In relation to the use of Temporary Staff - would the Council accept my congratulations on reducing the temporary staffing costs by nearly 50% or approximately \$500,000?

Summary of Response

The Mayor said there are reasons for this reduction for eg some of the City's projects have been rolled over which would account for the down turn in temporary staff.

The Chief Executive Officer commented that he believed Mr Defrenne is referring to 2/3 years ago when temporary staff from employment agencies were being used which reflected a period where the City could not retain permanent staff whereas currently we have been having some success in retaining permanent staff.

Summary of Question

Is the Legal and Governance Officer able to give legal advice?

Summary of Response

The Chief Executive Officer responded yes.

Summary of Question

In report Item 10.5.4 it states there have been six successful appeals against the City in the last 18 months. How many unsuccessful appeals against the City have there been?

Summary of Response

The Chief Executive Officer said the question was taken on notice.

6.2.4 Mr Robert Simper, 32 Sandgate Street, South Perth

Summary of Question

I have raised the issue of Elected Members' Discretionary Funds three times previously and have yet to receive any answer. It relates to where Council Members' discretionary funds have been spent and a request to make this information available to the public. How much longer before I get an answer?

Summary of Response

The Mayor advised that a Press Release in relation to this matter had been forwarded to the Southern Gazette newspaper several months ago and that at the same time the information was made available on the City's website. He further stated that a copy of the Press Release would be forwarded to Mr Simper.

6.2.5 Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

In relation to the second question I asked earlier, perhaps it should be framed to read: *Could you advise the legal costs with respect to Drake vs City of South Perth?*

Summary of Response

The Mayor responded that the question was taken on notice.

Close of Public Question Time

MINUTES : ORDINARY COUNCIL MEETING : 28 OCTOBER 2008

There being no further questions the Mayor closed public question time at 7.20pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23.9.2008

COUNCIL DECISION ITEM 7.1.1

Moved Cr Wells. Sec Cr Ozsdolay

That the Minutes of the Ordinary Council Meeting held 23 September 2008 be taken as read and confirmed as a true and correct record.

CARRIED (10/0)

7.2 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.

7.2.1 Agenda Briefing - September 2008 Ordinary Council Meeting Held: 16.9.08

Officers of the City presented background information and answered questions on items identified from the September 2008 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum Major Town Planning Developments Meeting Held: 1.10.2008

Officers of the City / applicants presented information in relation to the proposed major developments at No. 6 Parker Street, South Perth and Lot 3398 Murray Street, Como and responded to questions raised. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum Canning Bridge Railway Study Update Held: 8.10.2008

A meeting was held at the City of Melville with representatives from Project Team GHD who provided an update on the Canning Bridge Railway Study. Questions were raised by Members and responded to by the presenter/officers. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Forum Committee for Perth Presentation Held: 14.10.2008

The CEO of the Committee for Perth, Marian Fulker addressed the Elected Members on Chicago's cultural venue and creating a cultural venue with an economic impact. Questions were raised by Members and responded to by the presenter. Notes from the Concept Briefing are included as **Attachment 7.2.4**.

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Grayden, Sec Cr Cala

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 23 September 2008 be noted.

CARRIED (10/0)

8. PRESENTATIONS

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

Nil

8.2 PRESENTATIONS -Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

8.2.1. Presentation from Western Australia Police - South East Metropolitan District Kensington Police

The Mayor presented a Certificate of Appreciation to the City of South Perth Council from the Kensington Police in acknowledgement of the City's professionalism, commitment and dedication in assisting Kensington Police Station in Emergency Management during the special events of Sky Show and the Red Bull Air Race that has led to many successes and achievements in recent years.

8.2.2. Presentation from the South Perth Aboriginal Community Group "Moorditch Keila" (Healthy Dolphin)

The Mayor presented a book from the South Perth Aboriginal Community Group "Moorditch Keila" entitled Walwalinj "The Hill that Cries" on the Nyungar Language and Culture in recognition of Council's ongoing support.

8.2.3. Presentation of Certificate of Merit in Financial Management from Minister for Local Government

The Mayor presented a Certificate from the Minister for Local Government in recognition of the City's achievements in being named 'first runner up' to the overall winner of the Certificate of Excellence Awards in Financial Management.

8.2.4. Presentation of Letter of Thanks and Certificate of Appreciation from South Perth Primary School

The Mayor presented a letter of thanks and a Certificate of Appreciation from the South Perth Primary School for the City's donation towards the annual "Artist-in-Residence" program and for supporting the "Walk Safely to School Day".

8.3 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.

Note: Deputations in relation to Agenda Item 10.3.4 were heard at the October Council Agenda Briefing held on 21 October 2008.

Opening of Deputations

The Mayor opened Deputations at 7.26pm

Mr Barrie Drake, 2 Scenic Crescent, South Perth Agenda Item 10.5.4

Mr Drake spoke against the officer recommendation at Item 10.5.4 "Claim for Reimbursement of Costs" on the following points:

- background on issue of building at 11 Heppingstone Street
- wrote to the City in 2002 about 11 Heppingstone Street raised concerns about height
- if City had addressed concerns then would be no need for further costs by myself
- to prove building was over-built needed representation/expert advice at SAT
- breakdown of 'out of pockets' costs in support of claim for costs to be reimbursed

Close of Deputations

The Mayor closed Deputations at 7.53pm

8.4 COUNCIL DELEGATES

Delegate's written reports to be submitted to the Minute Secretary prior to **10 October 2008** for inclusion in the Council Agenda.

8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 24 September 2008

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 24 September 2008 is at **Attachment 8.4.1**. The Minutes of the WALGA South East Metropolitan Zone meeting of 24 September 2008 are available on the *iCouncil* website and in the Council Lounge.

RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 24 September 2008 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Burrows, Cr Ozsdolay

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 24 September 2008 be received.

CARRIED (10/0)

8.5 CONFERENCE DELEGATES

Delegate's written reports to be submitted to the Minute Secretary prior to **10 October 2008** for inclusion in the Council Agenda.

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 21 October 2008.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following item was withdrawn for discussion / debate:

- Item 10.5.4 at the request of Cr Smith - Proposed Alternative Motion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hasleby, Sec Cr Smith

That with the exception of Withdrawn Item 10.5.4 which is to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.2.1, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.5.1, 10.5.2, 10.5.3, 10.5.5, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5 and 15.1.1 be carried en bloc.

CARRIED (10/0)

Note: Managers, Development Assessment and Community, Culture and Recreation together with the Acting Strategic Urban Planning Adviser retired from the meeting at 8.00pm.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Certificate of Occupancy : Policy P399 “Final Clearance Requirements for Completed Buildings” (Item 10.0.2 referred Council Meeting 27.11.2007)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/5
Date:	1 October 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

This report presents Policy P399 “Final Clearance Requirements for Completed Buildings” for adoption by Council. The Policy has been prepared in response to a resolution from Council. The need for such a policy came into focus following Council’s consideration of issues associated with developments at Nos. 12 Stone Street and 21 South Perth Esplanade.

The Policy is not a “Planning Policy” and therefore is not subject to statutory advertising requirements prior to adoption by Council. However, it is proposed that the development industry be notified of the adoption of the new Policy prior to implementation of its provisions.

Background

Attached to this report at **Attachment 10.0.1** is Policy P399 “Final Clearance Requirements for Completed Buildings”.

During the preparation of Policy P399, three progress reports have been presented to Council meetings. Those reports and the related Council resolutions are identified as follows:

June 2007 (Agenda Item 10.0.1):

Progress report advising of the intention to obtain legal advice. Council resolved to defer further consideration pending receipt of the legal advice.

July 2007 (Agenda Item 10.0.3):

The report focused on the lengthy and detailed advice received from McLeods Lawyers. Council resolved to note the legal advice and requested a draft outline policy for consideration.

November 2007 (Agenda Item 10.0.2):

The draft outline Policy P399 was presented. The report noted that, due to the complexity of the development projects covered by the Policy and requiring final clearance certificates, McLeods would be engaged to prepare a more complete version of the Policy for review by City officers. Council resolved to note the progress of investigation regarding the issuing of final clearance certificates and of the preparation of the related policy.

Since having received the draft Policy prepared by McLeods, it has been the subject of further detailed scrutiny and consideration by City officers in consultation with the City’s Legal and Governance Officer. It is understood that the Policy is the first of its kind to have been prepared by any Council in the Perth region and possibly in Western Australia.

Therefore, it was necessary to proceed with caution and to ensure that the Policy is framed in a manner which will best serve the City. The Policy is now in a form suitable for adoption by Council.

Comment

The new Policy P399 has been prepared in the interests of enhancing existing processes for comprehensive and accurate assessment, prior to certification that completed buildings have been constructed in a compliant manner. The objective is to ensure that, for any completed building within the scope of the policy, final clearance certificates are not issued until an independent expert as well as City officers have assessed the building and confirmed that it is consistent with the approved building licence documents and the requirements of the relevant statutes. The policy will apply to:

- (a) a residential development which is higher than 7.0 metres, or contains 5 or more dwellings;
- (b) a non-residential development which is higher than 7.0 metres, or has a plot ratio area of 1,000 sq. metres or greater; or
- (c) a development consisting of a mixture of non-residential and residential components incorporating any of the attributes referred to in items (a) and (b) above.

In accordance with the Policy, the independent expert assessing the completed building is to be a suitably qualified and experienced Licensed Land Surveyor. Under the Policy, the City is to establish a panel of experts from whom the applicant will select and engage a suitable firm or individual. The applicant is obliged to pay the full cost of engaging the expert, although the terms of engagement are to stipulate that the compliance assessment process is being undertaken on behalf of the City, as principal.

While the attached Policy is in suitable form for final adoption by Council without the need for public advertising, as previously advised, it is proposed that the implementation of the Policy be delayed until the development industry has been given prior notice of the intended implementation. To allow sufficient time to appropriately inform developers and other interested parties, it is proposed that the implementation of the Policy be delayed until 2

January 2009. In the interim, the new policy will be publicised on the City's website and by way of newspaper advertisements. Notices will also be displayed in the City offices and libraries.

Consultation

In the course of preparing the Policy the City's Director, Development and Community Services; Legal and Governance Officer; Team Leader Building Services; and Manager Development Services have been consulted. McLeods Lawyers have also made a valuable contribution to the formulation of the Policy.

No community consultation is required prior to Council's adoption of this Policy. However, as previously advised, following adoption, the Policy will be widely publicised prior to implementation.

Policy and Legislative Implications

In relation to final inspection of the kinds of buildings dealt with by Policy P399, the Policy will enable the City to more effectively discharge its obligations. Those obligations relate to the issuing of a "certificate of local government" pursuant to section 23 of the *Strata Titles Act 1985* and a "certificate of classification" pursuant to regulation 20 of the *Building Regulations 1989* and Section 374C of the *Local Government (Miscellaneous Provisions) Act 1960*.

Financial Implications

The proposed policy will not have financial implications for the City, but will impose a new financial obligation on some developers who are responsible for meeting the cost of engaging licensed land surveyors for final inspections.

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.*

The report is also aligned to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

Sustainability Implications

The new policy will have positive sustainability implications to the extent that more rigorous inspection and certification procedures will be implemented before final clearance certificates are issued for completed buildings.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That

- (a) Policy P399 “Final Clearance Requirements for Completed Buildings” at **Attachment 10.0.1**, be adopted;
- (b) prior to implementation of Policy P399, notice of the Council’s adoption of the Policy and of the date of implementation be publicised in the following locations:
 - City’s web site.
 - notice in the Local Government Notices section in one issue of *The West Australian* newspaper.
 - *Southern Gazette* newspaper notice in one issue: ‘City Update’ column.
 - Civic Centre at the front counter and on the notice-board.
 - City’s Libraries.
- (c) Policy P399 be implemented as from 2 January 2009;
- (d) the Policy be implemented in respect of every applicable completed development where a final clearance certificate is issued on or after 2 January 2009.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS
Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Community Sport and Recreation Facility Funding Program (CSRFF) - Annual Grants Consideration

Location:	City of South Perth
Applicant:	Council
File Ref:	GS/109
Date:	6 October 2008
Author:	Matthew Hunt, Recreation Development Coordinator
Reporting Officer:	Steve Cope, Director Development & Community Services

Summary

To consider applications for the annual Community Sporting and Recreation Facilities Fund (CSRFF) Grants.

