



**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 24 November 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 October 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:

V Lawrance	Civic Ward
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 M Kent	Director Financial and Information Services
Ms V Lummer	Director Development and Community Services
Mr M Taylor	Acting Director Infrastructure Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Ms C Husk	City Communications Officer (until 8.20pm)
Mrs K Russell	Minute Secretary

Gallery Approximately 28 members of the public and 1 member of the press were present.

**4.1 Apologies**

Nil

**4.2 Approved Leave of Absence**

Nil

**5. DECLARATION OF INTEREST**

The Mayor reported that a Declaration of Interest had been received from Cr Grayden in relation to Agenda Items 8.1.1, 8.12, 10.1.1 and 10.3.3. He further stated that in accordance with *Local Government (Rules of Conduct) Regulations 2007* that the Declaration 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 13 October 2009 Mr Defrenne, 24 Kennard Street, Kensington 'tabled' 21 questions which had previously been asked and responded to and which the Mayor stated were 'taken as correspondence'. A response to these previously asked questions was again provided by the CEO by letter dated 19 October 2009.

**6.2 PUBLIC QUESTION TIME : 24.11.2009**

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 Barrie Drake, 2 Scenic Crescent, South Perth**

*(Written Questions submitted prior to the meeting)*

Summary of Question

1. At the Council Meeting of 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. Please show me where I have asked these questions and the answers provided by the City?
2. If the Minister John Day refers 11 Heppingstone Street, South Perth to the State Administrative Tribunal for further scrutiny and report will the City spend more ratepayers money trying to defend the indefensible?

Summary of Response

The Mayor referred Mr Drake to the May 2009 Council Meeting Minutes and the resolution passed..... *“That 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.”*

He further stated that the questions raised had been previously asked and responded to on several occasions over a number of years and suggested Mr Drake contact the Minister for Planning or the Supreme Court. The Mayor then referred to correspondence dated 23 October 2009 from the Minister for Planning to Cornerstone Legal (representing Mr Drake) and read aloud the last paragraph, as follows: *“I am reluctant to refer your representations to the SAT when they may have little or no practical effect. ...They relate to a development which was completed six years ago, your client has already had an opportunity to ventilate his concerns (while legally represented before the SAT), and both the owners of the development and the City of South Perth have incurred considerable expense in responding to the last SAT proceeding. If Mr Drake wishes me to consider further whether to refer his representations to the SAT, please address the matters set out above in writing so that I can consider them in making my final decision.*

**6.2.2 Mr Harry Anstey, 21 Riverview Street, South Perth**

*(Written Questions submitted prior to the meeting)*

Summary of Question

At the Special Electors Meeting of 16 November, several statements were made by Mr Parker including that: -

Fiona, at McLeods the Council’s solicitors, had advised Mr Parker of advice provided to Council concerning the matter of the City lodging a challenge in the Supreme Court concerning ROW 15; and

When the Parkers purchased the property at 32 Riverview St around 2001, they found a letter from a Council Officer suggesting that application should be made to Close the adjacent ROW 15.

Will Council clarify whether these statements are accurate and if so, advise:

1. Whether MacLeods are the relevant solicitor providing advice and were authorised to discuss their confidential advice to Council with this resident. And if so, then please ensure this advice is placed in the public arena along with his response.
2. Whether Council has a record of the letter sent to the owner of 32 Riverview St around 2001-2003, suggesting application to Close ROW 15. If so, please provide a copy of that complete communication, so surrounding residents and South Perth Primary School community may also be aware of the subject matter, even if many years later.

Summary of Response

The Mayor responded as follows:

1. Fiona Grgich of McLeods Lawyers is advising the owners of the strata units at 33 Angelo Street. Mcleods are not providing advice to the City concerning Right-of-Way 15 and the related building additions proposed by the owner of 32 Riverview Street. Jackson McDonald,lawyers are representing the City in the State Administrative Tribunal concerning the proposed building additions.
2. The City has no record of a letter sent to the previous owner of 32 Riverview Street suggesting that they should make an application to have Right-of-Way 15 closed. However in response to an enquiry from the previous owner regarding possible closure, the City wrote to her on 15 February 2001. The letter explained the process for closure, but did not encourage the submission of an application for closure. To the contrary, the letter advised that Council's (former) Right-of-Way Policy P27 designated ROW 15 for retention and expressed doubts about Council supporting a closure request, due to the existence of the public footpath.

**6.2.3 Mr Eric Eisenmann, 40 Elizabeth Street, South Perth**

*(Written Question submitted at the meeting)*

Summary of Question

In relation to Agenda Item 10.3.3, would it not make sense to defer, or at least link the Motion to the current Supreme Court action?

Summary of Response

The Mayor responded that Cr Skinner was proposing an Alternative Motion to that effect.

**6.2.4 Mr Geoff Defrenne, 24 Kennard Street, Kensington**

*(Written Questions submitted at the meeting)*

Summary of Question

The Agenda for each Council meeting consists of a number of reports, generally prepared by City employees.

1. Who is responsible for a report where the author of the report is named?
2. Who is accountable for a report where the author is named?

At recent Council Meetings there have been questions regarding the possible legal advice obtained by the City given to Barrie Drake re 11 Heppingstone Street, South Perth:

3. Has the Mayor or any Councillor been given any information either written or verbally regarding the legal advice obtained?
4. Will the Mayor or any Councillor be given any information either written or verbally regarding the legal advice after it is obtained?
5. Is the CEO seeking legal advice on his responsibilities in respect to the possible leaking of confidential legal advice to Barrie Drake?

Summary of Response

The Mayor said that 'tabling' five questions at the commencement of a Council Meeting did not allow time for a comprehensive reply. He further stated that the questions would be taken as correspondence and a written reply provided to Mr Defrenne.

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: 13.10.2009**  
**7.1.2 Special Council Meeting Held: 20.10.2009**  
**7.1.3 Special Electors Meeting Held: 16.11.2009**

<b>COUNCIL DECISION ITEM 7.1.1, 7.1.2 AND 7.1.3</b>
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Moved Cr Burrows, Sec Cr Skinner

That the Minutes of the:

- Ordinary Council Meeting held 13 October
- Special Council Meeting held 20 October; and
- Special Electors Meeting held 16 November 2009 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

**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 - October Ordinary Council Meeting Held: 6.10.2009**

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

**7.2.2 Concept Forum: Elected Member Training: Meeting Held: 28.10.2009**

Mayor Best and the CEO provided an Elected Member training overview and Mr N Douglas of McLeods provided a presentation on Financial and other Interests and Rules of Conduct Regulations.

