



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 15 December 2009 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

Mayor / Council Representatives Activities Report for the month of November 2009 attached to the back of the Agenda.

3.2 Audio Recording of Council meeting

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

4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

I Hasleby	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial & Information Services(7.00pm –7.35pm and 8.15pm–9.20pm)
Ms V Lummer	Director Development and Community Services
Mr S Camillo	Manager Environmental Health
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 8.50pm)
Mr P McQue	Manager Governance and Administration
Ms S Watson	Manager Community Culture& Recreation (until 8.55pm)
Mrs K Russell	Minute Secretary

Gallery Approximately 30 members of the public and 1 member of the press were present.

4.1 Apologies

Cr V Lawrance Civic Ward – ill health

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

The Mayor reported on the following Declarations of Interest received:

- Cr Doherty for Agenda Item 10.2.2
- Cr Grayden for Agenda Items 10.2.2 and 15.1.1
- Cr Oszdolay for Agenda Items 10.2.2 and 15.1.2
- Cr Skinner for Agenda Items 10.2.2 and 15.1.2
- Cr Trent for Agenda Item 15.1.2

He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Items in question were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 24 November 2009 five questions ‘tabled’ at the meeting by Mr Geoff Defrenne, 24 Kennard Street, Kensington were ‘taken as correspondence’ by the Mayor. A response was provided by the Chief Executive Officer by letter dated 30 November, 2009.

6.2 PUBLIC QUESTION TIME : 15.12.2009

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that the written questions received in advance of the meeting will be dealt with first, there is a limit of two questions per person and long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. He then opened Public Question Time at 7.03pm.

Note: *Written Questions submitted prior to the meeting were provided (in full) in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Mr Harry Anstey, 21 Riverview Street, South Perth

(Written Questions submitted prior to the meeting)

At the Special Electors' Meeting a Motion was passed suggesting that Council obtain its own legal opinion as to the merits of seeking a declaration of the Supreme Court on whether or not the express rights-of-carriageway over Lot 69 Riverview Street exists, as asserted by the residents of the district. Will Council please demonstrate its strong commitment to community consultation and reassure its Electors by:

1. making public both the questions asked by Council and the complete legal response provided by their solicitor?; and
2. confirm that a consultative Elector's Working Group will be formed immediately to assist with advising Council on all further matters relating to ROW15/

Summary of Response

The Mayor requested Cr Doherty respond.

Cr Doherty responded as follows

1. The City understands that the local community has an interest in the legal advice, but the City has an obligation to provide for the good government in the district and therefore Council is required to protect its interests in this matter. For this reason, the City's legal advice is confidential under section 5.23(d) of the *Local Government Act 1995*, so as to protect information that would be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Whilst the City appreciates the offer of an Elector's Working Group, Council does not consider there to be any valued benefit, at this time, for the establishment of a Consultative Electors' Working Group. The City has and will continue to commit considerable staff resourcing to investigating a number of alternative strategies to resolve this matter, and proposes to keep the community informed of any developments.

6.2.2 Mr David Skinner, South Perth Primary School Council

(Written Questions submitted prior to the meeting)

Summary of Question

In relation to the Motion at Item 12.1 passed at the Ordinary Council Meeting on 13 October 2009 *That in relation to the recent issue associated with the closure of ROW15 that the City of South Perth request the Member for South Perth, Mr John McGrath take up the issue with the West Australian Government to amend the necessary regulations that govern the processes of Landgate to ensure that the closure of rights-of-way within any local authority in Western Australia is the province of the local authority in which the rights-of-way in question are located and in so doing eliminate the right of Landgate to make its own decisions about such a proposition without the knowledge of the local authority.*

Would Council kindly advise the current status with respect to this consultation?

Summary of Response

*The Mayor requested Cr Doherty respond.
Cr Doherty responded as follows*

The response from John McGrath, MLA to our letter seeking his support, in part states: "I have taken this issue up with the Hon Brendon Grylls MLA, Minister for Lands seeking his consideration of the need for changes to the existing legislation. As this is a complex legislative issue, possibly requiring Cabinet consideration, I expect it will be some time before the Minister for Lands will be in a position to respond to my request on behalf of Council. I will be following the matter up with the Minister and will contact you again when I have further advice from him."

6.2.3 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

At the Council Meeting on 13 October 2009 I asked three questions. The answer I was given by the Mayor was that these questions have been asked before and answered before. At the 24 November 2009 meeting, I asked the Mayor to show me where these questions had previously been answered and the answer by the Mayor on that occasion was that the Council would not spend its time going through the records and that that was something I had to do.

I have been unable to find the answers referred to by the Mayor and again ask, will you please answer the three questions I asked at the Council meeting of 13 October 2009?

1. Who is responsible for the overbuilding of the site at No. 11 Heppingstone Street?
2. Why was the site at No. 11 Heppingstone Street overbuilt after I complained about the possible overbuilding in a letter to the City on 10 May 2002 at the beginning of construction of this development?
3. The officers of the City of South Perth have the authority to have the building at No. 11 Heppingstone Street, South Perth measured and the results published; please explain why this has not been done?

Summary of Response

The Mayor responded by reiterating the May 2009 Council Decision:

Council determines that, in accordance with Standing Orders Local Law Clause 6.7(7)(a), that any questions in connection with No. 11 Heppingstone Street, South Perth shall not be responded to where the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided.

6.2.4 Mr Harry Anstey, 21 Riverview Street, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

Council officers have previously suggested the current Policy P350.14 was the only process by which a ROW might be closed. They had been totally unaware of the (legal) process used to close ROW15 and had no previous experience of its use within the City of South Perth. Enquiries with the WA Planning commission suggest they have not seen this (legal) process used elsewhere across Perth or WA. Furthermore it has been suggested that the use of this method has created a precedent.

1. Do the City of South Perth officers and Councillors agree with the suggestion and view the matter as a most serious challenge to this City's policies?
2. Give Council has identified another 29 other freehold ROW's within its boundaries, which are active, essential accessways for the community, has the City of South Perth acted or put safeguards in place to protect the community's interest on each of these properties?
3. If Council does not have any safeguard process currently in place, will this meeting instruct its officers to immediately lodge a caveat on each of these 29 ROWs as an interim protection, registering, as a minimum, a Prescriptive Right consistent with the historic use, maintenance etc by Council to reduce the possibility of a re-occurrence of ROW15 and the by passing of Council and its policies?

Summary of Response

The Mayor requested Cr Doherty respond.

Cr Doherty responded as follows

1. In the specific situation of the former Right of Way 15, the City's Policy 350.14 was circumvented through the use of the Transfer of Land Act process. The Council is most concerned about the use of the Transfer of Lands Act and on the 18th of October wrote to the Local member of parliament requesting that this legislation be amended to prevent such ROW's being closed. I understand that John McGarth MLC is pursuing this action with the Minister for Lands.
2. The City has not taken any action in respect to the other Right of Ways located within the City, as we do not anticipate a similar situation comparable to the Right of Way 15 experience. This is primarily because other privately owned Right of Ways have numerous abutting lots and every affected landowner without exception would need to surrender their rights
3. The City revised its ROW policy in December 2008 clarifying our intentions as to which ROW's need to be retained. In order to protect the status of a particular ROW it is imperative that the Transfer of Lands Act is amended.

6.2.5 Mr Geoff Defrenne

(Written Questions submitted at the meeting)

Summary of Question

1. Is the asking of verbal questions by members of the public during question time, permitted in accordance with Local Law Standing Orders 2007 part 6.7?
2. Does the Mayor know the answer to question 1?
3. In answering questions will the Mayor and / or CEO comply with the Customer Service Charter in respect to the responses? Will the answers be clear and unambiguous? Will the answers meet the Council's obligations and policies? Will the answers be clear so as to avoid the repeat of the questions?

Summary of Response

The Mayor stated that the questions were taken on notice.

Close of Public Question Time

There being no further questions from other members of the public gallery the Mayor closed Public Question time at 7.15pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24.11.2009

7.1.2 Annual Electors Meeting Held: 30.11.2009

COUNCIL DECISION ITEMS 7.1.1 AND 7.1.2

Moved Cr Wells, JP, Sec Cr Doherty

That the Minutes of the:

- Ordinary Council Meeting held 24 November; and
- Annual Electors Meeting held 30 November 2009 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, 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 - November Ordinary Council Meeting Held: 17.11.2009

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

7.2.2 Concept Forum: Red Bull Update and Strategic Planning Workshop Meeting Held: 26.11.2009

The City's Events Manager provided an update on the Red Bull 2010 event. Consultants Helen Hardcastle and Jamie Blanchard facilitated a workshop on the Strategic Plan process/input/outcome. Questions were raised by Members and responded to by officers/consultants.

Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum: Perth Airport Presentation Held: 30.11.2009

Prior to the Annual Electors Meeting held 30 November representative from the Perth Airport gave a powerpoint presentation on the proposed 'Perth Airport Runway Overlay Works 2010' and responded to questions from Elected Members. The presentation is available on *iCouncil* and is included with the Agenda as Attachment 7.2.3.

7.2.4 Concept Forum: Standing Orders Local Law Training/Houskeeping and Right-of-Way 15 Legal Advice Presentation: Meeting Held: 1.12.2009

Officers of the City presented background Information on Standing Orders Local Law. Julius Skinner, Lawyer provided legal advice on the Right-of-Way 15 issue. Questions were raised by Members and responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.4**.

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Burrows, Sec Cr Ozsdolay

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

CARRIED (12/0)

8. PRESENTATIONS

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

8.1.1 Petition dated 14 October 2009 from Mr R Cherrie, 52B Leonora Street, Como together with 17 signatures requesting the naming of sealed right-of-way No. 109.

Text of the petition reads:

We the residents living on the said right-of-way sincerely endorse this petition. Our homes front the right-of-way, all services are conducted on it ie Ambulances, fire service, taxis, doctors, carriers, couriers, tradesmen, visitors, Cleanaway. It is our only vehicle entry – we seriously consider it be identified for prompt location by these services. It is totally unsuited for above services – impossible for some.

RECOMMENDATION

That the petition dated 14 October 2009 received from Mr R Cherrie, 52B Leonora Street, Como together with 17 signatures be received and it be noted that the petition is the subject of a report on the December Council Agenda at Item 10.3.1.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Trent, Sec Cr Skinner

That the petition dated 14 October 2009 received from Mr R Cherrie, 52B Leonora Street, Como together with 17 signatures be received and it be noted that the petition is the subject of a report on the December Council Agenda at Item 10.3.1.

CARRIED (12/0)

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

Nil

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

Note: A Deputation in relation to Agenda Item 15.1.1 on ROW15 was heard at the December Council Agenda Briefing held on 8 December 2009.

Opening of Deputations

The Mayor opened Deputations at 7.18pm

8.3.1 Mr Rohan du Heaume, 10 Anthony Street, South Perth - Agenda Item 10.0.2

Mr du Heaume spoke against the officer recommendation for Item 10.0.2 "*Retrospective Approval of Additions to Single House, 10 Anthony Street*" on the following points:

- background – ownership status of land on which developments constructed
- accessibility issues relating to development / driveway width
- legal implications – refer page 16 of Agenda – comments from rear neighbour
- similar situations within the City where grouped dwellings share a driveway
- planning approval requirements for development
- ask that Council allow house to remain as is

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 15.1.1

Note: Cr Grayden declared an interest in Item 15.1.1. and left the Council Chamber at 7.20pm.

8.3.2 Mr David Skinner, South Perth Primary School Council Chair - Agenda Item 15.1.1

Mr Skinner spoke on Item 15.1.1 "*Motion from Special Electors Meeting 16 November 2009 re ROW15*" and raised the following points:

- current position on action by Department of Education
- Minister for Education has inspected site
- current position regarding closure of ROW15
- implications for South Perth Primary School / community
- benefit to community put against that of one proprietor
- acknowledge financial costs in supporting legal action
- what does the City of South Perth want as a legacy to the community

8.3.3 Ms Ann Choong, representing South Perth Primary School P & C Agenda Item 15.1.1

Ms Choong spoke on Item 15.1.1 "*Motion from Special Electors Meeting 16 November 2009 re ROW15*" and raised the following points:

- community is passionate about this issue
- school has joined with community to defend an amenity
- there are potentially a number of action rights
- background / users of ROW / role of ROW
- ROW until recently, was maintained by the City although privately owned
- City now has an opportunity to challenge closure of ROW15
- acknowledge there are issues / acknowledge litigation has risks
- ask Council balance the needs of many against the needs of a single proprietor - maintain community asset

Close of Deputations

The Mayor closed Deputations at 7.30pm.

Note: Cr Grayden returned to the Council Chamber at 7.30pm

8.4 COUNCIL DELEGATES

Nil

8.5 CONFERENCE DELEGATES

8.5.1. Conference Delegate : National Local Roads and Transport Congress 2009 “Roads to the Future” held in Mackay, Queensland 8 – 10 November 2009

A report from Cr Trent summarising his attendance the National Local Roads and Transport Congress 2009 held in Queensland between 8 and 10 November 2009 is at **Attachment 8.5.1.**

RECOMMENDATION

That the Delegate’s Report in relation to the National Local Roads and Transport Congress 2009 held in Queensland between 8 and 10 November 2009 be received.

COUNCIL DECISION ITEM 8.5.1

Moved Cr Trent, Sec Cr Ozsdolay

That the Delegate’s Report in relation to the National Local Roads and Transport Congress 2009 held in Queensland between 8 and 10 November 2009 be received.

CARRIED (12/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 8 December 2009.

The Chief Executive Officer confirmed that this was correct, albeit that the financial report items 10.6.1, 10.6.2 and 10.6.3 were circulated as late items but were considered at the Briefing.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.1 Alternative Motion proposed
- Item 10.0.2 Discussion
- Item 10.0.3 Discussion
- Item 10.2.2 Declarations of Interest

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Grayden Sec Cr Cala

That with the exception of Withdrawn Items 10.0.1, 10.0.2, 10.0.3 and 10.2.2 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.4, 10.1.1, 10.1.2, 10.2.1, 10.2.3, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.4.1, 10.4.2, 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2 and 10.6.3 be carried en bloc.

CARRIED (12/0)

10. REPORTS

CHANGE TO ORDER OF BUSINESS

The Mayor advised that as the majority of the public gallery were in attendance to hear the outcome of *Confidential* Item 15.1.1 that it was proposed to 'change the order of business' to allow Item 15.1.1 relating to Right-of-Way No.15 to be brought forward and dealt with at this time. He said Council is sensitive to community concern about ROW15 and regrets it must go 'behind closed doors' to discuss this matter. The *Local Government Act 1995* provides that legal advice may be considered in a closed meeting of Council. As this is a legal matter involving legal advice the meeting must be closed to the public, an action that will safeguard the Council's next actions.

The Mayor further stated that Council has already committed significant resources to the issue and will continue to take the necessary action to provide for the good government of all residents in the City of South Perth. Following deliberations on the matter the resolution will be provided to the public gallery when the meeting is reopened to the public.

COUNCIL DECISION – CHANGE TO ORDER OF BUSINESS

Moved Cr Skinner, Sec Cr Hasleby

That the order of business in the Agenda be changed to allow *Confidential* Item 15.1.1 to be brought forward and dealt with at this time.

CARRIED (12/0)

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Trent, Sec Cr Wells

That the meeting be closed to the public at 7.35pm in accordance with the *Local Government Act Section 5.23(d)* while *Confidential* Item 15.1.1 is discussed as it relates to legal advice obtained in relation to this item.

CARRIED (12/0)

Note: The Director Financial and Information Services and the members of the public gallery left the Council Chamber at 7.35pm.

Note: Council Chamber doors were closed at 7.35pm

DECLARATION OF INTEREST : ITEM 15.1.1 : CR GRAYDEN

The Mayor read aloud the following Declaration from Cr Grayden

I wish to declare a Conflict of Interest as a Councillor for Mill Point Ward. I am a long term resident of 49 years, during which I have enjoyed unfettered use of ROW15. I am also a proprietor of 23 Riverview Street, South Perth and as such, have an express right to use the ROW pursuant to an easement conferred by the original title for the subdivision, which right has been obstructed and will be obstructed by the development application.

I am also a parent of children attending South Perth Primary School and understand first hand how the development proposed has and will affect the school. I am also the solicitor (acting Pro Bono) representing the 'interested parties' who are opposing the development application. In light of the above I declare an Impartiality Interest and will leave the Council Chamber while Item 15.1.1 is discussed.

Note: Cr Grayden left the Council Chamber at 7.35pm

15.1.1 Motion from Special Electors Meeting 16 November 2009 Re ROW15
Confidential Not to be Disclosed Report

Location: City of South Perth
Applicant: Council
File Ref: ROW 15
Date: 27 November 2009
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report is declared ***Confidential - Not to be Disclosed*** under Section 5.23(d) of the *Local Government Act* as it relates to legal advice obtained which relates to a matter to be discussed at the meeting.

Summary

The purpose of this report is to consider the Motion passed at the Special Electors Meeting, held 16 November 2009.

Note: *Confidential* report circulated separately.

OFFICER RECOMMENDATION

The Officer Recommendation at Item 15.1.1 Lapsed for Want of a Mover and Seconder.

COUNCIL DECISION ITEM 15.1.1

Moved Cr Skinner, Sec Cr Doherty

That

- (a) the petitioners who requested a Special Meeting of Electors to discuss ROW15, that was held on 16 November 2009 be advised that....
 - (i) the Council does not have the legal capacity to commence legal proceedings in the Supreme Court to challenge the process by which Right of Way 15 was closed; and
 - (ii) it is not clear that the Local Government Act provides the power to the City to fund a legal challenge by affected residents and as a result the City is unable to take this action;
- (b) the petitioners be advised that the City supports the reinstatement of Right-of-Way No. 15 as a public accessway and further advised that:
 - (i) the Council officers further investigate and take action to progress options to reinstate Lot 69 Riverview Street, South Perth as a right-of-way and report to Council no later than the February 2010 Council meeting on the progress made addressing all the alternatives available; and
 - (ii) a formal approach be made to the Minister for Education requesting assistance in progressing the re-opening of right-of-way 15 as a Public Accessway; and
- (c) the Council officers be authorised to carry out the actions in (b)(i) and (b)(ii) above.

CARRIED (11/0)

COUNCIL DECISION : MEETING OPEN TO THE PUBLIC

Moved Cr Trent, Sec Cr Skinner

That the meeting be again open to the public at 8.15pm

CARRIED (11/0)

Note: Cr Grayden, the Director Financial and Information Services and the members of the public gallery returned to the Council Chamber at 8.15pm

For the benefit of the members of the public gallery that returned to the Council Chamber the Mayor read loud the Council decision for Item 15.1.1 which was also displayed on the overhead screen.

ORDER OF BUSINESS RESUMED

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

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Planning Policy P355 ‘Consultation for Planning Proposals’: Further Review

Location:	City of South Perth
Applicant:	Council
File Ref:	A/CM/7
Date:	1 December 2009
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

Council’s Planning Policy P355 ‘Consultation for Planning Proposals’ was adopted at the June 2009 meeting. The purpose of this report is to consider the outcome of the further review of Policy P355 since the June meeting. The recommendation is that at this stage, the policy not be further amended, however two changes discussed at the recent Council Members’ workshop and briefing be implemented on a trial basis, and that the matter be further considered at the August 2010 meeting to decide whether or not to incorporate the changes into the policy on a permanent basis.

Background

The City’s first Planning Consultation Policy P104 ‘Neighbour and Community Consultation in Town Planning Processes’ was adopted in July 2005. Following major review and expansion of P104, Council workshops and community consultation, a new Policy P355 ‘Consultation for Planning Proposals’ was adopted in June 2009 to replace Policy P104. At that meeting, Council resolved that the new Policy P355 was to be further reviewed, following examination of other Councils’ consultation policies.

In response to the June 2009 Council resolution, the following actions have been implemented:

- The consultation policies and practices of the Cities of Belmont, Canning, Cockburn, Nedlands and Subiaco have been surveyed.
- A Council Members' workshop was held on 29 September 2009 to consider the findings of the survey of other Councils' policies and practices.
- On 10 November 2009, following the local government elections, a Council Members' briefing was held to consider the outcome of the September workshop.

As required by the June Council resolution, this report is now being presented regarding possible changes to Policy P355.

29 September Council Members' Workshop

This workshop was attended by five Councillors. At that workshop, Councillors raised the following matters:

- where an application must be approved because it is fully compliant, with no discretionary variations, neighbours should not be consulted;
- the process for neighbours to view plans when they are not specifically invited to comment on a proposal - by contacting the applicant directly;
- importance of informing neighbours of impending development, even after approval has been granted;
- applicants should be strongly encouraged to engage with neighbours before lodging development applications with the City, particularly for major proposals; and
- the need to consult the community to the most effective extent, neither too widely nor too narrowly.

At the workshop, City officers put forward the following suggested policy changes for consideration:

- reduce geographic extent of "Area 2" neighbour consultation from 150 metres to 100 metres; and
- after approval has been granted, provide written advice to affected neighbours in R15 and R20 areas for 2 storey (or higher) building proposals.

Bulletin Item and Memorandum to new Councillors

Due to the small number of Council Members present at the September workshop, no firm direction was provided regarding the suggested modifications to Policy P355. Therefore, the Director suggested that:

- as Policy P355 was adopted comparatively recently (June 2009), it be properly trialled and tested until at least June 2010;
- during the intervening period, data be collected regarding "consultation process" complaints received by Council Members and Officers for consideration in a review in June 2010; and
- in the meantime, as there was no strong feeling from the Council Members at the workshop about any of the officers' suggested policy modifications, these would be circulated by way of the weekly bulletin and Council Members would be invited to submit further comments prior to the impending further briefing.

No further comments were received from Council Members prior to the 10 November briefing.

For the benefit of the three new Councillors, on 22 October, a memorandum was sent to those Councillors explaining the current position regarding Policy P355, to prepare them for the 10 November briefing. A number of related documents were attached to the memorandum.

10 November Council Members' Briefing

At the 10 November briefing, Council Members were provided with information regarding the events which had occurred since Policy P355 was adopted in June 2009. Statistical data was also provided at the workshop regarding the considerable number of consultation notices already sent to neighbours every year; the minimal number of complaints received regarding consultation processes; the lack of interest from consulted neighbours at some distance from the development site; and the frequent occurrence of notices to tenants being returned to the sender.