Background

The Department of Sport and Recreation (DSR) annually invites applications for Western Australian Government financial assistance, to assist community groups and local governments to develop basic, sustainable infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

Annual grants of \$2,500 - \$100,000 will be allocated to projects requiring a less complex planning process. The total project cost for Annual Grants must not exceed \$300,000. Grants given in this category must be claimed in the financial year following the date of approval. For projects with a grant request below \$2,500 it is expected that the applicant should be able to fully fund these. Grants in this category will be allocated to the 2009/2010 financial year.

Forward planning grants of \$100,001 up to \$1,800,000 will be allocated to the more complex projects where the total project cost exceeds \$300,000 and may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium 2009/2010 - 2011/2012.

The types of projects which will be considered for funding include:

- Upgrade and additions to existing facilities where they will lead to an increase in physical activity or more rational use of facilities;
- Construction of new facilities to meet sport and active recreation needs;
- New or replacement (not resurfacing) synthetic surfaces. Where an application is made for a new or replacement synthetic surface, evidence of long-term community planning for all nearby facilities is required;
- Floodlighting projects; and
- Resurfacing of synthetic playing pitches or courts. It is expected that facility managers will budget for these items as part of the ongoing operation of the facility, frequently over 7 to 10 years. Whilst eligible, they are considered a low priority for funding and may only attract a one-sixth grant.

The maximum grant awarded by the Department of Sport and Recreation will be no greater than one-third of the total cost of the project. The CSRFF Grant must be at least matched by the applicants own cash contribution, with any remaining funds being sourced as required by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs, and the applicants are advised that they are expected to fund any such shortfall.

There is no obligation on the part of a local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful projects.

As stated in the CSRFF guidelines and in accordance with the City's funding guidelines, annual grants for this round of applications must be claimed in the next financial year, in this case 2009/2010. It is also important to note that the City's inclusion of funds for consideration on the 2009/2010 Draft Budget does not guarantee funds should the club be successful in its application to the Department of Sport and Recreation.

Invitations were forwarded to all local sporting clubs, organisations and relevant community groups through a direct mail out, two electronic invites and through promotion in the Southern Gazette and Spirit of the South to make submissions, in addition to Department of Sport and Recreation and advertising in the West Australian newspaper on Wednesday 2 July 2008 that the Community Sporting and Recreation Facilities Fund (CSRFF) 2009/2010 Funding Round was open.

Comment

One project is proposed by an external community sporting club. Refer summary hereunder.

(i) Trinity Aquinas Amateur Football Club (TAAFC)

CSRFF Grant Sought	\$19,519.43
City's Contribution	\$19,519.43
Club's Contribution	<u>\$19,519.43</u>
Estimated Total Project Cost	\$58,558.27

Assessment

A panel comprising the City's Manager, Community Culture and Recreation, the Manager, Parks and Environment, the City's Sport and Recreation Club Development Officer, the City's Parks Operations Coordinator, the City's Buildings Coordinator and the City's Recreation Development Coordinator assessed and ranked the application against the following criteria set by the Department of Sport and Recreation.

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

These results are summarised below.

Applicant	Project	Ranking	Rating	City's Contribution	Total project Cost
Trinity Aquinas Amateur Football Club	Installation of two (2) lighting towers with 4 (four) 2000 watt lights on each tower	1	B	\$19,519.43	\$58,558.27

(i) **Trinity Aquinas Amateur Football Club (TAAFC)**

The project is best summarised as the addition of two 18 meter light towers, each with four 2,000 watt lights, to the reserve known as Bill Grayden Reserve, which currently has three 18 meter light towers. The project is designed to provide the reserve with lighting compliant with Australian Standard 2560.2.3: Sports Lighting – Football (all codes) and is anticipated to provide average luminance of 60 lux which is sufficient for training but not match play. The project is anticipated to provide an improved and safer training facility for the existing users in addition to attracting new users to the reserve.

The reserve is currently used primarily by:

- Trinity Aquinas Amateur Football Club (TAAFC)
- South Perth baseball Club (SPBC)
- Wesley College (WC)
- School Sports WA (SSWA)
- General Public

There is strong evidence that the primary users of the facility (TAAFC and SPBC) are experiencing fast growth in participation levels with the addition of junior, women's and veterans teams in particular in the past few years and the proposal to introduce associated versions of the respective sports i.e. Tee ball. This growth is limited by the quality of the facility and in particular safety concerns that arise from the current inadequate lighting. With a lighting upgrade it is felt that the already growing participation levels will continue. Further to this, the installation of floodlighting for training purposes will provide a greater space allocation for traffic and usage and as result, allow the grounds recovery and improvement opportunities through rest.

The Trinity Aquinas Amateur Football Club's (TAAFC) Strategic Plan 2008-2010 identifies as a weakness, the Club's existing lighting for training purposes and under objective three includes as a strategy to work with the LGA to upgrade this facility. This is designed to improve one of the Club's key result areas, being participation, and as such this project is consistent with the Club's Strategic Plan.

Recent initiatives by the West Australian Football Commission (WAFC), Community Football WA and the Perth Football Club to improve the standard of floodlit facilities, and increase the number of identified compliant football facilities in West Australian football have and are being launched throughout the region, supporting this CSRFF application in particular

In May 2007 Community Football WA released a memorandum stating that "the continued improvement of community football facilities is an ongoing issue that the Community Football Council, District Development Councils, and the WA Football Commission (WAFC) are working cooperatively to address". The memo identified the upgrading of lighting facilities to enhance training with the possibility of conducting night games in the future as a major issue. In recognition of this the WAFC arranged a company to conduct lux tests for clubs with serious intentions of upgrading lights.

The Community Football Future Directions Report (CFFD) was prepared by CFWA of which the WAAFL and TAAFC are affiliated, states as one of its key recommendations that "facility audits are conducted in all districts in conjunction with local government authorities to ensure the optimal use of existing and proposed facilities." This recommendation has already been implemented by CFWA and the WAFC clearly identifies the reserve's existing lighting as being in need of an upgrade.

The City of South Perth's Strategic Plan 2004-2008 aimed "to foster a strong sense of community and a prosperous business environment" and to sustainably maintain, manage and enhance the city's infrastructure assets. This project should help achieve this goal by providing a safer and more appropriate sporting/recreational facility within the CoSP encouraging greater participation in sport/recreation by the local community.

Associated benefits of the project for the Club and wider community include:

- Combating poor health in general, increasing rates of obesity
- Meet the need for a facility which meets the standards of AS 2560
- Increased usage and participation of the reserve
- Provision of a safer training environment especially for a sport such as Australian Rules Football which involves a high level of physical contact
- Provide for the development of player skills
- More efficient usage of the reserve during times of peak demand
- Provide safer public access to access and exit from the reserve during times of peak demand.

In addition, the project relates to providing lighting on parts of the Oval that will provide alternative options to the wider community regarding an extended use of the reserve and could increase community safety while in use at times when it would otherwise be too dark for active and or passive activity. Local community groups, schools and sporting groups such as, the South Perth Church of Christ, Penrhos College and South Perth baseball Club in addition to numerous football governing bodies have also shown interest and support for this project.

It is recommended to Council that the City rate the application for funding as a medium to high priority and allocate supporting funds accordingly, to the extent of funding 1/3 of the cost of the suggested quote of three presented as part of the application.

Should the project proceed, strict conditions would apply, in addition to those that are standard for all projects involving the installation of reserve lighting and the upgrading of playing fields within the City. These conditions include the applicant's requirement to:

- Submit a confirmed electrical consultants report outlining that the power supply both on the grounds and at the facility can cater for maximum potential demand required;
- Ensure a Sub-Meter power box is installed on site for measurement and accountability of expenditure to the Club;
- Further detailed specifications of the project to the City and obtain appropriate approvals;
- Confirmation of spill light analysis prior to design acceptance from the City including potential use of hoods on light towers to prevent reflective glare to community members;
- Liaise with the City at all stages of the project and to ensure that the works do not impact on other regular and or casual users of the facility;
- Forward a letter to all residents in streets adjacent (Thelma and Murray) to areas affected by the proposed lighting advising that as a part of the on-going development of the reserve, further floodlighting towers would be installed and that the towers would be positioned so that there is no light spillage on adjacent properties; and
- The applicant (TAAFC) bear all pre-site requirements, installation, maintenance and operating costs with no cost to the City.

CSRFF Grant Sought	\$19,519.43
City's Contribution	\$19,519.43
Club's Contribution	<u>\$19,519.43</u>

Estimated Total Project Cost \$58,558.29

This project has been rated 'B -Well planned and needed by applicant'. In making this assessment the panel noted;

- The addition of project conditions required including; Spill light assessment, community consultation with adjacent streets, minimal user impact through works to be commenced, and power supply and measurement requirement capabilities confirmation
- The upgrade will assist broader community usage throughout the year
- The upgrade project benefits the club and will impact directly on growth and competency in competition and training, with additional potential flow on effects for non sporting community groups through lighting safety
- The proposed upgrade is consistent with the Sporting Facilities Needs Study undertaken on behalf of the City in March 2006, and associated Club and affiliated organisation strategic Plans.

Comments from the City Environment Department

A significant benefit identified in this project, particularly with the anticipated increase in the number of people participating in the clubs' activities is the ability to spread sporting activity over a larger area on the reserve, therefore reducing wear on smaller sections of the playing surface.

Consultation

Consultation has been undertaken with local sporting clubs by way of the City conducting a direct mail-out to local clubs informing them of the funding program, how to obtain guidelines and inviting applications; potential applicants liaising directly with appropriate City Officers; advertising in the local and state newspaper providing opening dates for the rounds and continued liaison with the Department of Sport and Recreation. In addition, the City's Club Development Officer maintains regular contact with sporting clubs in the area ensuring that opportunities to participate in the CSRFF program are canvassed.

As part of the City's Future Directions and Needs Study (Creating Communities 2006), the City has also entered into extensive consultation with the 22 user clubs of 16 City-owned facilities including all four (4) sporting pavilions and the tennis, bowling and croquet clubs. Information gathered from clubs through site visits, focus groups, surveys and investigations into best practise provision. Information gathered during that study had assisted in informing the recommendations of this report.

Policy and Legislative Implications

This report relates to Policy P222 - Support and Community and Sporting Groups.

Financial Implications

A provisional amount of \$30,000.00 is incorporated into the indicative annual budgeting process to support CSRFF applications. The amount of \$19,519.43 as recommended in this report to support project proposed by the Trinity Aquinas Amateur Football Club is within this forecasted estimate.

Strategic Implications

This report is complimentary to Goal 2: Community Enrichment, Strategy 2.2:

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

as well as Goal 2: Community Enrichment, Strategy 2.7:

‘Develop strategic direction for events, arts including public arts, leisure, recreation and heritage that encourages a vibrant and participative community. This includes initiatives relating to the George Burnett Leisure Centre, libraries, parks, river, Fiesta and other community programs’.

It is also complimentary to Goal 6: Financial Viability, Strategy 6.2:

‘Maximise community benefit and value for money from City expenditures and the use of our assets’.

Sustainability Implications

Strong, thriving sporting clubs make up a major part of the social infrastructure of the community. The social and physical benefits that come from an active involvement in organisations such as sporting clubs contribute greatly to the resilience and sustainability of the community.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
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That...

- (a) the application from Trinity Aquinas Amateur Football Club, for funding as part of the Community Sporting Recreation Facilities Funding (CSRFF) program be submitted to the Department of Sport and Recreation together with the supporting comments from the officer report including the ranking and rating; and
- (b) an amount of \$19,519.43, as the City’s contribution towards the CSRFF Grant, subject to the application being successful with Department of Sport and Recreation, be included for consideration in the 2009/2010 draft Budget.

