



ORDINARY COUNCIL MEETING Table of Contents

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**City of
SouthPerth**

**ORDINARY COUNCIL MEETING
AGENDA**

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
Chairperson to open the meeting
2. **DISCLAIMER**
Chairperson to read the City's Disclaimer
3. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
 - 3.1 **Activities Report Mayor Best (Note: Attached to back of Agenda paper)**
 - 3.2 **Audio Recording of Council meeting**
4. **ATTENDANCE**
 - 4.1 **Apologies**
 - 4.2 **Approved Leave of Absence**
5. **DECLARATION OF INTEREST**
6. **PUBLIC QUESTION TIME**
 - 6.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Council meeting held 26 August 2008 the following question was taken on notice:

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

Summary of Question

What type of discretion could a neighbour be expected to allow before complaining ie in relation to height, plot ratio, setbacks etc - what limit could a neighbour expect them to exceed before making a complaint?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 September 2008 a summary of which is as follows:

In relation to a building under construction or recently completed, if a neighbour has evidence of any departures from the approved drawings, he or she is at liberty to bring this to the notice of the City, irrespective of the extent of the departure. Upon receipt of a complaint of the kind to which you have referred, the City's decision as to whether or not to require modifications to the building would be made according to the City's best interests and would depend upon the facts and circumstances relating to the particular development.

6.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Approval to grant Strata Approval for the development at 12 Stone Street, South Perth was approved in April 2007. The April 2007 report by officers stated that: *the plot ratio floor area shown on the building licence drawings exceeded the R-Code prescribed maximum by around 98 sq.metres. It has subsequently been established that the lot area is actually 14 sq.metres larger than originally recorded on documents held by the City. The consequence of this is that the excess plot ratio floor area has now been calculated as being around 80 sq.metres above the prescribed maximum rather than 98 sq.metres.*

In the SAT Giardini and CoSP decision it stated: *“In December 2006, the respondent engaged a licensed surveyor to determine the total plot ratio area of the ‘as constructed’ building. That survey concluded that the building had a “total plot ratio area 66 sq.metres greater than shown on the 2004 approval, resulting in the final development having a plot ratio area 370 sq.metres greater than that permitted by the R-Codes.”* This calculation, if accurately described, was not included in the April 2007 report and conflicts with the April report.

What is the excess plot ratio area of No. 12 Stone Street, South Perth?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 September 2008 , a summary of which is as follows:

In relation to the development at 12 Stone Street, the plot ratio issue has been considered at length and is discussed in reports to the February and April 2007 Council meetings. As has been widely reported, the City’s method of calculating plot ratio at the time of approval of the Stone Street development is different from the current method.

The Giardini application was refused at the March 2008 Council meeting. The SAT “Reasons for Decision” document in the Giardini case sets out the full historical background to the plot ratio issue. The preamble to the question at the August Council meeting quotes only one part of that historical background extracted from the SAT decision. To fully explain the plot ratio issue, calculations on the City’s files would need to be comprehensively reviewed. The issue has been exhaustively discussed at three Council meetings, the building has been completed and the Council has issued a strata title certificate. Therefore, there is no merit in the City devoting further staff resources to providing a definitive response to the question.

Summary of Question

In relation to No. 21 South Perth Esplanade, when asked if this building complied with the maximum permitted plot ratio, the officer reply was this building did comply. On investigation it was revealed this building did not comply and an extra bedroom had been added. What credibility can be placed on answers given by the officers that buildings comply with plot ratio?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 September 2008 , a summary of which is as follows:

The question does not take account of the sequence of events relating to the original plot ratio calculations and subsequent revisions in light of the report from a licensed surveyor engaged by the City. Accordingly, the question of officer credibility does not arise.

6.2 PUBLIC QUESTION TIME : 23.9.2008

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26.8.2008

7.1.2 Audit and Governance Committee Meeting Held: 9.9.2008

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 - August Ordinary Council Meeting Held: 19.8.08

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

7.2.2 Concept Forum - Canning Bridge Study Update (2) Meeting Held: 27 August 2008

Representatives from GHD presented an update on the Canning Bridge Study (2) and responded to questions raised. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum - Fiesta and Visioning 2030 Updates - Meeting Held: 2 September 2008

Officers of the City presented an update on Fiesta and Visioning 2030 and responded to questions raised by Members. Notes from the Concept Briefing are included as **Attachment 7.2.3**

7.2.4 Concept Forum - St.Mary's Anglican Church Restoration, Major Town Planning Development and Parking Study Presentation - Meeting Held: 3 September 2008

Representatives from St Mary's Anglican Church provided background on the Church Restoration Project. Officers of the City provided an overview of the proposed Vet Clinic, 338 Canning Highway development and a representative from Uloth Consultants gave a presentation on a recently conducted Parking Study. Following each presentation questions raised by Members were responded to by appropriate officers/presenters.

Notes from the Concept Briefing are included as **Attachment 7.2.4**

8. PRESENTATIONS

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

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

8.2.1 Visit by Students of the Raffles Institution, Singapore to Poetry Park

The Mayor to present a thank you gift of Stonebridge pottery to the City from visiting students of the Raffles Institution, Singapore for the opportunity to maintain the relationship established between the City, Poetry Park and the Singapore Poets.

8.2.2 Scouts WA and Guides Western Australia - Trek-a-bout Joint Event

The Mayor to present a 'thank-you' plaque to the City from Scouts WA and Guides Western Australia in appreciation of Council's support in participating in Trek-a-bout 2008.

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 Item.

8.4 COUNCIL DELEGATES - Delegate's written reports to be submitted to Minute Secretary prior to 5 September 2008 for inclusion in the Council Agenda.

8.4.1. Council Delegate: Rivers Regional Council 21 August 2008

A report from Mayor Best and Cr Trent summarising their attendance at the Rivers Regional Council (*formerly South East Metropolitan Regional Council*) Meeting held 21 August 2008 is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegate's Reports in relation to the Rivers Regional Council Meeting held 21 August 2008 be received.

8.5 CONFERENCE DELEGATES Delegate's written reports to be submitted to the Minute Secretary prior to 5 September 2008 for inclusion in the Council Agenda.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Ownership/Management Collier Park Village Hostel: (*Item 10.0.2 August 2008 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	CS/501/4
Date:	4 September 2008
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to advise Council on a proposal received from Meath Care concerning the operation and potential for redevelopment of the Collier Park Hostel.

Expressions of interest were publicly sought in May 2008 from established not-for-profit organisations which had the capacity to deliver high level aged care services to residents of Collier Park Hostel.

Council considered a report on the submission received from Southern Cross Care at its August 2008 meeting, declining to further pursue the proposal.

The City subsequently received a proposal from Meath Care and Council sought a report on the proposal for its September meeting.

The Meath Care proposal is ambitious and contains a number of attractive aspects, however it raises many significant issues; one in particular concerns the land tenure changes which would be necessary for the future development of Lot 3297 on Reserve 40240 to proceed.

Background

The operations of the Collier Park Hostel, following the 2006 Council decision to retain ownership / management of the facility, have been under review on a regular basis. The Hostel has been the subject of extensive internal / external reports, workshops and presentations from aged care providers in recent times.

In response to a *Future Directions Workshop* held February 2008 a report was presented to the April and then to the May 2008 Council meetings. At its May 2008 meeting Council resolved to invite not-for-profit organisations to lodge Expressions of Interest for the ownership and/or management of the Collier Park Village Hostel.

In response to the May Council resolution, Expressions of Interest were publicly sought by advertisements placed in the *West Australian* on 31 May and 7 June and by a notice placed on the City's website.

Only one submission was received, from Southern Cross Care, and Council resolved in August to decline the proposal.

Prior to the close of the Expressions of Interest, Meath Care (Inc) advised that it was interested in examining the viability of the proposal but no submission was received on the due date. Rather, Meath Care advised that its power point presentation given to Elected Members at an informal Briefing in February 2008 should be used as its 'expression of interest'. As this form of documentation was not compliant with the terms of the request for expressions of interest, it was not able to be considered in the EOI process and was rejected.

Despite this, Meath Care remained interested in developing a proposal for consideration by Council and on 31 July 2008 delivered the proposal the subject of this report. **Attachment 10.0.1** refers.

Although the proposal from Meath Care was received after the period for receiving expressions of interest had formally expired, Council is able to consider it outside the formal EOI process which concluded with Council's resolution at its August meeting to decline the submission from Southern Cross Care. The Tender regulations provide that if a local government has publicly sought expressions of interest but no person was, as a result, listed as an acceptable tenderer, then tenders do not have to be publicly invited for the period of six months following that decision.

Comment

The Meath Care proposal is similar to what was proposed in a presentation at a Council Briefing session approximately six months ago. The submission outlines the synergies that exist between the operation of the Collier Park Village Hostel and the existing Meath Care facility nearby in Jackson Avenue. It also proposes development of the land to the east of the Collier Park Village (portion of Lot 3297) for a 'state of the art' hostel facility where the existing residents of both Hostels would be relocated.

Whilst there are significant difficulties associated with gaining access to the reserve land for this purpose, the Meath Care submission proposes a due diligence process in respect of this land and this is supported by the administration.

An outline of the Meath Care proposal extracted directly from their submission is as follows:

“Meath would propose to use the identified section of Lot 3297, vested in the City of South Perth, for the construction and long term operation of a state of the art Ageing in Place complex. In addition there is also the potential for not only an ageing in place complex, but also for a new Assisted Living Villas (ALV) complex. This would ensure excellence in care for the ageing in the City of South Perth through the integration of the City of South Perth’s Independent Living Villa’s, the new ageing in place complex and the new ALV’s being proposed by Meath Care.

When the new facility is completed, Meath Care would plan to move the Collier Park (40 bed) and Meath Care (64 bed) hostel residents into the new facility. These current residents together with an additional 20 new residents would be provided with the very latest in care facilities, exceptional care and ageing in place”.

Following the construction, accreditation and certification of the new hostel and the relocation of residents, Meath would then convert the current Collier Park Hostel into independent living villas to provide twenty units for residents who have a close association with or would wish to live in the South Perth / Como area. Meath would need a long term lease of the current Collier Park Hostel complex with guaranteed access to the complex for this to be viable.

Meath would then redevelop their Como site to utilise the area vacated by the hostel residents to provide additional independent living villas and apartments, thus increasing the opportunity for more City of South Perth ageing residents to down size into accessible housing of the latest design in their preferred residential area, close to facilities they have used for much of their lives.”

The proposal therefore involves constructing a 125 bed facility on adjacent crown land that is currently reserved for “Recreation”. The implications of this proposal need to be fully investigated and determined.

The Meath Care proposal is however, closely aligned to Council’s desired outcome expressed in the adopted ‘expression of interest’ document that was recently advertised for public submission. Give the size of the investment, the complexity of the transaction and the human elements involved, Meath Care have reasonably and responsibly suggested a three phase initial process which is set out as follows:

1. *A Due Diligence be undertaken of the land available for the proposed new hostel and the current buildings of the Collier Park Hostel;*
2. *An invitation be extended to the City of South Perth Councillors and Management to have an inspection of Meath Care’s facility at Kingsley to see how Meath has addressed the challenges of a green field site; and*

- 3. A Working Party comprising City of South Perth representatives with Meath Care representatives be established as the starting point of the Planning Preparation Phase to help Meath ensure that the broad macro proposal would complement the plans of the City of South Perth for the overall Collier Park and Meath Care Como areas.*

In addition, Meath Care is also interested in an early take over of the Management of the Collier Park Village Hostel (subject to conditions) and on the basis that land tenure issues associated with that section of Lot 3297 can be resolved, there seems no reason why this could not occur. The conditions set by Meath Care are not considered unreasonable (but would require further discussion) and are as follows:

As part of the implementation of the Strategic Plan, Meath Care would look to take over the day-to-day management and operation of the Collier Park Hostel from early 2009. As part of this process, after the necessary Due Diligence has been completed, Meath Care would require the Collier Park Hostel building to:

- 1. Comply with the relevant Fire and Safety requirements as per the 2008 Certification of the Collier Park Hostel by the Commonwealth Government at the expense of the City of South Perth.*
- 2. All money owing in accommodation bonds to be paid by the City of South Perth to Meath on settlement.*
- 3. No further concession would be given on ingoing payments to Collier Park Village residents moving into the Meath Care Hostel.*

At this preliminary stage, it is suggested that Council agrees with the three phased process proposed by Meath Care.

Land Tenure

As mentioned elsewhere, land tenure is likely to be a critical issue to the whole proposal. Negotiations would need to occur with DPI and could potentially be a lengthy process.

Inspection

This is regarded as a very useful suggestion and can be acted upon at a time convenient to all parties. Representatives of the Collier Park Village Residents' Committee should also be invited to participate in this visit.

Working Party

The City has already formed a Working Party consisting of the CEO, Director Community and Development Services, Legal and Governance Officer and the Manager Collier Park Village to facilitate progression of the future use, management and operation of the Collier Park Village Hostel.

Consultation

Consultants advice has been sought on the management of the Hostel on previous occasions, the most recent of which was a comprehensive report prepared by Southern Cross Care which was considered by Council in October 2006.

Other consultants have been engaged to improve operational and financial efficiencies and internal reviews have been conducted.

Representatives from the Collier Park Residents' Committee participated in the 'Future Directions Workshop' in August 2007 and the Interviews Workshop conducted in February 2008. Representatives of the Committee have been kept fully informed of developments in relation to this matter.

In May 2008 Expressions of Interest were called for by advertisements in the West Australian newspaper and discussions have been held with representatives of the Collier Park Residents' Committee in relation to the submissions received.