The director's earlier recommendation was reiterated at the November briefing, namely that Policy P355 be trialled without modification until June 2010, and in the meantime data would be collected regarding the number of "process" complaints received from residents and others.

Council Members raised several issues relating to providing more comprehensive information to neighbouring residents. However, at the conclusion of the briefing there appeared to be support for the two suggested modifications, namely: informing neighbours in low density areas after approval has been granted for two storey buildings or higher; and reducing the geographic extent of the "Area 2" consultation from 150 metres to 100 metres.

Comment

It is considered prudent to test the suggested new measures on a trial basis before they are permanently incorporated into Policy P355. This will provide an opportunity to gauge their effectiveness and the Council can then decide whether or not the policy should be modified and if so, in what manner. The recommendation in this report has been framed accordingly.

During the trial period, data will be compiled regarding "process complaints" received from neighbours. This data will record such complaints received by both City officers and Council Members. At the end of the trial period a schedule will be compiled containing details of all "process complaints" received. To facilitate the compilation of this schedule, the complaints received by Council Members should be transmitted to the Strategic Urban Planning Adviser by email. The following information should be included:

- complainant's name and address;
- address of the development site; and
- description of the "process" issue which is the subject of complaint.

It is important to appreciate that the complaints being itemised are only those relating to "process issues" such as notice not having been received by the complainant; insufficient time to respond; and inability to respond due to absence during response period. The schedule will not include objections to the proposed development or any part thereof.

Allowing the new policy to run for six months from February 2010 before any decisions are made on possible modifications, a report will be presented to the August 2010 Council meeting on the results of the trial, and the data collected regarding process complaints.

Consultation

Policy P355 was the subject of community consultation prior to final adoption in June 2009. Being a "Planning Policy", this policy will again need to be advertised if any modifications are proposed at the July 2010 Council meeting. The advertising at that time will be in compliance with the provisions of Clause 9.6 of Town Planning Scheme No. 6 (TPS6) and Policy P355 itself. This will involve newspaper advertising for two consecutive weeks, inviting submissions over a period of not less than 21 days.

Policy and Legislative Implications

As referred to above under "Consultation", Clause 9.6 of TPS6 specifies the process for modifying any Planning Policy. Further detail is provided in Policy P355 regarding consultation procedures.

Financial Implications

During the trial period, it is not expected that there will be significant financial implications, however this will be confirmed by the trial itself. When reporting to the July 2010 meeting, it should be possible to provide more definitive advice regarding financial implications of the additional neighbourhood information procedures.

Strategic Implications

This matter relates principally 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".

This matter also relates to Goal 1 "Customer Focus", identified within the Council's Strategic Plan. Goal 1 is expressed in the following terms:

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

Sustainability Implications

Policy P355 contributes to the City's sustainability by promoting effective communication and encouraging community participation to the most effective level in various planning processes. The currently operative consultation policy, P104, has been well tested since its initial adoption in 2005, and has been extensively reviewed over a period of more than two years. Policy P355 incorporates many forms of improvement to make it a more comprehensive and user-friendly document. The policy provisions themselves expand the extent of consultation to a considerable degree, ensuring the most appropriate level of consultation is undertaken throughout the community for every kind of planning proposal.

The proposed "trial" will also test the sustainability of the adopted Policy P355. It will either validate the existing policy provisions without further modification, or confirm that the new measures (information to certain neighbours; and reducing the geographic extent of Area 2 consultation) are appropriate for permanent inclusion in the policy to enhance its effectiveness.

Conclusion

The statutory procedure for amending a Planning Policy are quite demanding, involving public advertising of the draft amendments and further Council consideration of any resultant submissions. Therefore, before embarking upon further amendments to Policy P355 at this stage, it is prudent to test the proposed changes on a trial basis. Deferring further consideration of possible policy amendments until August 2010 will also allow the recently adopted policy to be given adequate assessment over a 12 month period to determine its effectiveness, before deciding on further amendments, if any.

OFFICER RECOMMENDATION ITEM 10.0.1

That ...

- (a) Policy P355 '*Consultation for Planning Proposals*' not be modified at this stage;
- (b) for a trial period until 30 July 2010, the following procedures are to be implemented:
 - (i) the geographic extent of "Area 2" consultation under Policy P355 is to be reduced to a distance of 100 metres on both sides of the development site rather than the 150 metres specified in the Policy;
 - (ii) in R15 and R20 coded areas, in the case of any development two storeys high or higher, following the issuing of planning approval, neighbours are to be informed of the decision to the following extent:
 - (A) where no consultation has taken place - adjoining neighbours; or
 - (B) where consultation has taken place – all those previously consulted; and
 - (iii) data is to be compiled regarding "process complaints" relating to neighbour consultation, received by both City officers and Council Members.
- (c) a further report be presented to the August 2010 Council meeting on the results of the trial and data collection referred to in Part (b) above, including a recommendation as to whether or not Policy P355 should be further modified.

MOTION

Cr Hasleby Moved the officer recommendation. Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hasleby Opening for the Motion

- commend Mr Bercov and Ms Lummer for their report
- matter been the subject of several reviews, briefings and workshops
- similar policies in other local governments have been investigated
- makes sense we support consultation area being reduced to 100 metres
- believe part (b)(ii) of the recommendation is all encompassing
- Mr Bercov has explained on many occasions it is not necessary to seek neighbour consultation when application complies – indicates to neighbours that they may have some input into the approval process whereas compliance is complete
- ask Members to think carefully and support officer recommendation

Cr Ozsdolay for the Motion

- endorse Cr Hasleby's comments
- commend officers for this initiative
- ask Councillors support the Motion

AMENDMENT

Moved Cr Cala, Sec Cr Grayden

That the officer recommendation be amended at parts (b)(ii) and (c) as follows:

- (b) for a trial period until 30 December 2010, the following procedures are to be implemented:
 - (ii) in R15 and R20 coded areas, in the case of any residential development other than minor additions or alterations as described in Item 1.6.1 of the Consultation Matrix in Policy P355 'Consultation for Planning Proposals', whether single storey high, two storeys high or higher, adjoining neighbours including those properties diagonally adjoining at a corner point, are to be informed of a planning application that has been received by the City. Communication will be made by correspondence explaining the planning process that will take place and what input will be invited from them should there be any statutory opportunities they may have, to have a direct involvement in this process. In addition they will be invited to view the plans at the City's Office should they wish, but copies would not be made available.
- (c) a further report be presented to the February 2011 Council meeting on the results of the trial and data collection referred to in Part (b) above, including a recommendation as to whether or not these trial procedures be adopted into Policy P355 or any other modifications be made.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Amendment

- officer proposal is a great step forward however there is the opportunity for a far more impressive policy
- believe officer proposal does not offer opportunity for a far reaching consultation process
- a trial of enhanced procedures is not going to impose any more significant time
- review after twelve month trial will ascertain success / problems in new procedures
- no better way of connecting with community than to advise nearby residents of proposed residential development
- proposed process will avoid problems that can arise when residents are surprised by events/development
- central argument against informing nearby residents of any application before an assessment is made, is that it may cause confusion and false expectations if there is no statutory opportunity for any input
- this matter can be overcome by the clarity of the wording of any correspondence that is issued
- counter argument to giving residents false expectations is that residents could be annoyed about being told about a proposed development at such a time when no amount of input would change the outcome
- once an approval has been granted this cannot be reversed - such notification could give rise to cynicism, rather than approbation for the City
- trial period of 12 months provides enough time to allow a proper assessment
- show residents we can do more than what is statutorily required.

Cr Grayden for the Amendment

- proposal by officers is a big step forward
- recognise there are some that believe we have not gone far enough
- emphasis is on providing information
- acknowledge fully compliant applications can still impact on amenity
- endorse Cr Cala's proposal for an appropriately worded letter – allows community to check effect without causing any harm – will only improve relationship with residents
- issue of FOI is important – residents should be given opportunity earlier to view proposal
- getting the message across effectively is doing what our ratepayers expect
- proposed consultation will only improve relationship with residents

Cr Hasleby against the Amendment.

- respect the community right for information but do not want to create a false sense of expectation by plans being put into public arena
- when there is full compliance what is the point – why is it necessary to create additional administration work for the City
- alternative motion indicates the Council is hiding something
- September Briefing on neighbour consultation referred to the effectiveness of consultation with minimal comment received
- officer recommendation is concise / complete – states exactly what needs to be done
- have concerns with amendment proposed, when application complies, neighbours may inappropriately have expectations that they can make a contribution to the decision
- ask Members support officer recommendation before us - ticks all the boxes

Cr Cala closing for the Amendment

- great opportunity to connect more with the community
- opportunity to go beyond statutory requirements
- residents will feel more a part of the community if included in consultation in this way
- believe 12 months trial is not too long to see if it can work
- ask Councillors support the Amendment

The Mayor put the Amendment

CARRIED (9/3)

COUNCIL DECISION ITEM 10.0.1

The Mayor Put the Amended Motion

That ...

- (a) Policy P355 '*Consultation for Planning Proposals*' not be modified at this stage;
- (b) for a trial period until 30 December 2010, the following procedures are to be implemented:
 - (i) the geographic extent of "Area 2" consultation under Policy P355 is to be reduced to a distance of 100 metres on both sides of the development site rather than the 150 metres specified in the Policy;
 - (ii) in R15 and R20 coded areas, in the case of any residential development other than minor additions or alterations as described in Item 1.6.1 of the Consultation Matrix in Policy P355 '*Consultation for Planning Proposals*', whether single storey high, two storeys high or higher, adjoining neighbours including those properties diagonally adjoining at a corner point, are to be informed of a planning application that has been received by the City. Communication will be made by correspondence explaining the planning process that will take place and what input will be invited from them should there be any statutory opportunities they may have, to have a direct involvement in this process. In addition they will be invited to view the plans at the City's Office should they wish, but copies would not be made available.
 - (iii) data is to be compiled regarding "process complaints" relating to neighbour consultation, received by both City officers and Council Members.
- (c) a further report be presented to the February 2011 Council meeting on the results of the trial and data collection referred to in Part (b) above, including a recommendation as to whether or not these trial procedures be adopted into Policy P355 or any other modifications be made.

CARRIED (11/1)

Reason for Change

Council supported a 12 month trial of the enhanced consultation procedures as per part (b)(ii) in relation to development applications.

10.0.2 Retrospective Additions to a Single House - Lot 505 (No. 10) Anthony Street, South Perth

Location:	Lot 505 (No. 10) Anthony Street, South Perth
Applicant / Owner:	Mr R Du Heaume
Lodgement Date:	29 July 2009 (Listed for Directions Hearing by SAT)
File Ref:	11.2008.348 AN5/10
Date:	1 December 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

On 23 March 2009, City officers refused an application for retrospective planning approval for additions to a Single House under delegated authority. The additions comprise:

- (a) Steps constructed over an access easement; and
- (b) Rear fencing greater than 1.8 metres in height.

On 9 April 2009 the City received a request by the applicant to review the delegated officer decision at a Council meeting. The application was refused by Council at its May 2009 meeting.

Following the Council determination, City officers were advised of an application for review with the State Administrative Tribunal (SAT). Following a series of mediation sessions, SAT has advised that the City was to reconsider its decision following receipt of legal advice. Having regard to the legal advice obtained by the City from McLeods, City officers reconsidered the decision and resolved to refuse the application for a second time on 11 November 2009. The applicant has now requested that the matter be referred to Council for reconsideration. Pursuant to section 31(1) of the *SAT Act 2004 (WA)*, the Council has been invited to reconsider the City officers' decision.

For reasons provided in the report, and considering the comments received during neighbour consultation and legal advice obtained by the City, the officers recommend to the Council that the application be refused.

Element on which discretion is sought	Source of discretionary power
Steps over an easement	TPS6 Clause 1.6 Clause (2)(f) and Clause 7.5(a), (j) and (s)
Fencing greater than 1.8 metres in height	TPS6 Clause 1.6 Clause (2)(f) and Clause 7.5(a), (j) and (s)

Background

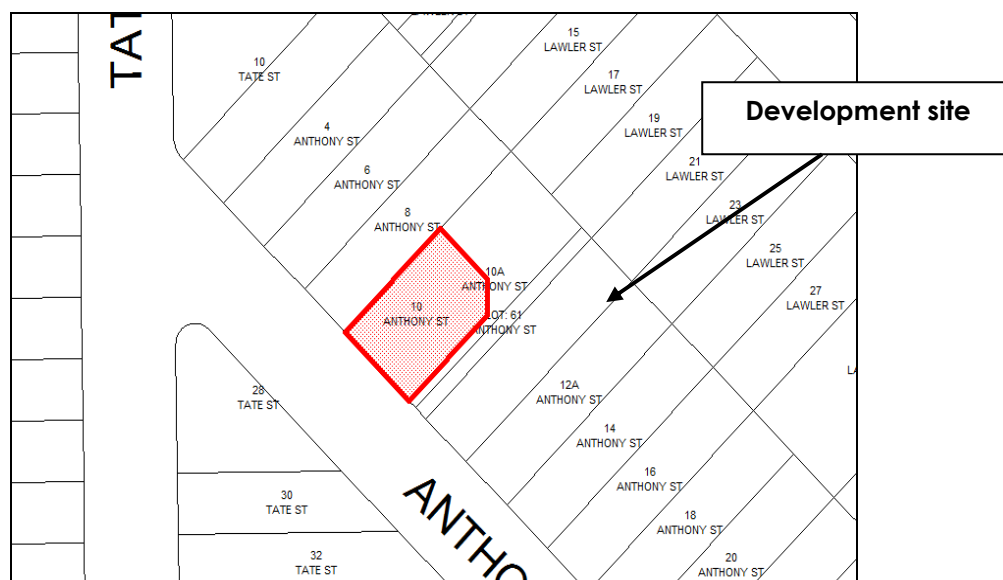
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	547 sq. metres
Building height limit	7.0 metres
Development potential	Single House
Maximum plot ratio	Not applicable

This report includes the following attachments:

- Attachment 10.0.2(a)** Plans of the proposal.
- Confidential Attachment 10.0.2(b)** Legal advice obtained from McLeods.
- Attachment 10.0.2(c)** Photographs of the structures.

The site is adjoined by residential zoned land and has frontage to Anthony Street. The location of the development site is shown below:



Comment

(a) Description of the proposal

Steps and hand railing have been installed at the entrance to the house, as shown in **Attachment 10.0.2(c)**, without the property owner obtaining necessary approvals from the City. This structure has been constructed partially over a right of accessway easement, a 4.0 metre wide carriageway providing vehicular access to both front and rear single houses, arranged in a battleaxe configuration.

The owners of the subject property have also built a portion of the fence along its rear boundary, common boundary with the rear dwelling, to a height of 3.27 metres without obtaining City's approval. Clause 6.7 of Town Planning Scheme No. 6 (TPS6) states that planning approval is required for any fence higher than 1.8 metres.

The adjoining rear property owner has expressed concern in relation to these retrospective additions and has asked the City to assess them for compliance with relevant statutory planning provisions.

(b) Steps and railing constructed

Steps and railing at the entrance to the house partially encroach over a 4.0 metre wide right of accessway easement, which provides vehicular access to both the front and rear dwellings. The accessway easement is assigned for common use by the subject property as well as the rear dwelling. Additionally, the proposed development does not have the mutual consent of both property owners. The accessway is required to be clear of all obstructions with a view to enable safe vehicle manoeuvring.

As shown on the drawings at **Attachment 10.0.2(a)** to this report, the owner of the subject dwelling has agreed to remove the hand rail from over the steps. On the basis of this information, the steps and skirting along its edges as shown in the drawings, will obstruct the easement. Notwithstanding this proposed modification, the remaining structure still obstructs the easement and is not acceptable to the rear property owner.

In refusing the development, the City has given weight to the objection by the beneficiary of the easement rather than the extent to which the structure obstructs the access to the beneficiary's property. The officers have taken this approach in consideration of the potential liability on the part of the City if it were to approve a structure on or over an easement, and some damage or loss occurred as a result of that structure being erected. In the City's view, it is a sensible approach to refuse approval of the steps and associated skirting built over the vehicular easement.

(c) **Fencing greater than 1.8 metres in height**

The owners of the subject property have also built a portion of the fence along its rear boundary, common boundary with the rear dwelling, to a height of 3.27 metres without obtaining the City's approval. Clause 6.7 of Town Planning Scheme No. 6 (TPS6) states that planning approval is required for any fence higher than 1.8 metres.

Increasing the height of the fence to 3.27 metres will have an adverse visual amenity impact on the adjoining property. The fence is inconsistent with the provisions of Clause 8 of Council Policy P350.7 "Fences higher than 1.8 metres", which states:

"Except in circumstances where higher fencing is employed to achieve compliance with the visual privacy requirements of the R-Codes, it is not generally necessary for a fence to exceed a height of 1.8 metres. A higher fence may have an adverse amenity impact in terms of:

- (a) excessively dominant and unattractive visual impact;*
- (b) increased shadow effect;*
- (c) restriction on sunlight penetration; and*
- (d) restriction on views.*

Clause 6.7 of TPS6 restricts fence height to a maximum of 1.8 metres unless approval is granted for a higher fence. A written request must be submitted to the City for any proposed fence exceeding 1.8 metres in height. In considering such a request, the City must be satisfied that the proposed fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior designs of neighbouring buildings.

In recognition of the potential adverse amenity impacts of higher fences, the City will not normally approve a fence height greater than 1.8 metres without the written agreement of the affected adjoining neighbour. The City will consult the adjoining neighbour upon receipt of a written request for a higher fence."

As stated above, before approving the proposed "high" brick fence, the Council must be satisfied that the proposed fence will not have an adverse amenity impact. City officers consider that it is reasonable for the proposed fence height to match the height of the existing boundary fence where it meets with the adjoining boundary wall to the rear, however the proposed brick fence should not extend along the full length of the boundary at a height of 3.27 metres. The proposed height in lieu of 1.8 metres will cause the fence to have an adverse visual impact on the adjoining rear property, contrary to the provisions of Clause 8(a) of Policy P350.7 "Fences higher than 1.8 metres".

(d) **Landscaping**

Having regard to the proposed landscaping within the accessway easement, the City approved it under delegated authority, subject to keeping it clear of the formed driveway at all times and ensuring that it does not obstruct vehicular movement. The landscaping was approved for the following reasons:

- (a) It does not require the erection of a structure, and shrubs as landscaping are appropriate in the proposed location; and
- (b) It is considered to improve the visual quality of the accessway.

(e) **Other planning controls**

There are no other aspects of the development that require consideration by the Council. All relevant matters have been discussed above.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has also been assessed under, and has been found *not to meet*, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

Objective (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.

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

In addition to the issues discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to the 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:

- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia; and*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*

The matters listed above are relevant to the subject application. The intrusion of the steps over the easement is inconsistent with the provisions of Clause 7.5(d) relating to WAPC Development Control Policy 2.2. In relation to listed matter (j) due to the visual impact of the proposed fence attributable to its excessive height, the fence would be detrimental to the amenity of the adjoining rear property. It is therefore considered that the proposal does not comply with Clause 7.5 of TPS6.

Consultation

(a) **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". In respect to the proposed fence higher than 1.8 metres, the owners of the two adjoining properties were invited to inspect the application and submit comments during a 14-day period. During this period two submissions were received, one of which supported the boundary fencing. However for reasons explained above, City officers consider that the proposed fencing should not be approved. The steps over the easement were not advertised, however an objection was received expressing concerns about this aspect of the development.

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. In addition, the City's former Legal and Governance Officer provided the following comment:

“When the block was subdivided into two battleaxe properties, an access easement was created, in accordance with the requirements of the WAPC, for the benefit of the property owner at the rear, which burdened the property owner at the front. If the property owner who carries the burden of the easement proposed to do anything / place any structure on the easement, then they would firstly need to obtain the consent of the property owner for whose benefit the easement was created. If this consent was refused then any dispute as to the competing rights of the two property owners would be determined as a civil law matter. In the absence of any necessary consent, the City should not take any action which could adversely impact on the exercise of the rights of either property owner.”

Further comments have been obtained from an independent lawyer at the request of the State Administrative Tribunal who has provided the same position, refer **Confidential Attachment 10.0.2(b)**.

Financial Implications

There are no direct implications for the City except for the officers’ time involved in attending SAT sessions and carrying out the associated tasks.

Strategic Implications

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

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

Sustainability Implications

The additions discussed in the report are observed to have an adverse impact on the adjoining rear property owners in terms of their amenity, hence are not sustainable.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
--

Moved Cr Ozsdolay, Sec Cr Hasleby

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 the proposed steps and the increased height of the boundary fence **be refused**, for the following reasons:

- (a) The proposed development (steps to the front verandah) is constructed partially over an accessway easement assigned for common use by the subject property as well as the rear dwelling. Additionally, the proposed development does not have the mutual consent of both property owners. The accessway is required to be clear of all obstructions with a view to enable safe vehicle manoeuvring.
- (b) The 3.27 metre high proposed fence substantially exceeds the prescribed 1.8 metre maximum height. Having regard to the amenity of the adjoining rear property, the fence conflicts with the provisions of Clause 8 of Policy P350.7 “Fences higher than 1.8 metres”.
- (c) Having regard to the reasons (i) and (ii) identified above, the proposed development conflicts with Sub-clauses (a), (j), (i) and (s) of Clause 7.5 “Matters to be Considered by Council” of Town Planning Scheme No. 6 (TPS6).
- (d) Having regard to the reasons (i) and (ii) identified above, the proposed development conflicts with Sub-clause (2)(f) of Clause 1.6 “Scheme Objectives” of TPS6.

Important Note

- (a) Having regard to the proposed landscaping within the accessway easement, the City has considered approving it subject to keeping it clear of the formed driveway at all times and ensuring that it does not obstruct vehicular movement. The landscaping has been approved for the following reasons:
 - (i) it does not require the erection of a structure, and shrubs as landscaping are appropriate in the proposed location; and
 - (ii) it is considered to improve the visual quality of the accessway.
- (b) The City notes the applicant is aggrieved by aspects of the decision where discretion has been exercised, and you have already lodged an appeal with the State Administrative Tribunal.