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Draft Amendment No. 16 to Town Planning Scheme No. 6 “Patios and Pergolas”
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Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/16
Date:	1 October 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

The purpose of this report is to introduce a proposed amendment to Town Planning Scheme No. 6 (TPS6) relating to the control of patios and pergolas. The existing TPS6 definition of ‘pergola’ differs from the R-Codes definition of this term. The R-Codes also contain a definition of ‘patio’. In combination, the differing definitions of ‘pergola’ and the ‘patio’ have caused some confusion regarding correct interpretation. The R-Codes do not address certain kinds of roof covering for structures deemed to be patios, notably “vergolas” (adjustable louvres used for roofing) and shade sails. The Scheme Amendment will rectify various anomalies and omissions regarding patios and pergolas.

The Scheme Amendment will also insert in Clause 7.1 a list of minor garden structures which do not constitute “development” and therefore do not require development approval. Among other structures, the list of exempt structures includes all pergolas as well as cubby houses and dog kennels situated behind the front setback line. The amendment will formalise long-standing practice and interpretation regarding the kinds of minor garden structures which do not require development approval.

The recommendation is that Council resolve to initiate the Scheme Amendment process for the proposed Amendment No. 16 and to proceed to community consultation.

Background

The attached Scheme Amendment Report expands upon the summary set out above. The proposed Amendment No. 16 will enable Planning Officers to deal with development applications for patios more effectively. Pergolas are not classified as “development” and therefore do not require development approval, but only a building licence. The Scheme Amendment will provide greater clarity regarding the kinds of structures that are exempt from the need to obtain development approval.

Comment

The Scheme Amendment will implement the following changes to the Scheme Text:

- Deletion of the definition of ‘pergola’ from Schedule 1 of the Scheme Text, thus reverting to the R-Codes definition of this term.
- Addition of definitions for ‘patio’ and ‘shade sail’ to Schedule 1 of the Scheme Text.
- Addition of a new paragraph (1) to clause 4.3(1) of the Scheme Text stating that the Residential Design Codes definition of “patio” is varied by the Scheme.
- Replacement of paragraph (f) of clause 7.1 (2) of the Scheme Text expanding the list of minor structures exempted from the need for planning approval.

Consultation

At this stage, no community consultation has been undertaken. Formal advertising procedures will be implemented in this regard following Council’s endorsement of the draft Amendment No. 16.

In the course of preparing the draft Scheme Amendment the Manager Development Services, Senior Strategic Planning Officer and the Senior Statutory Planning Officer have been consulted.

Policy and Legislative Implications

The proposal will directly affect the No. 6 Town Planning Scheme, being a statutory amendment to that Scheme.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 16 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment No. 16 to TPS6	28 October 2008
Council adoption of draft Scheme Amendment No. 16 proposals for advertising purposes	28 October 2008
Referral of draft Amendment proposals to EPA for environmental assessment	3 November 2008
Public advertising period of not less than 42 days (<i>Not to be undertaken between mid-December and mid-January</i>)	19 January to 6 March 2009
Council consideration of Report on Submissions in relation to Amendment No. 16 proposals	April 2009 Council meeting
Referral to the WAPC and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 16; • Three signed and sealed copies of Amendment No. 16 documents for final approval 	Early May 2009
Minister's final determination of Amendment No. 16 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Financial Implications

The proposed Scheme Amendment has financial implications in relation to statutory advertising costs (local newspaper and Government Gazette), and all operational costs.

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 10.3.1
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That....

- (a) Council in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 in relation to patios and pergolas;
- (b) the Report on the Amendment containing the draft Amendment No. 16 to the City of South Perth Town Planning Scheme No. 6, at **Attachment 10.3.1**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 16 be implemented in accordance with the Town Planning Regulations and Council Policy P104, to comprise the following:
 - A community consultation period of not less than 42 days, to begin after mid-January 2009.
 - Southern Gazette newspaper notice in two issues: 'City Update' column.
 - Notices in Civic Centre customer foyer and on the notice-board.
 - Notices in City's Libraries and Heritage House.
 - City's web site: Notice on the 'Out for Comment' page; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 16:

<p>FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning and Infrastructure whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.</p>
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CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Change of Use from Office to Consulting Rooms - Lot 409 (No. 56) Ley Street, Como.

Location: Lot 409 (No. 56) Ley Street, Como
 Applicant: Michael Gargett
 Lodgement Date: 6 August 2008
 File Ref: 11.2008.360 LE5/56
 Date: 1 October 2008
 Author: Laurence Mathewson, Trainee Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

To consider an application for planning approval for a change of use from Office to Consulting Rooms on Lot 409 (No. 56) Ley St, Como. Based on Town Planning Scheme No. 6 requirements the development application has a deficit of 2 car parking bays, however site visits conducted by the assessing officer have identified that on-street car parking and the public car park are not being used to their capacity and can cater to this demand. The proposed use does not conflict with any other aspect of Council Policy, the provisions of the City’s Town Planning Scheme No. 6, or the 2008 R-Codes.

It is recommended that the proposal be approved subject to conditions.

Background

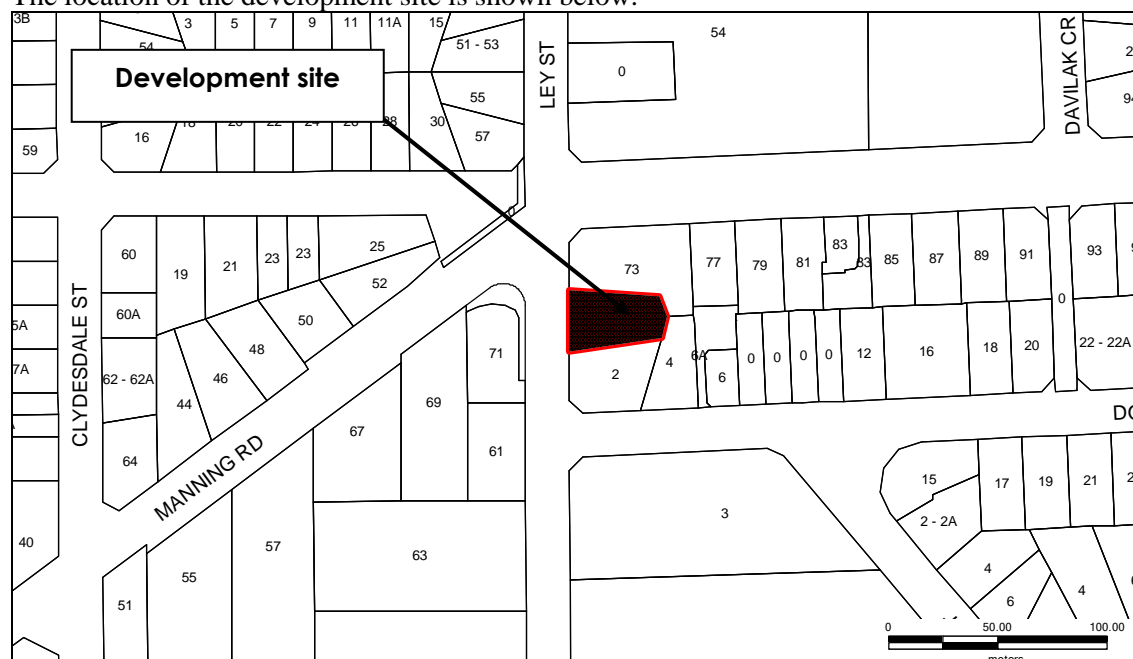
The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	1017 sq. metres
Building height limit	7.0 metres
Plot ratio	0.50

This report includes the following attachments:

- Attachment 10.3.2(a)** Site photographs.
- Confidential Attachment 10.3.2(b)** Plans of the proposal.

The location of the development site is shown below:



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:

6. Amenity Impact

In considering any application for planning approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If, in the opinion of the delegated officer, any significant doubt exists, the application shall be referred to Council for determination.

Comment

(a) Description of the proposal

A two storey shop and office development was approved for the subject site at the August 2007 council meeting. The building is currently in the process of being constructed.

The proposal involves a change of use from Office to Consulting Rooms, as depicted in the submitted plans at **Confidential Attachment 10.3.2(b)**. There is no proposed alteration to the existing building, however there are modifications to the car parking bay requirements. The application does not include an application for a sign.

The aspects of the City's Town Planning Scheme No. 6 (**TPS6**), the *Residential Design Codes of WA 2008* (the **R-Codes**) and Council Policies relevant to this application are discussed in more detail below.

(b) Plot ratio

Plot ratio is not being altered from the existing development .

(c) Building height

The building heights are not being altered from the existing development.

(d) Street setback

The street setbacks are not being altered from the existing development.

(e) Boundary walls

There are no boundary (parapet) walls, existing or proposed.

(f) Wall setbacks

The wall setbacks are not being altered from the existing development.

(g) Visual privacy setbacks

There is no visual privacy implications, existing or proposed, in regards to Element 8 of the R-Codes.

(h) Solar access for adjoining sites

The area of overshadow is not being altered from the existing development.

(i) Finished ground and floor levels - minimum

The ground and floor levels are not being altered from the existing development.

(j) Finished ground and floor levels - maximum

The ground and floor levels are not being altered from the existing development.

(k) Car parking

Under Town Planning Scheme No. 6 the car parking requirements for Highway Commercial Centre is 1 per 20 sq. metres gross floor area. The floor area of the office is 62 sq. metres therefore 4 car parking bays were required for the use.

Town Planning Scheme No. 6 requires 1 bay for every 19 sq. metres of gross floor area with a minimum of 6; plus 1 for every person employed on the premises for a consulting room use. The applicant is therefore seeking a dispensation for 2 car parking bays.

The applicant has sought dispensation on the basis that:

1. The business will operate as a sole practitioner, no employees will be taken on, and a maximum of only two clients will be on the premises at one time; one being seen by the practitioner, the other in the waiting room. Therefore the maximum number of car parking bays that will be used at any one time is three, which is less than the required number for the approved office use; and
2. There is underutilised street parking along Ley Street.

It is also noted that a public car park with a capacity of approximately 40 cars is available on the corner of Ley Street and Downey Drive, approximately 50.0 metres from the subject site. A number of public transport services also operate along Manning Road.

Staff have inspected the site on three occasions, at 12.00 pm on Wednesday, 1 October 2008, 10:30 am on Thursday, 2 October 2008 and 9:30 am on Friday, 3 October 2008. On all three site visits there were a number of bays available along Ley Street and in the public car park no more than 12 cars were parked on each occasion, refer **Attachment 10.3.2(a)**. However it should also be acknowledged that on the second site visit at least 4 on-street parking bays were occupied by contractors involved in the construction of the 56 Ley Street development.

Noting that the two storey shop and office development was approved by Council with a car parking bay deficit of 5 bays (20 bays in lieu of 25 bays), the application should be supported, with the additional deficit of 2 car parking bays, as there are a significant number of bays provided off site in a convenient and close location to the subject site which are not being used to their capacity.

(m) Number of practitioners

The number of practitioners proposed is one, this complies with the Town Planning Scheme No. 6 requirements.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (d) *Establish a community identity and “sense of community” both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality;*
- (o) **Other Matters to be Considered by Council: Clause 7.5 of No. 6 Town Planning Scheme**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

 - (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
 - (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
 - (i) *the preservation of the amenity of the locality;*
 - (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
 - (x) *any other planning considerations which the Council considers relevant.*

Consultation

- (a) **Design Advisory Consultants' comments**

The DAC comments are not required as there are no architectural changes to the current development.
- (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". No submissions were received during the neighbour consultation period.

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 a 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.*

Sustainability Implications

There are no sustainability implications relating to this application.

Conclusion

The proposed parking bay dispensation will not have a detrimental impact on the general amenity of the adjoining area, and meets all of the relevant Scheme objectives. Provided that standard conditions are applied as recommended, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from Office to Consulting Rooms on Lot 409 (No. 56) Ley Street, Como **be approved**, subject to:

(a) Standard Conditions

661 Validity of approval

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

(b) Specific Conditions

A maximum number of one practitioner shall consult from the premises along with one support staff.