Department of Planning and Infrastructure

Preliminary discussions with DPI indicate that there are significant impediments to utilizing the area of land on Lot 3297 on Reserve 40240 as proposed by Meath Care. The land is currently reserved for public recreation so the proposal would require a change of purpose from recreation to aged persons care. However, the Department's position can be generally summarised as:

- reserves are not a suitable tenure for establishing aged care facilities;
- CPV is an anomaly in this regard;
- DPI would be very reluctant to recommend a conversion from public recreation to aged persons care;
- aged care providers should obtain freehold title rather than use reserve land;
- substantial community consultation would be needed before any change could be contemplated; however
- if the City was really keen to pursue the Meath Care proposal and didn't consider that the land should be kept as a recreation reserve, DPI would be willing to discuss other options including sale.

Policy and Legislative Implications

Expressions of Interest were called in accordance with the provisions of the *Local Government Act* and Tender Regulations. Regulations provide for the City to consider alternative proposals if no suitable tender (EOI) is received.

Review of financial issues associated with the Collier Park Hostel have been consistent with Council resolutions.

Financial Implications

Financial implications on this particular proposal have not been determined and will be dependant upon the due diligence implications, costing of conditions proposed by Meath Care and other financial related matters.

Strategic Implications

This matter is in line with Goal 2 of the Strategic Plan: *To foster a sense of Community and a prosperous business environment.*

Sustainability Implications

The Collier Park Hostel is not sustainable from a financial point of view. Whilst it can be regarded as a service provided to ratepayers the residents do not pay rates. The high level of subsidisation is a possible cause for concern (approximately \$3,750 per Hostel resident).

OFFICER RECOMMENDATION 10.0.1

That the City agree to investigate the issues associated with the Meath Care proposal and in the first instance agree to conduct and participate in a Due Diligence of the land available for the proposed new hostel and the current buildings of the Collier Park Hostel.

10.0.2 Amendment of Parking Local Law and Penalty Units Local Law (*Item 10.5.4 referred July 2008 Council Meeting*)

Location: City of South Perth
Applicant: Council
Date: 10 September 2008
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

To enable the City to regulate car parking during the staging of the 2008 Red Bull Air Race, it is necessary to amend the City's Parking Local Law to provide for the establishment of General No Parking Areas in specified locations at specified times. It is necessary to amend the Penalty Units Local Law in order to double the penalty which will apply for infringement of those parking restrictions during the specified times.

The *Local Government Act* (the Act) sets out the procedural requirements for the making of a local law. The process is initiated by Council resolving to give State-wide public notice of the proposed local law; and subsequently, by Council considering any submissions received before proceeding to make the local law.

Background

At its June 2008 meeting Council endorsed the holding of the 2008 Red Bull Air Race on Sir James Mitchell Park which included the imposition of road closures and parking restrictions on Saturday 1 November and Sunday 2 November.

In order to implement the parking restrictions, amendments are required to the Parking Local Law to provide for the establishment of a General No Parking Zone and to the Penalty Units Local Law to increase the penalty applicable during the weekend of the Red Bull Air Race.

Clause 7.4 of the Parking Local Law enables the City to establish General No Parking Zones for specified areas at specified times, by prescribing the time and area in a Schedule to the local law.

The Penalty Units Local Law enables the City to prescribe modified penalties for the infringement of parking restrictions imposed for special events such as Red Bull Air Race. A modified penalty is expressed in 'penalty units' and the value of a penalty unit is normally \$10.00. It is proposed to increase the value of the penalty unit to \$20.00 for parking infringements occurring during the Red Bull Air Race. This is consistent with the practice adopted for Sky Show.

Comment

Procedural Requirements - Purpose and effect

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

Parking Local Law

The purpose of the proposed amendment to the Parking Local Law is to provide for the establishment of a General No Parking Zone for the times and locations set out in the Schedule to the Parking Local Law.

The effect of the proposed amendment to the Parking Local Law is to impose car parking restrictions during the times and at the locations prescribed.

Penalty Units Local Law

The purpose of the proposed amendment to the Penalty Units Local Law is to provide for an increase to the value of a penalty unit at the locations and during the times specified in the Schedule to the local law.

The effect of the proposed amendment to the Penalty Units Local Law is to double the penalty for committing any of the offences prescribed in the Schedule to the local law.

The text of the proposed amendment local law is at **Attachment 10.0.2**

Public consultation

Section 3.12(3) of the Act requires the local government to give State-wide public notice stating that the local government proposes to make a local law the purpose and effect of which is summarized in the notice.

Notices were placed in the *West Australian* on Saturday 26 July 2008 and in the *Southern Gazette* on Tuesday 29 July 2008. In addition, notices were placed on the noticeboards at the Civic Centre and branch libraries.

Submissions about the proposed local law were invited for a period of 6 weeks. After the last day for submissions, being 10 September, Council may consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

One submission was received which supported the proposal. Council may now decide, by absolute majority, to make the amendment local law as set out in **Attachment 10.0.2**.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

The proposal is consistent with Strategic Goal 5: *“To be a professional, effective and efficient organisation.”*

OFFICER RECOMMENDATION ITEM 10.0.2

That Council resolves to adopt* the Amendment (Parking and Penalty Units Local Laws) Local Law 2008, **Attachment 10.0.2**, pursuant to section 3.12 of the *Local Government Act*.

* *Absolute majority required.*

10.1 GOAL 1 : CUSTOMER FOCUS

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Lord Mayor's Distress Relief Fund Donation

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/201
Date:	3 September 2008
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

This report recommends that the City donate \$5,000 to the Lord Mayor's Distress Relief Fund which provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service.

Background

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

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

- Cyclone Olivia (1997)
- Ashburton River Floods (1997)
- Brookton/Pingelly Fires (1997/1998)
- Esperance Floods (1999)
- Moora Floods (1999)
- Cyclone Vance (1999)
- WA Bali Casualties Appeal (2002/2003)
- Tenterden Fires (2003)
- Australia Day Tsunami Collection (2005)
- Dwellingup Fires (2007)

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

Since 1996, the Fund has distributed in excess of \$3.3 million to Western Australian residents. Public appeals for donations are not always launched owing to the small impact a disaster may have on the wider community. In these instances, the Fund provides support from its financial reserves with examples being the 2002 Gingin Fires and the 2004 Dumbleyung Fires.

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

- The Lord Mayor, Lisa Scaffidi, Chairman
- Frank Edwards, (CEO, City of Perth) Honorary Secretary
- Robert Mianich, Honorary Treasurer
- Digby Blight, AO
- Noelene Jennings
- Michael Wallwork
- Bill Mitchell
- Rob Rowell
- Jennifer Smith
- Ian Taylor

Comment

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

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

In 2006 the City, through a resolution of council, donated an amount of \$5,000 to the Lord Mayor's Distress Relief Fund

A one-off payment as recommended in this report will enable ongoing individual requests for relief funding received by the City throughout the year to be directed to the Mayor's Distress Relief Fund to be assessed at the discretion of their Board. This will avoid the need for Council to individually assess the merits of each particular event /donation request while ensuring the City is responding to community needs as a result of natural disasters. The City, at its discretion may choose to consider additional requests for funding from any organisation at any time.

Consultation

The City has received this request for funds along with related information from the City of Perth.

Policy and Legislative Implications

Nil.

Financial Implications

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

Strategic Implications

This donation to the Lord Mayor's Distress Relief Fund aligns with the City's Strategic Plan Goal 2: Community Enrichment: *"To foster a strong sense of community..."*

Sustainability Implications

Participating in a significant and established funding program such as the Lord Mayor's Distress Relief Fund rather than responding to individual applications of this type on an ad hoc basis reduces duplication of assessment leading to greater organisational effectiveness while ensuring the City is responsive to community need at times of crisis.

OFFICER RECOMMENDATION ITEM 10.2.1

That an amount of \$5,000 be donated to the Lord Mayor's Distress Relief Fund for 2008.

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed Change of Use from Single House to Veterinary Clinic - Lot 531 (No. 338) Canning Highway, cnr Todd Avenue, Como.

Location: Lot 2 (No 383) Canning Highway, cnr Todd Avenue, Como
 Applicant: RPS Koltasz Smith
 Lodgement Date: 10 June 2008
 File Ref: 11.2008.264 CA6/338
 Date: 8 September 2008
 Author: Lloyd Anderson, Planner Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

This application for planning approval is for a change of use from a Single House to a Veterinary Clinic. The subject property currently supports a two storey Single House. The existing building is proposed to be retained for the change of use. The sheds and swimming pool, located at the rear are proposed to be removed to allow for 13 car parking bays. The car parking bays accessed via Todd Avenue are proposed to be screened from view by landscaping, fencing and a gate.

Council needs to consider the use, the size of the practice, hours of operation and the proposed number of car parking bays. The proposed use is a discretionary use which is capable of being approved subject to neighbour consultation in accordance with the City of South Perth Town Planning Scheme No. 6 (TPS6). The recommendation is for **approval** subject to conditions.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	997 sq. metres
Building height limit	10.5 metres
Development potential	Four Multiple Dwellings or Three Grouped Dwellings
Plot ratio	1.00

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Amended plans of the proposal dated 27 August 2008.
- Attachment 10.3.1(b)** Reports from RPS Koltasz Smith dated 9 June 2008, 21 August 2008 and 27 August 2008.
- Attachment 10.3.1(c)** Architect's letter dated 28 August 2008.
- Attachment 10.3.1(d)** Report prepared by Herring Storer Acoustics dated 22 May 2008.
- Attachment 10.3.1(e)** Transport statement prepared by Transcore dated May 2008.
- Attachment 10.3.1(f)** Letter provided by the Owner dated 3 September 2008.

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:

- 1. Specified uses**
 - (i) *Non-residential "DC" uses within the Residential zone.*

7. Neighbour comments

In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.

The location of the development site is shown below. Surrounding the subject site is low density residential development towards the east along Todd Avenue, and high density residential development surrounding Canning Highway.



Comment

(a) Description of the proposal

The proposal is for a change of use to a Veterinary Clinic. The subject property currently supports a two storey single house. The existing building is proposed to be retained for the change of use. The sheds and swimming pool, located at the rear are proposed to be removed to allow for 13 car parking bays. The car parking bays accessed via Todd Avenue are proposed to be screened from view by landscaping, fencing and a gate. RPS Koltasz Smith letter dated 9 June 2008 at **Attachment 10.3.1(b)** explains the proposal in more detail.

The proposed hours of operation are 7:30 am to 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturday. A maximum of 5 staff members including a maximum of 2 veterinary practitioners, but only 1 operating at any one time are proposed. A total of 13 car bays are proposed on site, with one being for people with disabilities.

The following information provides a brief summary of the proposed refit of the building:

Entry - Waiting / Reception

General entry and foyer with reception staff.

Dispensary

Storage of scheduled drugs with a solid core door and a small window with a solid glass block.

Laundry

Washing of bedding, towels, surgical drapes and gowns.

<u>X-Ray / Dark room</u>	X-rays of animals and preparation of films.
<u>Consulting room × 2</u>	General consulting. Two are proposed only one will be used at a time. The second consulting room will only be used if an animal is scared, primary consulting room is being cleaned, or the client is seeing a visiting specialist. At which time no other consulting will be taking place.
<u>Hydrobath</u>	Used for cleaning dogs pre and post surgery (No grooming service proposed).
<u>Surgery</u>	Operating theatre for sterile surgery.
<u>Prep room</u>	Animals are sedated or anaesthetised.
<u>Recovery area</u>	Holds animals awaiting and after surgery / minor procedures. No long term holding of animals.
<u>Staff room (first floor) / Office</u>	Office use and staff rest area.
<u>Toilets</u>	Both staff and client toilets.

(b) Appropriateness of use

A Veterinary Clinic is a “DC” use in TPS6, meaning:

“a discretionary use with consultation and means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving notice in accordance with Clause 7.3.”

The proposal has been advertised and comments submitted with the City. Objections have been raised in relation to the proposed operation of the premises, traffic, car parking, noise, anti-social behaviour, hours of operation, odour impacts, amenity and car parking. Comments have been summarised and responded to in this report and the applicants letter dated 21 August 2008 at **Attachment 10.3.1(b)**.

A “Veterinary Clinic” in a residential zone can be viewed as a similar use to a “Consulting Room”. Consulting Rooms are required to be located on distributor roads in accordance with Table 4 of TPS6. There are many corner blocks along Canning Highway that contain non-residential uses. In addition to the location the treatment of animal health is not seen to be any different from a Consulting Room in the residential zone. A Consulting Room could be approved on the subject site for the treatment of human patients. A proposed Veterinary Clinic is no different from a Consulting Room in the residential zone.

With respect to noise-related concerns, the acoustic report prepared by Herring Storer Acoustics at **Attachment 10.3.1(d)** concludes that noise mitigation techniques are to be employed. These techniques have been checked by the City’s Environmental Health Department and the following advice has been conveyed:

- (i) *“All recommendations made by Herring Storer Acoustics pertaining to the design and fit-out of the clinic and in particular the Recovery Room are required to be addressed at the building stage.*

Noise

No animals are proposed to be held on the premises over night. Should these circumstances change it will be necessary to submit further acoustic investigations to the City of South Perth for consideration. Compliance with the Environmental Protection (Noise) Regulations 1997 will need to be demonstrated and the appropriate noise attenuation measures applied.

Furthermore, as per the application for Planning Approval, the practice is to ensure that it employs its own noise management strategies to mitigate any potential disturbances.

All mechanical ventilation services, motors and pumps, e.g. air conditioning systems to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997.”

As stated in the report, the level of noise generated on the premises by a barking dog would comply with the assigned noise level in accordance with the Environmental Protection (Noise) Regulations 1997. The proposed acoustics measures are seen to comply with Council regulations and seen to be responsive to the amenity of the neighbouring property with respect to noise.

In regards to medical drugs and antisocial behaviour the owners letter dated 3 September 2008 at **Attachment 10.3.1(f)** states that the clinic will comply with all legal requirements, the premise will have a 24 hour monitored alarm system, all external openings will have security mesh and the dispensary the location of the medicines has no windows. In addition, as stated by the City’s Environmental Health Department:

“Medical waste – Used dressings, hypodermic syringed needles, etc; to be kept in approved sealed impervious receptacles. All medical waste to be collected and disposed of by an approved contractor, and not deposited in the Council’s rubbish receptacles. Provide details for management of medical waste and location of bin store.”