CARRIED (12/0)

<p>10.0.3 Parking Permit Consideration for Ratepayers/Electors in Commercial and Business Precincts</p>
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Location:	City of South Perth
Applicant:	Council
File Ref:	TT/905
Date:	20 November 2009
Author:	Sebastian Camillo Manager, Environmental Health and Regulatory Services
Reporting Officer:	Vicki Lummer, Director Community & Development Services

Summary

The purpose of this report is to provide Council with a position regarding the implementation of parking permits for ratepayers and electors in the Commercial and Business precincts.

Background

A Notice of Motion was presented to the July meeting of Council which stated as follows:

“That in relation to the introduction of paid parking in several areas of the Commercial and Business Precincts of the Peninsula area, the matter of providing ratepayers / electors in the area bounded by the south side of Richardson Street, Labouchere Road, Melville Parade and Judd Street with parking permits be the subject of a report to the August Council meeting.”

As a result of the above Notice of Motion, a report on the subject was prepared for the August meeting of Council. There was considerable discussion on the report relating to the consideration of introducing parking permits for Ratepayers/Electors in Commercial and Business Precincts.

The officer’s recommendation in the report was:

“not proceed with the implementation of a parking permit arrangement for ratepayers / electors at this stage until an adequate period of at least 12 months has lapsed from the implementation date of the parking changes to consider all ramifications of the parking arrangements as approved.”

Council resolved the following:

That....

- (a) the officer recommendation not be adopted;*
- (b) Council supports in principle a Parking Permit system; and*
- (c) a policy for implementing parking permits within the City be developed and presented to the first available Council meeting.*

Following the August meeting of Council, a workshop was conducted on the 14 September 2009 with relevant City staff and the Traffic Management Compliance Manager from the City of Perth to research this matter with a view to providing Councillors with information to assist them in considering this matter at a later date.

The workshop provided City officers with an insight into what other local governments are currently providing their residents and the operational and financial implications of their permit systems. Comprehensive and detailed "Workshop Notes" were developed after the workshop and circulated to Operational Management Team, Executive Management Team and Councillors seeking further comments and input, prior to preparing and presenting a Briefing/Workshop to Councillors on the 11 November 2009.

Comment

The Councillors Briefing/workshop was well attended by Councillors and City Staff to progress discussions and input into the issue of parking permits for the City. The purpose of the workshop was to clearly present to Councillors the research conducted by the officers into the issue of parking permits for their consideration and to seek their comments.

During the course of the presentation, Council Members provided the following comments for consideration:

1. Permits may be considered in the Business precinct at some stage in the future and at a cost.
2. Parking issues in other areas such as around the Canning Bridge train station, Preston Street Shopping precinct, GBLC should be treated as a separate issue to the permit proposal.
3. Outside of the school holidays the parking demand on the Richardson Reserve car park has reduced since the implementation of the parking controls. Cars are now being parked in several of the residential streets surrounding the Richardson Reserve car park.
4. The parking controls measures as approved by Council in February 2009 and implemented in July 2009 for the Peninsula Business precinct be reviewed in July 2010.
5. Data, complaints and resident concerns to be referred to City staff to assist in data collection for a review in July 2010.

A summary of the workshops points are as follows:

1. There was consensus that parking permits for residents residing within the business precinct bounded by *Richardson Street, Labouchere Road, Melville Parade and Judd Street* could be considered at some time in the future at a cost to the applicants.

The cost of the permits would need to be representative of a fair and equitable value to the applicant and the City having regard for the cost of administration of the system. Permits should only be considered for residents that have two vehicles within their residency and only one parking bay on site. Permits for any premises other than a dwelling within the Business precinct should not be considered.

If permits were considered by Council in future, there should be a limit of one residential permit per premises per year. Replacement permits would be provided to the occupants at a cost.

There was no support for the City to consider the provision of visitor permits. The Business Precinct currently has a total of 471 Commercial and Residential properties. Of this number, there are 116 (24%) residential premises which require on-site parking. Many of these occupants use their onsite parking and either commute to their work place or take public transport leaving their vehicles on-site.

2. Parking issues at other locations throughout the City were identified at Canning Bridge train station precinct, Preston Street Shopping precinct and GBLC.

Parking issues in these locations are not suitable to be resolved through the use of permits. The parking issues could be addressed by restricted parking and dealt with by the City's Infrastructure Services under delegated authority. This would subject to the proper investigation and justification processes by them.

3. Parking at the Richard Reserve car park had reduced following the implementation of the parking controls. However, following the school holiday period and the onset of finer weather, the car parking demand is progressively increasing to similar levels prior to the implementation of the parking controls.

Parking in the residential streets surrounding the Richardson Reserve car park has increased and will be monitored by the City's Infrastructure Services and if necessary parking restrictions may be implemented under delegated authority.

4. The consensus of the workshop was that there has not been sufficient time to consider all of the real impact and benefits of the parking control measures in the Business Precinct. Whilst there may some speculation that the control measures have not been successful there are definite results that the control measures have achieved the City's desired outcomes.

A reasonable period to adequately assess the real impact and benefits of the parking control measures should be at least 12 months and a review be undertaken after this time. Therefore, the review period should be after July 2010.

5. It is essential in the review process of the parking control measures, that data such as correspondence, complaints and telephone enquiries received by the Councillors and City staff from residents, occupiers and visitors to the Business Precinct be collated.

All enquires should be referred to the City staff who will log them and include a summary in the report to Council at the conclusion of the review period after July 2010.

Consultation

The Cities of Perth, Fremantle Subiaco and the Town of Vincent were consulted. Officer workshop held on the 14 September 2009 and a Councillor Briefing/Workshop held on 11 November 2009.

Policy and Legislative Implications

City of South Perth Parking Local Law 2003 and the *Local Government Act 1995*.

Financial Implications

The financial implications are potentially significant, both in terms of administration of the parking permit system and potential loss of income projected from the introduction of ticket parking within the Commercial and Business areas.

Strategic Implications

In accordance with Goal 3 of the City's Strategic Plan, Environmental Management, in particular, reference is made to Strategy 3.2 which involves *the development and implementation of a sustainability strategy and management system to co-ordinate initiatives contained in associated management plans and to ensure City's environment is managed in a sustainable way.*

Sustainability Implications

There is anecdotal evidence that City of South Perth facilities were used either for free or at little cost by commuters working or visiting the Perth CBD. Since the introduction of the parking arrangements there is evidence that suggests commuters have left the area and made it more accessible to genuine users of the parking facilities.

It is considered reasonable to assume that many of these parking areas are now being used in an appropriate and sustainable way (particularly Richardson Park), and that visitors to the area and City of South Perth ratepayers are no longer being disadvantaged.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.3**

Moved Cr Best, Sec Cr Hasleby

That.....

- (a) a report be provided to Council after a 12 month review of the current parking arrangements recommending any necessary changes to parking controls in the Business Precinct, having regard to the information gathered during the preceding 12 months; and
- (b) parking issues at Canning Bridge Train Station Precinct, Preston Street Shopping Precinct and George Burnett Leisure Centre be dealt with by control measures introduced under delegated authority.

CARRIED (10/2)

10.0.4 Review of Collier Park Golf Course Lease

Location:	City of South Perth
Applicant:	Council
File Ref:	PR/301
Date:	27 November 2009
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

The purpose of this report is to recommend a future leasing strategy for the Golf Course and to review progress towards the Feasibility Study and Business Plan.

A framework for the Collier Park Golf Course lease has been developed for Council to endorse. In addition, approval is sought for a program to achieve the redevelopment of Course facilities.

Background

At the meeting held on 23 June 2008, Council resolved the following in regard to the lease at the Collier Park Golf Course:

That ...

- (a) Council requests the Chief Executive Officer to enter into a two year extension of the lease with Rosetta Holdings Pty Ltd, as per Confidential Attachment 10.5.4, for the Pro Shop, Cart Store, Driving Range and Kiosk of the Collier Park Golf Course, commencing 1 July 2008;*
- (b) a process be established with Rosetta Holdings to initiate longer term planning and development of the course facilities;*
- (c) Council be appraised of this process through regular updates and specific Concept Briefings; and*
- (d) a report be presented to Council by July 2009 detailing the outcome of the planning process and recommending options upon the expiration of the extended two year lease period on 30 June 2010.*

At the meeting held on 28 July 2009 the following was resolved:

That....

- (a) the proposal submitted by Rosetta Holdings Pty Ltd for the redevelopment of facilities at the Collier Park Golf Course be noted;*
- (b) the City engage a Consultant to undertake a Feasibility Study and detailed Business Plan for the potential to redevelop facilities at the Collier Park Golf Course and that such documentation form the basis of a future report to Council; and*
- (c) a report discussing scenarios and recommending a future leasing strategy for the Collier Park Golf Course be presented to the December 2009 meeting of Council.*

Comment

In order to renew the Controller's lease for the Collier Park Golf Course, a number of processes are required to be followed, including requirements under the Local Government Act. To achieve this, the City has taken the following steps to determine the best possible lease.

Leasing Term SWOT Analysis

A SWOT analysis has been developed in conjunction with the City's consultant (DTZ) to determine the best leasing term for the City. A copy of the SWOT appears as **Confidential Attachment 10.0.4(a)**. Officers have considered four options and following analysis of the scenarios 'Option Two is recommended. Option Two is a new five year lease, but with a 'redevelopment clause' attached. The redevelopment clause can be implemented as early as eighteen months into the new lease, or when Council resolves to redevelop the Course facilities. By invoking the redevelopment clause, the City provides the lessee with six months notice of its intentions. The reasons for including this clause are as follows:

- (a) The City retains the current lessee, who is a 'known quantity', until it is in a position to make an informed decision on how to proceed with the facilities upgrade. Officers believe this will take at least two years to achieve, based on experience with Wembley Public Golf Course;
- (b) The redevelopment clause enables the City to 'safe-guard' its position by allowing it to exercise its options when it is ready to proceed with the redevelopment of facilities;
- (c) The City can continue to utilise the expertise of Rosetta Holdings to assist in its deliberations, but the difference now is that the City is running the process, not Rosetta Holdings;
- (d) It provides some level of certainty to the lessee, which will help in the ongoing management of the Course.

Lawyers Woodhouse Legal were requested to investigate the legal ramifications of the City proceeding with Option Two. Their response appears at **Confidential Attachment 10.0.4(b)**. In brief, Woodhouse Legal has advised that they believe the City could proceed on this basis.

This position has been strengthened following informal discussions with Rosetta Holdings. Rosetta has indicated that they would be prepared to agree to such a lease and accept that in the longer term, they may not have a role at CPGC. Rosetta Holdings have advised they would like to continue to assist the City, where possible, to progress the facilities redevelopment through its design and development phases. It should be noted by Council that Rosetta Holdings, in good faith, has committed over \$30,000 to produce their concepts of the potential facilities redevelopment, that were presented to Council in July 2009.

Officers believe this scenario places the City in a very advantageous position, because it provides sufficient time to ensure that the City concludes all of its investigations into the redevelopment of facilities and avoids the problem of the lease expiring again before this work has been completed. This is also in the knowledge that the City can choose to conclude the lease early by invoking the 'redevelopment' clause. Work can be continued knowing that there is a competent and experienced lessee in place.

Review of Current Lease Document

The current lease is being reviewed for relevance and contemporary thinking because the document basically hasn't altered since it was first drawn up for Rosetta Holdings in 1987. The City has been working with DTZ and Woodhouse Legal to modernise the lease and a copy of the proposed lease 'term sheet' or 'framework' appears at **Confidential Attachment 10.0.4(c)**. The term sheet contains and compares the fundamentals of the lease as they were and as they are proposed.

The major changes to the proposed lease are as follows:

- New lease term to be five years with a redevelopment clause;
- A review of how the rent is determined. This is in line with contemporary commercial practice;
- The ability to review rent annually by comparing it to Perth's CPI;
- Recovery of rates. This clause has always been in the lease but not previously invoked. This was due to the belief that the City could not legally rate the lessee. Recent legal advice is that this is now possible;
- Building structural maintenance to be the responsibility of the City. This has been recent practice, but not reflected in the lease. The reason for the change is the City applies the same philosophy to other leased buildings;
- Driving range revenue to be considered in the same way as the green fees. The lessee collects the revenue and is paid a percentage by the City for doing it. The percentage will be ascertained following valuation;
- The addition of a percentage return from Cart hire, to mitigate against damage to the Course from Cart use. The City currently does not receive any payment for the use of Carts on the Course;
- Credit card rebate abolished. The current arrangement, where the lessee seeks reimbursement from the City for the 1.56% merchant fee on credit card green fee bookings is very difficult to administer. Instead, this will be brought to the attention of the valuer as part of the valuation process.

Valuation of Assets

A valuation of assets to be leased is required under the Act and is important to ensure that the rent paid by the lessee to the City is fair and equitable. The City has engaged McGee's Property to undertake this process again, because of their experience with the previous Course valuation. McGee's have commenced work on this project in early December. It should be noted that the valuation should not be greater than 6 months old prior to a lease being developed. The results of the valuation exercise are proposed to be reported to Council in March 2010 when approval will be sought for advertising purposes.

Public Consultation

The City is required to initiate a two week public consultation process as per Section 3.58 of the Local Government Act (1995), which relates to the disposition of property. This is proposed to occur in April 2010, following Council consideration of the valuation at the March 2010 meeting.

Consultation / Negotiation with Lessee

The City has held preliminary discussions with Rosetta Holdings, advising them of progress of the new lease and what it might entail. Further consultation is planned to occur when the framework is signed off by Council and more information is available as a result of the valuation project.

In summary, officers believe this scenario (Option Two), as outlined in the Term Sheet at **Confidential Attachment 10.0.4(c)** places the City in the best possible position in terms of management of the Collier Park Golf Course over the next few years and should be adopted. A summary timeframe of the remaining steps appears below:

Review of current lease	August / November 2009
Council acceptance of leasing 'term sheet'	December 2009
Valuation of assets	December 2009 / February 2010
Negotiation with lessee	February 2010
Council approval of valuation and initiation of public consultation	March 2010
Public consultation (Section 3.58 LG Act)	April 2010
Council acceptance of new lease	May / June 2010

Facilities Redevelopment Planning Overview

Council resolved at its meeting held on 28 July 2009 to 'note' the proposal submitted by Rosetta Holdings and the City took over the process of completing this project. It is important that the progression of the facilities redevelopment at the Course is progressed in a systematic way and there are a number of steps that should be followed to ensure this is achieved. In conjunction with DTZ, a proposed overview of the steps required and timeline have been developed and appear below:

Background

It has been resolved by Council for the City to prepare a Strategic Business Case Plan for the redevelopment of the Pro Shop, Club Rooms and Driving Range facilities that currently exist at the Collier Park Golf Course.

Netting - Driving Range

Netting may well be required to protect players and Course staff on adjoining fairways, if and when a new multi level driving range is constructed. The Town of Cambridge have identified this as something that they should have looked at more closely in the design and feasibility stage. Now the two level range is under construction they have realised that some form of netting is probably required to keep balls off adjoining fairways to protect golfers. They are currently in the process of advertising for tenders and as their existing range is significantly wider and longer compared to Collier Park, a process needs to be considered as to how this can be clarified in advance to proceeding much further.

Driving Range Technology

The City must decide whether there is a preference for semi or fully automated driving range technology. That is, there are two very different types of technology for feeding balls into the range cubicles, with each having specific building construction requirements. This technology needs to be determined prior to design and construction of a new facility, as once the building is constructed it cannot be changed, without considerable cost being incurred, should the alternative technology be sought.

Appointment of Project Architect

This should occur early in the process. The brief for the engagement should generally cover:

- Initial consulting to assist in some broad conceptual designs and costings;
- The potential for a 'Design and Construct' contract should a new facility be approved by Council.

Review of other Driving Range and Public Golf Course Facilities

Inspections should be carried out of some similar facilities both nationally and possibly overseas in order to determine things like:

- The effectiveness of the range technology adopted;
- How pro-shops, function centres, food and beverage, etc have been integrated with the driving ranges or are they best kept separate;
- Do any of these aspects operate under management agreements, or are they owner occupied, or a hybrid thereof?

Post Trip

Upon return from this trip, the City needs to resolve the wish list for Driving Range, Function Centre, Pro-shop, Food and Beverage, Club Rooms, etc and seek some preliminary designs from the architect and a cost budget for the Option considered.

Financial Analysis

Concurrently with these activities the City should appoint a Financial Consultant/Chartered Accountant to undertake a detailed discounted cash flow analysis in order to present to Council a very comprehensive financial overview outlining the likely return should the City decide to develop the facilities itself.

Implementation

Should financial modelling present a viable option, the Architect will need to finalise drawings and the construction put out to competitive tender. It will be at that point that when tenders are received and are in line with the feasibility, the six month redevelopment notice could potentially be issued to the lessee. If the building is to be located adjacent to the existing facilities, this redevelopment notice could in fact be delayed slightly longer.

Wembley Golf Course Monitoring

The Town of Cambridge multi level range is planned to open in April 2010. A watch should be kept over their progress, final costs and resulting implementation. The City is afforded an excellent opportunity to review the actual performance of Perth's first multi level, all weather driving range to ascertain that it meets the financial projections and observe the good and bad points of their project.

Timeline

An indicative timeline for implementing this project appears below:

Determine the need for Netting the driving range (including costs)	December 2009 / January 2010
Appoint project Architect	January / February 2010
Inspect comparable golf courses / driving ranges	March / April 2010
Determine driving range technology	April / May 2010
Complete conceptual design and estimated costs for the golf facility	June / August 2010
Appoint Financial Analyst	July 2010
Complete financial feasibility study / analysis	August / September 2010
Subject to feasibility analysis, develop Business Plan	October 2010 / January 2011
Council acceptance of project	February 2011
Depending on the Council decision the City needs to:	
a) Seek a loan to construct, or	
b) Invite 'expressions of interest' for a partner.	March / August 2011
Final design / tender	September / December 2011
Council acceptance of tender	February 2012
Commence construction	March / May 2012
Project completion	February 2013

The steps outlined above will require time and commitment from officers to complete. This will include the need to travel (at least interstate) to visit comparable ranges and view the available technology and golfing facilities in operation.

Consultation

Officers have consulted with Rosetta Holdings Pty Ltd about the leasing term and potential for a redevelopment clause. Other items contained within the 'term sheet' have not yet been the subject of consultation. This is proposed to occur following adoption of the term sheet by Council.

Specialist consultants have been engaged and legal advice has been sought.

Policy and Legislative Implications

Policy P609 "Lease of City Owned Buildings" applies.

Section 3.58 of the *Local Government Act* relating to Disposition of Property is also relevant.

In addition the requirements of the *Commercial Tenancies (Retail Shop Agreements) Act 1985* apply as outlined in the comments section of this report.

Financial Implications

The renegotiation of the Controller’s lease has a direct effect on the return the City receives from the Course.

The redevelopment proposal could have significant future impact on capital expenditure.

Strategic Implications

The proposal to put in place a new five year lease allows time for appropriate long term planning of one of the City’s most valuable assets. This will ensure that future long term financial return from this facility is maximised and a best possible use is made of this important City asset.

The relevant sections of the City’s Strategic Plan relating to this proposed course of action are:

Goal 6, Financial Viability - *To provide responsible and sustainable management of the City’s financial resources.*

Strategy 6.2- *Maximise community benefit and value for money from City expenditures and use of our Assets.*

Goal 5 - Organisational Effectiveness - *To be a professional, effective and efficient organisation.*

Strategy 5.3 - *Develop partnerships with organisations which provide mutually beneficial opportunities for resource sharing and the exchange of ideas.*

Sustainability Implications

The aim of this report is to achieve a more sustainable financial return to the City from the Collier Park Golf Course lease and potentially from redeveloped facilities.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4
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That....

- (a) the framework detailed in **Confidential Attachment 10.0.4(c)** for the review of the lease at the Collier Park Golf Course be adopted, and
- (b) the information provided in this report regarding progress made towards the redevelopment of the Course facilities and the future works timeframe be noted.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS

10.1.1 Canning Bridge Rail Station Study “Precinct Vision” – Community Consultation
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Location:	Suburbs of Como and Manning
Applicant:	City of Melville, City of South Perth and Department of Planning
File Ref:	TT/306/3
Date:	1 December 2009
Author:	Vicki Lummer, Director Development and Community Services
Reporting Officer:	Chief Executive Officer

Summary

The Department of Planning on behalf of the Western Australian Planning Commission, in partnership with the City of Melville and the City of South Perth have engaged GHD to prepare a strategic “Vision” for the Canning Bridge Rail Station Precinct. The key focus of this project is to prepare a “Precinct Vision” and implementation strategy for the Canning Bridge area to facilitate the development of Transit Oriented Development that will take advantage of its strategic location and prime regional access characteristics.

After consultation with landowners, residents and other stakeholders, a draft long term “Vision” has been prepared. Comment will now be sought from the wider community through official advertising and consultation.

Endorsement is being sought from the Council of the City of South Perth to advertise the strategic “Vision”.

Background

The introduction of Canning Bridge station as part of the Perth to Mandurah rail line has changed the focus of this area dramatically. The bus transfer station has become a major connection point for Curtin University as well as other buses servicing Canning Highway. This has opened the precinct up to the potential for visitors by public transport as well as opening up the options for local residents to use public transport.

The unique proximity of Canning Bridge to the train and bus provides an ideal opportunity to consider Transit Oriented Development for the area. Transit Oriented Developments are characterised by a mixture of land uses and activities that create a vibrant, diverse centre for people to live and work.

There is pressure on the state to provide for a dramatic increase in the population over the next 15 to 50 years. The Canning Bridge area was an area which was supported in previous consultations with the community as a site for increased densities to provide for extra dwellings and more diversity of dwellings within the City of South Perth.

This report includes the Canning Bridge Rail Station Study “Precinct Vision” document referred to as ***Confidential Attachment 10.1.1***. The report will remain confidential until it is released for public comment at the commencement of the advertising process.

Comment

The Canning Bridge Rail Station Precinct Study has produced a “Vision” (***Confidential Attachment 10.1.1*** refers) for the precinct after drawing on consultation with residents, landowners, state government departments and other stakeholders. The “Vision” is the first stage of more extensive studies and consultation that will lead to the implementation of the recommendations.