(c) Standard Advice Notes

649 Planning consent is not a Signs License
651 Appeal rights - SAT

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

(d) Specific Advice Notes

- (i) The applicant is advised that a Building License is required for any internal modifications.
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements;

CARRIED EN BLOC RESOLUTION

10.3.3 Application for Informal Preliminary Support for Proposed Mixed Development Lot 3298 Murray Street, Como

Location: Lot 3298 Murray Street, Como
Applicant: South Perth Church of Christ
Lodgement Date: 16 June 2008
File Ref: 11.2008.268 MU2/L3298
Date: 1 October 2008
Author: Matt Stuart, Senior Statutory Planning Officer
Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

To consider an application for informal preliminary support, in accordance with Clause 7.10 of Town Planning Scheme No. 6 (**TPS6**).

The proposal is a Master Plan for 74 Multiple Dwellings, Café, Local Shop and Religious Activities (auditorium), within 4 buildings of 2 and 3 storeys, on Lot 3298 Murray Street, Como.

The proposal does not conflict with Council Policy, the City's Town Planning Scheme No. 6, or 2008 R-Codes. It is recommended that the proposal be supported in principle.

Background

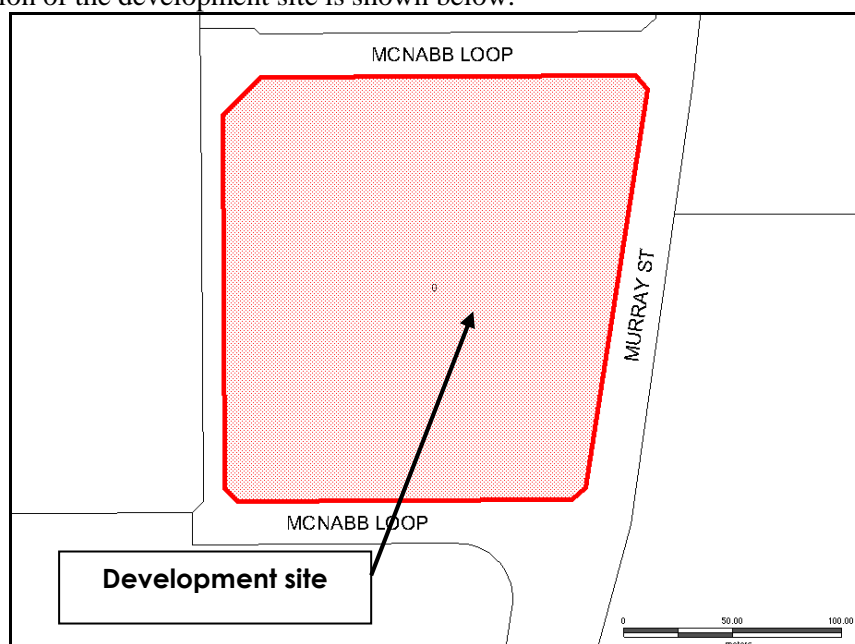
The development site details are as follows:

Zoning	Private Institution
Density coding	R30
Lot area	35,047 sq. metres
Building height limit	7.0 metres
Development potential	116 Dwellings
Plot ratio	0.6:1

This report includes the following attachments:

- Attachment 10.3.3(a)** Site photographs
Attachment 10.3.3(b) Plans of the proposal

The location of the development site is shown below:



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

2. **Large scale development proposals**
 - (i) *Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City; and*
 - (iii) *Proposals involving 10 or more dwellings.*

Comment

(a) Description of the Surrounding Locality

The subject site is located adjacent to the South Perth Tennis Club and Penrhos College to the north, Collier Park Golf Course to the east, Como Secondary College to the south and the Collier Park Retirement Village to the west, as seen in **Figure 1** below:

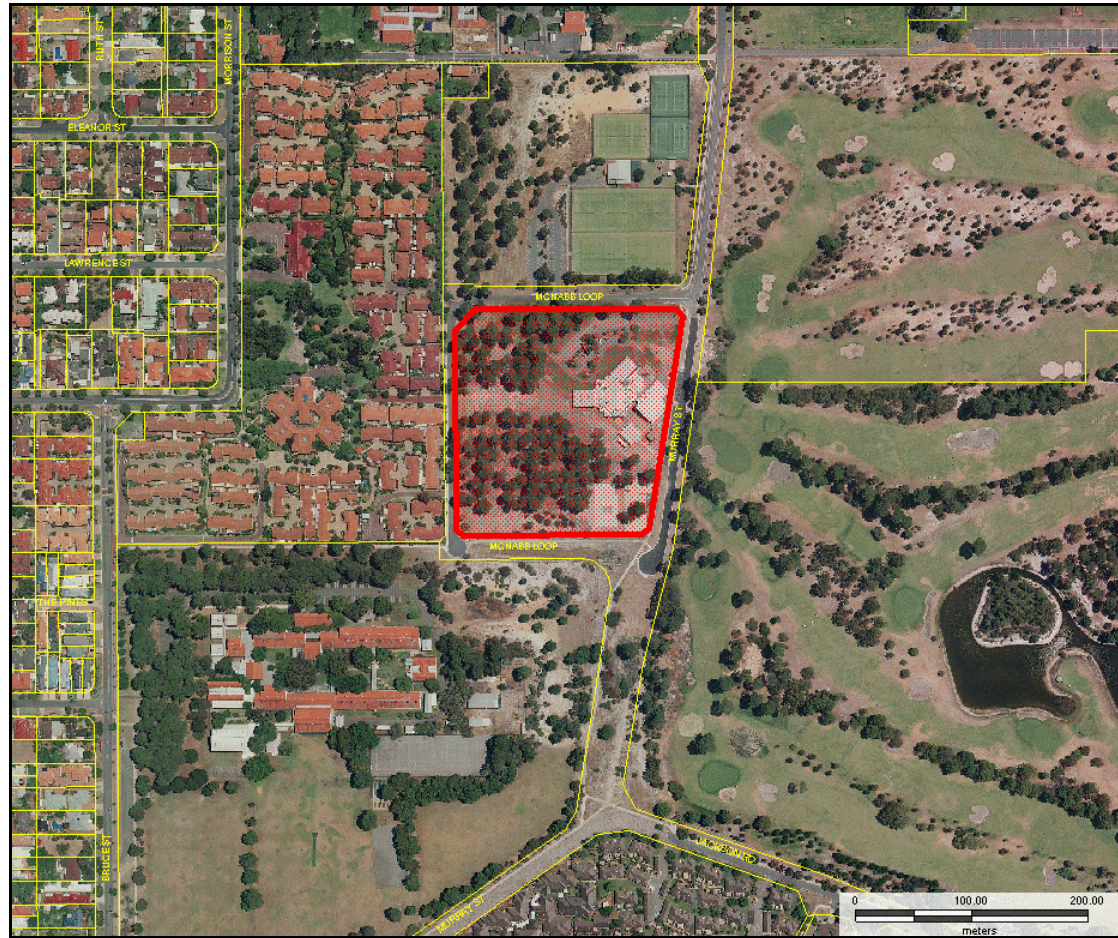


Figure 1: Surrounding locality and land uses.

(b) Existing Development on the Subject Site

The existing development on the subject site currently features land uses of ‘Religions Activities’ (church & associated facilities, community hall and community workshop), and ‘Radio and Television Installation’ (Sonshine FM, radio facility only), as depicted in the site photographs in **Attachment 10.3.3(a)**.

(c) Description of the Proposal

The proposal is for a master plan, or planning concept, where the exact design and compositions of uses are subject to change, as a more precise design is created at the Development Application phase. Accordingly, a preliminary and informal (in-principle) decision is sought by Council in accordance with Clause 7.10 of the Scheme, which does not constitute planning approval for the purposes of clause 7.9 of TPS6. Consequently, this matter will be subject to a future development application requiring determination by the Council.

The Applicant’s report describes the concept and proposal in extensive detail, as provided to Council at the Major Development Briefing held on 1 October 2008.

The master plan proposal involves retaining the existing development, and the construction of 74 Multiple Dwellings, Café, Local Shop and Religious Activities (auditorium), within 4 buildings of 2 and 3 storeys, as depicted in the submitted plans of **Attachment 10.3.3(b)**.

The proposal complies with the Town Planning Scheme No. 6 (**TPS6**), the *Residential Design Codes of WA 2008* (the **R-Codes**) and relevant Council Policies. This is discussed in more detail below.

(d) Residential Density

The permissible residential density is 116 dwellings (R30), whereas the proposed residential density is 74 dwellings; therefore, the proposed development complies with Table 1 of the R-Codes.

(e) Land Uses

The break-up of the proposed uses and floorspace is presented below in **Table 1**.

Table 1: Land Uses and Floorspace				
Building Location	Land Use Type	Land Uses (TPS6)	Use Class (TPS6)	Floorspace (m²)
South-west	Residential	18 Multiple Dwellings	D	1945
West	Mixed Development	24 Multiple Dwellings	D	2595
		1 Local Shop	P	500
		1 Religious Activities	DC	
North-west	Mixed Development	32 Multiple Dwellings	D	3460
		1 Consulting Rooms	P	750
Central	Non-Residential	1 Religious Activities (1,000-seat auditorium)	DC	2,800
		1 mixed Café	DC	200
		and Local Shop	P	
<i>Total</i>				<i>12,250</i>

Subject to neighbourhood consultation at the development application phase, it is considered that the proposed land uses are appropriate for the site, and therefore comply with TPS6.

(f) Finished Ground and Floor Levels- minimum

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with Clause 6.9.2 “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(g) Finished Ground and Floor Levels- maximum

The level of detail of in this master plan does not enable an assessment of maximum ground and floor levels, however this matter will be resolved at the Development Application phase.

With the limited information at hand, it is considered that the proposed development could be designed to comply with Clause 6.10 “Maximum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(h) Boundary Walls

None proposed.

(i) Wall Setbacks

The level of detail of in this master plan does not enable an assessment of wall setbacks. This matter will be resolved at the development application phase.

With the limited information at hand, it is considered that the wall setback are generally compliant, given that there is only one lot, and therefore a small number of boundaries to be set back from.

(j) **Street Setbacks**

1. Residential building: south-west

The permissible average street setback is 4.0 metres, whereas the proposed building setback is approximately 8.5 metres. The required secondary street setback is 1.5 metres, whereas the proposed building setback is approximately 6.5 metres. Therefore, the proposed development complies with Table 1 of the R-Codes.

2. Mixed Development building: west

The minimum street setback is 7.5 metres; whereas the proposed setback is approximately 8.5 metres, therefore the proposed development complies with Table 3 of the City of South Perth Town Planning Scheme No. 6.

3. Mixed Development building: northwest

The minimum street setback is 7.5 metres; whereas the proposed setback is approximately 8.5 metres, therefore the proposed development complies with Table 3 of the City of South Perth Town Planning Scheme No. 6.

The minimum 'other' street setback is 4.5 metres; whereas the proposed setback is approximately 4.5 metres, therefore the proposed development complies with Table 3 of the City of South Perth Town Planning Scheme No. 6.

4. Non-Residential building: central

The minimum street setbacks range from 4.5 to 7.5 metres; whereas the proposed setback is approximately 14-100 metres, therefore the proposed development complies with Table 3 of the City of South Perth Town Planning Scheme No. 6.

(k) **Building Height**

The level of detail in this master plan does not enable an assessment of building heights. This matter will be resolved at the Development Application phase.

With the limited information at hand, it is considered that the buildings are generally compliant with Clause 6.2 "Maximum Building Height Limit" of the Town Planning Scheme No. 6.

(l) **Solar Access for Adjoining Sites**

All overshadow will be cast upon the subject site, and therefore fully compliant with the maximum overshadow requirements of the R-Codes.

(m) **Visual Privacy Setbacks**

The level of detail of in this masterplan does not enable an assessment of visual privacy setbacks, however, this matter will be resolved at the Development Application phase.

(n) **Plot Ratio**

The plot ratio permitted is 0.6:1 (21,028 sq. metres) the proposed plot ratio is 0.43:1 (15,002 sq. metres), therefore the proposed development complies with the plot ratio element of the R-Codes.

(o) **Open Space**

The required minimum open space permitted is 45 percent (15,771 sq. metres), whereas the proposed open space is approximately 71 percent (25,000 sq. metres), therefore the proposed development complies with the open space element of the R-Codes.