The details of medical waste management and location of bin store will be provided for an assessment by City’s Environmental Health Department. These requirements and their implications are seen to limit the potential for anti-social behaviour in relation to the storage of medical related drugs.

Table 4 of TPS6 specifies a maximum number of two practitioners on lots assigned a density coding of R25 or higher. However in order to minimise the impact on adjoining properties, a condition limiting the veterinary practitioners and staff, to the following effect is being recommended:

“A maximum of one veterinary practitioner and four support staff working at any one time.”

In addition, a condition limiting the operating hours is recommended as follows:

“The hours of operation to be limited to 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 12:30 pm on Saturdays.”

The reason for limiting the number of practitioners, support staff and hours is to minimise the amenity impact on the adjoining neighbours in relation to the traffic generated and the activities occurring on site. All after hour emergencies will be directed to the Murdoch Pet Emergency Centre via an answering machine message as stated in the applicant’s letter dated 21 August 2008 at **Attachment 10.3.1(b)**. The above recommendations are seen to minimise any adverse impact on residential amenity.

(c) **Car parking**

Car parking is required at the ratio of one bay per 19 sq. metres gross floor area (minimum of six spaces) plus one space per employee as per TPS6 requirements. The 286 sq. metres of actual floor area requires 15 spaces. The 5 employees generates a requirement for 5 additional bays, making a total requirement of 20 bays. This application proposes 13 car parking bays which comply with access, egress and manoeuvring requirements of the Australian Standards as stated in the applicants letter dated 27 August 2008 at **Attachment 10.3.1(b)**. The proposal is therefore deficient by 7 bays, in accordance with Table 6 of Town Planning Scheme No. 6.

In considering the proposed development of the site and the 20 car bays required, the applicant seeks the exercise of discretion by Council as outlined in Clause 7.8 of TPS 6. Transcore Traffic Consultants report at **Attachment 10.3.1(e)** demonstrates that the car parking requirements will be compatible with the use. The City's Manager of Engineering Design provided the following comment in respect to car parking:

"The likelihood of more than a dozen bays being occupied is remote so any difficulty that may be experienced... is unlikely to be of concern."

Most of the gross floor area required to be measured in accordance with TPS6 will not contribute to the demand for car parking. The applicant has stated that the recovery area, surgery, x-ray room, hydrobath, staff room, staff toilets, dispensary, stairs and laundry area not considered to be areas that generate a demand for customer car parking. Refer to Section (a) of this report in relation to the use of each room of the proposal. As the proposal involves only one practitioner and by appointment only, there is no opportunity for simultaneous appointments as stated by the applicants letter dated 27 August 2008 **Attachment 10.3.1(b)**. Given this, the demand for car parking will be coordinated. As stated in the applicants letter dated 21 August 2008 at **Attachment 10.3.1(b)**:

The total number of consulting rooms within the proposed veterinary clinic is two (2). Should clients be seated in both consulting rooms at the same time, with an allowance for three (3) clients in the waiting area, one (1) client entering and one (1) client leaving the site, the maximum demand for customer car parking would be seven (7). Five (5) bays have been allocated for the maximum number of staff, including a maximum of one practitioner and three reception veterinary nursing staff. Therefore a total of twelve (12) bays would be occupied, with one (1) bay vacant.

Therefore the number of clients will never realistically exceed seven, thereby requiring seven car bays. It is considered that the maximum number of people likely to be present on the site at any one time would be twelve people, with a similar number of vehicles, thereby requiring twelve car parking bays. City Officers support the proposed number of car parking bays based on the extent of the activities suggested by the applicant and the plans proposed.

In addition, in accordance with TPS6 (6)(c) the Council shall have regard to:

"The suitability and adequacy of proposed screening or natural planting in relation to the bays and accessways"

City Officers are of the opinion that the suitability and adequacy of proposed screening or natural planting surrounding the car parking area is adequate as the bays have been designed to minimise adverse visual and amenity impact on the adjacent residential properties. The parking will be screened by landscaping, fencing and a gate.

The on-site car parking is seen to satisfy the demand requirements for practitioners, staff and customers. As the proposal does not rely upon on-street parking for customers, the streetscape and visual amenity of Todd Avenue will be maintained.

(d) Traffic

The applicants letter dated 21 August 2008 **Attachment 10.3.1(b)** states:

“...only 24 vehicles will use the Canning Highway / Todd Avenue intersection when leaving the site daily. Of these 24 vehicles, approximately 50% of these vehicles would head in a northerly direction, meaning only 12 additional vehicles making a right hand turn from Todd Avenue onto Canning Highway. Good sightlines are available and the proximity of the site to the controlled signalled intersection of Thelma Street and Canning Highway means that there will be breaks in traffic flow allowing vehicles to safely turn onto Canning Highway.

Traffic generated by Penhros College is a separate matter and is not relevant to the change of use application.

The Transport Impact Statement estimates that only 20% of the total daily trips (i.e. 12 additional vehicles) will use Todd Avenue as a route to enter / leave the proposed vet clinic (travelling to or from the east), meaning that there will be minimal disruption to the localised access road.”

The Transcore Traffic Consultants report, **Attachment 10.3.1(e)**, states the increase in traffic generated by this proposal would represent a modest increase and not impact on the existing traffic operations. The proposal is seen to have minimal impact in respect to traffic.

(e) Signage

TPS6 requires an application for planning approval to be submitted in relation to any proposed sign. As signage is not proposed as part of this change in use application a condition, to the following effect be placed:

A separate application with complete set of detailed drawings to be lodged with the City for all proposed signage that is intended to be placed on the site or on the building.

This condition will allow the City to assess the proposed signage in accordance with Clause 6.12 of TPS6 and City’s Policy P382_T “Signs” at a later time.

(f) Canning Highway - Road widening

The Department for Planning and Infrastructure (DPI) has provided the following comments in relation to the proposal keeping in view the planned future road widening:

“It is noted that the building proposed for the change of use is located within the Primary Region Road (PRR) reservation. Current planning indicates that the subject land will remain affected by future road widening requirements; however the exact amount of land required has not as yet been determined.

In principle, the Department does not support construction of any permanent structures within the land reserved however given that there are no further additions to this building, the Department would be prepared to support the change of use of the reserved land on a temporary basis only, and on condition that:

- *The land owner agrees that any compensation for loss of revenue arising from the change of use from residential to business purposes will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.”*

Since DPI has no objection to the proposal on regional transport planning grounds, subject to the above conditions being placed on the planning approval, no concerns have been expressed in relation to the proposed change of use.

(g) Setback from Canning Highway

Table 5 of TPS6 requires a setback of 19 metres from Canning Highway to provide for future widening. The existing house is setback an average of 12.5 metres and therefore is within the road widening section. The only structure that is proposed to be located within the required setback area is a bin enclosure, which is a minor incursion.

(h) Setbacks

Table 4 of TPS6 for a Veterinary Clinic requires a 6.0 street and rear setbacks and side setbacks as per the Residential Design Codes. The development complies with these requirements as the existing setbacks is not being altered.

(i) Bicycle parking

TPS6 does not require bicycle parking for a veterinary clinic.

(j) Landscaping and fencing

Table 4 of TPS6 for a Veterinary Clinic requires 25% of a site to be landscaped. 28% of the site is proposed as landscaped area. The modifications to the fence on Todd Avenue allows for the proposed landscaping on site to be highly visible having regard to the residential nature of the area. The height of the solid component of the proposed fencing along Todd Avenue is no higher than 1.2 metres solid. This will help achieve street surveillance and also enhance the streetscape character. For the protection from vehicle noise and for security reasons, the fence height along Canning Highway is to remain as existing. The architect's letter dated 20 August 2008 **Attachment 10.3.1(c)** explains landscaping in more detail. A landscaping plan is required to be submitted for approval by the City prior to issuing a building licence. A condition to this effect is included in the recommendations of this report.

(k) Visual privacy setbacks

There is no visual privacy implications. The southern side balcony of the upper floor is proposed to be screened to prevent any overlooking into the adjoining property. In addition, the existing window to the proposed staff room is orientated to the north, and overlooks Todd Avenue.

(l) Other planning controls:

As shown on the plans, **Confidential Attachment 10.3.1(a)**, the existing building is being used for the purposes of the proposed Veterinary Clinic use. Planning controls in relation to plot ratio, open space, building height, setbacks, boundary walls, solar access for adjoining sites and ground and floor levels will not apply.

(m) 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;*
- (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.*

With regards to Objectives (a) and (f), the character and the built form of the proposed veterinary clinic will remain largely unchanged as the existing two storey building will be utilised for the proposed Veterinary Clinic. The car parking bays accessed via Todd Avenue are proposed to be screened from view by landscaping, fencing and a gate, seen to have no significant impact on the adjoining properties with respect to amenity.

- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (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.*

With respect to (g) and (i) the site being a corner is seen to be the most appropriate location for this type of use within a residential zone. There are many corner blocks along Canning Highway with non-residential uses.

(n) 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:

- (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.*

In regards to matters (i), (j) and (n), the proposal preserves the amenity of the locality through its residential built character and its compatibility within the surrounding residential area in terms of height, bulk, orientation, construction materials and general appearance.

- (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.*

With respect to matters (s), (t), (u) and (v) the car parking and traffic sections of this report comment on these requirements.

(o) Conclusion

The proposal broadly meets the objectives of the Scheme. Issues identified by City Officers have been adequately addressed in the development application. It is recommended that the application be conditionally approved.

Consultation

(a) Design Advisory Consultants' comments

The application was not referred to the Design Advisory Consultants because no changes were proposed to the built form or general site planning.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of properties at Nos. 329A, 329B, 330, 331 (Unit 1), 333 (Units 2-8), 337 (Units 1-9), 340 (Units 1-3), 74 Preston Street and 1 Todd Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of 25 neighbour consultation notices were mailed to individual property owners. During the advertising period eight submissions were received, all against the proposal. The submissions included a petition signed by 15 owners and tenants. The comments of the submitters, together with officer responses, are summarised as follows:

AGENDA : ORDINARY COUNCIL MEETING : 23 SEPTEMBER 2008

Submitter's Comment	Officer Response
Car parking - Inadequate number of on-site car parking bays for a development of this type. Impact associated with the likely verge parking by customers of the Vet Clinic and obstructing car parking for residential purposes. Car parking areas do not fit with retaining residential character.	The comment is NOTED . Section (c) of this report provides the required information.
Increased traffic and congestion - Right hand turn from Todd Ave onto Canning Hwy difficult to achieve. Local resident traffic is already impacted by Penhros College vehicular traffic as a means to short cut traffic using either Thelma Street or Ryrie Avenue.	The comment is NOTED . Section (d) of this report provides the required information.
Antisocial behaviour - Drug users know that veterinary clinics are soft targets. Increasing undesirable pedestrians, destroying family orientated precinct and security.	The comment is NOTED . Section (b) of this report provides the required information.
Property prices - Price of property will substantially drop with a veterinary clinic in immediate vicinity.	The comment is NOT UPHELD . Property prices are not controlled by planning statutes. Applications can only be assessed in relation to their amenity impact.
Hours of operation - After hours particularly weekend use would adversely impact residential amenity.	The comment is UPHELD . Section (b) of this report provides the required information where by weekend use is proposed to be restricted.
Noise - Moving sick animals to and from the clinic, plus overnight housing of the sick animals.	The comment is NOTED . Section (b) of this report provides the required information.
Potential odour impacts - Animals and Vet Clinic function would smell unpleasant.	The animals that would be treated at the Vet Clinic are small domestic animals. No large farm animals are proposed to be treated / held on site. The clinic will be maintain and present in a professional manner. The comment is NOTED .
Inappropriate Commercial Use / Land-use Conflict - Eroding residential amenity of the "Avenues" precinct of Como. Commercial development should be limited to commercial nodes. No other businesses in the immediate vicinity, competing with pre-existing commercial use hierarchy established by Council. Veterinary clinics belong in light industry areas.	The comment is NOT UPHELD . Sections (b) and (m) of this report provides the required information.
May lead to further requests for commercial development - Further eroding residential amenity.	The comment is NOT UPHELD . Each development application is considered on its own merit in accordance with TPS6.
No need for additional vet in South Perth - Already Vet Clinics on Mill Point Road and Canning Highway (corner of Renwick Street).	The comment is NOT UPHELD . This veterinary clinic to replace Mill Point Road Clinic due to an unexpected termination of lease.
Road widening - Will not allow sufficient set back from the road widening reserve.	The comment is NOT UPHELD . Refer to Section (f) of this report.
Amenity - Proposal is out of character and affects the amenity and visual context of the residential area.	The comment is NOTED . Refer to Section (m) of this report.
Signage - Subsequent impact associated with separate sign development application.	The comment is NOTED . Refer to Section (e) of this report.
Extent of neighbour consultation carried out inadequate - Wider mail consultation, site notice and 21 days of consultation should have been carried out.	The comment is NOT UPHELD . The City of South Perth undertook the advertising process in accordance with Council Policy P104 "Neighbour and Community Consultation in Town Planning Processes".
Privacy - Visibility from upstairs windows into adjoining properties will impact privacy.	The comment is NOT UPHELD . Refer to Section (k) of this report.
Removal of on street tree on Todd Avenue - Impact amenity of area, loss of tree.	The comment is NOT UPHELD . The Parks and Environment Department have supported the location of the proposed crossover being a total distance of 3.0 metres from the street tree.
Significant conflicts with Town Planning Scheme - Conflicts with Scheme objectives, Clause 1.6(2), (a), (c), (f), (g), (h) and (i) and matters to be considered by Council, Clause 7.5(i), (n), (p) and (t).	The comment is NOT UPHELD . Refer to Sections (b) , (m) and (n) of this report.