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

**7.2.3 Concept Forum: Major Town Planning Development: Meeting Held: 4.11.2009**

Officers of the City and the developer presented an overview of the 'Proposed Expansion to Existing Tourist Accommodation use (Metro Hotel)' 61 Canning Highway, South Perth and responded to questions from Members.

Notes from the Concept Briefing are included as **Attachment 7.2.3.**

**7.2.4 Concept Forum: Town Planning Principles, Capital City Planning Framework and Community Consultation Policy: Meeting Held: 10.11.2009**

Officers of the City and presenters provided an overview on Town Planning Principles, Capital City Planning Framework and the Community Consultation Policy. Questions raised by Members were responded to by officers/presenter.

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

**7.2.5 Concept Forum: SJMP Flag Pole Design Options and Parking Permits Workshop: Meeting Held: 11.11.2009**

Officers of the City provided background on the Sir James Mitchell Park Flag Pole Design Options and 'workshopped' a Parking Permit proposal. Questions were raised by Members and responded to by officers.

Notes from the Concept Briefing are included as **Attachment 7.2.5.**

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.5 INCLUSIVE**

Moved Cr Best, Sec Cr Grayden

That the comments and attached Notes under Items 7.2.1 to 7.2.5 inclusive on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (13/0)

**8. PRESENTATIONS**

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

**8.1.1 Petition received 27 October 2009 from David Skinner, 21 Tate Street, South Perth together with 190 signatures calling for a Special Electors Meeting to Discuss ROW15.**

*The Mayor read aloud the text of the petition as follows:*

Under Section 5.28 of the *Local Government Act 1995*, the electors of Mill Point Ward whose names, addresses and signatures are set out in the attached list and who comprise more than 100 electors, request that a Special Meeting of Electors of the district be held. The details of the matter to be discussed at the Special Electors Meeting are:

- (a) the closure of ROW15 and the impact this is having on the South Perth community and the South Perth Primary School; and
- (b) the City of South Perth fund a challenge to the closure of ROW15 in the Supreme Court.

RECOMMENDATION

That the petition received from David Skinner, 21 Tate Street, South Perth together with 190 signatures be received and it be noted that in response to the petition that a Special Electors Meeting was held on 16 November 2009.

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 8.1.1

The Mayor read aloud the following Declaration from Cr Grayden:

*I wish to declare an interest in Agenda Items, 8.1.1, 10.1.1 and 10.3.3 for the reasons outlined in my Declaration of Interest made at the Special Electors Meeting held on 16 November 2009 and included in the Minutes of that Meeting at Item 10.1.1 and will leave the Chamber should those items be discussed.*

**Note:** Cr Grayden left the Council Chamber at 7.18pm

**COUNCIL DECISION ITEM 8.1.1**

Moved Cr Lawrance, Sec Cr Cridland

That the petition received from David Skinner, 21 Tate Street, South Perth together with 190 signatures be received and it be noted that in response to the petition that a Special Electors Meeting was held on 16 November 2009.

CARRIED (12/0)

**Note:** Cr Grayden returned to the Council Chamber at 7.19pm

- 8.1.2 Petition dated 30 October 2009 received from Bernard and Mary Flynn 1/7 Riverview Street, South Perth together with 53 signatures requesting the retention of Cape Lilac trees (*Melia azedarach*) in Riverview Street.**

*The Mayor read aloud the text of the petition, in part, as follows:*

We, the undersigned, respectfully request the retention of the Cape Lilac trees (*Melia azedarach*) in Riverview Street as the preferred designated street tree. The streetscape in Riverview Street is particularly attractive and much loved by its residents and admired by visitors to our street..... The residents of Riverview Street request that where trees need to be removed they be replaced with the recommended cultivar Cape Lilac “Elite” sapling which produces neither flowers nor berries, the main objection that the City had to the propagating features of the Cape Lilac.....

RECOMMENDATION

That the Petition dated 30 October 2009 received from Bernard and Mary Flynn, 1/7 Riverview Street, South Perth together with 53 signatures, requesting the retention of Cape Lilac trees (*Melia azedarach*) in Riverview Street be received and forwarded to the City Environment Department for attention.

**COUNCIL DECISION ITEM 8.1.2**

Moved Cr Trent, Sec Cr Skinner

That the Petition dated 30 October 2009 received from Bernard and Mary Flynn, 1/7 Riverview Street, South Perth together with 53 signatures, requesting the retention of Cape Lilac trees (*Melia azedarach*) in Riverview Street be received and forwarded to the City Environment Department for attention.

CARRIED (13/0)

- 8.1.3 Petition containing 63 signatures, dated 29 September (received 19 November) from the Manning Rippers Football Club with requesting the City recommit to the commencement of the Manning Hub Development.**

*The Mayor read aloud the text of the petition as follows:*

We, the undersigned, support the petition and accompanying letter by the Manning Rippers Football Club and ask that the City of South Perth recommit to the commencement of the Manning Hub development as soon as logistically possible.

RECOMMENDATION

That the Petition containing 63 signatures dated 29 September 2009 (received 19 November) received from the Manning Rippers Football Club requesting the City recommit to the commencement of the Manning Hub Development be received and forwarded to the Development and Community Services Directorate for attention.

**COUNCIL DECISION ITEM 8.1.3**

Moved Cr Ozsdolay, Sec Cr Burrows

That the Petition containing 63 signatures dated 29 September 2009 (received 19 November) received from the Manning Rippers Football Club requesting the City recommit to the commencement of the Manning Hub Development be received and forwarded to the Development and Community Services Directorate for attention.

CARRIED (13/0)

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

**8.2.1 Narrows Bridge 50<sup>th</sup> Anniversary**

The Mayor Best presented a “50<sup>th</sup> Anniversary of the Narrows Bridge” banner from the official commemoration ceremony held 13 November 2009.

**8.2.2 2009 LGMA Medal**

The Mayor presented the Chief Executive Officer, Cliff Frewing with the 2009 LGMA Medal in recognition of his outstanding achievements and contributions within local government, to the profession of local government managements and the objects and ethics of Local Government Managers Australia.

The CEO responded that it was a great pleasure, privilege and honour to receive such a medal from his peers in recognition of his achievements within the LGMA in various roles.