In addition, it is noted that the Master Plan proposes an attractive community square within the open space.

(p) Landscaping

The amount of landscaping proposed is not clear at this early stage, however there is ample room available for landscaping, and furthermore the Applicant's report makes a commitment to achieve the required 25 percent at the development application phase.

(q) Car Parking

The method used by the Applicant's transport planners, Uloth and Associates, to calculate the required car parking is based upon some assumptions and conditions (see Applicant's report), as outlined below.

The parking bays of some of the uses (existing and proposed), such as the Sonshine FM building, will not be required during the peak period of the auditorium, which is during the Sunday religious services. Accordingly, some bays have been shared between the various uses (reciprocal parking).

Additional parking bays are proposed in the Murray Street road reserve.

Grassed overflow parking is proposed, rather than extensive hard surfaces that will not be used for 6 days of the week, purportedly similar to churches in Canning, Joondalup and Mount Pleasant.

Using the above assumptions, the required number of car bays is 470; whereas the proposed number of car bays is 486. During the development application phase, this matter will be assessed in more detail, however at this stage it is considered that the proposed development complies with the car parking element of the R-Codes.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (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;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (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;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities; and*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held in August 2008. The proposal was favourably received by the Consultants. Their comments are summarised below:

DAC Comments	Officer Comments
The architects generally supported the proposed master plan of the development as well as the site planning, noting that the church and radio communications buildings already exist on site.	The comment is NOTED .
Comments on the proposed built form can only be provided once large scale drawings are provided to the City. These were not available at the time of the meeting.	The comment is NOTED .
The architects considered that the proposal may well comply with the building height provisions of the Town Planning Scheme No. 6. The proposed two storey building at the highest point of natural ground level will clearly comply with the Scheme provisions. With the existing slope of ground, increased building height could be achieved and should comply as well. The proposed higher portions of the building were not seen to have any adverse amenity impact on the adjoining land uses, hence were supported.	The comment is UPHELD .
The architects also pointed out that the height of the existing pine trees on site and in the surrounding areas should also be considered when assessing compliance with height limits for the proposed built form, as they need to correlate.	The comment is NOTED .
The architects recommended that views of the golf course from the proposed development could be also utilised through effective design.	The comment is NOTED .
The architects encouraged the Applicant to provide justification for the lesser number of proposed car parking bays by addressing reciprocal parking requirements.	Amended report adequately covers this matter, see above discussion. The comment is UPHELD .
The architects encouraged street parking as proposed. They enquired as to how the Church intends to maintain the grassed areas where parking has been proposed on the lawns.	Amended report adequately covers this matter, see above discussion. The comment is UPHELD .

(b) Neighbour Consultation

Being an application for in-principle support, neighbourhood consultation has not been sought, however upon lodging a Development Application, consultation will be carried out.

(c) Other City Departments

The Strategic Urban Planning Adviser, Development Services has provided the following comments:

In the course of preparing TPS6, a collection of reports known as ‘Precinct Plans’ (one for each of 14 precincts) were prepared by consultants appointed by the Council. The subject site is situated in Precinct 9 (‘Como’).

The Precinct Plan for Precinct 9 has been examined. It does not contain any reference to the Church of Christ site, although objectives for other parts of the precinct are discussed. The proposal in the Church of Christ Mater Plan is not in conflict with the TPS6 Precinct Plan for Precinct 9.

From a Strategic Planning viewpoint, the Applicant’s proposals are considered to be entirely satisfactory. It is particularly pleasing to note that the Master Plan has been formulated with a view to promoting interaction between activities and land uses on the subject site and those of neighbouring sites.

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 a 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.*

Sustainability Implications

The City’s Sustainability Coordinator has provided comments with respect to sustainability. She advises that where relevant to issue and timing, further investigation and documentation is required of the Applicant at the Development Application phase, into ESD principles, the City’s 2030 Visioning project and TPS No.7.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme Objectives. It is considered that the application should be conditionally supported.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3</p>

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6, this application for informal preliminary support for Mixed Development Additions comprising 74 Multiple Dwellings, Café, Local Shop and an Auditorium (within 4 Buildings of 2 to 3 Storeys) to Existing Religious Activities on Lot 3298 Murray Street, Como **be supported**, subject to the following **Specific Advice Notes**

- (a) In accordance with clause 7.10 of the City of South Perth Town Planning Scheme No. 6, this is not a planning approval for the purposes of clause 7.9 or any other provision of the Scheme. The Applicant is advised of the need to obtain a formal planning approval from the City in accordance with Clause 7.2 “Application for Planning Approval” of TPS6. The proposed development will be required to comply with the relevant provisions of the Town Planning Scheme, Residential Design Codes and Town Planning Policies. These planning provisions include, and are not limited to, the prescribed building height limit, plot ratio, car parking, landscaping, visual privacy and setbacks.
- (b) A building licence must be obtained from Council’s Building Services Department prior to commencing any works of a structural nature.
- (c) It is the Applicant’s responsibility to liaise with the City’s Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (d) It is the Applicant’s responsibility to liaise with the City’s Parks and Environment Department prior to designing a landscaping plan for the street verge areas and proposing the removal of trees from site as required;
- (e) It is the Applicant’s responsibility to liaise with the City’s Sustainability Coordinator to ensure satisfaction of all of the relevant requirements; and
- (f) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

CARRIED EN BLOC RESOLUTION

10.3.4 Proposed Modification to Existing Approved Sign. “Esplanade River Suites” Lot 103 (No 112) Melville Parade, Como (Previously Broadwater Pagoda Hotel)

Location: Lot 103 (No 112) Melville Parade, Como.
 Applicant: Allerding & Associates
 File Ref: 11.2008.213; ME3/112
 Date: 1 October 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

This application for planning approval is for modifications to a previously approved roof-mounted sign, granted approval in 1998. Clause 6.12 (3) of Town Planning Scheme No. 6 (TPS6) prohibits any new roof-mounted signs. However modifications to existing approved roof signs can be approved. Council’s discretion is sought in regard to the modified configuration of the sign. The recommendation is for approval.

Background

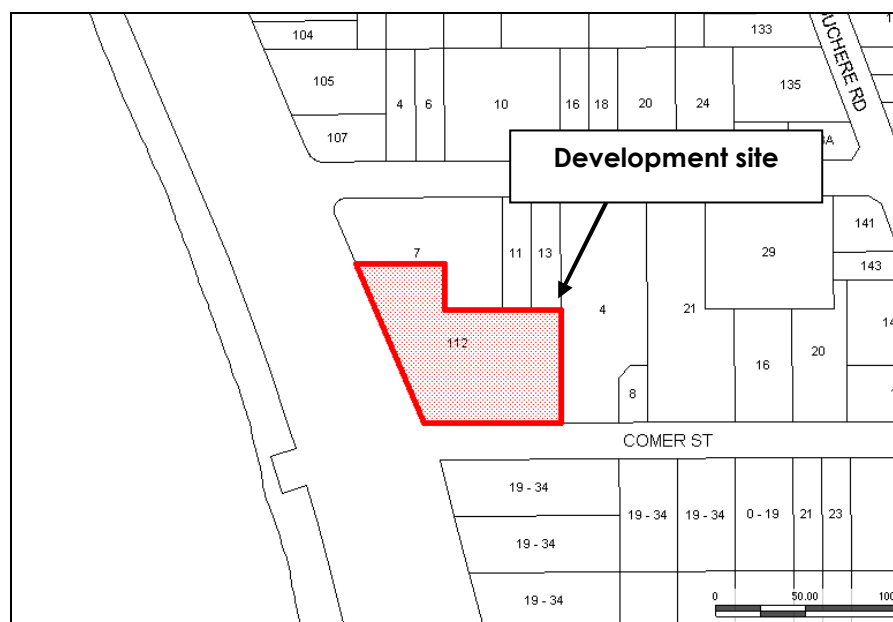
The development site details are as follows:

Zoning	Residential
Density coding	R30/50
Lot area	6752 sq. metres
Building height limit	7.0 metres
Development potential	Existing hotel

This report includes the following attachments:

- Attachment 10.3.4(a)** Letter from Allerding & Associates, Town Planners, dated 19 September 2008 including plans of the modifications.
- Confidential Attachment 10.3.4(b)** Approval issued 9 July 2008.
- Confidential Attachment 10.3.4(c)** Approval issued 23 February 1998.

The location of the development site is shown below. The site is adjoined by residential uses to the north and east. The freeway is to the west and ‘Comer Reserve’ to the south.



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

3. The exercise of a discretionary power

- (iii) *Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*

If, in the Council's opinion, the current proposal was deemed to be a 'new' sign, rather than modification to an existing sign, this would constitute a significant departure from TPS6, having regard to Clause 6.12 (3) "Signs" which prohibits new roof mounted-signs.

In the way of background, a planning application was lodged with the City for three new signs on 9 July 2008 and approved, as per **Confidential Attachment 10.3.4(b)**, with the following specific condition:

- (2) *Having regard to Clause 6.12(3) "Signs" of the City's Town Planning Scheme No. 6, the proposed roof mounted sign 'C' is prohibited and is to be removed from the proposal.*

As mentioned above, the May 2008 determination and TPS6 prohibition on roof signs was critical to the consideration of sign 'C'. An application for review of the condition was lodged with the State Administrative Tribunal (SAT) on 5 August 2008. At the SAT the applicant produced a sign licence approved by City Officers in 1998 under Town Planning Scheme No. 5 as per **Confidential Attachment 10.3.4(c)**. This information stated that the roof sign was already erected in accordance with the previously approved plans and that the current application relates to proposed modifications to that sign. Subsequently the SAT ordered that the Council consider the delegated Officer's decision and has listed a further hearing for 29 October 2008.

Comment

(a) Description of the proposal

According to the applicants letter dated 19 September 2008 the:

- existing sign structure would remain in place;
- sign would be 're-badged' reflecting the change of ownership of the hotel; and
- sign would be reconfigured as shown on the plans at **Attachment 10.3.4(a)** to cater for change of ownership.

The applicants letter dated 19 September 2008 describes the application in more detail.

(b) Signage

Following the 9 July 2008 approval at **Confidential Attachment 10.3.4(b)**, the City confirms a similar sign to sign (C) was approved on 23 February 1998 as per **Confidential Attachment 10.3.4(c)**. The Council may approve the current application having regard to clause 6.12 (5) of TPS6 provided that the proposal is deemed to be a modification to the existing sign and not a 'new' sign. Clause 6.12(5) reads as follows:

(5) Signs which:

- (a) were lawfully erected, placed or displayed prior to the gazettal of this Scheme; or
- (b) are permitted to be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the gazettal of this Scheme, may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval.

In accordance with Clause 6.12 (5) (b) the existing sign may continue to be displayed. In addition, however, the signs message and the size of the sign is being modified. Council's discretion is sought in relation to the modifications and 're-badging' reflecting the change of ownership mentioned in section (a) of this report.

The following factors are relevant in relation to consideration of the current application:

- The total area of the revised sign is less than that of the existing sign. The existing sign has an area of 10.8 sqm while the revised sign has an area of 10.1sqm;
- The sign is not visible from any residential properties within the City. The sign would predominately be visible from the freeway; and
- The sign does not impact on the amenity of the locality.

In accordance with Clause 6.12 (5) of TPS6, as the proposal relates to modifications to an existing approved sign and not the erection of a new sign, the application could be approved. Having regard to the preceding comments it is recommended that the sign be approved.

(c) **Other planning controls:**

The proposal does not generate any plot ratio, building height, setbacks, visual privacy, ground or floor level requirements.

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

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

Objective (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 sign is seen to comply with objective (f) of clause 1.6 of TPS as it will not impact the amenity of the residential area.

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

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

(h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*

The sign is seen to comply with matter (h) of clause 7.5 of TPS6 as the sign modification does not impact the heritage component of the site, being the original 'Pagoda Ballroom' conserved for aesthetic, historic, and social heritage significance.

- (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;*

The sign is seen to comply with matters (i), (j) and (n) of clause 7.5 of TPS6 as it will not impact the amenity of the residential area.