- (c) **Manager, Engineering Infrastructure**
The Manager, Engineering Infrastructure has documented the requirements with respect to on-site parking bays, crossovers, ground levels and stormwater drainage. The Parks and Environment Department have supported the location of the proposed crossover being a total distance of 3.0 metres from the street tree, a condition to this effect is recommended to be placed on the approval.
- (d) **Senior Health Officer, Environmental Health**
The Environmental Health Department has provided detailed comments concerning noise and the design of the bin enclosure. Refer to Section (b) of the report and important notes are recommended to be placed on the approval.
- (e) **Other Department comments**
The Team Leader, Building Services had no comments to make on the proposal at this stage; however, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

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 ITEM 10.3.1

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 Single House to Veterinary Clinic on Lot 531 (No 338) Canning Highway, Como **be approved**, subject to:

(a) **Standard Conditions**

615	screening details	625	sightlines for drivers
390	crossover standards	508	landscaping plan required
393	verge and kerbing works	425	colours and materials
410	crossover effects infrastructure	661	Validity of approval

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

(b) Specific Conditions

- (i) A maximum of one veterinary practitioners working at any one time.
- (ii) The hours of operation being limited to 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 12:30 pm on Saturdays.
- (iii) The land owner agrees that any compensation for loss of revenue arising from the change of use from residential to business purposes will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.
- (iv) A separate application being lodged for any signage with full details and plans of the signage being proposed.

(c) Standard Advice Notes

648s	building licence required	646	landscaping standards- general
645	landscaping plan required	649A	minor variations- seek approval
		651	appeal rights- SAT

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

(d) Specific Advice Notes

- (i) All recommendations made by Herring Storer Acoustics pertaining to the design and fit-out of the clinic and in particular the Recovery Room are required at the building stage.

Noise

No animals are proposed to be held on the premises over night. Should these circumstances change it will be necessary to submit further acoustic investigations to the City of South Perth for consideration. compliance with the Environmental Protection (Noise) Regulations 1997 will need to be demonstrated and the appropriate noise attention measures applied.

Furthermore, as per the application for Planning Approval, the practice is to ensure that it employs its own noise management strategies to mitigate any potential disturbances.

All mechanical ventilation services, motors and pumps, e.g. air conditioning systems to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997.

Surgeries

It is recommended that wash basins be provided to all consulting rooms / surgeries with an adequate piped supply of hot and cold water.

Disabled toilet

Disabled facilities to comply with AS1428.1 Design for Access and Mobility.

Toilet and wet area

Provide details of floor surface finishes, floor wastes and mechanical ventilation.

Staff lunch room

Provide details of sinks and appliances.

Medical waste

Used dressings, hypodermic syringed needles, etc; to be kept in approved sealed impervious receptacles. All medical waste to be collected and disposed of by an approved contractor, and not deposited in the Council's rubbish receptacles. Provide details for management of medical waste and location of bin store."

(ii) Street trees

No crossing to be located closer than 3.0 metres to any street tree unless prior approval is granted from Manager Park and Environment.

Crossovers

Crossovers are to be constructed in concrete, to conform to Small Plan SP30 at the same level as the street verge (with the exception of the final 1500 mm from the road edge). The footpath is to be continuous through the crossing with a "construction joint" nominally 1800 mm from the boundary.

The existing bitumen crossing to be used as a service access for rubbish bins is to be removed and replaced with a concrete "access ramp". Details of the access ramp can be provided by Engineering Infrastructure.

The remaining existing crossing is to be removed, kerbing reinstated and the verge re-established with an appropriate verge treatment. It should be noted that a verge treatment other than grass will require a separate application to the Manager City Environment.

Stormwater

All stormwater from the car park and adjacent development is to be collected and disposed on site through an appropriate drainage system.

10.3.2 Proposed Change of Use from Single House to include Bed and Breakfast Accommodation - Lot 38 (No. 2A) Bickley Crescent, Como.

Location: Lot 38 (No. 2A) Bickley Crescent, Como
 Applicant: Helen Barrett
 Lodgement Date: 20 June 2008
 File Ref: 11.2008.278 BI1/2
 Date: 1 September 2008
 Author: Lloyd Anderson, 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 Single House to include Bed and Breakfast Accommodation on Lot 38 (No. 2A) Bickley Crescent, Como. The proposal does not conflict with 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

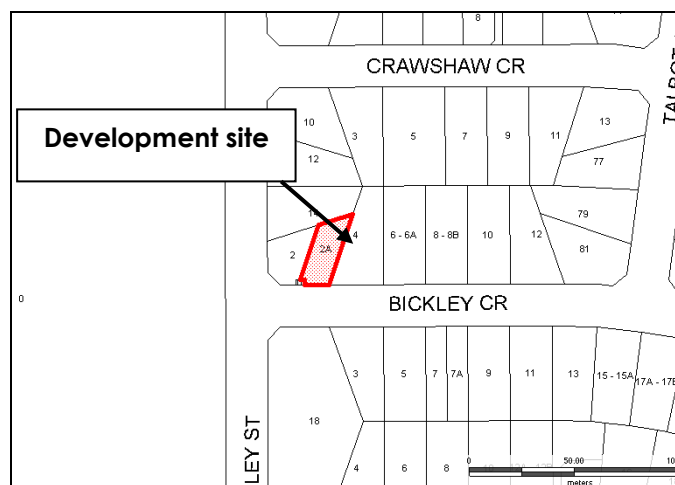
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	450 sq. metres
Building height limit	7.0 metres
Development potential	1 dwelling
Plot ratio	Not applicable (Residential or non-residential)

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Applicant’s letter dated 27 August 2008 including in-house rules.

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:

6. Amenity impact

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

Council needs to have regard to the extent of amenity impact (if any) arising from the proposed Bed and Breakfast Accommodation use in the context of the surrounding residential area.

Comment

(a) Description of the proposal

The subject site is currently developed with a Single House.

The proposal involves a change of use from Single House to include Bed and Breakfast Accommodation, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. It is not proposed to alter the existing building. However a modest sign is proposed, attached to the porch of the building.

“Bed and Breakfast Accommodation” is defined in the City of South Perth Town Planning Scheme No. 6, as follows:

“‘Bed and Breakfast Accommodation’: means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.”

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 as discussed in more detail below.

(b) Appropriateness of use

TPS6 does not specify prescriptive requirements for Bed and Breakfast Accommodation. In addition the City has not set in place a policy to administer its discretion to approve or refuse the operation of a Bed and Breakfast Accommodation. In the absence of such a policy against which to measure the determination of applications for change of use, the application is being determined on its merits.

The amenity of the area is central to consideration of this application for change of use. It is apparent that the proposed use will accommodate paying guests on a short term basis and most likely on holidays. There is a likelihood of the guests arriving and leaving at different times of the day and night. They could possibly have visitors or parties, and could generally affect the amenity of adjoining residential properties. The City acknowledges that a practical and effective management plan can assist in maintaining the amenity of the area. Therefore, the applicant has prepared “in-house rules” for the occupiers which have been detailed in the letter dated 27 August 2008 at **Attachment 10.3.2(b)**. On-site supervision assists in the regulation of guest behaviour in order to preserve the amenity of the neighbourhood. The applicant has also stated in this letter that one or both rooms will be booked out to only one party, whether one family or two couples travelling together, at any one given time. Therefore, it is recommended that a condition of planning approval be imposed stating:

“A maximum of only one booking shall be accepted at any one time for the use of the proposed Bed and Breakfast Accommodation.”

This condition along with a condition relating to the “in-house rules” is considered acceptable and as such will minimise any adverse impact on residential amenity. The proposal is seen to be acceptable for the locality.

(c) Car parking

There is no prescribed car parking ratio for the Bed and Breakfast Accommodation use. In this situation Clause 6.3(2) of TPS6 requires car parking bays to be provided to the number determined by the Council, having regard to the likely demand. The City’s practice in dealing with bed and breakfast proposals has been to require one parking bay for every bedroom used by paying guests in addition to the parking requirement for the existing residence. The applicant has only provided one car parking bay for paying guests as only one booking will be taken at any one time.

The guests parking bay is proposed in a tandem configuration with one of the owners bays. This may result in conflict due to the guest car obstructing the owners vehicle. In addition there is a probability of the verge or street being used to accommodate parking demand or parking of a trailer, caravan, boat or the like on the lot. The applicant’s letter received by the City on 27 August 2008, **Attachment 10.3.2(b)**, demonstrates that there will be no practical issues as the owner of the site will always be onsite and only one booking will be taken at any one time. Conditions of planning approval that limit car parking are recommended as follows:

“No more than 1 guest car shall be permitted for each booking.

No guests are permitted to park a trailer, caravan, boat or the like, on the subject property or the adjacent verge or street.

All occupier and guest car parking is to be contained on site.”

By placing the above conditions on the approval, the proposal will be satisfactory with regards to car parking.

(d) Signage

The City’s practice with regards to signage for bed and breakfast proposals has been to limit the size of advertising signs to a maximum of 0.2 sq. metres in area and not to allow illuminated signs without the prior approval of Council. The applicant proposes a non-illuminated sign 400mm x 400mm in size (0.16 sq. metre). The sign complies with the City’s requirements and is seen not to impact upon the amenity of the residential area.

(e) Other planning controls:

As shown on the plans, **Confidential Attachment 10.3.2(a)**, the existing building is being used for the purposes of the proposed Bed and Breakfast Accommodation and no internal modifications to the rooms are being made. Planning controls in relation to plot ratio, open space, building height, setbacks, boundary walls, solar access for adjoining sites, visual privacy and ground and floor levels will not apply.

(f) 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;*

- (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; and*

In regards to Objectives (a), (c) and (f) the proposed use in no way changes the single residential character of the property or the amenity of the immediate locality. The property will remain and will be used principally as a dwelling as defined under the Residential Design Codes.

(g) 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;*
- (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;*

In regards to matters (a), (b), (i), (s) and (t) the proposed use in no way changes the single residential character of the property or the amenity of the immediate locality. The property will remain and will be used principally as a dwelling as defined under the Residential Design Codes.

Consultation

(a) Design Advisory Consultants' comments

The DAC comments were not sought as the design of the existing building is not being altered by the current proposal.

(b) Neighbour Consultation

Area 3 neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of properties at Nos. 2, 3, 4, 5, 6, 6A, 7, 7A, 8, 8B, 9, 10, 11 and 12 Bickley Crescent, No. 1 Crawshaw Crescent, Nos. 10, 12 and 14 Ley Street were invited to inspect the application and to submit comments during a 14-day period. A total of 18 neighbour consultation notices were mailed to individual property owners. During the advertising period three submissions were received; two in favour and one against the proposal. The comments of the submitters, together with officer responses, are summarised as follows:

Submitter's Comments	Officer Response
<u>Inappropriate land-use</u> - Changing the use of the site will impact upon the residential amenity and is not consistent with the neighbourhood character.	The Applicants in-house rules and the condition relating to car parking are seen to minimise the impact in respect amenity and neighbourhood character. The comment is NOTED .
<u>Increased traffic and congestion</u> - Allowing traffic to increase adjacent to a park used by children is unreasonable.	Traffic issues are not significant enough to require further attention. The comment is NOT UPHELD .
<u>Noise</u> - Increasing the number people occupying the development site, and those people will be on holiday having less regard for neighbours and the amount and timing of noise levels.	The Applicants in-house rules are seen to minimise the impact in respect to noise. The comment is NOTED .
<u>Car parking</u> - Inadequate number of on-site car parking bays for a development of this type.	The Applicants in-house rules and the condition relating to car parking are seen to minimise the impact in respect to car parking. The comment is NOTED .
<u>Property prices</u> - Existence of a Bed and Breakfast Accommodation will have a detrimental effect on the value of property in the area.	This is not a valid planning consideration. In any event, with the imposition of the recommended conditions of approval, neighbourhood amenity will not be affect. Therefore neighbour's property value should not be affected. The comment is NOT UPHELD .
<u>Signage</u> - Impact associated with signage relating to the development application.	The sign is seen not to impact the amenity of the residential area. The comment is NOT UPHELD .

Policy and Legislative Implications

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

Financial Implications

The issue has 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.

Conclusion

The proposal will not have a detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION 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 to included a Bed and Breakfast Accommodation on Lot 38 (No. 2A) Bickley Crescent, Como **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) **Specific Conditions**
- (i) A maximum of only one booking shall be accepted at any one time for the use of the proposed Bed and Breakfast Accommodation.
 - (ii) No more than 1 guest car shall be permitted for each booking.
 - (iii) No guests are permitted to park a trailer, caravan, boat or the like, on the subject property or the adjacent verge or street.
 - (iv) All occupier and guest car parking shall be contained on site.
 - (v) A copy of the "house rules", as submitted to the City along with this application, shall be made available for viewing by all guests at all times. Having regard to the amenity of the adjoining properties, the owners shall be responsible for ensuring compliance with these house rules at all times.
 - (vi) The proposed sign as approved is non-illuminated. It is not to be replaced by an illuminated sign without the prior approval of the City.

- (c) **Standard Advice Notes**
649A minor variations - seek approval

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

- (d) **Specific Advice Notes**
- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure compliance with all relevant requirements;
 - (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Tender 18/2008 Provision of Cleaning Services. Review of Tender Submissions

Location: City Facilities
 Applicant: Council
 File Ref: Tender 18/2008
 Date: 4 September 2008
 Author: Gil Masters, Buildings and Assets Coordinator
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Tenders have been called and received for the provision of cleaning services for the City's Community and Administration offices, halls, toilets and barbecues. This report outlines the assessment process and recommends the tender submitted by Lists Cleaning Services as a Schedule of Rates for the estimated amount of \$611,500 plus GST per annum be accepted.

Background

The City's cleaning contract expired on 1 September 2008 with the City not exercising its option to extend for a further 12 month period. This gave the City the opportunity to test the market for any changes due to inflation etc. particularly as the cleaning industry has over the past two to three years experienced shortages of labour resulting in associated increases in labour costs.