**8.2.3 City of South Perth Emerging Artists - Peoples’ Choice Award**

The Mayor provided background on the City of South Perth Emerging Artists Awards and then presented a Certificate and a cheque for \$500.00 to Richard Healy, the winner of the City of South Perth Emerging Artists “People’s Choice” Award, for his artwork “*I Contemplate My Life as a Superhero*”

**8.2.4 Channel 9 Garden Gurus Award to South Perth**

The Mayor reported that in a seven-part play off that pitted North against South and East vs West, Channel 9’s Garden Gurus recently hunted the streets of Perth in a “Battle of the Burbs”, which assessed some of Perth’s best-loved suburbs. On Sunday 15 November, South Perth was awarded Best Suburb by the Garden Gurus team, because we have:

- A good social atmosphere
- Good restaurants, night life and community events
- Recreational activities
- Sustainable lakes, parks and playgrounds
- Great transport access
- Best shopping malls
- Best scenery such as beaches, hills or waterways
- Safe streets

The Mayor then extended congratulations and best wishes to the staff for their endeavours.

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

**Note:** Deputations in relation to Agenda Item 10.3.2 were heard at the November Council Agenda Briefing held on 17 November 2009.

There were no Deputations heard at the Council Meeting held on 24 November 2009.

## 8.4 COUNCIL DELEGATES

### 8.4.1. Council Delegate: WALGA South East Metropolitan Zone:30 September 2009

A report from Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 30 September 2009 is at **Attachment 8.4.1**.

**Note:** The Minutes of the WALGA South East Metropolitan Zone meeting of 30 September 2009 have also been received and are available on the *iCouncil* website.

#### RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 30 September 2009 at **Attachment 8.4.1** be received.

### 8.4.2. Council Delegate: Rivers Regional Council: 15 October 2009

A report from Mayor Best and Cr Trent (Deputy) summarising their attendance together with the Chief Executive Officer, at the Rivers Regional Council Meeting held 15 October 2009 at the Shire of Murray is at **Attachment 8.4.2**.

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting of 15 October 2009 have also been received and are available on the *iCouncil* website.

#### RECOMMENDATION

That the Delegate's Report in relation to the Rivers Regional Council Meeting held 15 October 2009 at **Attachment 8.4.2** be received.

### 8.4.3. Council Delegate: Rivers Regional Council AGM: 29 October 2009

A report from Delegates Cr Trent and Cr Cala summarising their attendance, at the Rivers Regional Council AGM Meeting held 29 October 2009 at the City of Armadale is at **Attachment 8.4.3**.

**Note:** The Minutes of the Rivers Regional Council AGM of 29 October 2009 have also been received and are available on the *iCouncil* website.

#### RECOMMENDATION

That the Delegate's Report in relation to the Rivers Regional Council AGM held 29 October 2009 at **Attachment 8.4.3** be received.

## COUNCIL DECISION ITEMS 8.4.1, 8.4.2 AND 8.4.3

Moved Cr Trent, Sec Cr Doherty

That the Delegate's Reports in relation to the:

- WALGA South East Metropolitan Zone Meeting held 30 September 2009 at **Attachment 8.4.1**;
- Rivers Regional Council Meeting held 15 October 2009 at **Attachment 8.4.2**;
- and
- Rivers Regional Council AGM held 29 October 2009 at **Attachment 8.4.3** be received.

CARRIED (13/0)

**8.5 CONFERENCE DELEGATES**

**8.5.1. Conference Delegate : Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference held in Coolum, Queensland between 2 and 4 September 2009.**

Conference Notes from Cr Burrows summarising the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference held in Coolum, Queensland between 2 and 4 September 2009 is at **Attachment 8.5.1**. The presentation from Qantas on GNSS Based Technology Developments which is particularly relevant as it will affect aircraft flying over South Perth is at **Attachment 8.5.1(a)**. Cr Burrows reports that he also has additional notes and information which he is happy to provide on request.

RECOMMENDATION

That the Delegate's Conference Notes in relation to the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference held in Coolum, Queensland between 2 and 4 September 2009 at **Attachment 8.5.1** and **8.5.1(a)** be received.

**COUNCIL DECISION ITEM 8.5.1**

Moved Cr Cr Grayden, Sec Cr Skinner

That the Delegate's Conference Notes in relation to the Australian Mayoral Aviation Council 27<sup>th</sup> Annual Conference held in Coolum, Queensland between 2 and 4 September 2009 at **Attachment 8.5.1** and **8.5.1(a)** be received.

CARRIED (13/0)

**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 17 November 2009.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn

- Item 10.2.1 discussion
- Item 10.3.1 discussion
- Item 10.3.2 discussion
- Item 10.3.3 Alternative Motion
- Item 10.5.3 Council Decision
- Item 10.5.6 Intent of Local Law

**COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION**

Moved Cr Cala, Sec Cr Trent

That with the exception of Withdrawn Items 10.2.1, 10.3.1, 10.3.2, 10.3.3, 10.5.3 and 10.5.6 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.1.1, 10.5.1, 10.5.2, 10.5.4, 10.5.5, 10.5.7, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5 and 10.6.6 be carried en bloc.

CARRIED (13/0)

## 10. REPORTS

### 10.1 GOAL 1: CUSTOMER FOCUS

<b>10.1.1 Minutes Special Electors Meeting 16 November 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	17 November 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

#### Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Monday 16 November 2009.

#### Background

The Special Electors' Meeting was called following receipt of a petition organised by David Skinner, 21 Tate Street, South Perth and signed by 190 ratepayers requesting a meeting to discuss the:

- *Closure of Right-of-Way 15 (which extends from Riverview Street to Angelo Street to the west of the South Perth Primary School) and the impact this is having on the South Perth community and the South Perth Primary School; and*
- *City of South Perth funding a challenge to the closure of ROW15 in the Supreme Court.*

As a result, under a requirement of the *Local Government Act*, Section 528 a Special Electors Meeting was held on 16 November 2009 to discuss residents' concerns.

#### Comment

The Minutes from the Special Electors Meeting held 16 November 2009 are at **Attachment 10.1.1.**

At the Special Electors' Meeting the following Motion was pass unanimously:

#### MOTION

That...

- (a) 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; and
- (b) the City of South Perth fund a challenge to the closure of Right-of-Way 15 in the Supreme Court.

CARRIED UNANIMOUSLY

#### RESPONSE

A report on the Motion passed at the Special Electors Meeting held on 16 November 2009 will be the subject of a report to the December 2009 meeting of Council.