Consultation

Neighbour consultation was not required in accordance with Policy P104 "Neighbour and Community Consultation in Town Planning Processes".

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 a minor impact on this particular area, to the extent of payment of the required planning fee by the applicant.

Strategic Implications

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

Sustainability Implications

There are no sustainability implications relating to this application.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for an amended sign on Lot 103 (No. 112) Melville Parade **be approved**, subject to:

(a) **Standard Conditions**

660 Validity of the approval

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

(b) **Standard Advice Notes**

648 building licence required

649A minor variations - seek approval

Footnote A full list of Advice Notes is available for inspection at the Council Offices during normal business hours.
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CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE
Nil

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
Applicant: Council
Date: 1 October 2008
Author: Rajiv Kapur, Manager, Development Assessment
Reporting Officer: Steve Cope, Director Development & Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of September 2008.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor's Bulletin."

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 "Town Planning Scheme No. 6" identifies the extent of delegated authority conferred upon City Officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of September 2008, fifty two (52) development applications were determined under delegated authority, refer **Attachment 10.5.1**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Goal 5 "Organisational Effectiveness" within the Council's Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

Sustainability Implications

Reporting of Applications for Planning Approval Determined Under Delegated Authority contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of September 2008, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 3 October 2008
 Author: Sean McLaughlin, Legal and Governance Officer
 Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:

That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

Clause 21.1 of the City's Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

Extracts from the Register for the month of September 2008 appear below.

Nature of document	Parties	Date Seal Affixed
Surrender of CPV Lease	CoSP & Thomas Aplin	9 September 2008
CPV Hostel Residency Agreement	CoSP & Mavis Avery	10 September 2008
Surrender of CPV Lease	CoSP & Rose Stewart	17 September 2008
Building Grant Agreement	CoSP & Lotteries Commission (Lotterywest)	18 September 2008
Deed of Agreement to enter CPV Lease	CoSP & Anne Higgins	18 September 2008
CPV Lease	CoSP & Anne Higgins	18 September 2008
Registration of CPV Lease	CoSP & Anne Higgins	18 September 2008
Notification under s. 70A Transfer of Land Act	CoSP & The Housing Authority	19 September 2008
Amendment (Parking & Penalty Units) Local Law	CoSP	24 September 2008
Deed of Variation CPV Lease	CoSP & Lily Wheildon	26 September 2008
Deed of Agreement to enter CPV Lease	CoSP & Shirley Denton	30 September 2008
CPV Lease	CoSP & Shirley Denton	30 September 2008
Registration of CPV Lease	CoSP & Shirley Denton	30 September 2008

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City's Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

The report aligns to Goal 5 "Organisational Effectiveness" within the Council's Strategic Plan. Goal 5 is expressed in the following terms:

To be a professional, effective and efficient organisation.

Sustainability Implications

Reporting of the use of the Common Seal contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2
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That the report on the use of the Common Seal for the month of September 2008 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Annual Report 2007/2008

Location:	City of South Perth
Applicant:	Council
File Ref:	KM/302
Date:	6 October 2008
Author:	Kay Russell
Reporting Officer	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to present for adoption, the Annual Financial Statements as at 30 June 2008, and the Annual Report for the City of South Perth for the year ended 30 June 2008 and to set a date for the Annual Electors' Meeting.

Background

Section 5.53 of the *Local Government Act* requires that the Annual Report be adopted by Council. A draft copy of the 2007/08 Annual Report was circulated to Members via the Bulletin on 3 October 2008. No comments were received in relation to the draft document.

The Audit Report relating to the 2007/08 Financial Statements was considered and approved by the Audit and Governance Committee on 9 September 2008.

Comment

The Annual Report, incorporating the Financial Statements, is contained on the October Agenda as **Attachment 10.5.3**. Following adoption at the Council meeting, Public Notice is required to be given that the document is available for inspection. An Annual Meeting of Electors is also required to be held within 56 days after receiving the Annual Report.

The 2007/2008 Annual Report incorporating the financial statements for the year, contains all of the necessary statutory requirements and has been designed with commercial principles in mind, ie it contains the full set of financial statements. Copies of the Annual Report will be produced and will be made available prior to the Annual Electors Meeting.

The audit for the 2007/2008 financial year has been completed and the Auditors' Statement is contained in the report that was considered by the Audit and Governance Committee Meeting held on 9 September 2008.

It is proposed that pages **three to nineteen** of the 2007/2008 Annual Report will be summarised in a *report to the community*, to be printed in a newsletter style and format and distributed to the City's 20,000 households following the Annual Electors Meeting.

It is suggested that the Annual Meeting of Electors be set on a date determined by the Mayor and Chief Executive Officer. The date set will allow time for the Annual Report to be printed and to be available for inspection during the statutory advertising period (minimum 14 days).

Consultation

A Public Notice will be placed in the City Update regular column featured in the Southern Gazette newspaper advising of the availability of the Annual Report for public inspection together with details of the proposed Annual Electors Meeting. A suitable notice will also be placed on the City Noticeboard and will be displayed at the City Libraries as well as appearing on the City website. In addition, 20,000 copies of the Community Annual Report will be distributed to residences throughout the City.

Policy and Legislative Implications

Adoption of the Annual Report and holding of Annual Electors' Meeting required by the *Local Government Act*.

Financial Implications

Nil

Strategic Implications

Action required in accordance with the *Local Government Act*. The recommendation of this report is consistent with Goal 5 "Organisational Effectiveness" identified within the Council's Strategic Plan. Goal 5 is expressed in the following terms: ***To be a professional, effective and efficient organisation.***

Sustainability Implications

Adopting and circulating the City's Annual Report incorporating the financial statements for the year end 30 June 2008 contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3
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That....

- (a) the City of South Perth Annual Report incorporating the financial statements for the year ended 30 June 2008 be * adopted; and
- (b) the Annual Meeting of Electors be held on a date to be determined by the Mayor and Chief Executive Officer.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.5.4 Claim for Reimbursement of Costs from Mr Barrie Drake, 2 Scenic Crescent, South Perth

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/101
Date:	6 October 2008
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer	Cliff Frewing, Chief Executive Officer

Summary

The City has received a letter from Mr Barrie Drake claiming reimbursement of costs which he states that he has incurred as a result of actions he has taken in relation to alleged non-compliance with certain aspects of the planning approval granted by the City in 2000 for the property at 11 Heppingstone Street, South Perth.

In view of the absence of a lawful obligation on the City to make a payment to Mr Drake or any other relevant consideration in support of the claim, it is recommended that it be declined.

Background

In March this year, the City received a letter from Mr Barrie Drake, addressed to the Mayor, in which Mr Drake outlined a claim against the City for \$34,090.70. This related to costs which Mr Drake stated that he had incurred as a result of the application which he made in 2004 to the then Minister for Planning, the Hon Alannah MacTiernan concerning alleged non-compliance with the planning approval granted by the City in relation to the building at 11 Heppingstone Street South Perth.

Acting upon Mr Drake's request, the Minister referred the matter to the State Administrative Tribunal for a hearing. The matter was heard by the SAT in 2005 and a decision containing a number of recommendations was delivered in October 2005.

In accordance with the *Planning & Development Act 2005*, under which Mr Drake's application was made, the SAT recommendations are made to the Minister who is able to adopt, vary or ignore them. In January 2008 the Minister ordered the City to issue a direction to the property owner to comply with the terms of the SAT recommendations. The direction which was subsequently issued, was appealed to the SAT by the property owner, the proceedings for which have recently concluded. [A comprehensive history of the matter was contained in the report to Council for its July 2008 meeting.]

Mr Drake's letter contains a list of items and the cost said to have been incurred under each, spanning the period from 10 May 2002 to July 2006. A significant proportion of the total is made up of planning consultant's fees and legal fees associated with the SAT proceedings of 2005. No invoices or breakdown of the costs said to have been incurred have been received by the City in support of the claim.

Comment

Generally a party to litigation in the circumstances of Mr Drake, who effectively initiated the proceedings before the SAT, would apply to the Tribunal at the end of the hearing to make an application for costs. Mr Drake made such an application at the conclusion of the SAT hearing in October 2005 that the City and the landowner pay his costs. The SAT dismissed the application and determined that Mr Drake was not entitled to be reimbursed by the City or the landowners, noting that the discretion to award costs is to be exercised in the same way as in ordinary SAT review applications - where the convention is that parties bear their own costs in such proceedings and partial or complete success does not warrant a costs order. [See (2005 WASAT 271(S)).

Setting a Dangerous Precedent

The Tribunal noted the implications of acceding to Mr Drake's application and although the Tribunal made a finding that the City had failed to enforce its own town planning scheme, the making of such a finding in contested proceedings could not of itself, warrant the making of an order for costs against a responsible authority in the exercise of discretion. If this was not the case, an order for costs would be made in any proceedings in which the Tribunal recommends to the Minister that the representations are well-founded.

Obviously the City had no involvement in the choice or quality of the consultants or legal representation obtained or the frequency or need for such advice.

An unwelcome precedent would be set if the City acceded to Mr Drake's claim. To be consistent, the City would need to reimburse the costs of all parties in the SAT who have been partially or completely successful in their applications to review decisions taken by Council. In the past 18 months alone, there have been six such successful appeals.

LGIS advice

The City has received advice from Local Government Insurances Services WA (LGIS) which administers the Municipal Liability Scheme, that Mr Drake's claim has no basis and should be rejected. The City is not covered by any insurance policy for claims such as this (as there would be no reason for such cover).

Is the expenditure within the scope of the local government's function?

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Expenditure in the circumstances of this claim, including the fact that the SAT dismissed the application for the City to pay Mr Drake's costs, could not be considered to be consistent with this statutory prescription.

Legal Liability

"The established position in planning and other review proceedings in the Tribunal is that the broad discretion conferred by section 87(2) of the *State Administrative Tribunal Act* should be exercised, such that the parties usually bear their own costs. Partial or complete success in review proceedings does not itself warrant an order for costs in the exercise of such a discretion".

Basis of the claim

In addition to the absence of any lawful obligation on the City to make a payment to Mr Drake (in fact the contrary applies), Mr Drake does not provide any reasons for his request for reimbursement other than to suggest, on page 4 of his letter, that he feels that the way he has been treated since making his complaint “does not send a very positive message to others who are interested in seeking the proper administration of local government law”.

In response to this sentiment, the point needs to be made (as it was in the July 2008 report to Council) that the City has at all times dealt with Mr Drake’s complaints professionally and comprehensively. The March 2004 report to Council illustrates the point - apart from the issue of plot ratio, no other condition or aspect of planning approval relating to the building at 11 Heppingstone Street has been determined to be anything other than compliant. And the issue of plot ratio only arose, in the SAT’s determination, due to ‘a well-established but mistaken practice’ concerning its calculation.

In these circumstances, there is very little or no justification for Mr Drake to feel that he has been treated badly or in a way which may adversely affect other residents or ratepayers in South Perth in their dealings with the City. To the contrary, apart from a small number of submissions at the planning approval stage, the City has not received a single complaint or piece of correspondence about 11 Heppingstone Street from any person other than Mr Drake throughout the entire eight year period.

Other considerations

Notwithstanding these considerations, should the City accede to Mr Drake’s claim, there would be no compelling reason for the City to refuse a claim from the property owner who would have incurred significantly greater legal costs, in addition to the cost of complying with the Minister’s/City’s direction.

Conclusion

In conclusion, the City considers that there is no lawful or other basis for acceding to Mr Drake’s claim and recommends that Mr Drake be advised accordingly.

Consultation

The claim for reimbursement of costs has been considered and rejected by SAT. The City’s insurers have been consulted on the merits of the claim and have advised that the City has no insurance cover for liability in this instance.

Policy and Legislative Implications

There is no policy in existence that deals with claims of this nature. Having been dismissed by SAT it is doubtful whether the claim would be “for the good government” of the City. A precedent would also be created whereby other people who were successful against the City in a jurisdiction such as SAT may then lodge a claim against the City.

The claim is also inconsistent with S 87(2) of the *State Administrative Tribunal Act*.