The contract has been divided into four groups to reflect their different characteristics and requirements. The groups include:

- Group 1 Community Facilities
- Group 2 Administration Facilities
- Group 3 Toilets
- Group 4 Barbecues

The tender was written to enable the City to choose the same contractor for all of the groups or utilise more than one contractor within any of the categories, if necessary, to achieve a better outcome.

Tenders were invited on Saturday 5 July 2008 and during the advertised period twenty sets of documents were distributed. At the close of tenders five submissions were received. The prices submitted are listed below.

Item	Tenderer	Price (ex GST) - Two yr period
1	List's Cleaning Services	\$1,223,000
2	Office & Industrial Cleaning	\$1,222,553
3	Bryce Contracting Services	\$1,390,379
4	Dell Cleaning	\$3,160,353
5	Ramel Advanced Cleaning Services	\$6,558,284

Comment

Evaluation of tenders was based on the following criteria:

1.	Demonstrated ability to perform on time and in accordance with designated time schedules	20%
2.	Works record and experience	10%
3.	Satisfactory resources to complete works	10%
4.	Industrial relations and safety record	5%
5.	Demonstrated sustainability initiatives	5%
6.	Price	50%

All tenders submitted complied with the seven Schedules as detailed in Part 3 - Schedules of the tender documents. During the initial evaluation process, the tender from Ramel Advanced Cleaning Services was excluded from the final selection process, primarily due to the very high price submitted.

Each company's price submission and response to the criteria was next incorporated into the Selection Criteria matrix. The total scores appear below.

List Cleaning Services	Office & Industrial Cleaning	Bryce Contracting Service	Dell Cleaning
9.40	9.20	8.81	3.80

The tender of Lists Cleaning Services achieved the highest score based on the criteria assessment and submitted very close to the lowest price. That tender is therefore recommended. The report of the tender review panel is available at **Attachment 10.4.1**.

Lists Cleaning Services has been the City's contractor for all of the cleaning groups since 2005, and has carried out works in some of the groups over the past eleven years. The company has carried out the work in an effective, serviceable and acceptable manner without providing exceptional service.

At the time of the last contract renewal 2007 the company employed a full time supervisor to manage the day to day operations of the contract. This has resulted in an improvement in the level of service with the City being able to address issues quicker and more effectively.

As this is a Schedule of Rates tender an estimated price implication to the City of the contract can be made. The Schedule of Rates submitted by List's Cleaning Services is the same as the current contract rates accepted by the City in the tender in 2007. The prices will be held for the two years of the contract and will only increase if there is an increase in the size of the City's facility base.

Consultation

Tenders were advertised in accordance with the *Local Government Act (1995)*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Policies also apply:

Policy P605 - Purchasing and Invoice Approval

Policy P607 - Tenders and Expressions of Interest

Financial Implications

This is a schedule of rates tender however an estimated price for the work based on what is required is \$611,500 per annum.

Funding is based on allocations in the City's annual maintenance budgets across administrative, community, parks, buildings and special events.

Strategic Implications

This item is consistent with Strategy 4.1 of Goal 4 "Infrastructure" of the City's Strategic Plan. *To sustainably manage, enhance and maintain the City's infrastructure assets.*

Sustainability Implications

The specification for the cleaning contract was amended the previous time it was tendered to make it more sustainable. This process was completed in conjunction with the Sustainability Coordinator.

- The contract specification now provides for the following:
- Tenderers have to provide details to the City on the biodegradability and recyclability of the following cleaning materials - toilet tissues, paper towels, liquid soap, bin liners, etc.;
- Each tenderer is assessed on their ability to meet this requirement under the assessment criteria established for the contract (5%);
- All under desk bins in the Civic Centre and Operations Centre are separately serviced for recycled and non-recyclable waste products;
- Co-mingled recycle bins (yellow top sulo bins) are provided at strategic points in each building;
- All fat removed from BBQ's has to be disposed at an appropriate facility to avoid the possibility of it being disposed in drains.

OFFICER RECOMMENDATION ITEM 10.4.1

That the tender for the provision of cleaning services from of Tangata Pty Ltd trading as Lists Cleaning Services having an estimated contract value of \$611,500.00 per annum be accepted for a period of two years from 1 October 2008 to 30 September 2010, with an option to renew for a further twelve months.

10.4.2 Sir James Mitchell Park Paths

Location:	Sir James Mitchell Park
Applicant:	Council
File Ref:	TT/304
Date:	4 September 2008
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

The separation of pedestrians and cyclists along the South Perth foreshore is a key policy objective of the City, Swan River Trust and the Department for Planning and Infrastructure. This report recommends a proposal to achieve effective separation in the section of Sir James Mitchell Park between the South Perth Esplanade and Coode Street car parks and proposes a funding model to implement it.

Background

The principal shared path network through Sir James Mitchell Park (SJMP) is very popular, particularly on weekends. It is used by commuter cyclists during the week and also by high-speed recreational cyclists, particularly early in the morning. On weekends, the path is used by pedestrians, often with young children and slower recreational cyclists. This results in congestion and conflict between recreational and commuter cyclists and between cyclists and pedestrians.

The City had previously responded to the congestion in the early 1990's by creating a pedestrian only in-situ concrete section attached to southern side of the main path, however traffic appears to have increased in recent years and the path has become more hazardous.

Following the death of a pedestrian on the shared pathway near the Barrack Street ferry terminal in November 2007, the Minister for Planning and Infrastructure recommended that the separation of pedestrians and cyclists on the Perth Water circle route should be afforded priority.

As a result, the City applied for funding from the Department for Planning and Infrastructure (DPI) under the Perth Bicycle Network (PBN) grant scheme, for three projects within SJMP to implement separation. The City has been successful in receiving \$80,000 for one of the projects - the section of the park between the South Perth Esplanade and Coode Street car parks.

Comment

On awarding the PBN grant, the DPI placed a condition that the former principal shared path should be for bicycles only. This has presented a problem for the City as its original concept plan, submitted with the grant, did not allow for this. A new plan has since been produced which resolves this issue and also complements the soon to be completed SJMP Beaches Project.

The new plan continues the pedestrian only path along the foreshore behind each of the newly constructed beaches from the South Perth Esplanade car park to the Coode Street car park. This effectively mimics the pre-existing unofficial path ('goat track') that ran along the foreshore prior to the beaches being constructed.

The former shared pathway remains largely unchanged, except for a southern deviation proposed in the area of the Captain Stirling memorial (flag pole) so that major functions, such as the Australia Day breakfast, can be held without interference from cyclists. It is also proposed that this pathway be re-surfaced with asphalt to cover the concrete sections and provide a much more consistent surface. A meeting has been held with officers of the DPI Bicycle Unit and they are satisfied with the amended arrangement. The proposed alignment of the two paths is attached at **Attachment 10.4.2**.

In conclusion, the new alignment is seen by officers to be an effective solution for separating pedestrians and cyclist in this section of the park as well as complementing the newly created beaches on the foreshore.

Consultation

In respect to the pathway objectives, significant community consultation was carried out by the City and Swan River Trust (SRT) during the development of the SJMP Foreshore Management Plan.

The Sir James Mitchell Park Community Advisory Group has viewed and approved the path proposal.

Policy and Legislative Implications

Separating pedestrians and cyclists on the circle route around the Swan River foreshore is a policy objective of the DPI.

The SJMP Foreshore Management Plan, adopted by the City and the SRT in 2001 recommended the following in regard to the path network in the park:

- *Action 7. - As a general principle, pedestrians and cyclists should be separated.*
- *Action 8. - The existing dual use (shared) path should be retained and a new pedestrian only footpath be constructed.*
- *Action 9. - The new footpath route should be constructed of suitable material generally located closer to the river.*

Financial Implications

The estimated cost implication to the City of this project is \$385,000. This is proposed to be met as follows:

- The DPI has allocated the City \$80,000 towards the separation of pedestrians and cyclists within SJMP between the South Perth Esplanade car park and Coode Street.
- The City currently has \$400,000 in quarantine to develop the path network along the southern foreshore at Clontarf linking Waterford with Centenary Park in the City of Canning. This project is not well advanced, particularly as work has not yet commenced on the Cygnia Cove (East Clontarf) subdivision which lies between Clontarf and Centenary Park. It is proposed to use \$200,000 from this reserve and replenish the quarantined funds with a future budget allocation.
- It is proposed that \$105,000 be diverted from a road project in the 2008/09 Infrastructure Capital Works budget to cover the cost of the realignment and asphalt re-surfacing of the bicycle pathway:

A/c 5404 - Strickland Street (Hensman Street to South Terrace). An analysis has been made of the urgency of this project and it can be delayed for 12 months. The project will be considered for inclusion in the 2009/10 annual budget.

A funding model has been produced to summarise the budget movements and appears in the report recommendation below.

Strategic Implications

This item is consistent with Strategy 4.1 of Goal 4 Infrastructure of the City's Strategic Plan (2004 - 2008). *Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to an appropriate level.*

Sustainability Implications

The promotion of safe walking and cycling routes for commuting to work and for recreation is seen as a key sustainability principle.

OFFICER RECOMMENDATION ITEM 10.4.2

That in order to implement the separation of paths in the section of Sir James Mitchell Park between the South Perth Esplanade and Coode Street car parks the following Budget Amendment be adopted.

Account No	Type	Description	Adopted Budget	Revised Budget	Amendment
5404.1500.30	Capital Exp.	Strickland Street	105,000	0	(105,000)
1045.9906	Res.Transfer	Transfer from Future Municipal Works Reserve	(150,000)	(350,000)	(200,000)
9906.7802	Res.Transfer	Transfer to Municipal Reserve	150,000	350,000	0
5998.0108	Revenue	Grant Revenue	0	(80,000)	(80,000)
TBA	Capital	SJMP Paths	0	385,000	385,000

** An Absolute Majority Required*

10.4.3 River Wall Repairs - Como Beach

Location:	City of South Perth foreshores
Applicant:	Council
File Ref:	PR/559
Date:	4 September 2008
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

Four (4) urgent river wall maintenance and repair projects have been identified and recommended to Council for funding because they represent a serious hazard to the community, liability to Council and/or are urgently required to protect and enhance City owned infrastructure.

Background

The issue of who is responsible for the maintenance and upkeep of the river walls and associated infrastructure is highly contentious. The demise of the State Public Works Department has left a vacuum which has resulted in little or no maintenance being undertaken to the river walls and hence this has greatly contributed to a rapidly deteriorating asset. It was only when the new *Swan and Canning Rivers Management Act (2006)* came into effect that the WA State Government acknowledged a degree of responsibility for the management of the river walls and associated infrastructure. Even then, the legislation talked about partnerships and collaborative arrangements with local government rather than the infrastructure being owned, maintained and funded by the WA State Government.

The City has been very proactive in lobbying the WA State Government to provide sufficient funds to support the City's efforts to ensure that the river walls and associated infrastructure are responsibly maintained. At the present time only \$1 million per annum is currently available for foreshore works under the Swan River Trust's (SRT) Riverbank funding program to distribute to all of the local authorities which have river frontage. The City received \$610,000 from this funding program in the 2007/2008 financial year.

The City is currently working with coastal engineering consultants MP Rogers and Associates to develop an asset management strategy and plan for the foreshore reserves. These documents will identify the ownership and extent and cost of works required to be completed on the river walls and other coastal protection structures, such as the rock groynes on the western foreshore. The aim is to use these strategic documents to advise the SRT (and other agencies) of the extent of works required to bring the foreshore infrastructure up to an acceptable standard and to hopefully secure funds to assist in ongoing repair and maintenance.

City officers have used a preliminary report prepared by MP Rogers and Associates as the basis of a Riverbank grant application to the SRT for \$1.4 million of a total of \$2.8 million of repairs required to the walls on the western foreshore. The remaining \$1.4 million would be funded by the City, Main Roads WA (MRWA) and through other grant funding opportunities.

In addition to the above, \$1.26 million has been requested out of a \$3 million project to replace a failing section of river wall either side of the Mends Street jetty and to construct a pedestrian promenade. The remaining \$1.74 million would be wholly funded by the City or through other grant funding opportunities.

All of the above projects have been raised with Council because they require urgent attention, represent a significant hazard to the community and liability to the City and/or directly affect City infrastructure. Officers do not believe that the repairs should be funded solely by the City. However, the timeframes for repair are such that any delay could either result in a serious risk to the community or potentially much greater expense to the City through further damage to City owned and managed infrastructure. The Swan River Trust is aware of the need for the urgent works as detailed in this report and appropriate financial assistance has been sought through "emergency maintenance" funding allocations. It is therefore recommended that Council, as a matter of priority, supports these projects.

A comprehensive analysis of all sections of the Swan and Canning river foreshore condition was provided to a Council Briefing session held on 18 June 2008.

The following is a summary of the "where to from here" outcome of that Briefing Session:

Conclusions and Proposed Actions 1:

- *Complete a maintenance agreement with MRWA re management of the western foreshore walls.*
- *Complete an Asset Management Plan for river wall infrastructure under the management of CoSP. This will determine required corrective and preventative maintenance budgets required.*
- *The Asset Management Plan should consider the potential impact of Climate Change on City's foreshores/structures/drainage.*
- *CoSP to continue to budget annually for maintenance of river walls and foreshore infrastructure*

Action Taken

The Maintenance Agreement with MRWA is progressing and the Asset Management Plan is in draft form awaiting final information from MP Rogers and Associates. The Plan will take into consideration climate change issues and funds are allocated in the Budget on a needs basis.

Conclusions and Proposed Actions 2:

- *Develop a detailed design and estimate for the SJMP pedestrian boulevard (estimated cost \$2.6 million based on 475 metres @ \$5,500 per metre).*
- *Complete an application to the Swan River Trust for Riverbank funding for 2008/10*
- *Implement the river wall and groynes project at Como Beach (budgeted for - 2008/09 Infrastructure Capital Works program)*
- *Seek Swan River Trust Riverbank funding for the Redmond Foreshore revetment wall (est. cost \$200k).*
- *Ellam Street section of Sir James Mitchell Park to become the next priority area for management.*

The Elected Members present enthusiastically embraced the comprehensive presentation. The conclusions and actions as presented were supported.