The “Vision” aims to improve pedestrian access within the precinct, as well as to and from the station. It requires the development of design guidelines that improve pedestrian amenity and looks at ways of increasing the vibrancy of the area.

Further traffic studies will be required, as will more firm commitments for infrastructure upgrades, to assist with the growing demand for traffic.

Parking is considered in the precinct study. An access and parking strategy is required as part of the implementation plan. The importance of onsite parking being provided by developments and the opportunity to make parking available for the precinct are also discussed, and there are some suggestions in the short term.

The key elements of the “Vision” include:

- substantial redevelopment opportunities with an increase in residential densities and building heights subject to performance based streetscape and built form design guidelines;
- promotion of sustainable building types and uses which support the community;
- creation of a town square and central community hub in Applecross;
- opportunities for new commercial development adjacent to the freeway in Como in the longer term, including limited development on the foreshore;
- enhancement of streetscapes and foreshore reserves, including increasing the size of the foreshore recreation areas;
- improvement in pedestrian and kiss’n’ride connections to a new bus / rail interchange and improvement in general pedestrian accessibility within each local government;
- allowance for a future ferry station integrated with the new bus / rail interchange;
- a new traffic connection resulting from the establishment of a third (replacement) structure over the river;
- a relocated / improved bus station and kiss’n’ride access from both sides of the river utilising a local connection through Como; and
- identification of opportunities for improved traffic movement associated with the Canning Highway / Kwinana Freeway interchange.
- construction of the Manning Road southbound on ramp.

A series of key actions are suggested to improve the function and amenity of the precinct in a coordinated manner. Implementation of these actions is recommended either immediately, in the short term of 1 to 5 years, medium term of 6 to 10 years or long term over 10 years.

After this period of consultation, the final “Precinct Vision” will be presented to Council for full endorsement.

Consultation

Elected Members were briefed on the contents of the strategy and the progress of the study at joint briefings with the City of Melville on 8 October 2008; 31 March 2009 and 16 September 2009.

The development of the “Vision” for Canning Bridge has also incorporated other consultation including:

- a Community Information Day at South of Perth Yacht Club on 21 July 2008;
- City of South Perth Community Forums held on 11 August 2008, 18 August 2008 and 1 September 2008;
- a transport forum on 5 November 2008; and
- City of Melville Community Forums held on 11 February 2009, 14 February 2009 and 18 February 2009.

The proposed advertising period will run for a minimum of 42 days, beginning mid January and ending mid March 2010. There will be notices in local newspapers and on the website of the City of South Perth, City of Melville and Department of Planning. There will be notices in libraries and press releases. Key stakeholders who have been involved or expressed an interest will be notified by email or have the brochure posted to them.

A “Precinct Vision” Open Day is also planned.

The report will be available through the web pages. Brochures will be at key locations within the precinct and the Civic Centre. Copies of the report will be located at libraries, the Civic Centre and the Operations Centre.

The City is preparing a detailed marketing and communications plan in conjunction with the City of Melville and the Department of Planning.

Policy and Legislative Implications

The long term “Vision” contained within the document will be the subject of an implementation strategy which will include future policy and Town Planning Scheme changes.

Financial Implications

Funding for this consultation has been provided in the 2009/2010 budget as a component of the overall precinct project.

Strategic Implications

This is a long term “Vision” document for the Cities of South Perth and Melville, and once finally adopted will provide strategic direction for the future development of the precinct for many years.

This matter relates to Goal 1 “Customer Focus” identified within Council’s Strategic Plan. Goal 1 is expressed in the following terms: *“To be a customer focused organisation that promotes effective communication and encourages community participation.”*

Sustainability Implications

The Canning Bridge Rail Station Precinct Study includes a section on sustainability, which indicates how sustainability has been considered in the precinct study and how the development will be sustainable. Any additional requirements or inputs into sustainable development in the precinct may be developed at the advertising stage.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1
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That

- (a) the Council endorse the Canning Bridge Rail Station Study “Precinct Vision” at **Confidential Attachment 10.1.1** for the purposes of advertising, for a period of not less than 45 days
- (b) the Western Australian Planning Commission and the City of Melville be advised of the endorsement of the Canning Bridge Rail Station Study “Precinct Vision” for advertising; and
- (c) The Canning Bridge Rail Station “Precinct Vision” (for public comment) report remains confidential until the commencement of the proposed public advertising process.

CARRIED EN BLOC RESOLUTION

10.1.2 Annual Electors Meeting held 30 November 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/1
Date:	3 December 2009
Author:	Kay Russell, Executive Support Officer
Reorting Officer:	Phil McQue, Governance and Administration Manager

Summary

The Annual Electors meeting was held on 30 November 2009 to discuss the Annual Report, Financial Statements and the Auditor’s Report for the year ended 30 June 2009.

Background

Following completion of the City's Annual Report an Annual Electors' Meeting is called which must be within 56 days of acceptance of the Annual Report. The meeting was held on 30 November 2009.

Comment

Council is required to consider any Motions passed at an Annual Electors Meeting. At the meeting held on 30 November 2009 there were no Motions passed that required a determination by Council.

The Mayor tabled the Annual Report and then gave a powerpoint presentation on the year's highlights.. The Director Financial and Information Services provided a presentation on the Financial Statements for the year ended 30 June 2009 and the Chief Executive Officer presented the Auditor's Report.

Consultation

Notice of the Annual Electors' meeting was lodged in the Southern Gazette newspaper with copies of the Agenda being provided to the Libraries, Heritage House, the Council noticeboards and website.

Policy Implications

Council is required to hold an annual meeting of electors and consider resolution passed at a subsequent Council meeting.

Financial Implications

N/A

Strategic Implications

This report deals with matters which directly relate to Goal 1 of the City's Strategic Plan – *'To be a customer focused organisation that promotes effective communication and encourages community participation.'*

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.1.2**

That the Minutes of the Annual Electors Meeting held on 30 November 2009 at **Attachment 10.1.2** be received.

CARRIED EN BLOC RESOLUTION

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 City of South Perth 'Active Futures 2010 - 2014' Physical Activity Plan

Location: City of South Perth
Applicant: Council
File Ref: CR/204
Date: 20 November 2009
Author: Matthew Hunt - Recreation Development Coordinator
Reporting Officer: Sandra Watson - Manager Community Culture and Recreation

Summary

The purpose of this report is to seek Council endorsement of the actions and strategies of the 'Active Futures 2010 - 2014 Physical Activity Plan'.

Background

In April 2009, the City engaged Jill Powell and Associates to investigate and compile a Physical Activity Plan for the City of South Perth. It was proposed that the final document would be a high level strategic document linked to existing organisational strategic plans, as well as outcomes of the Visioning process and assist the City to implement in a coordinated way, physical activity outcomes to ensure that community needs were realised in the most efficient and effective manner.

Further and in line with the City's strategic objectives, the Active Futures 2010 - 2014 Physical Activity Plan would identify and provide the City with recommendations and actions to:

- Increase physical activity in our community;
- Identify barriers to effective participation and inclusion within the community; and
- Provide measurable goals and timelines for its implementation.

Comment

With changing societal trends and community needs, the City is reshaping its role and commitment to community physical activity. With the well documented health, social, economic and environmental benefits of an active community, the implementation of strategies from the Physical Activity Plan will support and guide the provision of existing and future opportunities in the City of South Perth by:

- Ensuring a whole local government commitment and collaboration to physical activity implementation with accountable staff representation;
- Improving resource management through the identification of gaps and duplication;
- Assisting in directing City spending on opportunities with the greatest chance of success attributed to ongoing community consultation in changing climates; and
- Providing a solid justification to support ongoing funding applications.

The strategies formulated are central to the overarching City of South Perth vision in improving the quality of life within our community and are consistent with the outcomes and key themes of 'Our Vision Ahead', a community planning project by and for the people of the City of South Perth. Specifically, the theme of 'Community' as outlined in the Visioning document which refers to increasing participation in active and passive recreational groups and the theme of 'Place' which refers to developing a strategy to increase active and passive recreational use of the City's parks, foreshores and rivers, along with the provision of recreation and community services to reduce the appeal of identified risk taking in youth culture.

A cross organisational project team was established to work with the consultant on the formulation of the Physical Activity Plan. The project team consisted of representatives from Infrastructure Services including the Travelsmart Officer and various representatives from the Community Culture and Recreation department including Community Development, Club Development and Recreational Development. This broad team was necessary in order to encapsulate those areas that will be impacted by the implementation of the Physical Activity Plan including public open space, footpaths, cycle paths and built facilities.

Currently in Australia and according to the most recent 'Exercise, Recreation and Sport Survey (ERASS)', an estimated 13.0 million persons aged 15 years and over, or 79.4% of the population living in occupied private dwellings, participated at least once annually in physical activity for exercise, recreation and sport. This is the total participation rate in any physical activity. The top ten physical activities in 2007, in terms of total participation rate, were walking, aerobics/fitness, swimming, cycling, running, tennis, bushwalking, golf, outdoor football and netball.

On average, men and women were equally likely to regularly participate in organised physical activity in 2007. However, regular participation in organised physical activity was higher for males in the 15 to 34 years age group and higher for females in the 35 to 64 years age group. While participation in non-organised physical activity increased with age, regular participation in organised physical activity was most common among those aged 15 to 24 years, regardless of gender. As with non-organised physical activity, the university educated had higher regular participation rates in organised physical activity.

To provide a clear focus to the Physical Activity Plan, a vision and five main themes have been derived from the City's mission statement contained within 'Our Vision Ahead'. Each theme has then been structured around a range of issues, strategies, tasks, responsibilities, and timeframes, enabling the City of South Perth to form a response to each of the findings. These themes and strategies are embodied in the final 'Active Futures 2010 - 2014' Physical Activity Plan document, at **Attachment 10.2.1(a)**, with examples listed below:

Strategic Theme - Active People

- To increase physical activity participation levels
- To increase usage rates of sport and recreational facilities
- Improve the ability to access facilities and services within the community
- To provide a wide range of recreational and sporting opportunities, inclusive of all population groups

Strategy: Coordinate with other agencies (e.g. DoT, DoP, South Metro Public Health, local businesses) to promote incentives to walk/cycle in the City thus encouraging increased levels of physical activity.

Strategy: Expand the City's recreation and leisure programmes to include activities that provide mental stimulation and identify new programmes that could be delivered to meet the needs of specific generic groupings within the City.

Strategic Theme - Promotions

- To provide a coordinated approach to the marketing and promotion of programs and services within the City
- To explore alternative methods to "get the message" across

Strategy: Develop a consistent branding for all of the City's facilities and services to identify the City as the major local provider of opportunities for community participation.

Strategy: Identify an appropriate marketing medium for specific generic groupings – e.g. targeted marketing.

Strategic Theme - Active Places

- To build a sense of community
 - To promote and support healthy physical activity choices in South Perth
 - To provide safe environments for physical activity and active living
- Strategy:* Ensure that all City buildings and facilities are developed to CPTED principles and ensure community safety and encourage a healthy lifestyle.
- Strategy:* Priorities identified include the need to expand the George Burnett Leisure Centre to (as a minimum) to allow for the construction of a gym/aerobics facility.

Strategic Theme - Active Partnerships

- To improve collaboration between Government and non-Government agencies
- Strategy:* Discuss partnering opportunities with Curtin University Health Promotion students.
- Strategy:* Advocate at the State/Regional level for increased funding and support for health promotion at the local level.

Strategic Theme - Policy

- To ensure that City policies support and encourage physical activity
 - That programs and services are appropriately priced to ensure that all sectors of the community can participate
- Strategy:* Ensure that the City's Disability and Access Plan is considered in the planning of any built facility.
- Strategy:* Conduct a review of all lease and use agreements within the City to ensure equity between the user groups.

Consultation

In terms of collecting the data in order to compile the Physical Activity Plan, the consultant distributed a survey to a random sample of the City's residents. One thousand (1000) were distributed, forty-five (45) were returned as not deliverable and a total of two hundred and one (201) were returned completed, which represented a 21% return rate. The survey was structured around three key areas of inquiry, these being:

- Demographic information
- Physical activity information
- Facility information

In addition focus group meetings were held with specific target markets of the community with two or more facility user groups from each of the following categories contacted by the consultant, namely:

- Seniors
- Youth
- Families with children
- Educational groups
- People with disabilities
- Sporting groups
- Religious and cultural groups
- Aboriginal and migrant groups

Responses and recommendations from the community via the survey and the focus groups have been collated and are contained in **Attachment 10.2.1(b)**, however a number of the findings are summarised below.

Activities respondents stated they would like to participate in but were currently unavailable in the City of South Perth included, but were not limited to, swimming and gym and fitness classes. Suggestions made to improve opportunities to be physically active within the City included, but were not limited to, improve and increase the number of cycle ways including placement of drink fountains, build an indoor heated pool, addition of a gymnasium and sports courses at GBLC and more advertising of what is available.

The youth involved in the process stated that in the City of South Perth most young people were active but have lots of demands on their time. A number of suggestions were proposed including:

- A need for holiday programs for 12-15 year olds;
- A need for safe and comfortable environments to increase social interactions; and
- Control increasing costs to participate including membership fees, equipment and clothing.

In general, the community identified that their main reasons for participating in physical activity were for health benefits and fitness improvements. As a percentage breakdown, findings indicated health benefits as 40.0% of the responses, to improve fitness 36.0%, enjoyment of participation 7.4%, weight loss 7.4% and social interaction 4.6%. Of these responses 78% said they were able to participate in their chosen activities, while 22% responded in the negative. Primary reasons that people could not participate in their chosen activities included lack of time 32.4%, health reasons 18.9%, cost 16.2%, unavailability locally 13.5%, lack of flexible childcare 2.7% and safety concerns 2.7%.

Policy and Legislative Implications

N/A.

Financial Implications

In January of this year, the City of South Perth was successful in obtaining a grant of \$15,000 through the Local Activity Grants program for the creation of a Physical Activity Plan. The Premiers Physical Activity Taskforce (PATF) partnered with the Western Australian Local Government Association and Lotterywest to offer dollar for dollar matched Local Activity Grants for community-based physical activity initiatives aimed at increasing physical activity.

Following endorsement of the '2010 - 2014' Physical Activity Plan and its resulting strategies and actions, it is proposed to source funding for many of the individual projects from bodies such as PATF, Lotterywest, Healthway, DSR, the Commonwealth Government, other State Government departments and other sources.

Strategic Implications

'Active Futures 2010 - 2014' Physical Activity Plan is in line with the following goals and strategies of the City's Strategic Plan:

Goal 2 – Community Enrichment – Strategy 2.1: Develop and implement a 'Connected Community Plan' to:

- Address the specific needs of aged, families, youth, unemployed; and
- Encourage opportunities for community development and vitality.

Goal 2 – Community Enrichment – Strategy 2.7: Develop strategic directions for events, arts including public art, leisure, recreation and heritage that encourages a vibrant and participative community. This includes initiatives relating to the George Burnett Leisure Centre, libraries, parks, river, Fiesta and other community programs.

Sustainability Implications

The implementation of strategies as outlined in the 2010 - 2014 Physical Activity Plan to be consistent with the concept of building strong sustainable communities by strengthening community networks and creating more opportunities to interact. Opportunities also exist through this initiative to rationalise and modernise facilities incorporating best practice sustainability initiatives.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1</p>

That the 'Active Futures 2010 - 2014 Physical Activity Plan' Action Plan and strategies at **Attachment 10.2.1(a)** be endorsed by Council.

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : ITEM 10.2.2

The Mayor read aloud the Declarations of Interest received from Crs Doherty, Ozsdolay and Grayden as follows:

Cr Doherty

As I am a member of Soroptimist International of Fremantle, and Soroptimist International of South Perth is one of the successful applicants for a grant from the City as part of the Funding Program at Item 10.2.2 on the December Council Agenda, and as I meet with the members from the South Perth group at events and know several personally, in accordance with the Local Government Act (Rules of Conduct Regulations 2007) I wish to declare an impartiality interest in common with other members. As such I will not leave the Council Chamber during the discussion / debate on this matter at the Agenda Briefing on 8 December or the Council Meeting on 15 December 2009.

Cr Ozsdolay

In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Agenda Item 10.2.2 - 'Community Funding Program Round Two' - on the Council Agenda for the meeting to be held 15 December 2009. I disclose that I am a volunteer driver for the Manning Senior Citizens (a recipient of the funding program) but I do not consider it will affect my decision making and intend to remain in the Council Chamber for this item

Cr Grayden

As a parent of children at the South Perth Primary School (an applicant for the funding program) I declare an Impartiality Interest in Item 10.2.2, however, I will not leave the Council Chamber while that item is being discussed.

Cr Skinner

Cr Skinner Declared the following Interest:

I disclose that I am a member and volunteer at the South Perth Senior Citizens (a recipient of the funding program) but I do not consider it will affect my decision making and intend to remain in the Council Chamber for this item.

Note: Crs Doherty, Ozsdolay, Grayden and Skinner remained in the Council Chamber.

Note: Manager Development Services retired from the meeting at 8.50pm

10.2.2 Funding Assistance - Round Two

Location: City of South Perth
Applicant: Council
File Ref: GS/103/1- 2009/2010
Date: 23 November 2009
Author: Seánna Dempsey, Community Development Officer
Helen Doran-Wu, Community Development Coordinator
Reporting Officer: Sandra Watson, Manager Community Culture and Recreation

Summary

This report relates to applications in the Community Development category of the Funding Assistance Program - Round Two - 2009/2010.

Background

In June 2001 the City implemented a Funding Assistance Program to enable the City to equitably distribute funding to community organisations and individuals to encourage community and personal development, and foster community services and projects.

The Funding Assistance Program incorporates a number of levels and categories in response to identified areas of need, these are:

1. **Community Partnerships** - with identified organisations that provide a major benefit to the City of South Perth community.
2. **Community Development Funding**
 - (a) Community Development Category - project funding for incorporated not for profit groups, these are considered by council in two rounds annually.
 - (b) Individual Development Category - financial assistance for individuals attending interstate or international sporting, cultural or academic activities.
3. **Community Grants** - smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development program.

Submissions in the Community Development Funding category, which is the subject of this report, are assessed against the following criteria:

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City)
2. The proposed benefits for the participants involved as well as for the wider City of South Perth community.
3. The expected number of number of participants who are residents of the City of South Perth.

4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored.
5. The level of cash or in kind support committed to the project.
6. The sustainability of the project and / or the organisation.
7. The level of exposure given to the City in the promotion of the project. (recipients are required to promote the City's support of the project.)

Full details of the funding program can be found on the City's website where information is available about program guidelines, eligibility and selection criteria and acquittal information, along with resources to assist with grant seeking and the development of grant submissions.

Comment

Seven applications were received in this round requesting a total of \$37,500. Details of all applications are included in the submission summaries attached to this report. **Attachment 10.2.2** refers. All applications cover a range of community services and projects. Applications were submitted by:

- Collier Park Seniors Golf Club
- Edmund Rice Camp for Kids WA
- Manning Senior Citizens Centre
- Soroptimist International of South Perth
- South Perth Outreach Services
- South Perth Primary School P&C
- Uniting Care West

This report recommends that one of the seven submissions is fully supported, one of the submissions not be supported, and that the remaining five are supported in part for reasons outlined in the attached submission summaries. The total recommended funding amount is \$22,700.

Consultation

This funding round was advertised on the City's website and promoted directly in October 2009 to 200 community groups and organisations listed in the City's Community Information Directory. In addition, City officers are proactive in discussing projects with potential applicants and assisting in the development of submissions.

Policy and Legislative Implications

This report refers to the Funding Assistance Policy P202.

Financial Implications

A total amount of \$170,000 is allocated in the 2009/2010 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program. The recommendation of this report is within budgetary parameters.

Strategic Implications

This report is complimentary to Goal Two, Community Enrichment, and directly relates to Strategy 2.3.

'Implement the Community Funding Program to equitably distribute funding between community organisations to encourage and foster community development services and projects.'

Sustainability Implications

Through the City's Funding Assistance program a range of community services and initiatives, many of which are run by volunteers, are fostered and supported whereas it would not be sustainable for the City or other government level organisations to deliver these programs.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.2.2**

Moved Cr Cala, Sec Cr Trent

That \$22,700 be distributed to seven organisations from City funds for Round Two of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.2.2.**

CARRIED (11/1)

Note: Manager Community Culture and Recreation retired from the meeting at 8.55pm

10.2.3 Funding Submission for Proposed Upgrade to George Burnett Leisure Centre

Location:	City of South Perth
Applicant:	Council
File Ref:	CP 301
Date:	23 November 2009
Author:	Sandra Watson, Manager Community Culture and Recreation
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

To advise Council of the intention to submit an application to the Infrastructure Australia funding scheme for grant funding for extensions and upgrades to George Burnett Leisure Centre.

Background

At the September 2009 agenda briefing, the Chief Executive Officer reported that Infrastructure Australia had announced another round of funding for major projects. Following a discussion with the Elected Members at the September agenda briefing, the proposal to proceed with design work for modifications to the George Burnett Leisure Centre was endorsed for the purposes of seeking funding via Infrastructure Australia, with the submission being due by 15 January 2010.

Comment

At the February 2008 Council meeting, the Council resolved to 'swap' the priority order of the Manning Hub project with the redevelopment of George Burnett Leisure Centre, designating the development of Manning Hub as Council's first priority.

As Council's priority, the Manning Hub project is still proceeding, as evidenced by report item 10.3.2 contained in this Agenda. In addition, preparation of concept designs and the commencement of further community consultation is planned to occur in the near future. However, the closure process for Bradshaw Crescent and some land zoning issues mean that it is likely that a two year time frame will be involved in acquiring all the required approvals from the relevant state government departments.

As there is an extended timeframe involved with the Manning Hub project, it was considered that the George Burnett Leisure Centre Redevelopment project is significantly closer to commencing, given the relevant facility needs assessments that have been undertaken, together with the recent completion of the “Active Futures Physical Activity Plan 2010-2014” (refer report 10.2.1 in this agenda). In view of the above, Council officers have commenced compiling the information required for an Infrastructure Australia funding submission for the George Burnett Leisure Centre redevelopment.

The results of the consultation from the Active Futures Physical Activity Plan 2010-2014 have highlighted some key findings, especially with regard to the provision of recreation and physical activity services and facilities in the City of South Perth. The community survey showed that the City’s residents generally leave the City of South Perth in order to participate in activities such as fitness classes and gymnasium activities. Survey participants outlined that they are seeking these activities in the local area and a number actually identified George Burnett Leisure Centre as their preferred venue if it offered these activities.