#### Consultation

Notice of the Special Electors' Meeting scheduled for 16 November 2009 was advertised in the:

- in the West Australian newspaper;
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre, the Libraries and Heritage House.

**Policy Implications**

This issue has no impact on this particular area.

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with Strategic Goal 1: Customer Focus: *To be a customer focused organisation that promotes effective communication and encourages community participation.* .

**Sustainability Implications**

This report contributes to the City's sustainability by promoting effective communication and community participation. .

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1.</b>
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That...

- (a) the Minutes of the Special Electors Meeting dated 16 November 2009 be received; and
- (b) the Motion passed at the Special Electors Meeting on 16 November 2009 be the subject of a report to the December 2009 Council Meeting.

CARRIED EN BLOC RESOLUTION

**10.2 GOAL 2: COMMUNITY ENRICHMENT**

<b>10.2.1 Australia Day 2010</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	RC/105
Date:	2 November 2009
Authors:	Sandra Watson, Manager Community Culture & Recreation Peter Roaen, Events Manager
Reporting Officer:	Vicki Lummer, Director Development and Community Services

**Summary**

To outline the plans and strategies to manage the Australia Day celebrations on the South Perth foreshore in 2010 and to approve the parking restrictions and road closures applicable for the event.

**Background**

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to community risk management in an effort to provide a range of activities for the community to participate in for the entire day and not just attend the event for the fireworks.



The Strategy focused on the following areas:

- The introduction of new Local Laws;
- Increased crowd control measures;
- Revised Traffic Management and Road Closure Plans;
- Initiatives to improve public transport and waste management; and
- A significant media and communications campaign.

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the amount of anti-social behaviour on the South Perth foreshore. Following the Australia Day celebrations in January 2005, the City conducted a community consultation survey to determine what effect the strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and this was further built upon in 2006 through to 2008 with successful events conducted. Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded by Lotterywest.

#### **Comment**

In 2010 it is proposed that the Safer Australia Day Strategy 2010 will be conducted along the same format and operations as previous years and that both the 'Family Zone' and 'Youth Zone' will form integral parts of the Strategy. Strategies for Australia Day 2010 will consist of the following:

#### **1. Public Transport**

Residents in Manning, Como, Karawara and Waterford have in previous years been offered free transport to and from the foreshore. This service is provided to middle aged and elderly residents who would not usually drive to the foreshore to enjoy the Australia Day festivities. City officers have commenced negotiations with Southern Coast Bus Company for the provision of up to ten buses to transport residents from the above suburbs to the foreshore and back. This service is generally very well patronised by the residents of the City and in previous years has transported up to 1,000 people to and from the event safely.

#### **2. Local Laws**

The Special Events Local Law provides City officers and other enforcement agencies with a range of new offences backed up by additional powers under the Local Government Act (WA) 1995. The new offences include the possession of liquor (whether or not the liquor is in a sealed container), possession or use of a large object ("large object" includes lounge chair, bed, refrigerator, spa/wading pool etc, and excludes shade shelters/umbrella's) and possession or use of loud stereos (as determined by amplification outputs). Since the introduction of these local laws, there has been a dramatic reduction in the number of large items being brought to the foreshore. In previous years large items such as lounges and inflatable swimming pools would be brought down to the foreshore resulting in the creation of nuisance obstructions or litter after the event had concluded.

**3. Crowd Control**

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 6.00am on the morning of 26 January 2010. Initially Rangers will focus on illegal parking and large objects being taken to the foreshore. Management of the crowd will also be assisted by an exclusion zone on Sir James Mitchell Park and Queen Street Jetty areas. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will divide the large crowd into segments and assist with patrolling and rapid responses from the various HMA's. St Johns Ambulance will be providing a primary treatment facility on the South Perth foreshore to administer first aid assistance and to reduce the need for patient transfer to hospital.

**4. Youth and Family Zones**

Australia Day 2009 heralded the successful launch of the Family and Youth Zones and in 2010 the City will extend these areas in response to the excellent feedback and successes of the 2009 event. In addition, the City has once again secured the financial support of Lotterywest for both the Youth and Family Zones in 2010. The Family Zone will be enlarged to consist of an enclosed area of 30,000m<sup>2</sup> at the Coode Street end of Sir James Mitchell Park. This secure and managed area will be transformed into a safe family fun zone brimming with activities and entertainment for children and their parents, including free rides. A very popular aspect of the Family Zone in 2009 was the art tent and this will once again return in 2010 and children will be encouraged to do a painting, sculpture or artwork on what they love about Australia, with the best pieces being awarded prizes.

Similarly, the Youth Activity Zone will be an enclosed area of 12,000m<sup>2</sup> and will provide a range of activities and entertainment options for young people including a 'Silent Disco'. Earlier this year the City consulted with young people in the community including SPYN and Millennium Kids to gauge what type of activities they would like to see in the Youth Zone in 2010 in an effort to ensure that the zone will be well patronised once again.

**5. Road Closures (Access Restricted Area)**

The roads bounded by Labouchere Road, Angelo Street, Douglas Avenue, Mill Point Road and Ellam Street, will be closed from 8.00am to 9.00pm on Australia Day allowing adequate time for people to attend the City's Australia Day Citizenship ceremony on the South Perth foreshore. This early closure is required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the Local Government Act 1995 and in a number of different mediums including City publications, the community newspaper and on the City's website.

The City may declare general no parking zones, in accordance with the City's Parking Local law, section 7.4 which states as follows:

**General No Parking Zones**

- (a) General no parking zones are established as prescribed in Schedule 4;
- (b) Where the City establishes a general no parking zone, the City must erect a sign at entry points to the general no parking zone indicating;
- (c) The area that is a general no parking zone, and
- (d) The dates and times during which the area is a general no parking zone.
- (e) Where the City establishes a general no parking zone and erects signs at each entry point to the general no parking zone then it is an offence to park on any road or nature strip within the general no parking zone.

- (f) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.
- (g) A driver commits an offence under this clause notwithstanding the fact that there are no signs in the immediate vicinity of the area in which the driver parked the vehicle indicating that the area in which the driver parked the vehicle is a general no parking zone.