Financial Implications

The amount claimed is significant ie in excess of \$34,000. It is likely that a budget re-allocation would be necessary.

Strategic Implications

Payment of a claim of this nature is not related to the City Strategic Plan.

Sustainability Implications

A decision to pay the legal and other costs of those who are successful against the City in a jurisdiction such as SAT will generate the need to create a separate budget allocation for such payments in addition to existing allocations. .

OFFICER RECOMMENDATION 10.5.4

That Council advise Mr Barrie Drake, 2 Scenic Crescent, South Perth that the City does not accept that it has any liability with respect to the claim lodged by Mr Drake.

MOTION

Cr Cala moved the officer recommendation, Sec Cr Wells

FORESHADOWED MOTION

Cr Smith foreshadowed that he would be moving*That this matter be deferred to next month's Agenda and in the interim, Mr Drake be requested to provide the necessary documentation in support of his application for reimbursement of his costs, if the current Motion is Lost.*

OFFICER RECOMMENDATION AND COUNCIL DECISION 10.5.4

The Mayor Put the Motion

That Council advise Mr Barrie Drake, 2 Scenic Crescent, South Perth that the City does not accept that it has any liability with respect to the claim lodged by Mr Drake.

CARRIED (8/2)

10.5.5 Invitation to Attend Inaugural Meeting of Australian Council of Local Government (ACLG) in Canberra.

Location:	Canberra ACT
Applicant:	Council
Date:	6 October 2008
File Ref:	GO/106
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to give consideration to the attendance by the Mayor at the Inaugural Meeting of the Australian Council of Local Government (ACLG) to be held at Parliament House in Canberra on 18 November 2008.

Background

An Invitation has been received from the Hon. Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government on behalf of the Prime Minister for all Mayors and Shire Presidents to attend the inaugural meeting of the Australian Council of Local Government to be hosted by the Prime Minister at Parliament House on 18 November 2008. The invitation also includes a welcoming function on the evening of 17 November 2008 where the winners of the 2008 National Awards for Local Government will be presented.

The Government will meet the costs of holding the meeting but each attendee is asked to bear their own travel and accommodation costs.

Comment

Formal invitations have been issued to all Mayors and Shire Presidents from Australia's 565 local governments to attend the inaugural one-day meeting of the Australian Council of Local Government.

The proposed agenda for the meeting includes the following important subjects:

- priorities for national and local infrastructure;
- identifying challenges for major cities; and
- recognition of local government in the Australian Commonwealth Constitution.

The Rudd Labor Government is working in partnership with local government to plan for the future to address its infrastructure challenges and want this historic meeting to be a success. The creation of the Council has been endorsed by the President of the Australian Local Government Association, Cr Paul Bell AM.

The attendance of the Mayor at the inaugural meeting of the Australian Council of Local Government in Canberra presents a unique opportunity to meet with national leaders in Government and Local Government. In particular, the discussion on identifying infrastructure needs is very relevant given the Rudd Government's commitment to establishing a \$20 billion Building Australia Fund. The City will have lodged an Expression of Interest to this fund by the closing date on 15 October 2008.

Following the first meeting of the Australian Council of Local Government the Government proposes to announce the ongoing membership and charter of the Australian Council of Local Government to establish a regular dialogue with local government on issues of national significance that will give local communities a real voice in the future of Australia's national infrastructure.

Consultation

This is a unique opportunity to meet with national leaders in Government and Local Government and the proposed discussion on identifying infrastructure needs is very relevant given that the City will have lodged an Expression of Interest to the Building Australia Fund by 15 October.

Policy and Legislative Implications

Council Policy P513 requires that:

A Council Member must obtain the approval of Council (by way of resolution) before travelling in the course of his or her duties:

- (a) outside Western Australia;
- (b) by plane within Western Australia; or,
- (c) to a conference or other scheduled event that will keep the Council Member away from the City for three or more days.

This report is therefore made in accordance with Policy P513.

Financial Implications

The Government will meet the costs of holding the meeting but each attendee is asked to bear their own travel and accommodation costs.

The total estimated cost of the Mayor's attendance including airfares, accommodation and meals is approximately \$2,500 Note: this cost is based on economy airfares made up as follows:

Air Fare	\$ 671.00 (as at 13 October)
Accommodation (3 nights)	\$ 558.00
Meals/incidentals approx.	<u>\$ 500.00</u>
	\$1,729.00

Funding for Elected Member attendance can be accommodated within the current budget.

Strategic Implications

It is important that the Mayor be provided with the opportunity to participate in such a significant meeting.

This report is consistent with Goal 5 “Organisational Effectiveness” of the City’s Strategic Plan: *To be a professional , effective and efficient organisation* and compliments the areas relating to Goal 2 “Community Enrichment” and Goal 3 “Environmental Management” of the Strategic Plan.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.5
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That Council approve the attendance of the Mayor at the inaugural meeting of the Australian Council of Local Government to be hosted by the Prime Minister at Parliament House on 18 November 2008 at an estimated cost of \$1,729.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - September 2008
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 October 2008
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries compiled according to the major functional classifications compare actual performance against budget expectations. These are presented to Council with comment 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 considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the detailed line-by-line information supplied to the City’s departmental managers to enable them to monitor the financial performance of the areas of the City’s operations under their control. This also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also 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 being 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 resources that 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. This is 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.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from when the first budget amendment is recognised. This schedule reflects a reconciliation of movements between the 2008/2009 Adopted Budget and the 2008/2009 Amended Budget including the introduction of the capital expenditure items carried forward from 2007/2008.

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

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)(A) and Attachment 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 30 September 2008 is \$27.94M which represents 101% of the \$27.77M year to date budget. Significant factors contributing to this variance are receipt of insurance premium and advertising rebates, a significant (\$50,000) DSR grant revenue towards costs associated with the Recreation Club Development Officer position, higher subsidies for residents at the CPH and the receipt of vehicle disposal proceeds (budgeted to occur before June 2008), insurance claim revenue and contributions towards parks and environmental works. Offsetting this is a less than expected interest revenue from the UGP project (due to better 'in full' collections than were anticipated - less people on the instalment payment plan and also from downwards adjustments to UGP service charges levied).

All other revenue items were on, or very near, budget expectations at month end. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 30 September 2008 is \$8.46M which represents 99% of the year to date budget of \$8.55M. Operating Expenditure to date is on budget in the Administration area, 3% under budget in the Infrastructure Services area and 6% under for the golf course.

There are some favourable variances in the administration areas that relate to budgeted (but vacant) staff positions - but these are partly offset by increased use of consultants to assist in maintaining service delivery in the face of the ongoing staff shortage and an increased staffing cost for the Collier Park Hostel due to the continuing need to use temporary staff due to the uncertainty whilst the future direction of the facility is being determined by Council. Most other items in the administration and golf course areas are at, or near, budget expectations. Variances in the Infrastructure area relate primarily to timing differences whilst operational and maintenance programs are initiated for parks and building maintenance - and whilst designs are prepared and contractors secured for road and path works. Golf Course expenditure remains favourable largely due to vacant staff positions.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 10% under the budget allocation for the 216.3 FTE positions approved by Council in the budget process - after agency staff invoices were received at month end. Increased use of external consultants is assisting in covering for current vacancies which exist in areas such as Engineering, Building Services, Human Resources, Information Technology and Planning.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$0.19M at 30 September against a year to date budget of \$0.15M. Most of the revenue received to date relates to units at the Collier Park Village that have been leased since June and a road grant that was invoiced in July - slightly ahead of budget phasing. The City has also received a private contribution towards environmental works. Validated adjustments to previously billed underground power service charges have resulted in a negative revenue of approximately \$70,000.

Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 September 2008 is \$3.58M which represents 102% of the year to date budget - being some 19.4% of the full year budget. Approximately 45% of the year to date capital expenditure relates to payment of cash calls on the UGP project.

The table that reflects capital expenditure progress versus the year to date budget by directorate has been re-introduced back into this report now that the September quarter has concluded - because from now on it presents meaningful information. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein are to be provided bi-monthly from the finalisation of the October numbers for that similar reason.

Each month, a summary of the progress of the revised capital program (including the carry forward works approved by Council at the August meeting) by directorate will be provided as below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	26,500	22,671	86%	1,551,000
Financial & Info Services	65,000	64,301	99%	397,500
Planning & Community Services	175,500	178,537	102%	1,622,344
Infrastructure Services	1,606,543	1,688,791	105%	9,158,964
Golf Course	22,500	19,592	87%	273,800
Underground Power	1,600,000	1,609,248	101%	5,500,000
Total	3,496,043	3,583,140	102%	18,503,608

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 about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

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*.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

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*'. Such actions are necessary to ensure the City's financial sustainability.

Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.1**

That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 October 2008
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding 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 & Information Services and Manager Financial Services - who 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 also 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 \$39.72M compare very favourably to \$36.92M at the equivalent stage of last year. Reserve funds are some \$4.5M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV and accumulated funds relating to the civic buildings refurbishment. Municipal funds are \$1.9M lower due to an increased level of

outstanding debtors (\$0.6M) and higher cash outflows for the UGP project cash calls (\$1.6M). The free cash position is still good - with collections from rates within 1.2% of last year's result. The City again has a number of convenient and customer friendly payment methods in place and has used the Rates Early Payment Incentive Prize to encourage positive early cash collections.

Monies brought into the year (and our subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects later in the year. As previously noted, astute selection of appropriate financial investments has meant that the City does not have any exposure to higher risk investment instruments such as CDOs (the sub prime mortgage market) - an issue noted very positively by our auditor's field staff in conducting our annual audit.

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 \$15.5M (compared to \$17.4M at the same time in 2007/2008). **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end is \$38.74M compared to \$36.50M at the same time last year. This is largely due to higher holdings of Reserve Funds at this time.

The portfolio currently comprises at-call cash and term deposits. Analysis of the composition of the investment portfolio shows that approximately 83.0% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities. The City's investment policy requires that at least 80% of investments are held in securities having a S&P rating of A1.

This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Interest revenues (received and accrued) for the year to date total \$0.697M - significantly up from \$0.48M at this time last year. This result is attributable to higher reserve cash holdings and timely, effective treasury management - despite the fall in interest rates. Throughout the year it will be necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date is 7.72% with the anticipated yield on investments yet to mature currently at 7.70% - but this is likely to fall further after further official interest rate cuts in the next few months. Results so far reflect careful selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs are now providing a return of only 6.75%.

(c) **Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtors classifications (rates, general debtors and underground power) are provided below.

(i) **Rates**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of September 2008 represent 65.8% of total rates levied compared to 67.0% at the equivalent stage of the previous year. This is an outstanding result to date. Ratepayer feedback has suggested that the rating and communication strategies used for the 2008/2009 rates strike have been well received - and this is reflected in the good foundation that has been established for successful rates collections during the year.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) will again be supported by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) **General Debtors**

General debtors stand at \$1.91M at month end excluding UGP debtors - which compares to \$1.35M at the same time last year. This reflects the fact that GST refundable by the ATO is higher than at the same time last year and there is a much higher level of unclaimed rebates due to a delay in lodging a claim for pension rebates with the Office of State Revenue.

(iii) **Underground Power**

Of the \$6.78M billed for UGP in May 2008, some \$3.68M was collected by 30 September with approximately 51% of those in the affected area electing to pay in full and a further 46.5% opting to pay the first instalment. The remaining 2.5% have yet to make a payment and are to be the subject of follow up collection actions in October.

A small number of properties have necessarily had the charges adjusted downwards after investigations revealed eligibility for concessions that were not identified by the project team before the initial invoices were raised.

Invoices for the second instalment of UGP were issued in late August with a due date in mid September. These were the first instalment notices to reflect the interest charges which are currently accruing interest on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the 'yet to completed UGP service' - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (exactly like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it will, if required, provide an instalment payment arrangement (including the specified interest component on the outstanding balance).

Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report as is The DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

Strategic Implications

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

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 30 September 2008 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

CARRIED EN BLOC RESOLUTION

10.6.3 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 October 2008
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 September 2008 and 30 September 2008 is presented to Council for information.

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 purchasing 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. After an invoice is

approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is 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 financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

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'*.