In addition, through the compilation of the Physical Activity Plan, it has come to light that the City of South Perth does not offer any facilities for the sport of netball and hence the City is not catering to females who would possibly like to participate in this very popular and high profile sport. This service gap is therefore something that is intended to be rectified via the redevelopment of George Burnett Leisure Centre.

Consultation

An internal working group has been established to progress the required elements of the Infrastructure Australia grant submission for the redevelopment of George Burnett Leisure Centre and in addition, consultation has occurred in the last 18-24 months with various community groups and user groups in the City related to facilities, as well as a community survey and focus group meetings being undertaken via the process of compiling the Physical Activity Plan.

Policy and Legislative Implications

Nil

Financial Implications

Funding for the design work for the redevelopment of George Burnett Leisure Centre that is required for the grant application is provided for in the current budget. At this stage the estimated cost of the proposed extensions to the George Burnett Leisure Centre have not yet been determined.

An architect has been appointed to assist with design and cost options and this work will be progressed over the next few weeks and finalised prior to the grant application closing date of 15 January 2010.

The Infrastructure Australia submission is subject to a minimum application of \$2M therefore with a matching grant contribution by the City, the project, if the application is successful will cost at least \$4M. At this early stage it is estimated that the total project cost will be in the order of \$5M and the application will therefore be 50% of the cost. Other grant funding application opportunities are available from Lotteries WA and these will be pursued.

Strategic Implications

This initiative relates to Goal 2 of the City’s Strategic Plan – Community Enrichment. In particular reference is made to strategy 2.4 which refers to the current use and suitability of our community buildings, along with strategy 2.7 which involves the development of strategic directions for arts, events and recreation that encourages a vibrant and participative community. This strategy also specifically mentions initiatives at George Burnett Leisure Centre.

Sustainability Implications

The submission to Infrastructure Australia requires specific attention to sustainability initiatives and the like in terms of the proposed redevelopment of the facility so in that sense the City’s Sustainability Strategy will be fully embraced and included.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.3
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That Council endorse the submission of a grant application to Infrastructure Australia for the redevelopment of George Burnett Leisure Centre.

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed Naming of Right-of-Way 109

Location:	Right-of-Way 109 within block bounded by Henley Street, Robert Street, Cassey Street and Leonora Street, Como
Applicant:	Mr R Cherrie
File Ref:	ROW 109
Date:	1 December 2009
Author:	Patricia Wojcik, Trainee Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

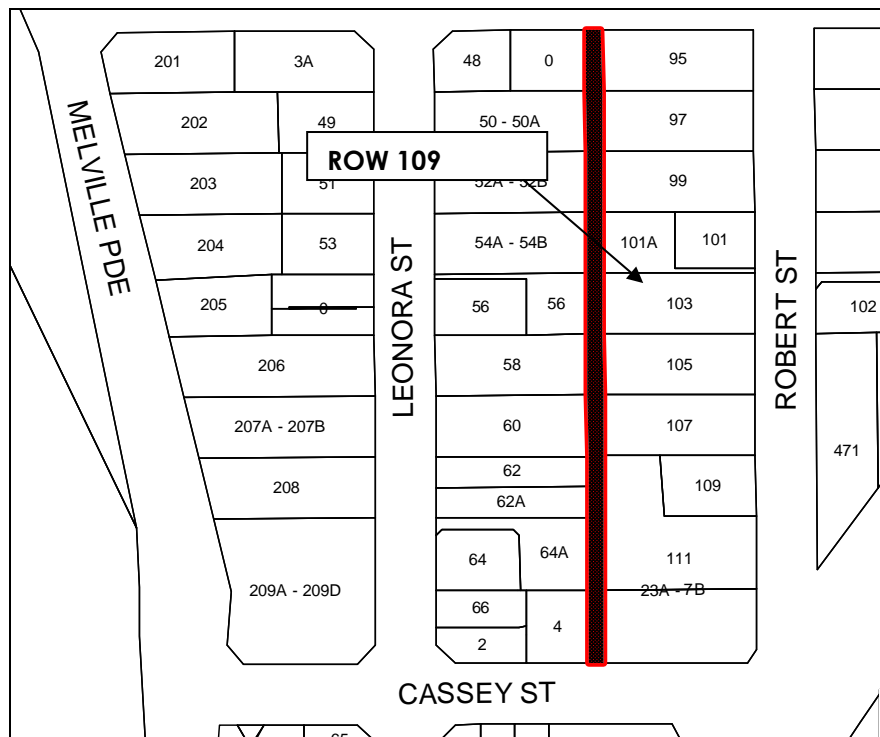
To consider a request to initiate the process towards the naming of Right-of-Way No. 109 (ROW 109) that is owned by the City of South Perth. The recommendation is that the “naming” process now be initiated for ROW109.

Background

A Petition dated 14 October 2009 received from Mr R Cherrie, 52B Leonora Street, Como together with 17 signatures requesting the naming of sealed right-of-way No. 109 is at Item 8.1.1 on the December Agenda.

Location

ROW 109 is situated within the block bounded by Henley Street, Robert Street, Cassey Street and Leonora Street, Como. ROW 109 is indicated on the plan below:



Condition and usage of right-of-way

ROW 109 is 5.0 metres wide and is paved for its entire length. There are no mail boxes on the right-of-way and rubbish is not collected off the right-of-way. The right-of-way has speed humps for its full length and is signposted for "20 km/h". The following photographs show the condition and usage of the right-of-way:



Portion of ROW 109 (looking south)



Portion of ROW 109 (looking north)

Right-of-Way 109 is used extensively for vehicular access. Thirteen properties have vehicular access off this right-of-way, with eight properties using the right-of-way as their sole means of vehicular access. Approximately 12 visitor bays are accessed from the right-of-way.

Previous right-of-way naming

At Council's December 2001 meeting, five right-of-ways were approved for naming. Separate requests for naming had been received from three owners, each from a different right-of-way. The right-of-ways approved for naming were Nos. 86, 93, 94, 103, and 104. Furthermore, approval was given at Council's June 2006 meeting to name Right-of-Ways 75 and 76 and Right-of-Way 64 was approved for naming at Council's May 2009 meeting. All of these are parallel to Canning Highway and the reason for Council's support for naming was that there were a range of difficulties in relation to giving directions to visitors to the abutting properties. Visitor bays accessed off these right-of-ways was also another valid reason.

Prior to naming, there was a trial of "location signs". The "location signs" were placed at each end of the right-of-way and indicated that the laneway provided rear access to certain properties which front on to Canning Highway. The trial had mixed results.

Right-of-Way 109 naming request

The request to name ROW 109 is from Mr R Cherrie, the owner of a dwelling which has sole vehicular access from the right-of-way. ROW 109 currently has 19 abutting properties. Of these 19 properties, 16 properties have signed a petition for this right-of-way naming. Mr Cherrie advises that:

- ROW 109 is extensively used by residents and visitors;
- It is difficult to direct tradespersons to their dwelling from the ROW;
- The difficulties in giving directions would be undesirable in an emergency situation;
- Various service personnel access the right-of-way;
- It is difficult to direct taxis to their dwelling from the ROW;
- Pedestrian access ways are very steep with steps, often difficult to manoeuvre for older residents; and
- There are examples of Council approved visitor bays off the ROW.

Comment

The fact that occupiers of dwellings use the right-of-way is not reason enough to name a right-of-way, however the fact that there are Council approved visitor bays accessed from the right-of-way is a valid reason to consider naming a right-of-way. The benefits of naming are that it simplifies instructions to visitors wishing to find the visitor bays accessed from the right-of-way, and the right-of-way will gain recognition in street directories.

The Department for Planning and Infrastructure's Geographic Names Committee has a policy on naming right-of-ways (quoted in "Policy and Legislative Implications" section of this report). The policy states that "*Laneways will normally only be named if a name is required for addressing purposes*". With regard to this, it is not the practice of this Council to number dwellings off a right-of-way. Despite this, it is still appropriate to name the right-of-way for the reasons referred to above.

Turning finally to possible names for the right-of-way, the following comments are made:

The theme of the right-of-ways that have already been named is flowering plants and shrubs. The policy of the Geographic Names Committee is that short names are to be used for lanes. The Geographic Names Committee has advised that names such as Lily Lane and Nivea Lane would be appropriate in this instance. It is recommended that the name "Lily Lane" for ROW 109 be advertised for comment.

Consultation

Advice has been sought from the Manager, Engineering Infrastructure regarding the cost of signage and that advice is conveyed in the "Financial Implications" section of this report.

At this stage, no consultation has been undertaken with affected adjoining property owners. The request for this right-of-way naming has come from a petition on behalf of property owners abutting the right-of-way with 16 signatories. The City does not have a policy regarding consultation on the matter of right-of-way naming, however the City has previously consulted affected residents in regard to previous right-of-way naming and road naming. Prior to finally determining whether the right-of-way should be named and if so, selecting the actual name, the Council should undertake 21-day advertising to all the owners of properties which directly abut the right-of-way. A subsequent report to Council will then consider submissions and at that time, Council will decide whether to name the right-of-way or not, and will also select the name. Should the Council decide to name the right-of-way, the proposal requires Geographic Names Committee approval prior to implementation.

Policy and Legislative Implications

Council does not have a policy to guide decisions as to whether or not the naming of particular right-of-ways will be supported, and if so, how names will be selected.

The Geographic Names Committee policy titled “Road Naming Guidelines (2001)” provides the following guideline for the naming of right-of-ways:

“The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and right-of-ways requiring names. The naming of such roads is supported with a preference for use of the road type lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway.”

Financial Implications

At a later date if Council resolves to name the right-of-way, the cost to install a sign at each end will be approximately \$300 per sign. The cost varies according to the length of the name.

Strategic Implications

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

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

Sustainability Implications

The proposed naming of ROW 109 will address the above listed needs of the present and future residents gaining access from the ROW, hence observed to have positive sustainability implications.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1
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That

- (a) the proposal to name Right-of-Way No. 109 “Lily Lane” be advertised to the owners and occupiers of properties abutting the right-of-way for a period of 21 days;
- (b) following the advertising period, a report on submissions received be presented to the first available Council meeting; and
- (c) the applicant be advised of the above Council resolution.

CARRIED EN BLOC RESOLUTION

10.3.2 Proposal to initiate the Closure of Portions of Bradshaw and Conochie Crescent, Manning

Location:	Bradshaw and Conochie Crescent road reserves, Manning
Applicant:	City of South Perth
File Ref:	RO/702/1
Date:	1 December 2009
Author:	Patricia Wojcik, Trainee Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

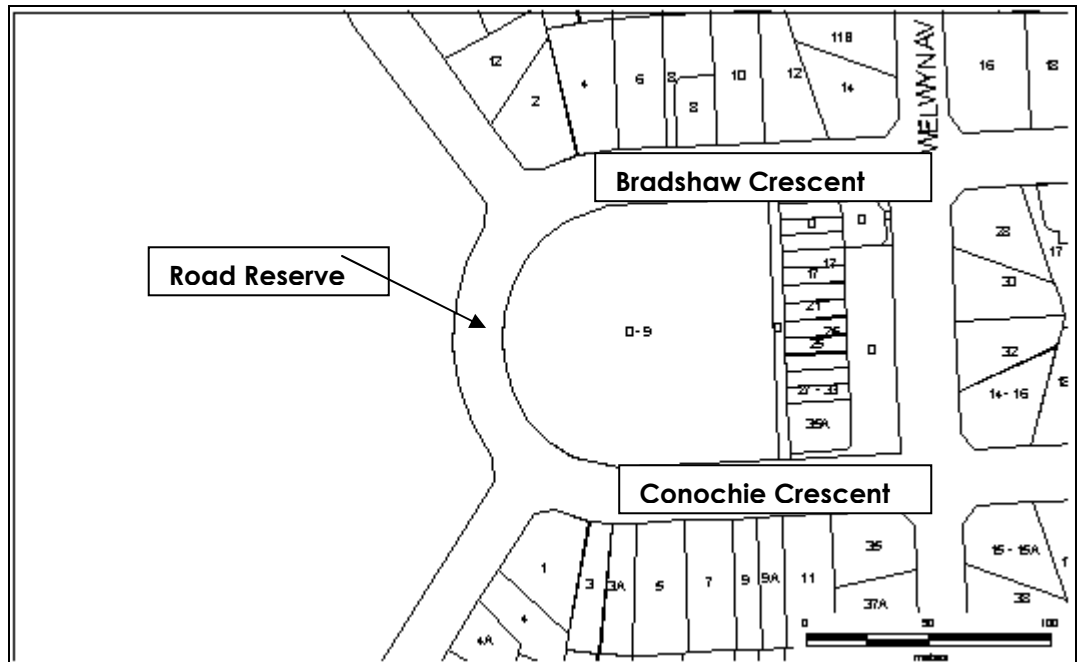
This report considers the proposal to initiate the closure of portions of Bradshaw Crescent and Conochie Crescent road reserves, Manning and recommends that Council support the closure to the extent shown in **Attachment 10.3.2** and initiate the statutory closure process under Section 58 of the *Land Administration Act 1997*. This action constitutes the first step in implementing the Manning Community Hub development.

Background

This report includes the proposed closure plan and referred to as **Attachment 10.3.2**.

Location

The subject portion of road reserve is the curved portion at the western end of Bradshaw and Conochie Crescents, as shown on the location map below:



Manning Community Hub

The proposed closure is the first step in pursuing the much larger Manning Community Hub project. The consultant's final report of this larger project was considered at the June 2009 Council meeting. At that meeting, the Council accepted the consultant's recommendations and in particular, supported their "Option 3" subject to further investigation. Part (d) of the Council's June resolution reads as follows:

"(d) the closure of the Bradshaw Crescent "loop" road be investigated as a matter of priority."



Diagram 1 - Plan of Consultant's Option 3 outlining proposed community and commercial facilities

Comment

Public road closure process

The closure process for a public road is dealt with under Section 58 of the *Land Administration Act 1997*. The process is summarised as follows:

- Council resolves to initiate the statutory process under Section 58 of the Land Administration Act.
- A notice of motion is published in a newspaper regarding the intended closure. The newspaper notice nominates a period of 35 days for receipt of objections to the proposal.
- Following expiry of the 35-day objection period, after having considered any objections received, if those objections are not supported, Council resolves to request the Minister for Lands to close the road. The Council resolution must be accompanied by a plan showing the intended distribution of the land to adjoining properties.
- When delivering the closure request to the Minister, the Council must also forward copies of any public submissions received and the officer report incorporated into the minutes containing Council's comments on the submissions.
- On receipt of the Council's request, the Minister decides either to grant or refuse that request, or directs the Council to reconsider the proposal, having regard to any identified concerns.
- If the Minister grants the closure request, the road is closed from the date of the Minister's registration of an order to this effect.
- Generally when the closure is finalised, the land becomes "unallocated Crown land". The preference for this project as shown in Diagram 1 above is that the land be amalgamated with James Miller Oval. James Miller Oval is currently Crown-owned and vested in the City for the purposes of "Recreation and Park".

It is anticipated that this road closure will take approximately 12 months to complete.

Consultation

As the purpose of this report is to initiate the closure process, public advertising and consultation has not yet been implemented. However, consultation has been conducted with the City's Infrastructure Services Directorate in relation to the design of the proposed closure. If the Council resolves to initiate the closure process, consultation will then be undertaken in accordance with the requirements of Section 58 of the *Land Administration Act 1997*. This process will include consultation with the adjoining landowners, services authorities (telephone, water, gas, sewer and electricity). Further consultation with Council's Infrastructure Services Directorate may also be required.

Infrastructure Services

The Manager, Engineering Infrastructure has provided detailed comments relating to the proposed closure design. It has been identified that the design shown in **Attachment 10.3.2** is desirable. This will provide sufficient road reserve to realign Jarman Avenue to link into Bradshaw Crescent and Duckett Drive to link into Conochie Crescent.

A request was placed with "DIAL BEFORE YOU DIG" (Australia's National Reference Service for Information on Underground Pipes and Cables) to ascertain services that may be affected by the proposed closure. From information supplied, there appear to be no underground services within the affected section of road reserve. However this information comes with a disclaimer, and a formal approach will need to be made to each service authority and a response will need to be received as part of the closure process. The information supplied does not include the Western Power overhead network that would require removal.

Policy and Legislative Implications

The road closure is being implemented in accordance with the provisions of the Land Administration Act.

Financial Implications

Costs could potentially be significant if Landgate requires the City to purchase the land following the road closure. This would not eventuate if the "closed road" land remains in ownership of the Crown. Additionally, there will be a cost involved in placing an advertisement in the newspaper to notify the public of this proposal. The cost of removing the overhead power lines would also need to be included in the 2010/11 budget.

Strategic Implications

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

Sustainability Implications

It is considered that this proposal satisfactorily contributes to the City's sustainability objectives by removing a section of road which is not essential for local traffic movement, and by facilitating improvement to James Miller Oval and more effective integration with the proposed Manning Community Hub.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2
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That Council commences the statutory procedure for the public road closure under the *Land Administration Act 1997* for the curved portions of Bradshaw Crescent and Conochie Crescent road reserves between Jarman Avenue and Duckett Drive, Manning to the extent shown in **Attachment 10.3.2**.

CARRIED EN BLOC RESOLUTION

10.3.3 Proposed Additions / Alterations to Tourist Accommodation - Lot 268 (No. 53) South Perth Esplanade and Lot 6 (No. 1) Ferry Street, South Perth

Location: Lot 268 (No. 53) South Perth Esplanade and Lot 6 (No. 1) Ferry Street, South Perth
 Applicant: Peter Jodrell Architect for TK & LB Pty Ltd
 File Ref: 11.2009.401 SO1/53
 Application Date: 1 October 2009
 Date: 1 December 2009
 Author: Lloyd Anderson, Senior Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The application for planning approval is for additions / alterations to an existing Tourist Accommodation. A similar application was approved at the November 2006 Council meeting. Since it was not possible to achieve substantial commencement of the proposed additions and alterations within the required time frame, the earlier planning approval expired. As discussed under the comments section, this application is slightly different from the one previously approved by Council.

The recommendation is for approval, subject to a number of standard conditions. Council discretion is sought in relation to the following matters:

Elements on which discretion is sought	Source of discretionary power
Plot ratio	TPS6 Clause 7.8
Car parking	TPS6 Clause 7.8
Setbacks	TPS6 Clause 7.8

Background

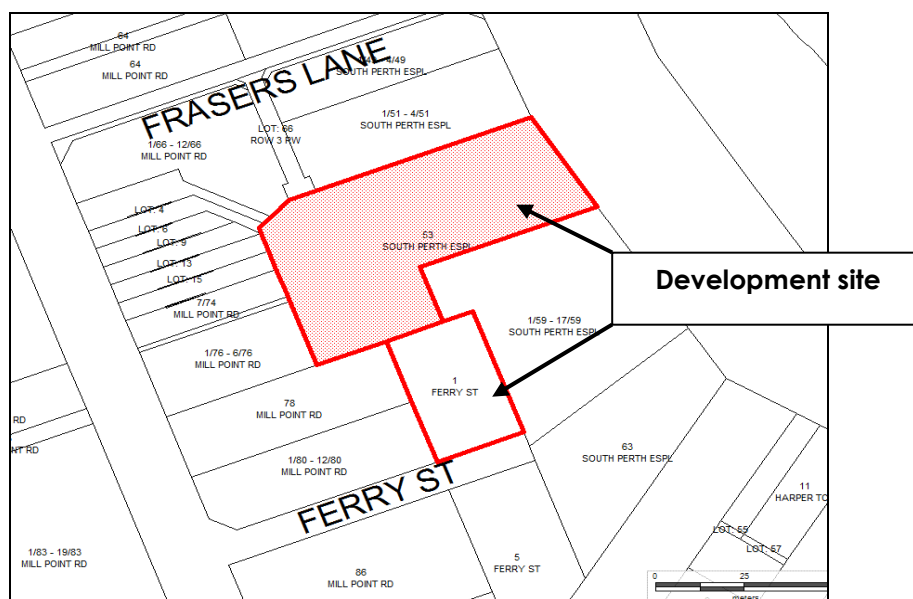
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	4,570 sq. metres
Building height limit	13.0 metres
Development potential	Plot ratio of 0.75 (3,427.5 sq. metres)
Plot ratio proposed	0.89 (4,055 sq. metres)

This report includes the following attachments:

Confidential Attachment 10.3.3(a) Plans of the proposal.
Attachment 10.3.3(b) Letter from applicant dated 23 September 2009.

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:

1. ***Specified uses***
Tourist Accommodation.
2. ***The exercise of a discretionary power***
(iii) *Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*
3. ***Large scale development proposals***
(ii) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

Comment

(a) Description of the existing development

The existing development, “The Peninsula” apartments, comprises the following:

- 72 tourist accommodation apartments;
- 62 car parking bays; and
- Landscaping to areas surrounding car parking and pedestrian walkways.

(b) Description of the development approved in November 2006

- 8 new tourist accommodation apartments;
- 2 additional car parking bays;
- Raised outdoor terrace area with pool, located above the existing car parking within the central courtyard; and
- Expansion of the existing foyer area.

(c) **Description of the current proposal**

The current proposal incorporates the following additions and alterations to the apartments:

- 10 new tourist accommodation apartments;
- 2 additional car parking bays;
- Outdoor terrace area with pool at the ground level, located next to the existing car parking within the central courtyard; and
- Expansion of the existing foyer area.

(d) **Land use**

Under Town Planning Scheme No. 6 (TPS6), Tourist Accommodation is a “DC” use (discretionary use with consultation) on lots zoned Residential R50 or higher. As defined under Clause 3.3 “Land Use Control within Zones” of TPS6, “DC” means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice (neighbour consultation) in accordance with Clause 7.3 of the Scheme. However, in this instance, the use already exists.

(e) **Assessment**

Assessment of the proposal has been undertaken in accordance with Table 4; “Development Requirements for Non-Residential Uses in the Residential Zone”; Clause 6.3 “Car Parking”; Table 6 “Car and Bicycle Parking”; and Clause 6.2 “Building Height Limits”.