Action Taken

A funding application for the boulevard project has been lodged with the Swan River Trust. Funding required for the groynes project at Como Beach is described in this report but is also contained in the funding application (\$2.8m in total) referred to earlier for the western foreshore. An application for funding for the Redmond Foreshore Project has also been lodged with the Swan River Trust. Work on the Ellam Street walls and foreshore will progress on a priority basis after other higher priority areas have been addressed.

Comment

Despite the considerable size of past investment in river foreshore works by the City, it is important that the river walls and associated infrastructure, particularly those that protect important City infrastructure, are repaired and maintained in the short term. The regular maintenance of river walls is an important function that cannot be overlooked particularly when it represents a hazard and/or is required to protect and enhance significant City infrastructure. In view of this, a series of important and urgent projects have been identified. These projects are:

1. *The replacement of a section of failed wooden wall, south of the Como Jetty.*

Funds were allocated to replace the wooden wall in the 2007/08 Infrastructure Capital Works budget. Competitive quotations were sought from contractors to complete the work and a contractor selected. A permit from the Swan River Trust was obtained to allow for the works to be completed. Unfortunately, a serious personal issue prevented the contractor from commencing this work when the tides were favourable, so the project has been delayed until spring 2008 when the tides again become suitable for construction activities.

This project was funded in the 2007/08 Infrastructure Capital Works budget. Unfortunately two storms during winter 2008, one particularly severe, caused serious damage to other sections of the wall and surrounding infrastructure at Como Beach and the budget was re-allocated to complete these urgent repairs. A small amount (\$10,000) remains and has been carried forward to the 2008/09 budget. A Budget allocation of \$90,000 is required to reinstate funds to provide for construction of a limestone wall to replace the failed wooden wall.

This project is also contained in the funding application for the western foreshore but is considered an urgent priority.

2. *The creation of two groynes in the vicinity of the Comer Street pedestrian overpass to reduce the impact of erosion on that foreshore.*

The groynes project is a joint exercise with MRWA as it will assist in the protection of their infrastructure (the principle shared use pathway and ultimately the freeway) as much as it would protect the City's foreshore reserve. As a result the City sought and received a commitment from MRWA to fund 50% of the cost of this project up to a total cost of \$60,000. A Budget re-allocation of \$30,000 to match the MRWA contribution is therefore required to enable this work to be completed.



Figure 1. Storm damage and erosion, Como Beach near Comer Street overpass - July 2008

3. *Upgrading a section of river wall in the vicinity of the Como Beach jetty.*

This section of wall does not meet current standards in that it was not constructed to the correct depth when built approximately 30-40 years ago (i.e. the footings are substandard and the wall has not been constructed sufficiently below the floor of the river bed). Unfortunately, the two winter storms exposed this deficiency and caused the wall to fail and then inflict serious damage to infrastructure behind the wall as shown in the following pictures:



Figure 2. Wall damage adjacent to jetty, Como Beach - July 2008



Figure 3. Result of wall damage, Como Beach - July 2008

4. *Urgent maintenance to the section of wall immediately east of the Mends Street jetty.*

The area of foreshore either side of the Mends Street jetty is very popular and attracts a significant number of visitors. The river wall in this area is very old and in need of replacement. The structural integrity of the wall is compromised and the wall is now regularly overtopped during high tides and storm surges as the pictures below indicate. As stated earlier in this report, the City has submitted a Riverbank grant application to the Swan River Trust to replace it with a higher wall, including the construction of an appropriate attractive and more pedestrian friendly promenade along the foreshore. This is proposed to occur in the longer term when grant funding from the SRT or other agencies is allocated.



Figure 4. Overtopping of river wall east of Mends Street - July 2008



Figure 5. Overtopping of river wall west of Mends Street - July 2008

In the short term however, urgent maintenance is required to make this section of wall safe for the public and to limit the City's exposure to risk until sufficient funds are available to complete the promenade project. Large holes have formed behind the wall where it is failing and these areas are further deteriorating as water washes in from the river. As a consequence, the holes could cause accidents and injury to members of the public, particularly considering the numbers expected on the foreshore for the upcoming Red Bull Air race in November and Skyworks in January 2009. Hence, it is strongly recommended to Council that the river wall be rectified as a short term measure.

All of the above projects have been raised with Council because they require urgent attention, represent a significant hazard to the community and liability to the City and/or directly affect City infrastructure. Officers do not believe that the repairs should be funded solely by the City. However, the timeframes for repair are such that any delay could either result in a serious risk to the community or potentially much greater expense to the City through further damage to City owned and managed infrastructure. It is therefore recommended that Council, as a matter of priority, supports these projects.

CEO's Comment

The significance of the Swan and Canning rivers cannot be underestimated - not only to the City of South Perth but to greater metropolitan Perth and the State of Western Australia. If an average person was asked a simple question - *What is the most attractive feature of Perth?* Surely the highest responses would include the Swan and Canning rivers in one form or another. Given this, it is difficult to fathom why the Swan River Trust, through the State Government budget process is allocated such a puny amount each year for improvements. In recent times, the Swan River Trust has been allocated a total amount of \$1m per annum - not only for improvements to infrastructure such as that detailed in this report but for foreshore restoration and management purposes.

Further, this amount of \$1m is somehow supposed to be allocated over the twenty Local Councils that have a river boundary - an average of \$50,000 each assuming that the fund is allocated only to Local Governments. This however is unlikely as grants are also made to local community groups who perform valuable river restoration work - generally on a voluntary basis.

The current cost of replacing the river wall is in the order of \$6000 per linear metre and on this basis an "equitable" distribution of all funds available for this purpose to Local Government, this would enable the replacement of 8 metres of wall per annum for each Local Government. The City has 19 kms of river frontage. In my view, this amount needs to be increased by at least ten times. An increase of say \$9m to \$10m per annum in funding is insignificant in relation to the size of the State budget.

The *Swan and Canning Rivers Management Act 2006* sets high ideals as is illustrated by the objectives and principles contained in the Act:-

5. Objectives and principles

- (1) The objectives of this Act are -
 - (a) to provide for the restoration and protection of the development control area and the Riverpark;
 - (b) to provide for the management of activities that affect the ecological and community benefits and amenity of the development control area and the Riverpark;
 - (c) to provide for the needs of future generations in relation to the ecological and community benefits and amenity of the development control area and the Riverpark;
 - (d) to recognise the interests of the Nyungah community and other people in the community with an association with the development control area or the Riverpark and to provide for their participation in the management of those areas and the management of activities affecting the ecological and community benefits and amenity of those areas;
 - (e) to promote and facilitate the good management of the catchment area to meet the objectives referred to in paragraphs (a) to (d).

What is very clear however is that the Swan River Trust is not allocated appropriate levels of funding to discharge these objectives adequately.

The importance of this issue has clearly been overlooked by the State Government for a long time. There is another minor matter of climate change that is already impacting of the river foreshore. The City's river foreshore is becoming increasingly affected by high tide surges and storm events as evidenced in photographs contained in this report. The River walls are now deteriorating at a rapid rate because of damage caused by these occurrences. On the Como beach foreshore, significant Local and State Government infrastructure is now increasingly vulnerable. The longer the situation remains unaddressed, the more expensive the cost will be in the long term.

For these reasons, apart from fully supporting the recommendations, the City should continue its strong public position in seeking additional funding for this purpose. Apart from working collaboratively with the Swan River Trust, the City should also continue to actively lobby the new Government and make direct representations to the Department of Treasury and Finance.

Consultation

Further community consultation is not considered necessary for these projects.

Policy and Legislative Implications

The Swan and Canning Rivers Management Act (2006) provides the framework for the management of river wall infrastructure. The City is committed to seeking external funding wherever possible for coastal infrastructure maintenance.

Financial Implications

In order to complete these urgent works a budget of \$170,000 is required as follows:

- \$90,000 to construct a limestone wall to replace the old wood wall south of the Como Jetty;
- \$30,000 as the City’s contribution towards the construction of the groynes proposed for the foreshore just south of the Comer Street overpass (\$30,000 will be also be contributed by MRWA);
- \$50,000 for the preventative and corrective maintenance works as identified in this report.

It is proposed to fund these works as follows:

- \$160,000 to be drawn from the River Wall Reserve;
- \$10,000 to be utilised from River Wall maintenance funds carried forward from the 2007/08 Infrastructure Capital Works budget.

There will be financial implications as a result of the Swan River Trust funding applications. The implications will be addressed when the results of the applications are known.

Strategic Implications

This item is consistent with Strategy 4.1 of Goal 4 Infrastructure of the City’s Strategic Plan (2004 - 2008). *Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to an appropriate level.*

Sustainability Implications

The future sustainability of the City’s foreshore is dependent on the effective management of coastal protection structures.

OFFICER RECOMMENDATION ITEM 10.4.3

That funding be made available to support the identified remedial works on river walls for the purposes of:

- (a) replacement of a section of failed wooden wall, south of the Como Jetty;
- (b) creation of two groynes in the vicinity of the Comer Street pedestrian overpass to reduce the impact of erosion on that foreshore;
- (c) upgrading a section of river wall in the vicinity of the Como Beach jetty; and
- (d) urgent maintenance to the section of wall immediately south of the Mends Street jetty

by amending the adopted 2008/2009 budget as follows:

Account No	Type	Description	Adopted Budget	Revised Budget
9924.7802	Res Transfer	Transfer to Muni Fund	0	160,000
1045.9924	Res Transfer	Transfer from River Wall Reserve	0	(160,000)
6209.2500.30	Capital Exp	Repairs to River Walls	10,000	170,000

* An Absolute Majority Required

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
Applicant: Council
File Ref: Not applicable
Date: 1 September 2008
Author: Rajiv Kapur Manager, Development Assessment
Reporting Officer: Steve Cope, Director Development and 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 August 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 August 2008, thirty nine (39) 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 ITEM 10.5.1

That the report and **Attachments 10.5.1** relating to delegated determination of applications for planning approval during the month of August 2008, be received.

10.5.2	Use of the Common Seal
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Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 5 September 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 August 2008 appear below.

Nature of document	Parties	Date Seal Affixed
Surrender of CPV Lease	CoSP & Patricia Prowse	13 August 2008
CPV Hostel Residency Agreement	CoSP & Valerie White	13 August 2008
CPV Hostel Residency Agreement	CoSP & Graham Hatton	22 August 2008
Lease (Kensington Tennis Pavilion)	CoSP & Southcare Inc.	22 August 2008
CPV Hostel Residency Agreement	CoSP & Lillian Roper	26 August 2008
CPV Hostel Residency Agreement	CoSP & Rose Stewart	26 August 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 ITEM 10.5.2

That the report on the use of the Common Seal for the month of August 2008 be received.

10.5.3 Financial Interest Returns 2007 - 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/107
Date:	5 September 2008
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

In accordance with the City's Management Practice **M523 Financial Interest Returns** the CEO is to prepare a report on the lodging of returns for presentation to Council as soon as reasonably practicable after 31 August each year.

Background

Part 5 of the *Local Government Act 1995* requires that councillors and 'designated employees' (that is, employees who exercise delegated power) lodge a statement of their financial interests within three months of the commencement of their term or employment respectively (Primary Return) and annually thereafter by or before 31 August each year (Annual Return).

Comment

Returns from Councillors and designated employees were lodged in accordance with the Act.

Consultation

Nil.

Policy and Legislative Implications

The report records compliance with the statutory requirements governing the lodgement of financial interest returns as required by the *Local Government Act 1995*.

Financial Implications

Nil.

Strategic Implications

This Report complies with **Strategic Goal 5: Organisational Effectiveness** - "*To be a professional, effective and efficient organisation.*"

Sustainability Implications

Reporting on the lodging of Financial Interest Returns contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION ITEM 10.5.3

That report Item 10.5.3 of the September 2008 Council Agenda on the lodging of Financial Interest Returns for 2007 - 2008 be received.

10.5.4 Local Emergency Management Arrangements for the City of South Perth.

Location: City of South Perth
Applicant: Council
File Ref: ES/301
Date: 5 September 2008
Author: Sebastian Camillo, Manager Environmental Health Services
Reporting Officer: Steve Cope, Director Development and Community Services

Summary

The purpose of this report is to approve the Local Emergency Management Arrangements for the City of South Perth.

Background

The *Emergency Management Act 2005* (the Act) came into effect on 24 December 2005 to provide for the prompt and coordinated management of emergencies within the State. The Act identifies a formal State, District and Local level emergency management structure and specifies a number of responsibilities which have been allocated to local government.

With the introduction of the Act, provision was made under Part 3, Division 1, and Section 36 for local governments to develop and implement Local Emergency Management Arrangements in the event of an incident. The Act states that it is a function of a local government subject to the Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district and to:

- (a) manage recovery following an emergency affecting the community in its district; and
- (b) perform other functions given to the local government under this Act.

Comment

The City was successful in obtaining a financial grant of \$25,000 in 2005 from FESA as part of the "All West Australians Reducing Emergencies" (AWARE) program to commence the community consultation phase of the development of the Local Emergency Management Arrangements. The process commenced in 2005/06 and was delayed during this period due to the introduction of the *Emergency Management Act 2005* which changed the original focus and format of the arrangements.

The first step in developing local emergency management arrangements is the Emergency Risk Management (ERM) process, a systematic process that produces a range of measures which contribute to the wellbeing of communities and the environment. The process considers the likely effects of hazardous events a local community is concerned about and the measures by which they can be minimised. Communication and consultation with the community is mandatory throughout FESA's five step ERM process. The ERM process identifies the risks in the local community and encourages community input and participation in the development of treatment options. The process also ensures that arrangements are relevant and workable for the community.