Sustainability Implications

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.3**

That the Warrant of Payments for the month of September 2008 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Statutory Financial Statements for Quarter ended 30 September 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	12 October 2008
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

An Income Statement is provided for the period ended 30 September 2008 with revenues and expenditures disclosed by the local government programs specified in Schedule 1 of the Local Government Financial Management Regulations (1996). Figures are also presented by nature and type classification. Statutory schedules comparing actual performance to budget for the period in relation to Rating and General Purpose Revenue are also provided.

Background

The Local Government (Financial Management) Regulations 1996 require the City to produce financial statements in the specified statutory format and to submit those statements to Council for adoption. Although the monthly management accounts presented in departmental format are believed to be the most effective mechanism for the City's Administration and Council in monitoring financial progress against the budget; the highly summarised, program-classified statutory Income Statement is required by both the Australian Bureau of Statistics and Grants Commission - who are able to derive some comparisons on a broadly aggregated basis despite the limited validity or integrity of comparisons made on an individual basis.

The statutory format Income Statement is to be accompanied by a Schedule of General Purpose Revenue and supported by a supplementary Schedule of Rating Information for the corresponding period. Although not mandated by the legislation, a Statement of Financial Position as at the end of the period is also included to provide a more complete and accountable set of financial reports.

Comment

Total Operating Revenue for the period of \$27.94M compares favourably with the year to date budget of \$27.76M. This represents 101% of the year to date budget. Analysing the Operating Revenues by nature and type, the significant favourable variances are in Fees & Charges (Housing program) which relates to the higher than expected turnover of units at the Collier Park Village and also in Asset Sale Proceeds (plant items budgeted for trade-in before 30 June 2008 but actioned after that date). Grants and Subsidies are above budget due to higher RCS subsidies at the CPH and success in securing road funding grants earlier than expected.

Interest Revenue is slightly below budget despite higher cash holdings as a consequence of falling interest rates (global credit crisis) and less than expected numbers of people taking up the instalment payment option for UGP. Service charges (UGP) have been negatively impacted by adjustments that have had to be made to accommodate previous UGP connection work and concessions not identified by the project team before the billing was initiated in May 2008.

The principal variances disclosed by program are the favourable variances in the General Purpose Funding and Housing programs. General Purpose Funding is unfavourably impacted by the factors noted in the preceding paragraph in relation to interest earnings and UGP charges. The significant favourable variance in the Housing Program is due to the higher turnover of units at Collier Park Village and slightly higher than expected RCS subsidies. Revenue in the Governance program appears inflated because of a favourable timing difference of vehicle trade-ins from transactions budgeted to occur before 30 June 2008 but actually occurring afterwards.

The remainder of programs are close to budget expectations for the year to date in when analysed in aggregate. Individual significant variances are separately identified and addressed by either appropriate management action or by the items being included in the Q1 Budget Review.

Operating Expenditure classified according to statutory principles to 30 September 2008 totals \$10.32M and is close to the year to date Budget of \$10.38M. Analysing those Operating Expenditure items by nature and type, Employee Cost are 5.3% under budget (as expected due to the previously noted vacant positions). Materials & Contracts are within 0.9% of budget for the year to date - reflecting increased use of contractors to cover staff shortages. Utilities & Insurances are around 13.5% over budget mainly to the retrospective adjustments to prior year workers compensation insurance premiums for claims just settled.

Most programs have small variances with the more significant being in the Governance, Law and Order and Housing programs. The favourable variance in the Governance and Law and Order programs relate mostly to vacant staff positions. The Housing program reflects above budget expenditure mainly as a consequence of additional staff costs offsetting the higher RCS subsidies and accelerated refurbishment costs. Relevant items are being addressed by management action or are included in the Q1 Budget Review.

The Schedule of Rating Information shows that as at 30 September 2008, the City had levied some \$20.57M in residential and commercial rates compared to a budget of \$20.61M. As often occurs in a revaluation year, interim rates movements have been negative rather than positive due to appeals against the Valuer General's Office valuations being upheld. This accounts for the unfavourable variance in this area.

Salaries for budgeted and approved positions were around 10.3% below budget expectations to September 2008. There are currently a number of vacancies in the Human Resources, Planning Services, Health, Golf Course, Engineering, Information Technology, Library and Community, Culture & Recreation areas that are being recruited for. In the Human Resources and Building Services areas, consultants have been used to ensure service continuity during the periods of staff vacancies. Partly offsetting the savings in employee related costs is an increased use of consultants and significant retrospective adjustments to workers compensation insurance premiums.

The Statement of Financial Position provides a comparison of asset and liability categories at 30 September 2008 and at an equivalent time in the 2007/2008 financial year. Current Assets stand at \$51.18M as at 30 September 2008 compared to \$46.25M in September 2008. The major aspects of this change are the much higher level of cash and investment funds resulting from quarantined cash backed reserves plus funds held for significant construction projects later in the year. Cash backed reserves are approx \$3.2M higher than at the equivalent time last year whilst Municipal funds are a little lower - because funds relating to capital works that could not be completed last year have already been transferred to Reserves. Receivables are higher at September 2008 due to the impact of UGP debtors (not included at September 2007), slightly higher outstanding rates debtors, higher ESL debtors and a much higher debtor balance for pension entitlements claimable from the Office of State Revenue. Staff shortages and a software glitch have delayed the lodgement of the pension claims - but they are all considered ultimately collectible. Rates collections to date are still good, being just 1.2% below last year's result - a commendable effort given the current economic climate.

Non Current Assets of \$188.11M compare with \$183.66 at September 2008. This increase reflects the higher valuation of infrastructure assets after these classes of asset were re-valued at 30 June 2008. Non current receivables relating to self supporting loans have reduced relative to last year.

Current Liabilities are disclosed as \$6.19M compared to \$5.60M at 30 September 2007. The principal reason for this apparently higher value of creditor invoices outstanding from suppliers was an accrual for \$0.4M of work completed but yet to be invoiced for the SJMP Beaches project (no equivalent in the previous year). Employee entitlements accrued and cash backed in accordance with statutory requirements are also some \$0.20M lower than at the equivalent time last year.

Non-Current Liabilities stand at \$26.20M at 30 September 2008 compared with \$25.62M last year. This is distorted by a much higher (additional \$1.2M) holding of refundable monies for the leaseholder liability at the Collier Park Complex this year because of the leasing of previously vacated units at the village at higher values.

City borrowings undertaken as part of the overall funding package are \$0.3M lower than at the same time last financial year whilst non current Trust Funds have also been reduced by \$0.2M relative to this time last year.

Consultation

As this is a comparative financial information report primarily intended to provide management information to Council in addition to discharging statutory obligations, community consultation is not a relevant consideration in this matter.

Policy and Legislative Implications

Actions to be taken are in accordance with Section 6.4 of the *Local Government Act* and the Local Government Financial Management Regulations.

Financial Implications

The attachments to this report compare actual financial activity to the year to date budget for those revenue and expenditure items.

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'*.

Sustainability Implications

This report primarily addresses the 'Financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That Council receive the statutory Financial Statements for the period ending 30 September 2008 comprising:

- | | |
|---------------------------------------|---|
| • Income Statement | Attachment 10.6.4(1)(A) and 10.6.4(1)(B) |
| • Schedule of General Purpose Funding | Attachment 10.6.4(2) |
| • Schedule of Rating Information | Attachment 10.6.4(3) |
| • Statement of Financial Position | Attachment 10.6.4(4)(A) |
| • Statement of Change in Equity | Attachment 10.6.4(4)(B) |

CARRIED EN BLOC RESOLUTION

10.6.5 Budget Review for Quarter Ended 30 September 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	14 October 2008
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A review the 2008/2009 Adopted Budget for the period to 30 September 2008 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

- those that increase the Budget Closing Position
(new funding opportunities or savings on operational costs)
- those that decrease the Budget Closing Position
(reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in assessing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. The City takes this opportunity each quarter.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that simply reflect a timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is presented in three parts:

- Amendments resulting from normal operations in the quarter under review **Attachment 10.6.5(1)**

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 10.6.5(2)**.

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Strategic Financial Plan (SFP), they may be returned to a Reserve for use in a future year. There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation **Attachment 10.6.5(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 8 July 2008.

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available.

This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City's cash resources.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Compliance with the statutory requirement to conduct at least a half yearly budget review and to forward the results of that review to the Department of Local Government is achieved through the presentation of this report to Council.

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a change of (\$59,333) to the projected 2008/2009 Budget Closing Position as a consequence of the review of operations. The budget closing position is now calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The changes recommended in the Q1 Budget Review will result in the (estimated) 2008/2009 Closing Position being adjusted to \$111,500 (down from the revised Closing Position of \$163,186) after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers.

The impact of the proposed amendments in this Q1 Budget Review report on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments).

Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2007/2008 year end accounts.

TABLE 1 : (Q1 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(10,000)	(10,000)
Financial and Information Services	253,500	(253,000)	500
Planning and Community Services	290,500	(260,000)	30,500
Infrastructure Services	227,667	(308,000)	(80,333)
Opening Position	0	(72,353)	(72,353)
Accrual Movements & Reserve Transfers	80,000	0	80,000
Total	851,667	(903,353)	(51,686)

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2008/2009 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(10,000)	(10,000)
Financial and Information Services	253,500	(253,000)	500
Planning and Community Services	290,500	(260,000)	30,500
Infrastructure Services	412,667	(853,000)	(440,333)
Opening Position	0	(72,353)	(72,353)
Accrual Movements & Reserve Transfers	440,000	0	440,000
Total change in Adopted Budget	1,396,667	1,448,353	(51,686)

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'*.

Sustainability Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic

treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.5**

That following the detailed review of financial performance for the period ending 30 September 2008, the budget estimates for Revenue and Expenditure for the 2008/2009 Financial Year, (adopted by Council on 8 July 2008 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the September 2008 Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.5(1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.5(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.5(3)**.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr Trent

I hereby apply for Leave of Absence from all Council Meetings for the period 28 to 30 October 2008 inclusive.

COUNCIL DECISION ITEM 11.1

Moved Cr Hearne, Sec Cr Ozsdolay

That Cr Trent be granted Leave of Absence from all Council Meetings for the period 28 to 30 October 2008 inclusive.

CARRIED (10/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13.2. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.1.1 City of South Perth Volunteer of the Year Awards <i>CONFIDENTIAL</i> <i>Not to be Disclosed REPORT</i>

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/109
Date:	26 September 2008
Author:	Seánna Dempsey, Community Development Officer
Reporting Officer:	Steve Cope, Director Planning and Community Services

Confidential

This report is declared ***Confidential*** under Section 5.23 (h) of the *Local Government Act* as it relates to the selection of a community member as the recipient of an Award to be announced and presented at the Thank a Volunteer Day Ceremony on 30 November 2008.

Note: Report circulated separately.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 15.1.1
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That, following consideration of the nominations received for the 2008 City of South Perth Volunteer of the Year Awards, the nominees recommended for awards as per *Confidential* Report Item 15.1.1 of the 28 October 2008 Council Agenda, be approved.

CARRIED EN BLOC RESOLUTION

15.2 Public Reading of Resolutions that may be made Public.

Note: The Resolution at Item 15.1.1 was not read aloud to the members of the public.

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8.26pm.

DISCLAIMER

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

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 25 November 2008
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Signed _____ Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

28/10/2008 7:21:38 PM

Item 7.1 Motion Passed 10/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote

28/10/2008 7:22:13 PM

Item 7.2 Motion Passed 10/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote

28/10/2008 7:55:49 PM

Item 8.4 Motion Passed 10/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote

28/10/2008 8:00:43 PM

Item 9.0 En Bloc Motion Passed 10/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote

28/10/2008 8:27:32 PM

Item 10.5.4 Motion Passed 8/2

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Rob Grayden, Cr Colin Cala
No: Cr David Smith, Cr Roy Wells
Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote

28/10/2008 8:28:23 PM

Item 11.1 Motion Passed 10/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala
No: Abstain: Cr Bill Gleeson, Cr Kevin Trent, Cr Susanne Doherty, Casting Vote