The proposed development complies with all requirements of TPS6 other than the prescribed 0.75 plot ratio, 6.0 metre rear setback and the requirement for onsite parking bays. The non-complying matters have been discussed below.

(f) **Plot ratio**

The statutory controls relating to the plot ratio are as follows:

- Under Table 4 of the Scheme, the maximum plot ratio for “Tourist Accommodation” in residential areas zoned R80 is 0.75 (3,427.5 sq. metres).
- Unless otherwise provided by the Scheme, Clause 4.1(3) requires residential development to conform to the provisions of the Residential Design Codes 2008 (R-Codes). Under Table 1 of the R-Codes, the maximum plot ratio for multiple dwellings on land with a density code of R80 is 1.0 (4,570 sq. metres).

However, Clause 5.2(1) of the Scheme provides that:

“Unless otherwise provided in the Scheme, all non-residential uses in Residential zone shall comply with the requirements prescribed in Table 4.”

Table 4 of the Scheme specifies a maximum plot ratio of 0.75 (3,427.5 sq. metres) for Tourist Accommodation on an R80 density coding lot.

The proposed plot ratio for the development is 0.89 (4,055 sq. metres) which is a variation of 0.14 (627.5 sq. metres) from the prescribed plot ratio of 0.75.

Under Clause 7.8(1) of the TPS6, the Council has the power to vary plot ratio, subject to the power conferred by Sub-clause (1)(b) be exercised and the Council being satisfied that the development will not have an adverse amenity impact. Having regard to the powers of Clause 7.8(1), the plot ratio could be approved for the following reasons:

- (i) The height of the proposal is visually in harmony with neighbouring existing buildings in terms of scale and orientation;
- (ii) The current mass of the development is considered acceptable and will not impact the neighbouring properties to the rear; and
- (iii) Using the R80 density coding for the subject site area of 4,570 sq. metres, a plot ratio of 1.0 (4,570 sq. metres) could be supported if the development was solely residential.

Based upon the above reasons, City officers consider it acceptable to recommend approval for the proposed development. The plot ratio of the Tourist Accommodation is less than 1.0, which would be acceptable if the development was solely residential.

(g) Rear setback

The ten additional Tourist Accommodation apartments will be located on the first and second floor levels above an existing single storey portion of the existing building which has a zero lot setback to a vehicle access way. The configuration of the new apartments will be five on each floor. Other portions of the existing building already have three storeys and the proposed addition will be compatible in height with the overall development.

The existing single storey building and the proposed upper storey additions abut a vehicle access way serving the subject property as well as other residential properties in the vicinity. The boundary wall is at least 13.0 metres from any sensitive residential outdoor area or dwelling, and therefore will have no negative impact on the amenity of any of the adjoining residents. Numerous residents have taken the opportunity to view the drawings for this development, with no objections having been received.

(h) Parking bays

Table 6 of TPS6 prescribes a parking ratio of one parking bay per unit or bedroom. This proposal will result in the number of units being increased from 72 to 82 and the amount of bedrooms being increased to 86 (there are 4 × 2 bedroom units) requiring 86 parking bays to be provided.

The current number of bays provided is 62 with the intended number to be increased to 64 bays.

As reported in the earlier Council report, the current development was originally assessed against the Town Planning Scheme No. 5 provisions where the number of bays required per dwelling was 0.75. It is reasonable to assess the parking requirements for the existing units at the “old” TPS5 ratio, i.e. $72 \times 0.75 = 54$ bays.

For the net increase of 14 bedrooms, the current TPS6 parking ratio should be used, i.e. $14 \times 1.0 = 14$ bays. This gives a total requirement of 68 bays, with the number of bays provided being 64. The requirement for an additional bay per 5.0 sq. metres of the dining area is not applicable to this development, as there is no new area of dining area being proposed as part of this application. In accordance with the information on the website <http://www.thepeninsula.net/accommodation.shtml> there is no dining facility onsite.

Therefore the variation is four car parking bays. Given the inner city location of the site with good bus and ferry access, and noting that the area has good connections to the city of Perth which has further connections to the wider Perth Metropolitan Region, it is considered reasonable for Council to exercise discretion regarding onsite parking. It is recommended that the Council exercise discretion on this basis, and support the parking provision.

- (i) **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 objectives.
- (j) **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. The proposal is considered acceptable having regard to the 24 listed matters.

Consultation

- (a) **Design Advisory Consultants**
The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 9 November 2009. The proposal was favourably received by the consultants, and the architects stated the following:
- The architects observed that the built form of the proposed development is acceptable. It was also noted that the development application approved at the November 2006 Council meeting, has been slightly modified internally without significantly changing its external appearance.
 - Any plot ratio variation that is identified as a result of the planning assessment should be supported as the proposed building was observed not to have a detrimental impact on the adjoining properties.
 - All openings in the building in close proximity to the property boundaries and the right-of-way should be setback in accordance with the BCA requirements.
- (b) **Neighbour consultation**
Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 "Neighbour and Community Consultation in Town Planning Processes". A total of 48 neighbour consultation notices were mailed to individual property owners and occupiers. In addition a sign was placed onsite inviting comment from any other interested person. During the advertising period, no submissions were received.

Policy and Legislative Implications

Comments in relation to various relevant provisions of TPS6 and the R-Codes have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications / Conclusion

The proposed additions / alterations are appropriate to the current use of the site for Tourist Accommodation. The proposed increase in intensity of the use of the site is not seen as having any impact on the amenity of the surrounding residential area or sustainability. It is therefore recommended that the Council exercise discretion to approve the development.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3

That

pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed Additions/Alterations to Tourist Accommodation on Lot 268 (No. 53) South Perth Esplanade **be approved**, subject to:

(a) Standard Conditions

340	Parapet walls- finish of surface	427	Colours and materials – to match
352	Car parking bays marked	660	Expiry of approval
550	Plumbing hidden	354	Hard stand areas maintained / drained
577	Amalgamation of lots		

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

(b) Standard Advice Notes

641	Amalgamation of lots	649A	Minor variations - seek approval
648	Building licence required	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.

CARRIED EN BLOC RESOLUTION

10.3.4 Proposed Four Multiple Dwellings within a 4-Storey Building - Lot 29 (No. 93) South Perth Esplanade, South Perth

Location:	Lot 29 (No. 93) South Perth Esplanade, South Perth
Applicant:	Carbone and Robinson Design
Lodgement Date:	21 September 2009
File Ref:	11.2009.386 SO1/93
Date:	27 November 2009
Author:	Laurence Mathewson, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development & Community Services

Summary

An application for four Multiple Dwellings within a 4-storey building on the subject site was previously conditionally approved by Council at its May 2008 meeting. The owner has requested significant changes to the approved design, and therefore a new application has been lodged. The current application is also for four Multiple Dwellings within a 4-storey building on Lot 29 (No. 93) South Perth Esplanade, South Perth. It is recommended that the proposal be approved subject to conditions.

Background

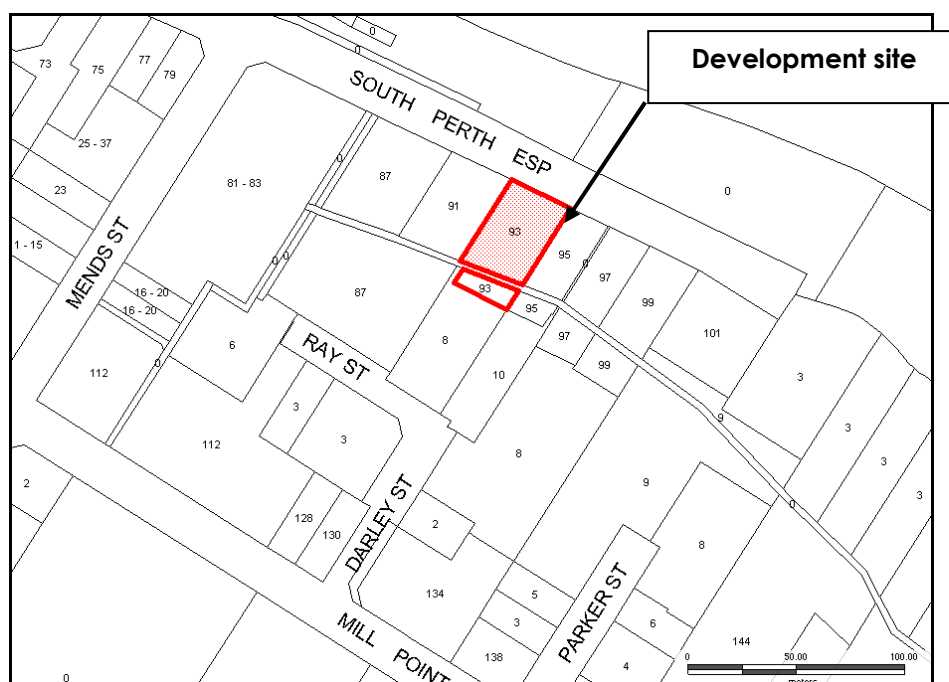
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,543 sq. metres
Building height limit	13.0 metres
Development potential	12 Multiple Dwellings
Plot ratio	1.0 (1638.0 sq. metres; includes the area of the portion of Water Corporation land)

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Site photographs.

The location of the development site is shown below:



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

- 2. **Large scale development proposals**
 - (ii) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term 'height'. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

Comment

(a) Description of the proposal

The subject site is currently developed with a two storey single house, as depicted in the site photographs in **Attachment 10.3.4(b)**.

The proposal involves the construction of four Multiple Dwellings within a 4-storey building on Lot 29 (No. 93) South Perth Esplanade, South Perth, as depicted in the submitted plans in **Confidential Attachment 10.3.4(a)**.

(b) Plot ratio

The plot ratio permitted for the proposed development is 1.0 (1,638 sq. metres). The plot ratio calculation drawings submitted by the applicant demonstrate compliance with the prescribed plot ratio.

The method used to achieve this conclusion was previously accepted by Council. While this is not typical practice, however the situation of the site is equally a rare circumstance. The circumstance is that the site was split into two portions of land (under one Certificate of Title) when the Water Corporation resumed a 3.0 metre wide parcel of land for the purposes of infrastructure management, as depicted in the submitted plans of *Confidential Attachment 10.3.4(a)*.

These changes have only a cadastral effect, in that the differences can only be discovered by examining the Certificates of Title and related mapping information. Conversely however, the perception from the community (including the adjoining neighbours) can only be that of a site relating to one (whole) parcel of land, or more specifically a parcel of 1,638 sq. metres.

In addition, the Water Corporation land does not have the potential for development relating to plot ratio (such as dwelling), and therefore does not require the benefit of floor space in a plot ratio calculation. Furthermore, the landowner (Water Corporation) is fully conversant and supports the proposed development.

In support of this method, the City of South Perth Legal and Governance Officer previously examined the situation, with the following comments:

“The apparent anomaly in the lot area of 1,543 sq. metres and the plot ratio area of 1,638 sq. metres comes about in the following way:

- *There is a narrow rectangular area of freehold land owned by the Water Corporation which runs through Lot 29 (No. 93) which is held by the Water Corporation for the purposes of the South Perth main sewer.*
- *The Water Corporation has agreed to grant an easement to the owners of Lot 29 over the area with the power to build over it.*
- *The owner of Lot 29 has agreed to grant an access easement to the Water Corporation allowing access to the main sewer from South Perth Esplanade.*
- *The plot ratio definition in the R-codes has been correctly applied to include the area of the easement being granted by the Water Corporation to the owner of Lot 29 - viz. the ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries.”*

Consequently, this application has been assessed based on a site of 1,638 sq. metres for the purposes of plot ratio only.

(c) Open space

The open space permitted is 926 sq. metres (60%); the proposed open space is 990 sq. metres (64%), therefore, the proposed development complies with the open space element of the R-Codes.

(d) Building height

The permissible building height limit is 13 metres; the proposed building height is 13 metres, therefore the proposed development complies with Clause 6.2 “Maximum Building Height Limit” of the Town Planning Scheme No. 6.

(e) **Street setback**

South Perth Esplanade has a 12.0 metre minimum building setback requirement in accordance with Table 2 of the City of South Perth Town Planning Scheme No. 6. Clause 4.3 “Special Application of Residential Design Codes - Variations” of TPS6 permits cantilevered balconies or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment. Thus, the proposed development complies with street setback requirements.

(f) **Wall setbacks**

The wall setbacks to the west and south comply with the R-Codes Acceptable Development standards. The east wall setbacks generally comply with the Acceptable Development standards, with the exception of the fire stair / lift wall on Level 3 which is setback 1.35 metres in lieu of 3.5 metres and the kitchen / BBQ (bulk) wall also on Level 3 which is setback 3.5 metres in lieu of 6.0 metres.

The setback variations have been assessed against Performance Criteria 6.3.1 P1 of the R-Codes, which is outlined below:

- (i) Owing to the lot orientation, the proposed development will not have a significant overshadowing impact on the adjoining property. The proposal will therefore ensure adequate direct sunlight and ventilation is provided to the development site and future development on the adjoining vacant lot.
- (ii) All major openings on east facing walls are either set back the required distance or are adequately screened, therefore there is no visual privacy issues associated with the setback variation.
- (iii) Building bulk has been reduced by incorporating ameliorating features and design elements to the external walls:
 - (A) including stone cladding and textured coat finish to the external walls; and
 - (B) sections of the walls are screened by louvered screens. These sections are not solid and will give the appearance of depth and greater visual interest to the east facing walls.

In assessing the wall setback issues, it is considered that the proposal complies with the relevant Performance Criteria.

(g) **Visual privacy setbacks**

The visual privacy setbacks comply with the visual privacy element of the R-Codes, noting that visual privacy setbacks are calculated to include the neighbouring driveway.

(h) **Solar access for adjoining sites**

Due to the steep upward sloping adjoining lots towards the southern side, the proposed development does not overshadow these lots. Therefore the proposed development complies with the solar access element of the R-Codes.

(i) **Finished ground and floor levels - Minimum**

The minimum finished *ground* levels permitted is 1.7 metres above the Australian Height Datum (AHD) and the proposed finished ground level is 1.7 metres above AHD. Therefore the proposed development complies with Clause 6.9(1) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

The minimum finished *non-habitable rooms and car parking* levels permitted is 1.75 metres above AHD and the proposed finished floor level is AHD minus 1.65 metres. Therefore the proposed development does not comply with Clause 6.9(2) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6. However, in accordance with the requirements of Town Planning Scheme No. 6.9 “Minimum Ground and Floor Levels” Council may permit land to be developed at a level lower than that prescribed in Clause 6.9 provided that an adequate engineering solution is provided. As the applicant proposes to provide the engineering solution at the building license phase, this requirement has been placed as a condition on planning approval.

The minimum finished *habitable rooms’ floor* level permitted is 2.3 metres above AHD and the proposed finished floor level is 2.3 metres above AHD. Therefore the proposed development complies with Clause 6.9(2) “Minimum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(j) Finished ground and floor levels - Maximum

The proposed finished ground and floor levels of 1.7 AHD and 2.3 AHD also comply with Clause 6.10.1 “Maximum Ground and Floor Levels” of the Town Planning Scheme No. 6.

(k) Car parking

As the required number of car bays is eight and the proposed number of car bays is 18, the proposed development complies with the car parking element of the R-Codes. No visitor bays are required for four Multiple Dwellings in accordance with the R-Codes.

(l) Bin location

In accordance with the requirements of the R-Codes Clause 6.5.3 “*Landscaping requirements*”, bin storage areas should be conveniently located and screened from view. The proposed bin location is in the undercroft area. This area is not visible from the street, but is located approximately 50.0 metres from the street alignment and is therefore not readily accessible. As a condition of planning approval the owners will provide a letter stating that the proposed bin location will meet their needs. The proposed bin location therefore complies with the R-Codes requirements. Comment on other Environment Health and Regulatory Services matters are discussed under the “Consultation” section of the report.

(m) Pedestrian footpath

A separate pedestrian pathway has been provided along the east side of the lot and the pathway is ramped to allow for wheelchair access. However, lighting is also required to the pathway and a condition has been provided to this effect.

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

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

- (a) *maintain the City's predominantly residential character and amenity;*
- (c) *facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*

- (d) *establish a community identity and ‘sense of community’ both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *ensure community aspirations and concerns are addressed through Scheme controls; and*
- (f) *safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (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;*
- (q) *the topographic nature or geographic location of the land;*
- (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;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants’ comments

The design of the proposal was considered by the City’s Design Advisory Consultants at their meeting held on 9 November 2009. The proposal was favourably received by the consultants. Their comments and response from the applicant and the City are summarised below:

DAC Comments	Project Architect Response	Officer Comment
The architects observed that the proposed development was acceptable in terms of its built form and streetscape compatibility.	No comment.	The comment is NOTED .
The site survey plan should also show the footprint of the adjoining buildings. Additionally, all floor plans should also incorporate the outline of adjoining buildings along with their associated major openings and active habitable spaces.	Amended drawings show required the additional information.	Footprints of adjoining buildings have been shown on amended plans. The comment is NOTED .
In the architects' views, the areas marked on plans, first floor upwards as "common lobby areas" and "cleaners' stores" should not be taken as plot ratio areas because these spaces will be used by more than one dwelling arranged vertically, if not arranged on the same level as per the R-Codes definition. To ensure that these areas are indeed maintained as common properties, the approved strata plans will need to be consistent with the planning approval. To support this view, the architects stated that since lift maintenance will be carried out at the top-most floor level for all the dwellings, the lobby area will again be common property. Plot ratio will need to be carefully assessed in accordance with the R-Codes provisions while having regard to the architects' interpretation.	Amended drawings address the plot ratio issue in accordance with the R-Codes provisions.	The Project Architect has submitted amended plans that depict a modified lobby layout for ground floor and Floors 1 to 3, and modified courts for Levels 1 to 3. The amended plans are 9.0 sq. metres over the permissible plot ratio. The comment is NOTED .

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy 355 "Consultation for Planning Proposals". The owners of various properties at Nos. 91, 95, 97 and 99 South Perth Esplanade, No. 8 Ray Street, and Nos. 8 and 10 Darley Street were invited to inspect the application and to submit comments during a 14-day period. A total of 27 neighbour consultation notices were mailed to individual property owners and strata bodies.

During the advertising period, two submissions were received. One had no objection to the development proposal, and the second was not opposed to the development but did express concern about the potential impact of the west facing windows on visual privacy.

The comments of the submitters together with officer response, are summarised as follows:

Required Submitter's Comment	Officer Response
No objection.	The comment is NOTED .
No objection - Expressed concern about the impact of west facing windows on the visual privacy of the adjoining property.	The proposed development complies with the relevant visual privacy requirements. The comment is NOTED .

(c) Manager, Engineering Infrastructure

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

- (i) the basement ramp down needs to be raised to a level of 1.85 metres AHD to reflect the existing footpath level;
- (ii) the drainage to be in accordance with Policy 415 “Stormwater Drainage Requirements for Proposed Buildings” and Management Practice M415;
- (iii) the crossing is to be concrete while the footpath is to be continuous through the crossing and is to have a maximum width of 6.0 metres;
- (iv) the applicant will need to prepare a Dewatering Management Plan as required; and
- (v) an authority to store building materials on the verge will not be approved for this location due to the narrow lot frontage.

(d) Manager, Environment Health and Regulatory Services

The Manager, Environmental Health Services provided comments with respect to bins, noise, kitchens and laundries. A summary of the comments is as follows:

- (i) all bins to comply with City Environmental Health standards;
- (ii) all fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution; and
- (iii) all laundries and kitchens comply with City Local Law 16 (1) and Regulation 10 of the *Health Act (Laundries and Bathrooms) Regulations* in regards to potential health issues.

(e) Other City Departments

Comment was not required from any other City Departments.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

The proposed development has been designed with sustainability design principles in mind. The proposal maximises solar access to the large north-facing balconies. By virtue of north-south orientation of the lot, the development also allows solar access to the adjoining properties.

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 AND COUNCIL DECISION ITEM 10.3.4
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for four Multiple Dwellings within a 4-storey building on Lot 29 (No. 93) South Perth Esplanade, South Perth **be approved**, subject to:

(a) **Standard Conditions**

625	Vehicle sightlines	390	Crossover standards
455	Standard of dividing fences	393	Verge and kerbing works
550	Plumbing hidden	664	Final inspection required
425	Colours and materials	470	Retraining walls
660	Approval expiration	471	Retaining walls - Timing

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

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) all dividing fences no greater than 1.8 metres in height above the highest approved finished ground levels;
 - (B) location of a mature tree in front setback area or elsewhere on site;
 - (C) the location of lighting for the separate pedestrian footpath; and
 - (D) details of louvres to be provided demonstrating compliance with Clause 6.9.1 of the Residential Design Codes.
 - (E) Plot ratio reduced by 9 sq. metres thereby demonstrating compliance with Table 1 of the Residential Design Codes.
- (ii) Provision shall be made in the design of the floor and walls of the building for adequate protection against subsoil water seepage, and prior to the issuing of a building licence, the applicant shall:
 - (A) provide the City with certification from a consulting engineer that adequate water-proofing has been achieved; and
 - (B) satisfy the City that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot; as required by Clause 6.9 (3) of Town Planning Scheme No. 6.
- (iii) Prior to the issuing of a building license the owners shall provide a letter in support of the bin storage location thereby demonstrating compliance with Clause 6.4.5 of the R- Codes.
- (iv) All bin areas to comply with City environmental health standards.
- (v) In accordance with the requirements of Clause 6.4.5 (A5) of the Residential Design Codes, a landscaping plan shall be submitted for approval by the City. No person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until:
 - (A) the City has approved a landscaping plan; and
 - (B) the landscaping has been completed in accordance with the plan approved by the City.

(c) **Standard Advice Notes**

648	Building licence required	646	General landscaping standards
647	Revised drawings required	649A	Seek approval for minor variations
		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.
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(d) **Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department and Engineering Infrastructure Department to ensure satisfaction of all of the relevant requirements.
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- (iii) The applicant / developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings". Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes.