Schedule 4 of the Parking Local Laws states that the general no parking locations and effective times for Australia Day are as follows:

***“From 6:00 a.m. on 26 January to 6:00 p.m. on 27 January each year, the area contained within the Wards of Civic and Mill Point in the City of South Perth which area is bounded by and includes South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north is declared to be a General No Parking Zone for the purposes of this local law”.***

On Australia Day 2010 this area will be restricted with no parking on the road or verge and have staffed road closures at each of the twenty-three (23) intersections. Five (5) intersections will be available into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the road or verge normally.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Water to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used predominantly for disabled parking, as well as for parking for the Police, State Emergency Services and St John Ambulance. To ensure vehicle and pedestrian safety, Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The City will employ the services of traffic management officers to secure the road closures as mentioned in this report. Indicative costs for this service have been included in the 2009/2010 Australia Day budget.

#### **6. Traffic Management (Parking Restricted Area)**

The proposed parking restricted area during Australia Day 2010 will extend from the access restricted area (as per item 4) to South Terrace, to Canning Highway and to Ellam Street and be effective from 8.00 am to 9.00 pm. This area will be restricted with no parking on the road or verge on one side of the road only and normal parking on the other side of the road. Street signage, community newspaper advertising and a pamphlet drop will publicise these restrictions. The Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge on one side of the road within the parking restricted area as it enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles. These restrictions introduced since the commencement of the Safer Australia Day Strategies in 2005 have been very successful in clearing the traffic and pedestrian congestion at the conclusion of the Australia Day event.

**7. Waste Management**

The event organisers will provide sufficient separate mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd to contain rubbish/recyclables and for ease of the post event cleanup. Biodegradable litter bags are being sourced which will break down in the landfill once the rubbish has been disposed after the event.

**8. Media and Communications**

The Safer Australia Day Strategy 2010 provides for a significant number of new initiatives which when combined are designed to more effectively manage the event. Such a significant change will require an effective media and communications campaign. The City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy is effectively communicated. In addition, the City has been liaising with the Southern Gazette in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

**Consultation**

In reviewing and developing the Safer Australia Day Strategy 2010, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Various traffic management companies
- Public Transport Authority
- Lotterywest
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

**Policy and Legislative Implications**

Nil

**Financial Implications**

Funding has been allocated in the 2009/2010 budget for the implementation of this strategy, plus sponsorship support has been received by the Water Corporation totalling \$8000 for Australia Day activities. In addition, grant applications have been submitted as follows:

- Lotterywest \$270,000 (confirmed – for the Family and Youth Zone)
- Office for Crime Prevention - \$10,000 (awaiting notification)
- Local Drug Action Group - \$5000 (confirmed)
- Healthway – \$50,000 (awaiting notification)

**Strategic Implications**

The Safer Australia Day Strategy 2010 relates to Goal 2 of the City's Strategic Plan, Community Enrichment. In particular, reference is made to strategy 2.7 which involves the development of strategic directions for events, arts, leisure and heritage that encourages a vibrant and participative community.

**Sustainability Implications**

The Safer Australia Day Strategy 2010 will embrace and implement the City's Sustainability Strategy in the areas of waste management in particular.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.2.1**

Moved Cr Trent, Sec Cr Grayden

That...

- (a) the Safer Australia Day Strategy 2010 as detailed in report Item 10.2.1 of the November 2009 Council Agenda be adopted;
- (b) the General 'No Parking' clause in section 7.4, schedule 4 of the City's Parking Local Law 2003 (as amended) be approved for:
  - (i) the temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, from 8.00am to 9.00pm on 26 January 2010; and
  - (ii) the parking restrictions, bounded from Labouchere Road, corner of Angelo Street to South Terrace to Canning Highway to Ellam Street as outlined.

CARRIED (13/0)

**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

**10.3.1 Development Assessment Panels - Submission**

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/314
Date:	2 November 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

**Summary**

The purpose of this report is to seek Council endorsement of a submission to the Department of Planning on the topic of Development Assessment Panels (DAP).

**Background**

In March 2005, the National Development Assessment Forum identified what were considered the principles that a leading development assessment system should exhibit, which include:

- Timeliness;
- Efficiency;
- Simplicity;
- Transparency;
- Sustainability;

- Accountability;
- Fairness;
- Consistency; and
- Suitability.

The Department of Planning believes the establishment of the “Panels” model will contribute to achieving an effective development assessment system reflecting the above principles. Therefore, the Department has made it clear that the proposed Development Assessment Panels will be established. However, on the 11 September 2009, the Department released a discussion paper for public consultation in order to obtain submissions and feedback which “can be” used to inform the drafting of the new *Planning and Development (Development Assessment Panels) Regulations*.

The new Regulations will be introduced by the State Government to give Panels the power to be the decision-making body, instead of the elected Council, for development applications of a certain class and value. Some of these applications are currently determined by a professional Planning Officer under delegated authority. The Panels are proposed to comprise a mix of three independent experts (from either architectural, planning, engineering, environmental science or planning law backgrounds, whatever is appropriate) and two elected local government representatives. Sitting fees of \$400 will be paid to specialist members and \$500 to the chairperson. No sitting fee will be paid to local government representatives. The Panels will have the power to determine some of the highest value applications that would normally be determined at a meeting of Council or by delegated officers.

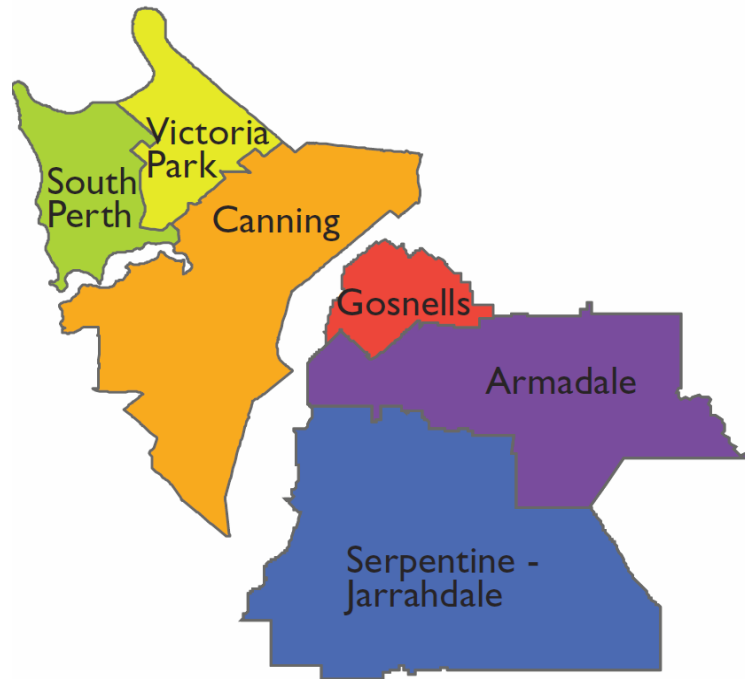
The objectives of the proposed DAP model, as outlined by the State Government, are to:

- Streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region Schemes;
- Involve independent technical experts in the determination process;
- Encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- Reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

In the discussion paper, the drivers behind the proposed changes are cited as:

- The current requirement for dual approvals i.e. an approval under the Metropolitan Region Scheme and approval under the local scheme;
- Lack of resources and expertise in local government; and
- Lack of regional planning in some remote areas.