Local emergency management arrangements should be practical and easy to use. Hazard management agencies (HMAs) and support organisations prepare detailed plans for managing the hazards and functions for which they have been assigned responsibility. Local representatives from these organisations develop emergency management plans tailored to their local areas. These local plans may be included in the local emergency management arrangements.

The community consultation phase was completed by two consultant students from Edith Cowan University by June 2006 as the first step of the emergency management arrangements. The final emergency management arrangements were developed in accordance with the requirements of the Local Emergency Management Arrangement Guidelines developed by a working party of representatives from the FESA-SES, WA Police Services, Department of Child Protection (DCP) and Department of Health, in consultation with FESA Emergency Management Services, to assist Local Emergency Management Committees to develop Local Emergency Management Arrangements.

The Local Emergency Management Arrangements were completed and submitted to the City Executive Management Team and the Local Emergency Management Committee (LEMC) on the 14 May 2008 for comments. Feedback from the two groups has been positive and incorporated within the final draft Local Emergency Management Arrangements and re-submitted to the LEMC for final endorsement at their meeting of the 19 August 2008, prior to being submitted for approved by Council.

Council is requested to give consideration to approving the Local Emergency Management Arrangements contained in **Attachment 10.5.4**.

Consultation

Consultation was undertaken as part of the community consultation phase of the development of the Local Emergency Management Arrangements. Consultation has also occurred with officers of the following external organisations:

- City of Canning
- City of South Perth
- WA Police Service
- State Emergency Services
- Local Emergency Management Committee.

Policy and Legislative Implications

Provision to develop and implement Local Emergency Management Arrangements is included within the *Emergency Management Act 2005*.

Financial Implications

Nil

Strategic Implications

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

Sustainability Implications

Implementation of the Emergency Management Arrangements contributes to the City's sustainability by determining and minimising risks, developing active management plans and implementing effective emergency arrangements in the event of incidents within the district.

OFFICER RECOMMENDATION ITEM 10.5.4

That....

- (a) the Local Emergency Management Arrangements at **Attachment 10.5.4** be approved; and
- (b) the Superintendent of the South East Metropolitan Police District advised accordingly.

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - August 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 September 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)**
(draft only - still subject to further year end adjustments)
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue and Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)(A) and 10.6.1(6)(B)**
- Rate Setting Statement - (not presented for September until the auditors sign off the 2007/2008 numbers)

Operating Revenue to 31 August 2008 is \$27.05M which represents 101% of the \$26.88M year to date budget. Significant factors contributing to this variance are receipt of WALGA rebates ahead of budget phasing, a significant (\$50,000) DSR grant revenue towards costs associated with the Recreation Club Development Officer position, a favourable timing difference in relation to waste management levies, the receipt of some vehicle disposal proceeds (budgeted to occur before June 2008) in the Infrastructure area and the receipt of some insurance claim revenue. 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).

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 31 August 2008 is \$5.50M which represents 97% of the year to date budget of \$5.66M. Operating Expenditure to date is on budget in the Administration area, 6% under budget in the Infrastructure Services area and 8% 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 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 developed and 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. Actions are underway to recruit for a number of the current vacancies in areas such as Engineering, 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 \$0.13M at 31 August against a year to date budget of \$0.06M. Most of the revenue received to date relates to three 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 \$40,000.

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 31 August 2008 is \$2.11M which represents 109% of the year to date budget - being some 11.7% of the full year budget. Approximately 75% 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 will be reintroduced back into this report after the September quarter is concluded - because from that time forward it presents meaningful information. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein will be provided bi-monthly from the finalisation of the October numbers for a similar reason.

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' 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 ITEM 10.6.1

That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (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.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 September 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 \$40.63M compare very favourably to \$37.90M at the equivalent stage of last year. Reserve funds are some \$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 \$2.2M 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 initial collections from rates slightly ahead of last year. Ratepayer feedback to changes in rates as a result of revised GRVs and the lower rate in the dollar has been very positive overall. The City has put in place a number of convenient and customer friendly payment methods and has used the Rates Early Payment Incentive Prize to encourage positive early cash collections. Unlike many of our local government peers, the City was not inconvenienced in any way by the collapse of the Bill Express rates collection service - as we had made an informed decision not to participate in that initiative. Cash received via our own online initiative, Post Billpay and BPay has shown a very positive trend and justifies our decision not to use the Bill Express service.

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 \$16.2M (compared to \$18.4M at the same time in 2007/2008). **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end is \$39.99M compared to \$37.54M 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, term deposits and bank bills. Analysis of the composition of the investment portfolio shows that approximately 83.6% 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 \$0.42M - significantly up from \$0.28M at this time last year. This result is attributable to higher reserve cash holdings, higher interest rates and timely, effective treasury management. 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 7.75% with the anticipated yield on investments yet to mature currently at 7.76% - but this was dragged down by some very poor rates in late August after the official interest rate cut. This result reflects careful selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs have been providing a return of 7.0%.

(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 August 2008 represent 60.8% of total rates levied compared to 60.1% at the equivalent stage of the previous year. This is an outstanding result to date being some 0.7% better than last year's result. Ratepayer feedback to date 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 \$2.45M at month end excluding UGP debtors - which compares to \$1.71M at the same time last year. This reflects the fact that GST refundable by the ATO is some \$0.35M higher than at the same time last year and there is a \$0.3M sundry debtor relating to an ongoing donation at the CPV which did not have an equivalent entry at this time last year. Most other debtor category balances are very similar to those at a corresponding time last year.

(iii) Underground Power

Of the \$6.78M billed for UGP in May 2008, some \$3.05M was collected by 31 August with approximately 43% of those in the affected area electing to pay in full and a further 44% opting to pay the first instalment. The remaining 13% have yet to make a payment and will be the subject of follow up collection actions commencing in September and 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 are the first instalment notices to reflect interest charges which are currently accruing interest on the outstanding balances (as advised on the initial UGP notice). It is important to note 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 would occur on a bank loan).

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 collectibility 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' 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 ITEM 10.6.2

That Council receives the 31 August 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)**

10.6.3 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 September 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 August 2008 and 31 August 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's 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 ITEM 10.6.3

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

10.6.4 End of Year Financial Management Accounts - June 2008

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

Summary

Management account summaries comparing actual performance against budget expectations for the 2007/2008 year are presented for Council review. Comments are provided on the significant financial variances disclosed therein.

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 lesser variances where it believes this helps discharge accountability.

The local government budget is a dynamic document and is 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.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2007/2008 Adopted Budget and the 2007/2008 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

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 10.6.4(1)(A) and 10.6.4(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.4(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.4(3)**
- Summary of Capital Items - **Attachment 10.6.4(4)**
- Schedule of Significant Variances - **Attachment 10.6.4(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.4(6)(A) and 10.6.4(6)(B).**

Operating Items

Operating Revenue to 30 June 2008 is \$34.38M which represents 101% of the Annual Budget. The Directorate of Financial and Information Services exceeded their revenue budget by 1% (\$221,184) due to a better than expected performance on interim rates (extra \$27,479) and by achieving much better investment returns due to the higher cash holdings and higher interest rates (additional \$158,372). The Development and Community Services Directorate finished the year 1% (\$118,770) ahead of budget primarily due to better than anticipated results in the development areas of Planning and Building Services. Their overall result was impacted negatively by a slightly weaker than expected performance on waste management revenue.

Infrastructure Services concluded the year 9% (\$77,565) below budget expectations - although this was due to certain plant items not having been traded at 30 June rather than any failure to achieve revenue targets. Golf course revenue finished the year some 2% under budget expectations.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Operating Expenditure to 30 June 2008 is \$31.95M which represents 101% of the Total Budget. The costs within the Chief Executive's Office were 1% (\$34,323) under budget overall - mostly due to a less than budgeted use of consultants for tendering activities and legal expenses but partly offset by additional staff training and recruiting costs.

Operating Expenditure of the Financial and Information Services area (after allocations outwards) is reported as 1% (\$43,492) below budget. Most of this relates to a saving on interest costs due to borrowings associated with the UGP project not proceeding (due to Western Power's inability to commence the program when originally expected). The remainder reflects savings from an extended staff vacancy in the IT area during the year offset by the cumulative impact of a number of small unfavourable variances in the Library area. Customer Services was very close to budget expectations at year end.

Operating Expenses in the Development and Community Services Directorate were on budget overall at year end - although this was impacted by a number of favourable and unfavourable variances on individual line items. Planning was 9% under the budget largely due to vacancies in the senior positions for portions of the year. Building Services finished 5% under budget due to similar difficulties in securing qualified building surveyors. Health Services concluded the year 1% under budget. Rangers were also some 3% under budget at year end due to savings on salaries costs.

Community Culture and Recreation was 7% over budget at year end largely due to unfavourable variances on cleaning costs for halls, Fiesta and the need to repay a \$24,500 grant contribution to the Town of Victoria Park after a shared grant was inadvertently paid in full by the Department of Sport and Recreation to the City of South Perth in the prior year. The Collier Park Retirement Complex was 2% over budget at year end - primarily attributable to higher than budgeted maintenance costs including a significant unbudgeted expenditure on preventative termite treatments.

Infrastructure Services finished the year 3% (\$342,330) over its Operating Expense budget. Within this overall result were a number of offsetting variances. The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year 2% over budget with the main items being an increased spend on street sweeping and a less than budgeted recovery of overheads.

The City Environment area finished the year 5% unfavourable overall - although most areas were close to budget at year end. The cost of maintaining parks and reserves was just 2% over budget. Streetscape maintenance was 5 % over budget because the service level provided to manage risk and maintain the desired standard of streetscape was beyond the allocated budget. The other major contributor was an under recovery of overheads as explained in the Schedule of Significant Variances.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Employee Costs

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$12.14M against a budget of \$12.84M - a favourable variance of 5.5% reflecting the difficult challenge the City has faced in maintaining service levels in a labour market where it is very difficult to fill vacant positions. Employee entitlements mentioned above (annual and long service leave) are fully cash-backed as part of responsible financial management practice.

Staff costs within the Chief Executive's Office - which includes the Human Resources and corporate support area were 1.7% under budget overall at year end. The Financial and Information Services area was 2.7% under budget for staff costs with most areas other than Information Services very close to budget. Information Technology was well under budget due to vacancies in the Manager Information Services position and the GIS Officer position (filled by an external contractor). Financial Services was 1.7% under budget overall whilst Libraries was just 2% over at year end.

Staff costs in the Planning and Community Services Directorate were 6.3% under budget at year end. Directorate Administration was on budget whilst Planning Services ended the year 11.8% under budget due to difficulties filling the manager position. Building Services was also more than 32% under budget due to a full year vacancy for a building surveyor position. The Customer Focus Team provided a significant amount of administrative support to this area to ensure customer service continuity. Health Services was 5% under budget due to a long term vacancy. The Rangers area reflected a 14.7% lower cost than was budgeted due to staff movements and vacancies during the year. Waste Management was slightly over budget at year end. Community Culture and Recreation was right on budget at year end. Total staff costs at the Collier Park Retirement Complex were also right on budget at year end which is testimony to very effective staff management at the facility during a very difficult year.

Infrastructure Services staff costs were 7.1% under budget overall. Directorate Support was more than 20% under budget at year end due to an extended period without a substantive Director for the area. City Environment salaries finished 5.9% under budget due to vacancies during the year. The staff costs recorded in the accounts include all temporary staff costs for the year as well as permanent staff. A portion of the savings relates to not using allocated sums to 'back fill' positions during short term leave. Engineering Infrastructure finished with its salaries expenditure 5.3% under budget for similar reasons to those noted above for the City Environment area. Collier Park Golf Course experienced several vacancies during the year as workers were attracted to other 'boom industries' such as resources and construction - resulting in a 12.1% favourable variance on staff costs. In several areas there was an increased spend on consultants to offset the staff shortages.

Capital Items

Capital Revenue of \$8.95M represents 97% of the Total Budget. The most significant factor contributing to this variance is that the budgeted \$300,000 building grant did not eventuate - but will be replaced in 2008/2009 with a \$1.5M grant. Road grant revenue was very close to budget expectations, revenues from leasing units at the Collier Park Village ended the year well ahead of expectations and Underground Power revenue was slightly less than the anticipated amount.

Capital Expenditure of \$10.75M represents 81% of the Total Budget of \$13.22M. The 2007/2008 Annual Budget flagged potential gross carried forward expenditure of some \$2.90M but following adjustment to reflect actual rather than projected expenditure on the identified works, an amount of \$2.68M was adopted by Council in August. Combined with the completed works, this represents the full year budget.

A detailed report on the Capital Projects and the list of Carried Forward Works was considered by Council as Item 10.6.5 of the August Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 10.6.4(5)**.

Borrowings

Because of the late start to the UGP project and better than anticipated up-front cash collections, there was no requirement for borrowings in the 2007/2008 year - resulting in a significant interest expense saving for the year.

Balance Sheet

Current Assets at year end are \$30.32M compared to \$25.52M in 2006/2007 - with the major changes being the holding of an additional \$3.0M in cash investments and an additional \$1.54M in receivables. It should be noted, however, that UGP receivables (\$0.9M) did not exist in the prior year. GST refundable is \$0.2M higher and sundry debtors (grants notified but yet to be received) of \$0.3M make up most of the remainder of the difference. Most other current asset categories are very close to previous year comparatives.

Current Liabilities are less than their position at year end last year - being \$4.24M against \$4.66M in 2006/2007. Accounts Payable have decreased by \$0.45M whilst Provisions for Employee Entitlements (under legislation - Annual leave & Long Service Leave) have necessarily increased by \$0.02M. Current Loan Liabilities are slightly higher than at the same time last year.

Non Current Assets as at 30 June 2008 are \$190.58M after capitalising infrastructure assets created during the year - and revaluing roads, paths and drains to current replacement value at 30 June 2008. This compares to \$185.22M at this time last year. Even after allowing for the revaluation impact, the value of infrastructure assets was still increased in real terms by City expenditure. Non Current Receivables increased by the \$3.36M relating to UGP debts (this did not exist in 2006/2007).