CARRIED EN BLOC RESOLUTION

10.3.5 Installation of Erosion Protection and Revegetation on Cloisters Foreshore (Tender 27/2009)

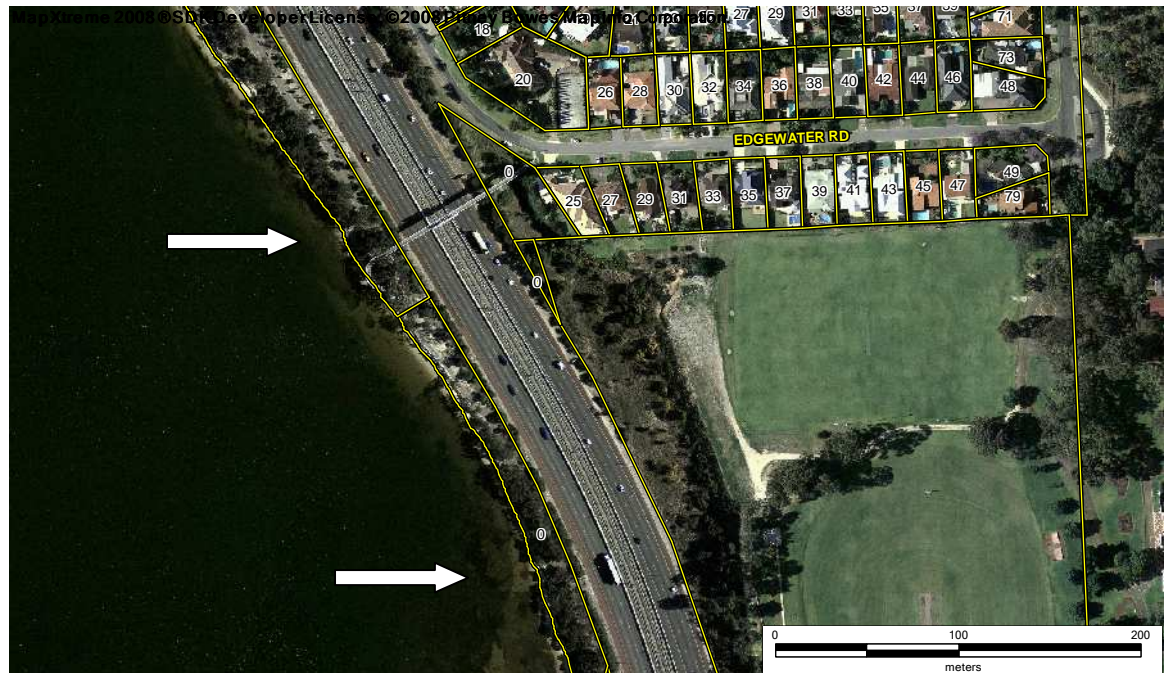
Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 27/2009
Date:	26 November 2009
Author:	Tamara Wilkes-Jones, City Environment Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

Tenders have been called and received for the Installation of Erosion Protection and Revegetation on the Cloisters Foreshore south of Canning Bridge (Tender 27/2009). It is recommended that the contract be awarded to Syrx Environmental for the value of \$192,545 plus GST.

Background

The purpose of this tender is to restore a 236 metre linear section of the Canning River foreshore between Mt Henry Bridge and Cloisters boat ramp, in the vicinity of the Edgewater Road pedestrian overpass. The foreshore is adjacent the Principal Shared Path (PSP) and the Kwinana Freeway. The path is highly used by pedestrians and cyclists.



Various erosion techniques are required to restore this site and include the planting of native vegetation to minimise erosion and encourage natural restoration. Erosion at this site is caused by waves, wind, currents and in particular storm events as is evident by the uprooted trees and undercutting of the PSP.

The City has made several attempts in previous years to address erosion on this section of foreshore. However, each time, the attempts were not successful, mainly due to their limited scope and allocated budget. In response, the City engaged a consultant in February 2006 to investigate and detail the specifications required to restore the site. The assessment and scope of works produced at that time, estimated erosion control works would cost approximately \$191,000. Riverbank funding was then sought and the City was successful in receiving (\$84,636) from the Swan River Trust in 2006, which has been carried over into the current budget.

The reason why this project has taken so long to reach this stage is because it was originally meant to be in partnership with Main Roads WA (MRWA), who was keen to install a coastal protection structure around the supporting pillar of the Edgewater Road pedestrian overpass. MRWA was not able to adequately fund the project for a number of years. When the project was finally allocated funding, MRWA decided to implement its portion of the project alone, which forced the City to change its plans.

MRWA completed repairs to the river wall below the Edgewater pedestrian overpass in February 2009 which also involved the removal, repair and realignment of a 100 metre section of the Principal Shared Path away from the foreshore. This altered the previous assessment, therefore the tender was written in a manner to encourage the Tenderer to detail what restoration methods would best meet the needs and demands of a foreshore environment.

Comment

Tenders were called on 5 September 2009, for the preparation and installation of erosion materials and plants. A lump sum price was requested that also detailed what materials the City was to provide.

Tenders closed at 3.00 pm Friday 2 October 2009 and at the time of opening seven tenders with varying restoration options, experience and costs were received. The tenders and prices submitted are listed below:

Tenderer	Tendered Price (plus GST)
GHEMS Holdings	\$24,543.09
Landcare Services	\$31,930.28
Earthcare Landscapes	\$69,051.65
Environmental Industries	\$150,722.00
Frogmat Environmental	\$181,144.50
Natural Area Management & Services	\$184,850.00
Syrinx Environmental	\$192,545.00

A qualitative evaluation of tenders was then completed based on the following criteria (as listed in the request for tender (RFT)):

Qualitative Criteria	Weighting %
1. Skills and experience of key personnel	20%
2. Demonstrated experience in completing similar projects	10%
3. Demonstrated understanding of the required task	10%
4. Referees	10%
5. Price	50%
Total	100%

The evaluation process resulted in the shortlist of two Tenders (Syrinx Environmental and Natural Area Management & Services) based on documentation compliance, experience, work proposal and project objectives. The remaining tenders did not comply with, or meet the project outcomes and/or showed limited experience and understanding of the scope of the project.

Questions were sent to the short-listed tenderers on the 29 October to assist in the final decision. The decision was difficult and was based on the Qualitative Criteria and project objectives below:

- No damage to existing vegetation;
- Appropriate site preparation as according to the natural needs of the site which also accommodates the installation of all materials and plants;
- Appropriate, thorough and even use and coverage of materials;
- Securely fastened materials to withstand water level fluctuation and wave impact;
- Immediate foreshore stabilisation that also encourages further and long term restoration;
- Appropriate plant positioning which has the hardiness to withstand stress from typical conditions and conditions experienced during strong storm events;
- Appropriate plant positioning and planting methods, which achieves a 100% survival rate for a 4 week period after completion of the entire works;
- Completion in a timely and sequenced manner according to the needs of the site;
- A natural foreshore landscape which compliments the surrounding environment, that will in the long term compliment match the joining foreshore; and
- The use of biodegradable materials (where appropriate) that is of a sufficient thickness, size and grade so as to not compromise the sustainability of the project.

The responses by the short-listed tenderers were used to developing the Qualitative scores below.

Tenderer	Price (plus GST)	Score
Natural Area Management & Services	\$184,850	8.80
Syrinx Environmental	\$192,545	8.99

Syrinx Environmental has achieved the highest score and is recommended as the preferred contractor to perform the works.

In conclusion, the City has recommended the most expensive tender for this project. This is unusual, but not without good reason. Foreshore erosion control using vegetation can have a low success rate, particularly in areas subject to high erosion pressure. It is therefore important that a contractor is chosen which not only provides a very sound response to the specification, but also has a proven record.

The recommended tender is from a well qualified and proven contractor. Syrinx Environmental has a very good work record of foreshore rehabilitation work on the Swan and Canning Rivers. The company has produced similar work for the City before within Sir James Mitchell Park, albeit on a much smaller scale. A major foreshore project managed by Syrinx, within close proximity to the City, was at Point Fraser for the City of Perth. This most successful project was completed a number of years ago and is testament to sound erosion control practice.

Officers are confident the techniques Syrinx Environmental has proposed are the best possible solution to resolve the erosion problem. This is why officers have recommended their tender as the best response to the specification.

Consultation

Public 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 value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

The City has allocated funding of \$145,000 in the 2009/2010 Infrastructure Capital Works programs for this project. This includes the \$84,636 grant funding from the Swan River Trust. The required budget for 2009/10 is \$184,509, which leaves a shortfall of \$40,000. In order to meet the fund shortfall the following budgets are proposed to be used for this project:

A/C 6220	-	\$29,000	Living Steam
A/C 6151	-	\$ 4,000	Mt Henry projects
A/C 6235	-	\$ 7,000	Ecojobs

An additional \$8,037 will be required in 2010/11 to complete the project and will be sought through that financial year's budget process.

Strategic Implications

This project supports the following Goal of the City’s Strategic Plan;
 Goal 3 Environmental Management - *“To sustainably manage, enhance and maintain the City’s unique, natural and built environment in particular Strategy 3.3 “ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community”.*

Sustainability Implications

If a cheaper tender was selected, there is a high possibility that the erosion works will not withstand the storm events experienced at the site, which occur on a regular basis. This could result in the waste of materials used on the site, (vegetation, sand and erosion materials) costs and may even require clean up works.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5
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That....

- (a) the tender submitted by Syrinx Environmental for the Installation of Erosion Protection and Revegetation on Cloisters Foreshore (Tender 27/2009) be adopted for the amounts of:
 - \$184,509 plus GST for the 2009/10 financial year; and
 - \$8,037 plus GST, which will be considered in the 2010/11 budget; and
- (b) additional funding for the project be provided by the following amendment to the adopted budget:

A/C No.	Description	Budget \$	Adjustment \$	Revised Budget \$
6220.2500.30	Living Stream Project	30,000	(29,000)	1,000
6151.2500.30	Mt.HenryEnv.Project	6,000	(4,000)	2,000
6235.2500.30	Ecojobs	14,000	(7,000)	7,000
6206.2500.30	Cloisters Erosion Control	105,000	40,000	145,000
6237.2500.30	Cloisters Foreshore Revegetation	40,000	-	40,000

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Annual Tender 11/2009- Supply and Lay of Brick Paving

Location: City of South Perth
 Applicant: Council
 File Ref: Tender 11/2009
 Date: 14 November 2009
 Author: Fraser James, Tenders and Contracts Officer
 Reporting Officer: Stephen Bell Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 11/2009 for the ‘Supply and Lay of Brick Paving’.

This report will outline the assessment process used during the evaluation of the tenders received. Further, the report will recommend acceptance of the tender from Progressive Brick Paving for the period of supply up to and including 30 June 2011, with an option of one (1) further year to 30 June 2012 subject to satisfactory performance being realised over the life of the Contract.

Background

This tender forms part of the City's annual supply tenders. The supply and lay of brick paving is essential to facilitate the completion of both the 2009/2010 and 2010/2011 brick paving replacement and maintenance program.

A Request for Tender was recently called for the '*Supply and Lay of Brick Paving*'. Tender 11/2009 was advertised in the West Australian on Saturday 1 September 2009.

At the close of the Tender advertising period three (3) submissions from registered companies had been received. The three compliant tenders are tabled below (in no apparent order):

Tenderer	Price
Access Brick Paving	\$184,808
Allstyle Brick Paving	\$177,400
Progressive Brick Paving	\$128,000

Comment

Tenders were invited as a Schedule of Rates Contract. The estimated contract value was determined using approximately 3,500 square metres of paving of which approximately 1,500 square metres formed road pavement and approximately 2,000 square metres formed pedestrian and cycle paths. This is the notional quantity of paving to be replaced during the 2009/2010 financial year (the quantity of paving is an estimate only and the City does not guarantee that this amount of paving will be replaced during the contract period).

The Tenders were reviewed by an evaluation panel and assessed according to the qualitative criteria outlined in the Request for Tender. For ease, the qualitative criteria are noted in Table A below.

Table A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Referees	10%
2. Works record and experience	20%
3. Price	70%
Total	100%

The weighted score and estimated contract value of each tender received is noted in the Table B below.

Table B - Weighted Score and Estimated Contract Value

Tenderer	Estimated Contract Value (GST Exclusive)	Weighted Score
Access Brick Paving	\$184,808	6.89
Allstyle Brick Paving	\$177,400	7.30
Progressive Brick Paving	\$128,000	10.0

The tender received from Progressive Brick Paving contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Request for Tender.

The tender submitted by Progressive Brick Paving was the lowest of all tenders received and recorded the highest score of 10.00 in the evaluation matrix. The recommended tenderer has previously undertaken similar work for the City and their performance to date has been satisfactory.

Based on the assessment of all tenders received for Tender 11/2009, this report recommends to the Council that the tender from Progressive Brick Paving be accepted for the period of supply up to 30 June 2011⁰ inclusive, in accordance with the tendered Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B above. Subject to satisfactory performance being realised over the life of the Contract, there is an option to extend the Contract by one (1) year to 30 June 2012.

Consultation

Public tenders were advertised in accordance with the provisions of 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 value of the tender also exceeds the amount which the Chief Executive Officer has been delegated to accept. Therefore, this matter is referred to Council for its decision.

The following Council Policies apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

The full cost of the works reflected in the tender has been provided in the current 2009/2010 Operations and/or Capital Works Budgets. The tender values will also be reflected in the 2010/2011 annual budget.

Strategic Implications

This item is consistent Goal 4 “Infrastructure” of the City’s Strategic Plan - *To sustainably manage, enhance and maintain the City’s infrastructure assets and in particular Strategy 4.1 - Develop plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level.*

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City’s slab path network.

The service will strengthen the City’s Engineering Infrastructure team by ensuring that they have access to a wide range of services at competitive rates.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.4.1**

That the tender submitted by Progressive Brick Paving for the Supply and Lay of Brick Paving in accordance with Tender Number 11/2009 for the two year period of supply up to and including 30 June 2011, with an option of one further year to 30 June 2010 subject to satisfactory performance being achieved over the life of the Contact, be adopted.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.4.2 Sir James Mitchell Park Deck Construction and Landscaping

Location:	Sir James Mitchell Park
Applicant:	Council
File Ref:	Tender 29/2009
Date:	3 December 2009
Author:	Tamara Wilkes-Jones, City Environment Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

Tenders have been received for the construction of a deck, promenade and landscaping adjacent to the car park at the eastern end of the South Perth Esplanade, within Sir James Mitchell Park (Tender 29/2009). This report outlines the assessment process followed and recommends the tender submitted by Environmental Industries be accepted. It also recommends that the Chief Executive Officer seek a price clarification on aspects of the tender prior to entering into a contract.

Background

Sir James Mitchell Park is the largest and most high profile park in the City offering a large open green space for recreation, heritage and nature. Landscape Architects (Urbis) were engaged in early 2009 to begin working on a concept plan to establish a viewing platform and promenade with landscaping, to link in with the beaches project and adjacent paths.

The objective of the design is to enhance visitor experience by connecting people with the Swan River and the surrounds, while providing excellent views to the City at a location which is easy to access. The site currently consists of a limestone rock revetment wall with low quality grass that abuts the car park. The revetment wall was built with Infrastructure Australia funds as part of the beaches project to prevent further erosion of the bank and incorporates two existing Flooded Gums. The construction of the pathway will connect existing paths to the east and west of the site meaning pedestrians will no longer have to traverse through the car park.

Comment

Tenders were called on 14 November 2009 and closed at 2pm on the 1 December 2009. Seven compliant tenders plus one alternative tender were received and the prices submitted are listed below in ascending order;

Tenderer	Tendered Price (ex GST)
Frogmat Quality Built Landscapes	\$303,701.00
Landscape Elements	\$318,781.53
Environmental Industries	\$331,638.00
Newscape Contractors	\$338,430.09
MMM Civil Contractors WA Pty Ltd	\$369,283.00
Phase 3 Landscape Construction Pty Ltd	\$391,580.00
DME Contractors	\$403,160.40

A short-listing process was undertaken by officers in conjunction with the landscape consultant (Urbis). This resulted in three tenders being chosen for further qualitative analysis (Environmental Industries, MMM Civil Contractors and Phase 3). The remaining tenders were eliminated because, their bid was incomplete and/or they did not adequately address the specification.

Qualitative evaluation of tenders was completed based on the following criteria (as listed in the request for tender (RFT) document):

Qualitative Criteria	Weighting %
1. Ability to complete the project within the specified time	10%
2. Demonstrated experience in completing similar projects	10%
3. Referees	10%
4. Demonstrated understanding of the required task	20%
5. Price	50%
Total	100%

The qualitative evaluation process has resulted in the following scores:

Tenderer	Score
Environmental Industries	8.40
MMM Civil Contractors WA Pty Ltd	7.44
Phase 3 Landscape Construction Pty Ltd	7.91

Analysis of the tenders against the qualitative criteria matrix indicated that the tender submitted by Environmental Industries to be the best value for the City and is recommended. Scoring for each Tender was very close as all had the expertise to complete this project. The deciding weight factor was the price which resulted in Environmental Industries receiving the highest score.

Consultation

Public tenders were advertised in accordance with the provisions of 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 value of the tender also exceeds the amount which the Chief Executive Officer has been delegated to accept. Therefore, this matter is referred to Council for its decision.

The following Council Policies apply:

Policy P607 - *Tenders and Expressions of Interest*.

Regulation 20 of the Local Government (Functions and General) Regulations - *Variations of Requirement before entering into Contract* states:

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

Financial Implications

The tendered price submitted by Environmental Industries is \$331,638.00. In order to better meet the available budget, it is proposed to eliminate the specification for lighting from the project. This will realise a saving of \$40,908 from the tendered price. To compensate, it is proposed to utilise the existing available car park lighting as an interim measure until the Foreshore Promenade project is developed and lighting is provided under this project. Economies of scale should realise a better price per pole.

This amendment results in a tendered price of \$290,730.

The existing budget allocation for this project is \$226,000 (Account 6226). After preliminary expenditure and administration overheads have been allocated, an amount of \$210,000 remains unspent to contribute towards this tender. It is recommended that \$100,000 be reallocated from Account 6224 (SJMP Promenade) to ensure that adequate funding is available to complete the SJMP Deck Construction & Landscaping project, including remaining consultant fees and unexpected expenditure. Sufficient funding remains in the Foreshore Promenade account to complete the design work required for that project for the remainder of 2009/2010.

While the tender by Environmental Industries has been recommended by officers to be the best value, it is considered that some aspects of their bid require more detailed assessment. This could result in a reduction in the overall price. It is therefore recommended that the Chief Executive Officer be delegated authority to negotiate with Environmental Industries following acceptance of the tender but prior to awarding the contract, to clarify pricing on aspects of their tender. This is allowed for under the Local Government (Functions and General) Regulations.

Strategic Implications

This item is consistent Goal 4 “Infrastructure” of the City’s Strategic Plan - *To sustainably manage, enhance and maintain the City’s infrastructure assets and in particular Strategy 4.1 - Develop plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level.*

Sustainability Implications

Sir James Mitchell Park is the major recreational park within the City of South Perth and one of the most important in the metropolitan area. Providing additional amenity through infrastructure is seen as adding to the social capital of the City and therefore its sustainability.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2
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That....

- (a) the tender submitted by Environmental Industries for the construction of a deck, promenade and landscaping adjacent to the car park at the eastern end of the South Perth Esplanade (Tender 29/2009) be accepted;
- (b) Council delegate the Chief Executive Officer authority to negotiate with Environmental Industries, prior to entering into a contract, to clarify aspects of their pricing for this project and
- (c) additional funding for the project be provided by the following amendment to the adopted Budget:

A/C No.	Description	Budget \$	Adjustment \$	Revised Budget \$
6224.1500.30	SJMP Promenade	200,000	(100,000)	100,000
6226.2500.30	SJMP ESP Revetment Wall	226,000	100,000	326,000

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

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: GO/106
 Date: 1 December 2009
 Author: Rajiv Kapur, Manager Development Services
 Reporting Officer: Vicki Lummer, Director Development Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of November 2009.

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 November 2009, sixty one (61) development applications were determined under delegated authority, refer **Attachment 10.5.1**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of November 2009, be received.

CARRIED EN BLOC RESOLUTION

10.5.2	Use of the Common Seal
Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	1 December 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

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

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

November 2009

Nature of document	Parties	Date Seal Affixed
Respite Agreement	City of South Perth and Eleonora Antonia Oldenburg	18.11.2009
Respite Agreement	Trent Benjamin Pettit and Danae Brook McMorran	23.11.2009

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.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</p>

That the report on the use of the Common Seal for the month of November 2009 be received.

CARRIED EN BLOC RESOLUTION

<p>10.5.3 draft Strategic Plan 2010 - 2015</p>

Location:	City of South Perth
Applicant:	Council
File Ref:	CM/601
Date:	27 November 2009
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report provides the Council with the draft Strategic Directions 2010 - 2015 that will form the basis of the Strategic Plan 2010 – 2015, and seeks Council approval to release the draft Strategic Directions 2010 - 2015 for public comment for a period of 45 days.

Background

The City of South Perth's current Strategic Plan expired in 2008. Since this time, the City has been engaged in extensive consultation with the City's key stakeholders, residents, Elected Members and staff in the development of the '*Our Vision Ahead*' document that details our vision for the future and guides our goal setting and service delivery for the next five years.

The draft Strategic Directions 2010 - 2015 is an outcome of a comprehensive planning process, involving a number of components including:

- *Our Vision Ahead* (adopted by Council 13 October 2009)
- Council Vision Priorities, prepared by John Scotland Consultants (prepared in November 2008)
- Various City planning documents
- Strategic Plan 2004 – 2008
- Staff Input

The *Our Vision Ahead* process was used to ensure that the new Strategic Plan will be responsive to the needs and aspirations of the local community. Over 1450 people participated in *Our Vision Ahead* which primarily addressed the following four questions through a variety of community stakeholder workshops, visioning summits, visioning roundtables, group and individual surveys and a youth summit:

1. What do you value most about your community and place?
2. What do you think are the key issues we will face in the future?
3. What is your vision for the future?
4. What can be done at a local level to achieve your vision?