It is proposed that one local Development Assessment Panel will be established for the City of Perth, five joint Development Assessment Panels will be established for the Perth metropolitan area and nine non-metropolitan joint Development Assessment Panels will be formed to cover the balance of the state.



*Map of proposed Joint Assessment Panel (JDAP) local government group that the City of South Perth will join (not to scale).*

The intention is for Panels to be established for projects that meet certain criteria. In the metropolitan area, the Panels will make decisions on applications for development approval valued at \$2 million or higher, in the following categories:

- All commercial, retail and office applications;
- All mixed use/centre applications (such as commercial, retail and residential);
- All industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
- All grouped dwelling or multiple dwelling applications of over 10 dwellings;
- Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
- All aged or dependent persons dwelling applications;
- All infrastructure proposals;
- Applications requiring dual approval of the local government and the Western Australian Planning Commission (WAPC), under the Metropolitan Region Scheme and local Schemes respectively;
- Strategic land use, transport and infrastructure projects;
- Public works of State/regional significance where not exempt from local planning approval requirements;
- All applications for hospitals, TAFEs, universities and non-government schools.

Exempt development will include applications for:

- One or more single houses, complying and non-complying with “Acceptable Development” requirements;
- Not more than 10 complying grouped dwellings or multiple dwellings; and
- Minor structures such as carports, shade sails, outbuildings and sheds.

It is intended that the Panels will make decisions on the development applications based on the local Town Planning Scheme and policy framework that has been set by the local government. It is also proposed that the Panels will take the place of the Western Australian Planning Commission in relation to applications made under the Metropolitan Region Scheme applying to the affected local government area. The Department's Discussion Paper suggests that this will remove the need for dual approvals to be obtained for particular categories of development applications, as the applications will be determined by the local Development Assessment Panel under both the local Town Planning Scheme and the Metropolitan Region Scheme simultaneously.

It is proposed that all costs associated with Panels, including administration costs, sitting fees, travel etc will be borne by the relevant local government.

Finally, where the Minister for Planning believes a project is of State or regional significance, the Minister will have the power to "call in" development applications. In such situations, the relevant development assessment panel will prepare advice and recommendations for the Minister to take into account when determining the application.

Copies of the Discussion Paper have been sent to the Council by the Department of Planning and are available on the Department's website. Any submission was required to be lodged with the Department of Planning by Monday 2 November 2009, giving only 35 working days to comment. After an opportunity had been provided for Council Members' input, the City of South Perth submission was lodged on 2 November

This report includes the submission to the Department of Planning shown as **Attachment 10.3.1**.

#### **Comment**

The City of South Perth submission on the proposed Development Assessment Panels is at **Attachment 10.3.1**. The submission contains comments from an internal project team comprising of the Director Development and Community Services, Strategic Urban Planning Adviser and a Senior Planning Officer. The Team met regularly, attended information sessions and collected all relevant data relating to the Panels. Further, the draft submission was circulated for Council Members' input and a response was received from one Councillor. The final submission incorporates the Councillor's comments. The submission provides comments under headings corresponding to the nine principles of effective development assessment systems as espoused by the Department of Planning. That submission expresses the view that the proposed DAP model will not deliver the benefits claimed by the Department of Planning, and therefore advises that the City of South Perth is opposed to the establishment of the proposed DAPs.

#### **Consultation**

The community had an opportunity to make submissions directly to the Department of Planning.

#### **Policy and Legislative Implications**

There are significant policy and legislative implications. To provide enabling power for Panels to be established in the intended manner, it will be necessary to amend the Planning and Development Act and other State Legislation, as well as every local Council Town Planning Scheme.



### **Financial Implications**

It is not possible to determine the financial implications at this time; however the City of South Perth will be required to pay in part for the sitting fees of the “specialist members” of the Panel, and to meet certain other costs associated with the operation of the Panel. These costs are unbudgeted and would be both direct and indirect. Direct costs will be incurred from member sitting fees (which could range from \$3,900 to \$7,800+ per year depending on the frequency of panel meetings and the number of paid members); copying and postage charges; advertising charges and the cost of any technical reports commissioned by the panel. Indirect costs include secretariat support, technical support and staff time to prepare reports and attend panel meetings.

### **Strategic Implications**

Although only a small number of development applications in the City of South Perth would be referred to a Panel, there will be significant strategic implications, since the referred applications will be those relating to the largest development proposals with greatest neighbourhood amenity impact. For these applications, the decision-making power will be withdrawn from the Council.

The community elects a Mayor and Councillors to represent them in the decision-making process of the City of South Perth and in return, the elected members are accountable to the community. The establishment of Development Assessment Panels will put at risk the ability of the City to ensure delivery on the community vision for the City. The City officers are also committed to maintaining a high standard of governance and accountability. The establishment of a Development Assessment Panel for the City of South Perth has the potential to slow down the planning approval process, add costs to the development approval process and could reduce the ability for the community to be involved in the process.

### **Sustainability Implications**

The City of South Perth is regarded as a financially sustainable local government by a number of external independent assessments. This good performance will be adversely impacted to the extent that the City is required to meet any costs associated with the operation of the Panels.

### **Conclusion**

Before committing a Council to the currently intended Panel model, the Department of Planning needs to provide clearer evidence that the Panels deliver the improvements that are claimed. Until evidence has been provided to show that more efficient and effective decision-making will actually be achieved for a particular Council, it would be premature to impose a DAP on that Council.

<b>OFFICER RECOMMENDATION 10.3.1</b>
--------------------------------------

That....

- (a) the Department of Planning be advised that the City of South Perth is strongly opposed to the Proposed Development Assessment Panels for the reasons explained in the submission at **Attachment 10.3.1**. The establishment of DAP's has the potential to slow down the planning approval process and increase costs to both local governments and the State Government. The stated rationale for the establishment of DAP's is seriously flawed and this new addition to the current Western Australian planning system is an unnecessary change; and
- (b) the submission from the City of South Perth on Development Assessment Panels at **Attachment 10.3.1** be endorsed.