Non Current Liabilities finished the year at \$26.04M - an increase of \$1.5M on the 30 June 2007 balance. The combined CPV / CPH Leaseholder Liability increased from \$21.21M to \$23.28M in 2007/2008. The increase was a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Offsetting this was a \$0.2M decrease in Non Current Payables (Trust Fund Liabilities) and a \$0.05 decrease in Provisions for Employee Entitlements. Non Current Loans decreased by \$0.30M (approximately 12% of the loan liability) as a result of loan payments made.

Consultation

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

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 and 35.

Financial Implications

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

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*'.

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 ITEM 10.6.4

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.4 (1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.4(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.4(6)(A)** and **Attachment 10.6.4(6)(B)** be received.

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

10.7.1 Audit and Governance Committee Recommendations - Meeting held 9 September 2008

Location: City of South Perth
Applicant: Council
File Ref: GO/108
Date: 10 September 2008
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 9 September 2008.

Background

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve the City's corporate governance framework. As the Committee does not have delegated authority it may only make recommendations to Council.

Comment

The Minutes of the Committee meeting held on 9 September 2008 are at **Attachment 10.7.1**. The background to the Committee recommendations, which incorporates officer reports on a review of Goal 6 Policies and Delegations, the Interim Audit/Management Letter 2007/2008 and Code of Conduct are set out in the Minutes.

The Committee recommendations adopted for Council consideration are as follows:

(a) Review of Goal 6 Policies and Delegations

Committee Recommendation (*Item 5.1 Audit & Governance Committee*)

That

- (a) Policies:.
- P601 - Preparation of Strategic Financial Plan and Annual Budget
 - P602 - Appointment of Bank Signatories.
 - P603 - Investment of Surplus Funds
 - P604 - Use of Debt as a Funding Option
 - P605 - Purchasing and Invoice Approval
 - P607 - Tenders and Expressions of Interest
 - P608 - Collier Park Golf Course Dividend Policy
 - P609 - Lease of City Buildings
 - P610 - Collier Park Village Financial Arrangements
 - P611 - Collier Park Hostel Financial Arrangements
 - P612 - Disposal of Surplus Materials
 - P613 - Capitalisation of Assets
- as per **Attachment 5.1(a)** be adopted;

- (b) Delegations:
 - DC601 - Strategic Financial Plan and Annual Budget Preparation
 - DC602 - Authority to Make Payments
 - DC607 - Acceptance of Tenders
 - DC609 - Leases and Licences
 - DC612 - Disposal of Surplus Property
 - DC651 - Inviting Tenders or Expressions of Interest
 - DC652 - Write Off Debts
 - DC653 - Granting Fee Concessionsas per **Attachment 5.1(b)** be adopted; and
- (c) the City's progress in undertaking the review of City Policies to date be acknowledged; and
- (d) when substantial changes are made to a particular policy during a policy review that a 'marked up' copy, identifying the changes, be circulated.

Comment

The Committee reviewed the revised policies and delegations aligned to Goal 6 and recommends Council adopts the revised policies and delegations. The Committee also recommended an additional part (d) be included in the recommendation that requires, as a future practice, that any substantial changes made to a policy during a review, be circulated to Members via a "marked up" copy to make it easier to identify the changes made.

(2) Interim Audit Management Letter 2007/08

Committee Recommendation *(Item 5.2 Audit & Governance Committee)*

That

- (a) the Interim Audit Management Letter for the 2007/2008 financial year as submitted by the City's Auditors, Macri Partners, Certified Practising Accountants be received; and
- (b) the proposed actions in response to the matters noted in the Management Letter be noted and endorsed.

Comment

Following discussion, the Committee recommended that the Audit Management Letter for the 2007/2008 financial year as submitted by the City's Auditors, Macri Partners, Certified Practising Accountants be received and the proposed actions in response to the matters noted in the Management Letter be noted and endorsed.

(3) Code of Conduct Review 2008

Committee Recommendation *(Item 5.3 Audit & Governance Committee)*

That subject to minor modifications to the Code of Conduct as discussed and included in **Attachment 10.7.1(c)** that Council endorses report Item 5.3 of the Audit and Governance Committee Meeting of 9 September 2009 and pursuant to section 5.103 of the *Local Government Act*, resolves to adopt the Code of Conduct.

Comment

The Committee reviewed the draft Code of Conduct and suggested the following amendments (included in Attachment 10.7.1(c) in **Red**):

- inclusion of a clause dealing with any breaches
- Review Code of Conduct every 2 years or within 6 months of each election
- Review *wording* of Clause 1.6 to commence with a *positive*

and then supported the adoption of an *aspirational* Code of Conduct in which key principles and values are acknowledged as a guide to achieving the highest standards of behaviour by elected members and City officers in the performance of their respective functions and duties.

Consultation

N/A

Policy and Legislative Implications

The report accurately records the policy and legislative implications of the matters contained therein.

Financial Implications

Nil

Strategic Implications

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

Sustainability Implications

The sustainability implications arising out of matters discussed or recommendations made in this report are consistent with the City's Sustainability Strategy 2006 - 2008.

OFFICER RECOMMENDATION ITEM 10.7.1

That Council adopts the following recommendations of the Audit and Governance Committee meeting held on 9 September 2008:

(1) Review of Goal 6 Policies and Delegations

That.....

(a) Policies:

- P601 - Preparation of Strategic Financial Plan and Annual Budget
 - P602 - Appointment of Bank Signatories.
 - P603 - Investment of Surplus Funds
 - P604 - Use of Debt as a Funding Option
 - P605 - Purchasing and Invoice Approval
 - P607 - Tenders and Expressions of Interest
 - P608 - Collier Park Golf Course Dividend Policy
 - P609 - Lease of City Buildings
 - P610 - Collier Park Village Financial Arrangements
 - P611 - Collier Park Hostel Financial Arrangements
 - P612 - Disposal of Surplus Materials
 - P613 - Capitalisation of Assets
- as per **Attachment 10.7.1(a)(1) - 10.7.1(a)(12)** be adopted;

(b) Delegations:

DC601 - Strategic Financial Plan and Annual Budget Preparation
DC602 - Authority to Make Payments
DC603 - Investment of Surplus Funds
DC607 - Acceptance of Tenders
DC609 - Leases and Licences
DC612 - Disposal of Surplus Property
DC651 - Inviting Tenders or Expressions of Interest
DC652 - Write Off Debts
DC653 - Granting Fee Concessions
as per **Attachment 10.7.1(b)(1) - 10.7.1(b)(9)** be adopted;

- (c) the City's progress in undertaking the review of City Policies to date be acknowledged; and
(d) when substantial changes are made to a particular policy during a policy review that a 'marked up' copy, identifying the changes, be circulated.

(2) **Interim Audit Management Letter 2007/08**

That

- (a) the Interim Audit Management Letter for the 2007/2008 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants at **Confidential Attachment 10.7.1(2)** be received; and
(b) the proposed actions in response to the matters noted in the Management Letter be noted and endorsed.

(3) **Code of Conduct**

That subject to minor modifications to the Code of Conduct, as discussed and included in **Attachment 10.7.1(3)**, that Council endorses report Item 5.3 of the Audit and Governance Committee Meeting of 9 September 2009 and pursuant to section 5.103 of the *Local Government Act*, resolves to adopt the Code of Conduct as set out at **Attachment 10.7.1(3)**.

11. **APPLICATIONS FOR LEAVE OF ABSENCE**

11.1 Application for Leave of Absence : Cr Burrows

I hereby apply for Leave of Absence from all Council Meetings for the period 4 to 12 October 2008 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Banning Smoking in Alfresco Dining Areas : Cr Smith

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 23 September 2008:

MOTION

That....

- (a) the City of South Perth move to follow the excellent lead of the City of Fremantle and the City of Perth in banning smoking in all alfresco outdoor dining areas within the City of South Perth; and
- (b) the Council direct the CEO, of the City of South Perth, Mr Frewing, to obtain copies of both the City of Fremantle and the City of Perth legislation on the subject (with their concurrence), to determine the most appropriate model for adoption by the City of South Perth

MEMBER COMMENT

It is time the City of South Perth followed the lead of Fremantle and Perth Councils in banning smoking in alfresco dining areas.

COMMENT CEO

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Chief Executive Officer comments as follows:

The topic of banning smoking in alfresco areas, beaches and other places is very topical and attracting significant attention by the State Government, Local Government and various health organisations.

In June 2008 the City received a joint letter from ten health related organisations seeking the support of the City in making a smoke free WA a reality. The organisations were calling upon the State Government to extend current smoking bans to include outdoor eating areas [alfresco dining areas] and outdoor markets, beaches, parks and children's playgrounds, sporting arenas, including swimming pools, entertainment venues, transport waiting areas and cars carrying children.

The CEO, in conjunction with the Mayor considered the submission from the health organisations and agreed that a State-wide approach was preferable than each council creating local laws to control smoking in public places which could otherwise result in very different standards of application by each Local Government. As a consequence of this, a letter was written to the Western Australian Local Government Association seeking support for a State-wide legislative approach to ensure a consistent approach to banning smoking in public places. This approach is also consistent with the known position of the Department of Health which is also well advanced in developing regulations to extend the smoking ban to include alfresco dining and public beaches.

As part of this general review process the City is already in the process of collecting information from other Local Governments in relation to this topic in the event that the State does not enact regulations to control smoking in alfresco dining areas.

- 13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**
 - 13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE**
 - 13.2. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

- 15. MEETING CLOSED TO PUBLIC**
 - 15.1 Matters for which the Meeting May be Closed.**
 - 15.2 Public Reading of Resolutions that may be made Public.**

- 16. CLOSURE**

- 17. RECORD OF VOTING**



Mayors Activity Report – August 2008

August 2008	Activity
Friday, 29 August	Presentation St Pius X: school assembly with 'Footprints project' recognition
Thursday, 28 August	Presentation -- South Perth School Council re: school partnerships + Cr Rob Grayden & Manager Community Culture and Recreation.
Wednesday, 27 August	Council Briefing : Canning Bridge Study Update (2) Attend Board meeting John Curtin Leadership Academy @ Curtin Uni
Tuesday, 26 August	Council meeting Mayor/CEO weekly meeting
Monday, 25 August	Attend Zoo Board Meeting @ Perth Zoo
Friday, 22 August	Presentation at Royal Perth Golf Club 100 year celebration @ RPGC and re-enactment ceremony Mends St/Labouchere Road Attend Carson Street School : Attend Opening of School Conductive Education Centre + Cr Les Ozsdolay Attend Rivers Regional Council meeting
Thursday, 21 August	Meeting with PhD candidate Jason Fox from Murdoch Uni re community engagement opportunities
Wednesday, 20 August	Presentation -- Community Funding Round 1: Cheque presentation in Reception Room
Tuesday, 19 August	Council Briefing - Agenda items Meeting with Gladstone street resident regarding street trees. Mayor/CEO weekly meeting Attend Partnership ceremony between Kent St High and Skywest @ Old Swan Brewery
Monday, 18 August	Public community forum: Canning Bridge Primary Study Area @ South Perth Senior Citizens Centre + CEO + Director, Development and Community Services
Sunday, 17 August	Bus trip to New Norcia for tree planting + Councillors Sue Doherty and Bill Gleeson, CEO and staff.

AGENDA : ORDINARY COUNCIL MEETING : 23 SEPTEMBER 2008

August 2008	Activity
Friday, 15 August	Attend Swan Catchment Council Awards Evening @ South Guildford.
Friday, 15 August	<p>Tour of Chamber of Commerce/ City of South Perth award winners <i>Advanced Spatial Technologies</i> + CEO</p> <p>Presentation Footprints Community Arts Project: Handed out certificates at assembly @ South Perth Primary School</p>
Thursday, 14 August	<p>Planning meeting for Major Events Traffic & Parking workshop: Meeting with Manager, Environmental Health and Regulatory Services to discuss format</p> <p>Meeting with Dr Ian Fairnie regarding Curtin University partnerships.</p> <p>Attend <i>Committee for Perth</i> - 'Reflections on Perth' by Lord Mayor Lisa Scafidi and CEO Marion Fulker @ Ernst & Young offices</p> <p>Attend AGM: Collier Park Village Residents Committee @ Collier Park Village + Deputy Mayor Colin Cala and Cr Roy Wells + CEO, Director Financial Services and Director, Development and Community Services.</p>
Wednesday, 13 August	<p>Host Schools partnership Function + Cr Sue Doherty and Cr Pete Best</p> <p>Meeting with Kim Proctor/ Disability Services Commission: RE: Family leadership opportunities.</p> <p>Attend Forum: Planning and Building Resilient Communities in Risky Times @ Perth Zoo.</p>
Tuesday, 12 August	<p>Briefing: Councillors Vision and Mission setting</p> <p>Mayor/CEO meeting</p>
Monday, 11 August	<p>Briefing: Canning Bridge Community Forum (1km study area) @ South Perth Senior Citizens Centre</p> <p>Presentation and attend forum: 'Climate Change and Planning for Growth - how resilient is your community?' hosted by the City and the Resilient Futures Network</p>
Saturday, 9 August	Travel Brisbane -- Perth
Friday, 8 August	Visit Brisbane's South Bank river front treatments/ visit Roma Street Enoggera Park/ Visit Victoria Park multi-level driving range + Manager City Environment.
Thursday, 7 August	Meeting at Gold Coast Council – discuss density and environment pressures + Manager City Environment.
Monday, 4 August - Wednesday 6 August	Attend 2008 National Conference on Climate Change Response/ participate on panel + Manager, City Environment
Sunday, 3 August	Fly to Coffs Harbour to attend IPWEA 2008 National Conference on Climate Change Response
Saturday, 2 August	Attend WALGA 2008 AGM @ Burswood
Friday, 1 August	<p>Attend Government House Reception for Local Government week</p> <p>Attend Local Government Convention + Councillors Sue Doherty, Ian Hasleby and Kevin Trent + CEO.</p>