Our Vision Ahead generated many key ideas from the community in respect to the environment, housing, transport, community and place which have been integrated in to the development of the draft Strategic Directions 2010 - 2015, including:

- Addressing the needs of a diverse community
- Planning for a rapidly expanding population
- Planning for the needs of an ageing population
- Addressing the 'leakage' of economic and social activity
- Addressing the demand for a mix of services, activities and active places within walking distances of most homes (walkable communities)
- Addressing the threats of biodiversity loss, peak oil and climate change
- Responding to changing demands for service delivery and community interaction
- Meeting the higher community expectations in respect to leadership and effective governance

Comment

The draft Strategic Directions 2010 – 2015 is at **Attachment 10.5.3**. It is based on six themes, five of which are directly from the *Our Vision Ahead* community vision goals:

- Creating opportunities for a safer, active and connected **Community**
- Nurture and develop natural spaces and reduce impacts on the **Environment**
- Accommodate the needs of a growing population with a planned mix of **Housing and Land Uses**
- Plan and develop safe, vibrant and amenable **Places**
- Improve accessibility to a diverse and interconnected mix of **Transport** choices

The sixth theme is related to the organisation's internal systems and processes to ensure that the community's themes can be delivered in a proper and accountable manner.

- Ensure that the City's **Governance** enables it to respond to the community's vision in a sustainable manner whilst delivering on its service promises.

Consultation

The draft Strategic Directions 2010 - 2015 will be made available for public comment 16 December 2009 to 29 January 2009, a period of 45 days. Additional time has been provided for public comment given that this occurs during some of the holiday season. It is proposed to widely advertise the draft Strategic Directions 2010 - 2015, including a weekly article appearing in the City Update.

After consideration of comments received, the final Strategic Plan is intended to be presented to the Council at the 16 February 2010 Briefing Session and 23 February 2010 Council meeting for adoption.

Policy and Legislative Implications

The City of South Perth's Strategic Plan 2010 – 2015 will form the "Plan for the Future", as required in section 5.56 of the Local Government Act 1995.

Section 5.56 of the *Local Government Act 1995* provides that:

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The Local Government (Administration) Regulations 1996 Clause 19C and 19D provide:

"19C. Planning for the Future – s.5.56

1. In this regulation and regulation 19D –

"plan for the future" means a plan made under section 5.56.

2. A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).

3. A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.

4. A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.

5. A council is to consider a plan, or modifications, submitted to it and is to determine whether or not to adopt the plan, or the modification, as is relevant.*

**Absolute majority required.*

6. If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

7. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.

8. A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

9. A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

19D. Notice of plan to be given

1. –After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government it to give local public notice in accordance with subsection (2).

2. The local public notice is to contain –

a) Notification that –

i. a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

ii. details of where and when the plan may be inspected;

or

b) where a plan for the future of the district has been modified –

i. notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

ii. details of where and when the modified plan may be inspected.”

Financial Implications

The City has set aside funding to undertake the development and adoption of the new Strategic Plan 2010 to 2015.

Strategic Implications

This aligns with ‘Goal 5 – Organisational Effectiveness’ of the Strategic Plan 2004 – 2008, to be a professional, effective and efficient organisation.

The proposed Strategic Plan will guide the strategic direction for the City of South Perth, from 2010 to 2015.

Sustainability Implications

The proposed Strategic Plan is based on the sustainability principle of planning for and meeting the needs of the present without compromising the ability of future generations to plan and meet their own needs.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3
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That the Council endorses the release of the City of South Perth *draft* Strategic Directions 2010 – 2015 at **Attachment 10.5.3** for public comment for a period of 45 days, 16 December 2009 to 29 January 2010.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - November 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 December 2009
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries are compiled according to the major functional classifications. These summaries compare actual performance against budget expectations. The summaries are presented to Council with comment provided on the significant financial variances disclosed in those reports.

The attachments to this financial performance report are part of the suite of reports that were recognised with a Certificate of Merit in the last Excellence in Local Government Financial Reporting awards.

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 more than 100 pages of 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 report 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.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those 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). Notwithstanding the statutory requirement, the City provides comment on other 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. This schedule reflects a reconciliation of movements between the 2009/2010 Adopted Budget and the 2009/2010 Amended Budget including the introduction of the capital expenditure items carried forward from 2008/2009 (after August 2009).

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

Comment

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

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

Operating Revenue to 30 November 2009 is \$32.20M which represents 101% of the \$31.88M year to date budget. Revenue performance is close to budget expectations overall - although there are some line item differences. Municipal Fund interest revenues have improved - but are still below budget expectations due to weak investment rates in the early part of the year. Planning & Building Services revenue is ahead of budget expectations due to higher than budgeted levels of activity (a pleasing indicator of an improving economic climate). Collier Park Village revenue is right on target whilst Hostel revenue lags budget expectations due to lesser commonwealth subsidies being received (as the commonwealth funding model has yet again been adjusted to the detriment of our facility). Parking revenue (meter parking and infringements) continues to be well ahead of budget to the end of November - although this is assisted by slightly conservative budget phasing. Golf Course revenue remains around 9% ahead of budget targets. Ground hire fees are currently in advance of budget expectations but this is expected to settle back in line with targets later in the year. The plant nursery reflects a substantial book gain in the carrying value of nursery greenstock. A significant developer contribution (offset by an equivalent expenditure item) is also reflected in the Engineering Infrastructure Services area.

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

Operating Expenditure to 30 November 2009 is \$14.97M which represents 99% of the year to date budget of \$15.18M. Operating Expenditure to date is 3% under budget in the Administration area, 1% over budget in the Infrastructure Services area and 3% under budget for the golf course. There are several favourable variances in the administration areas that relate to budgeted (but vacant) staff positions in the CEO Office, Building Services and Rangers areas. Waste collection arrangements and site fees have resulted in a small favourable variance against budget to date. Golf Course expenditure is close to budget overall - but it has a number of line item variances that are not individually significant. Most other items in the administration areas remain close to budget expectations to date other than minor timing differences.

Streetscape maintenance, park maintenance, environmental services and building maintenance all are currently close to budget expectations other than a couple of timing differences that are being investigated by the responsible manager. Fleet charge out rates and overhead recovery rates are currently under review and will be adjusted for the start of the new calendar year. There are some small unfavourable variances relating to road and path maintenance that are partly offset by favourable variances on street lighting and street sweeping. These are considered to be only timing differences and will reverse later in the year.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 3.8% under the budget allocation for the 217.6 FTE positions approved by Council in the budget process - but we are yet to receive some agency staff invoices to month end.

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 \$1.58M at 30 November against a year to date budget of \$1.38M. A significant portion of this (\$0.5M) is a draw down of the LotteryWest grant for the Library & Community Facility project which has been accessed earlier in the program than was anticipated. There is a small unfavourable variance relating to the timing of lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village and also on road grants. Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5).**

Capital Expenditure at 30 November 2009 is \$3.88M which represents 91% of the year to date budget and some 21% of the full year budget (after the inclusion of carry forward works approved by Council in August). Management is closely monitoring delivery of the capital program and is again using the staged capital program approach of running a 'Deliverable' and a 'Shadow' capital program to ensure that organisational capacity and expectations are appropriately matched.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein are provided bi-monthly from the finalisation of the October management accounts onwards.

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	1,065,000	999,568	94%	7,120,000
Financial & Information Services *	140,000	148,319	106%	720,000
Planning & Community Services	255,000	192,716	76%	872,850
Infrastructure Services	2,584,507	2,301,229	89%	9,165,990
Golf Course	240,200	237,281	99%	418,200
Total	4,284,707	3,879,113	91%	18,297,040

- Financial & Information Services is also responsible for the Library building project which constitutes the majority of the capital expenditure under the CEO Office

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 which in turn promotes dynamic and prudent financial management.

Strategic Implications

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

Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances.

Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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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.
- (c) the Schedule of Movements between the Adopted & Amended Budget provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 November 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 December 2009
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. Current money market and economic volatility make this an even more significant management responsibility. The 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. Because significant holdings of money market instruments are involved, 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.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. 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 and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$45.57M compare favourably to \$41.42M at the equivalent stage of last year. Reserve funds are some \$1.0M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV (\$1.5M higher) and \$0.3M higher in the Future Transport Works Reserve but \$0.7M less holdings in the Future Building Works Reserve as monies are applied to the new Library & Community Facility project.

Municipal funds are \$3.2M higher due to the additional \$1.0M in restricted funds (IAF grant relating to the Library & Community Facility) and much lesser capital outflows to date because we are not making cash calls on the UGP Project this year. As collections from rates have flowed into the City to date, it has been shown that our convenient and customer friendly payment methods - supplemented by the Rates Early Payment Incentive Prizes (all prizes donated by local businesses) have continued to have the desired effect in relation to our cash inflows despite the challenging economic climate.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is continually monitored and re-balanced as trends emerge.

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 \$19.04M (compared to \$15.80M at the same time in 2008/2009). **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$44.32M compared to \$40.44M at the same time last year. This is due to the higher holdings of both Reserve Funds and Municipal Funds as investments as described above. In the current year we also have higher cash holdings in bank accounts as required by the grant funding obligations.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 96.5% 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 an 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 one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible 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. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. 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 \$0.67M - well down from \$1.17M at the same time last year. This result is attributable to the substantially lower interest rates - notwithstanding higher levels of cash holdings. Rates were particularly weak during July and much of August - but have strengthened slightly since late September as banks have undertaken capital management initiatives.

Investment performance will continue to be monitored in the light of current low interest rates to ensure pro-active identification of secure, but higher yielding, investment opportunities - or any potential adverse budget closing position impact. Throughout the year, we will re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed 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 4.41% with the anticipated yield on investments yet to mature sitting at 4.75% (compared with 4.47% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 3.25% - although this is an improvement on the 2.75% on offer in September and October.

(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 November 2009 (after the due date for the second instalment) represent 81.5% of total rates levied compared to 81.2% at the equivalent stage of the previous year. This is a particularly pleasing result given the challenging economic climate at present. It also reflects a good community acceptance of the rating and communication strategies applied by the City in developing the 2009/2010 Annual Budget.

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 \$2.39M at month end excluding UGP debtors - which compares to \$1.39M at the same time last year. The major contributing factor to this increased value of debtors is an invoice issued on 30 Nov for a draw-down of \$0.50M of the LotteryWest grant associated with the Library & Community Facility building project. There are also invoices raised for \$0.30M for (confirmed) grants associated with Australia Day & Fiesta which will be collected closer to the event dates. There is a further \$0.10M in minor road grants and other accruals and the balance of parking infringements outstanding is also higher than last year. The majority of the outstanding amounts are government & semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) **Underground Power**

Of the \$6.76M billed for UGP (allowing for adjustments), some \$5.33M was collected by 30 November with approximately 71.5% of those in the affected area electing to pay in full and a further 27.6% opting to pay by instalments. The remaining 0.9% has yet to make a payment. However, most of these 22 properties are new billings or disputed billing amounts. Several of these have now become the

subject of follow up collection actions by the City as they have not been addressed in a timely manner. Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 - but on the negative side, resulted in less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice).

It is important to appreciate that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan).

The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 30 November 2009 Monthly Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 December 2009
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 November 2009 and 30 November 2009 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 and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list 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.

The format of this report has been modified from October 2008 forwards to reflect contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance an EFT payment reference of 738.76357 reflects that EFT Batch 738 made on 24/10/2008 included a payment to Creditor number 76357 (ATO).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function are no longer recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3
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That the Listing of Payments for the month of November as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Mayor Best

I hereby apply for Leave of Absence from all Council Meetings for the period 2 January until 10 January 2010.

11.2 Application for Leave of Absence : Cr Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 16 January until 20 January 2010.

11.3 Application for Leave of Absence : Cr Ozsdolay

I hereby apply for Leave of Absence from all Council Meetings for the period 13 January until 24 January 2010.

11.4 Application for Leave of Absence : Cr Burrows

I hereby apply for Leave of Absence from all Council Meetings for the period 2 to 11 January and 16 to 30 January 2010.

COUNCIL DECISION ITEM 11.1 – 11.4

Moved Cr Trent, Sec Cr Wells

That....

- (a) Mayor Best be granted Leave of Absence from all Council Meetings for the period 2 to 10 January 2010;
- (b) Cr Lawrance be granted Leave of Absence from all Council Meetings for the period 16 to 20 January 2010;
- (c) Cr Ozsdolay be granted Leave of Absence from all Council Meetings for the period 13 to 24 January 2010; and
- (d) Cr Burrows be granted Leave of Absence from Council Meetings for 2 to 11 January and from 16 to 30 January 2010.

CARRIED (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Underground Power FundingCr Trent

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 15 December 2009.

MOTION

That Council endorses an application being lodged by officers in relation to Round 5 Underground Power Funding before the closing dated of 19 February 2010.

MEMBER COMMENT

As the whole system of putting power underground is going to be reviewed and we do not know whether undergrounding of power will continue, believe it is important to get as much underground power as we can and therefore support the officers making a submission for the Round 5 Underground Power Funding before the closing dated of 19 February 2010.

CEO COMMENT

Underground Power projects are selected based solely on performance criteria as established by Western Power and which address known “black” spots in the electricity grid. The City proposes to submit a number of applications to Western Power for the Round 5 Expression of Interest to embrace the four remaining underground power areas of Hurlingham, Kensington, Collier and Manning / Salter Point. Of the four projects, Hurlingham and Manning / Salter Point appear to be the areas that would most likely attract favourable assessment from Western Power as the areas are:

- subject to voltage fluctuations;
- subject to strong redevelopment;
- adjacent to existing underground power areas; and
- have land use zonings which encourage redevelopment.

With the February Council meeting being held after the date of the closing of Expressions of Interest the Council will not have the opportunity to endorse the submission that will be forwarded to the Office of Energy so the motion is appropriate.

COUNCIL DECISION ITEM 12.1

Moved Cr Trent, Sec Cr Doherty

That Council endorses an application being lodged by officers in relation to Round 5 Underground Power Funding before the closing dated of 19 February 2010.

CARRIED (12/0)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members

Nil

13.2 Questions from Members

13.2.1 Mosquitoes in Waterford.....Cr Burrows

Summary of Question

In relation to the many complaints being received regarding mosquitoes, particularly in the Waterford area, can officers please advise what is being done in relation to this issue – are we fogging?

Summary of Response

The Manager Environmental Health and Regulatory Services responded that since November, officers have maintained a regular monitoring program of the wetlands in Waterford. He detailed the program and stated that Larvicide (a chemical which prevents lava from growing to adult mosquitoes) has been placed where applicable. Fogging which is dependant on weather conditions has not been done as this also causes beneficial insects to be killed.

13.2.2 Managing MosquitoesCr Trent

Summary of Question

In relation to the mosquito problem, what publicity is given to this issue?

Summary of Response

The Manager Environmental Health and Regulatory Services said that articles had been placed in the Southern Gazette newspaper City Update section advising people what to do around their properties to prevent mosquitoes from breeding.

13.2.3 Planning Approval vs Neighbour Consultation.....Cr Doherty

Summary of Question

Questions relate to a situation after planning approval had been made for a double story building where neighbours were not consulted.

1. If there has been an error in interpreting the R-Codes that adversely affect neighbours what recourse do neighbours have to redress this situation? Can a planning decision be changed? What happens if the building is in the process of being built or has been built and a planning error has been found?
2. If there has been an error in the site plan that was submitted to the Council that results in a decision that may adversely affect neighbours what recourse do neighbours have to redress this situation?
3. Where neighbours are advised of a planning decision after it has been made, will they be able to view the building plans? If so, will there be any payment for this and can they obtain a copy of the plans?

Summary of Response

The Director Development and Community Services responded that:

1. The question is based upon the assumption that officers have interpreted the R-Codes incorrectly, which may or may not have been the case. However, there are no third party appeal rights in Western Australia for the adjoining property owners.

A planning decision can not be changed. However, as a responsible authority, if the development is assessed to indeed adversely affect the adjoining property owner, the City could approach the subject property owners, enter into a dialogue with them and ask them to comply with the relevant planning requirement, by modifying the design, if construction has not commenced. This step will be in the interest of maintaining good neighbourly relations.

Where the building is in the process of being built, preventative design measures to achieve compliance could be taken, for example, in relation to achieving visual privacy. In other instances where no solution is available, unfortunately, the City will not be able to take further steps.

2. Generally, errors are identified during the planning assessment phase when the Assessing Officer takes into account the existing developments on adjoining properties, carries out site inspections and does necessary checks on the property files. For example, during a site inspection for one of the proposed developments on Ryrie Avenue, the Assessing Officer observed that a major opening on an adjoining property had not been marked on the site plan. The Assessing officer marked the window on the drawings and assessed the proposed development accordingly.

If there has been an error in the site plan that was submitted to the Council that results in a decision that may adversely affect neighbours, the neighbours can discuss the matter with the City's Planning Services. If the error has gone unnoticed, the City officers will then assess the extent of adverse impact, and follow up with the subject property owner with a view to achieve compliance to the practical extent possible.

3. Under the present practice, where neighbours are advised of a planning decision after it has been made, these neighbours have also been consulted prior to making a decision in accordance with the City Policy, have viewed the plans and have also made a submission during the consultation phase. In these cases, under the present practice, the neighbours are able to view the approved planning drawings as the drawings are subject to modification during the assessment process.

As discussed above, under the present practice, such neighbours are not required to make a payment. However, they can not obtain a copy of the approved drawings from the City. They may choose to contact the subject property owner or developer to obtain copies of drawings. The Council decision in relation to item 10.0.1 of the December 2009 Council meeting may bring about changes to the present practice, that are currently not known to the officers.

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.1.1 - dealt with at the beginning of the Agenda.

Note: The Mayor sought an indication from Members as to whether they wished to discuss *Confidential* Items 15.1.2 and 15.1.3. As there was no debate proposed by Members the meeting was not closed to the public at 9.15pm.

DECLARATIONS OF INTEREST : ITEM 15.1.2

The Mayor read aloud the following Declaration from Cr Ozsdolay

In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Confidential Agenda Item 15.1.2 - 'city of South Perth Australia Day Citizens of the Year Awards' - on the Council Agenda for the meeting to be held 15 December 2009.

I disclose that I nominated one of the candidates in my role as President of Como Rotary but do not consider that this will affect my decision making and therefore intend to remain in the Council Chamber for this item.

Cr Trent Item 15.1.2

Cr Trent declared an interest in Item 15.1.2

I disclose that I nominated one of the candidates in my role as Hon. Secretary of the RSL but do not consider that this will affect my decision making and therefore intend to remain in the Council Chamber for this item.

Cr Skinner Item 15.1.2

Cr Skinner declared an interest in Item 15.1.2

I did not nominate any of the candidates in my role as a member and volunteer with the Senior Citizens and do not consider that this will affect my decision making and therefore intend to remain in the Council Chamber for this item.

Note: Crs Ozsdolay, Trent and Skinner remained in the Council Chamber

15.1.2 City of South Perth Australia Day Citizen of the Year and Premier's Australia Day Active Citizenship Awards <i>Confidential- Not to be Disclosed Report</i>

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/108
Date:	23 November 2009
Author:	Seánna Dempsey, Community Development Officer
Reporting Officer:	Sandra Watson, Manager Community Culture & Recreation

Confidential

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

Note: *Confidential* report circulated separately.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 15.1.2
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Moved Cr Hasleby, Sec Cr Best

That....

- (a) following consideration of the nominations received for the 2010 City of South Perth Citizenship Awards the nominees as presented in the recommendation of the *Confidential* Report Item 15.1.2 of the December 2009 Council Agenda, be approved; and
- (b) the contents of this report remain ***Confidential*** until after the Award presentation on 26 January 2010.

CARRIED (12/0)

15.1.3 Infrastructure Studies - <i>Confidential- Not to be Disclosed Report</i>
--

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	23 November 2009
Author:	Cliff Frewing, Chief Executive Officer

Confidential

This report is declared ***Confidential - Not to be Disclosed*** under Section 5.23(c) of the *Local Government Act* as it relates to a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting.

Note: *Confidential* report circulated separately.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 15.1.3**

Moved Cr Trent, Sec Cr Doherty

That Council....

- (a) engage consultants to provide a “Cost Benefit” Business case for the provision of the Manning Road on ramp and South Perth Railway Station; and
- (b) the estimated cost of conducting the studies (\$50,000) be funded from a transfer from the Future Transport Works Reserve as follows:

A/C	Description	Type	Current Budget \$	Adjustment \$	Amended Budget \$
8930.5831	Precinct Studies	Exp.	120,000	50,000	170,000
9927.7802	Transfer to Municipal Fund	Trans	40,000	50,000	90,000
1045.9927	Transfer from Transport Works Reserve	Trans	(40,000)	(50,000)	(90,000)

CARRIED (12/0)

And By Required Absolute Majority

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the public gallery the Minute Secretary read loud the Council Decisions at Items 15.1.2 and 15.1.3.

CHRISTMAS GREETINGS

The Mayor thanked Members and Officers for their contribution over the year and wished them and their families a merry Christmas and a safe and happy New Year.

16. CLOSURE

The Mayor closed the meeting at 9.23pm and thanked everyone for their attendance.

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 23 February 2010

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

15/12/2009 7:16:45 PM

Item 7.1.1 – 7.1.2 Confirmation of Minutes Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 7:17:21 PM

Item 8.1.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 7:32:00 PM

Item 8.5.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 7:35:46 PM

Item 9.0 En Bloc Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

Motion to Change Order of Business Carried 12/0

Motion to Close Meeting to Public Carried 12/0

15/12/2009 8:14:48 PM

Item 15.1.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

Motion to Open Meeting to the Public Carried 11/0 (Cr Grayden Declared an Interest)

15/12/2009 8:39:12 PM

Amendment Item 10.0.1 Motion Passed 9/3

Yes: Mayor James Best, Cr Peter Best, Cr Travis Burrows, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Ian Hasleby, Cr Glenn Cridland, Cr Les Ozsdolay

Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 8:40:41 PM

Item 10.0.1 Motion Passed 11/1

Yes: Mayor James Best, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Ian Hasleby

Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 8:45:30 PM

Item 10.0.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 8:50:12 PM

Item 10.0.3 Motion Passed 10/2

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Roy Wells, Cr Colin Cala

No: Cr Les Ozsdolay, Cr Rob Grayden

Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 8:56:39 PM

Item 10.2.2 Motion Passed 11/1

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Roy Wells, Cr Colin Cala

No: Cr Rob Grayden

Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 8:58:12 PM

Item 11.1 to 11.4 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 9:05:47 PM

Item 12.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 9:19:58 PM

Item 15.1.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote

15/12/2009 9:20:55 PM

Item 15.1.3 Motion Passed 12/0

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Casting Vote