MOTION

The Mayor moved the officer recommendation, Sec Cr Cala.

Mayor Opening for the Motion

- have particular concerns about Development Assessment Panels
- understand the State Government is responding to the COAG (Council of Australian Government Reform Agenda) but argue that by implementing another layer of bureaucracy this will slow down the process not improve it
- would like to know what the evidence is that the State Government believe this will improve the process – acknowledge some councils do not have adequate delegated processes
- have concerns in relation to impact on two Councillors who will be nominated to join with three expert independent professionals – those Councillors will have an enormous workload
- for the development applications over the two million dollars identified, these will produce the greatest neighbourhood impact therefore the workload of the two Councillors appointed will be enormous, not to mention the ‘lobbying’
- final concerns relate to the impact on democracy - Councillors are elected to make decisions for the local community – we at South Perth, certainly over the last 5 years, have made a good job of assessing the various merits of development proposals and balancing the needs of community
- we need development to progress the City and there are certainly huge development pressures against us with increasing density particularly in the Richardson Street and Canning Bridge train station projects etc with Curtin University anticipated to double over the next 10 years
- believe rationale put forward by the State Government is seriously flawed
- in moving the Motion I am also concerned by this proposal

Cr Cala for the Motion

- Mayor Best covered / summed up major concerns
- State Government appear to be rushing this through
- believe the only input we can have is on the Regulations
- proposal appears to be a done deal

Cr Ozsdolay for the Motion

- Commend the officer, Lloyd Anderson on his report
- believe the issues have all be covered in the report submission

Cr Cridland for the Motion

- important as a Council we let our voice be heard
- believe submission is a particularly good one and covers issues raised
- important to understand local government is the most fundamental part of demographic life
- changes proposed will take decision away from ratepayers through their Councillors
- believe accountability and transparency decision making will be substantially reduced by proposed changes - ratepayers will no longer be able to hold local councils responsible for decisions
- DAP members, apart from local government members, will not be held accountable - for that reason do not support DAP's.

Cr Grayden for the Motion

- endorse previous comments
- main concern is that we do not lose sight of fundamental role of decision-making and ability to represent ratepayers
- fundamental role of Council is to deal with residents' concerns when necessary

CEO STATEMENT

The CEO advised that the current practice when preparing Council Minutes is that, if after withdrawing an item for discussion there is no change to the recommendation then the debate on the particular item is not recorded in the Minutes. However on this occasion he said he believed it appropriate that the comments / concerns raised during debate be included with the submission. He stated that one way of doing this is to 'suspend' that practice for Item 10.3.1 or alternatively include an additional part (c) to the effect that the comments raised during debate on this item be conveyed to the Minister.

The Mover and Seconded concurred with the suggestion to include an additional part (c).

Mayor closing for the Motion

- this is a significant issue
- something the State Government needs to be mindful of and their ability to influence decisions at community level – believe there will be a community backlash
- the next planning item on the current agenda would be over the proposed threshold, however this is the proper forum for this discussion as it affects community amenity/streetscape for our neighbourhoods

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.1**

The Mayor put the Motion

That....

- (a) the Department of Planning be advised that the City of South Perth is strongly opposed to the Proposed Development Assessment Panels for the reasons explained in the submission at **Attachment 10.3.1**. The establishment of DAP's has the potential to slow down the planning approval process and increase costs to both local governments and the State Government. The stated rationale for the establishment of DAP's is seriously flawed and this new addition to the current Western Australian planning system is an unnecessary change;
- (b) the submission from the City of South Perth on Development Assessment Panels at **Attachment 10.3.1** be endorsed; and
- (c) the comments raised during debate on this item be conveyed to the Minister.

CARRIED (12/1)

Reason for Change

Part (c) added as Council Members were of the view the concerns raised were important issues and should form part of the submission to the Department of Planning.

**10.3.2 Proposed Mixed Use Development : 12 Multiple Dwellings and 5 Office Tenancies - Lot 103 (No. 83) Canning Highway, South Perth.**

Location:	Lot 103 (No. 83) Canning Highway, South Perth
Applicant:	Hartree and Associates Architects
File Ref:	11.2008.124 CA6/83
Application Date:	13 March 2008; revised plans received 7 October 2009
Date:	2 November 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

**Summary**

This application for planning approval is for 12 Multiple Dwellings, 5 Office Tenancies and 107 car parking bays in a three-storey building with three underground basement levels.

City officers initially refused an application for the site for numerous reasons. This is currently the subject of an application for review to the State Administrative Tribunal (SAT). At the mediation phase, the applicant provided amended plans that are now considered to comply, resulting in an order from the SAT for the Council to consider the plans at its November 2009 meeting, which is the subject of this report.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Plot ratio	TPS6 Clause 7.8
Landscaping	TPS6 Clause 7.8

It is recommended that the proposal be **approved**.

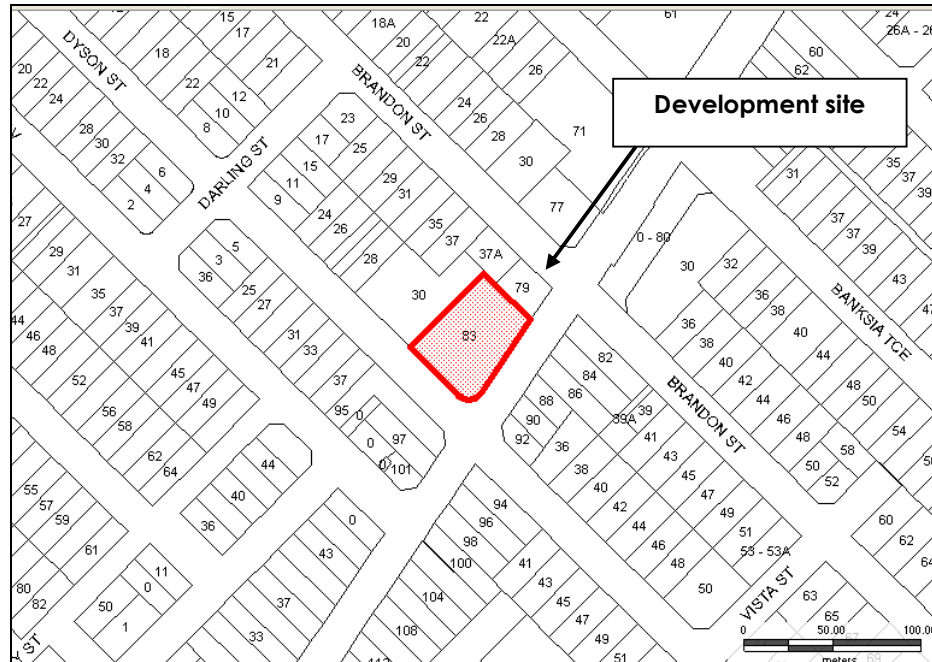
**Background**

<b>Zoning</b>	Regional Road / Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	2,447 sq. metres effective lot area (2,580 sq. metres including road widening)
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	19 Multiple Dwellings
<b>Maximum allowable plot ratio</b>	0.5 (1,223.5 sq. meters) Mixed Use; or 1.0 (2,447 sq. metres) solely residential.

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal - larger scale drawings will also be available for inspection by Council Members.
- Attachment 10.3.2(b)** Applicant's report justifying the revised proposed development dated October 2009.
- Attachment 10.3.2(c)** Traffic Impact Assessment report dated September 2009.

The location of the development site is shown below. The proposed development is replacing a service station and the site is currently undergoing remediation as part of the decommission process (site formerly part of the Gull Petroleum Group). The property is currently vacant.



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

**2. Large scale development proposals**

- (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.*

Based on the ground level reference point selected, the wall height of the proposed building is 10.5 metres.

**6. Amenity impact**

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

In relation to Item 6 above, the extent of adverse amenity impact arising from the proposal is considered acceptable (see comments below).

**Comment**

**(a) Background**

In December 2008, City officers under delegated authority refused an application for 20 Multiple Dwellings and 5 Office Tenancies for Lot 103 (No. 83) Canning Highway, South Perth (the site). Specifically the reasons for refusing the application were:

- The proposed plot ratio for the development was 1.35 and the Applicant failed to demonstrate compliance with the permissible maximum Plot Ratio of 0.5 in accordance with Clause 5.1(1) “Development Requirements for Non-Residential Uses in Non-Residential Zones” of TPS6. The Applicant did not provide adequate justification for varying the Plot Ratio in accordance with Clause 7.8(1) “Discretion to Permit Variations from Scheme Provisions” of TPS6.
- The proposed landscaping for the development was 5.12% and the Applicant failed to demonstrate compliance with the minimum landscaping of 15% in accordance with Clause 5.1 (1) “Development Requirements for Non-Residential Uses in Non-Residential Zones” and Clause 6.14 “Landscaping Requirements” (specifically subclauses 1 and 2) of TPS6. The Applicant did not provide adequate justification for varying the Landscaping in accordance with Clause 7.8(1) “Discretion to Permit Variations from Scheme Provisions” of TPS6.
- The Applicant failed to demonstrate that the proposed structures complied with the provisions of Clause 6.2 “Building Height Limits” of TPS6.
- The Applicant failed to demonstrate that the proposed driveway gradient is no greater than 1:12 within 3.65 metres of the street alignment, and 1:8 for the remainder of the driveway in order to comply with Clause 6.10 (2) “Maximum Ground and Floor Levels” of TPS6.
- The Applicant failed to demonstrate that the proposed storage areas for the dwellings comply with the Acceptable Development or Performance Criteria provisions of Clause 6.10.3 “Essential facilities” of the Residential Design Codes of WA (R-Codes 2008) in relation to minimum dimensions of 1.5 metres, an internal area of at least 4.0 square metres and lockable storerooms for each of the multiple dwellings.

In January 2009, the City received notification of an application for review of the refused development application to the State Administrative Tribunal (SAT). The proposal required listings of mediation at the SAT in February 2009, April 2009, May 2009, June 2009 and August 2009.

In October 2009, the City received revised plans for 12 Multiple Dwellings and 5 Office Tenancies for the site. The major differences between the latest proposed development and the previous proposal are:

- 2 levels of 8 residential dwellings have been removed from the proposal; and
- other amendments of minor significance.

The effect of the change is:

- the building now complies with the acceptable height limit prescribed by TPS6;
- the buildings plot ratio has reduced from 1.35 to a plot ratio of 0.992; and
- other effects of minor significance bringing the building wholly into compliance.

While changes have been made to the design as outlined above, the fundamental form (other than removing 2 floors) of the building has not changed significantly.

**(b) Description of the subject site and surrounding locality**

The subject site has a frontage of 51.5 metres to Canning Highway and a street frontage of 38.5 metres to Dyson Street with an adjacent two-storey, eight grouped dwellings (zoned R80) to the north-west. To the north-east exists two, two-storey commercial tenancies (zoned R80). The site is immediately surrounded by higher density residential and commercial land uses.

(c) **Description of the proposal**

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

<u>Basement level 3</u>	20 commercial car parking bays, motorcycle parking area, bicycle storage area, lift, staircase and service cupboards.
<u>Basement level 1 &amp; 2</u>	34 commercial car parking bays, 24 residential car parking bays (20 in tandem configuration); therefore 58 in total on this floor.
<u>Ground floor</u>	Two commercial tenancies, separate residential and commercial lobbies, 24 commercial car parking bays, one disabled bay and four visitor parking bays; therefore 29 car bays in total on this floor.
<u>Level 1</u>	Two commercial tenancies and six dwellings.
<u>Level 2</u>	One commercial tenancy and six dwellings.

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2009* (the R-Codes) and relevant Council policies as discussed below.

(d) **Density coding**

The property is assigned a density coding of R80 within Town Planning Scheme No. 6. The permissible number of dwellings is 19 whereas the proposed development is for 12 dwellings, therefore the proposed development complies with the density controls in Table 1 of the R-Codes.

(e) **Streetscape / Building design**

The proposed development has been considered by the Council Design Advisory Consultants on two separate occasions. In this respect, detailed comments are provided in the "Consultation" section of this report. From a streetscape perspective, the design is considered to be generally acceptable.

(f) **Plot ratio**

The statutory controls relating to plot ratio are as follows:

- Under Table 3 of the Scheme, the maximum plot ratio for "Mixed Development" in the Highway Commercial zone is 0.50 (1,223.13 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. Under Table 1 of the Residential Design Codes, the maximum plot ratio for multiple dwellings on land with a density code of R80 is 1.00 (2,446.26 sq.metres).

However, Clause 5.1 of the Scheme provides that:

*"All Mixed Development and other non-residential uses in non-residential zones shall comply with the requirements prescribed in Table 3."*

Table 3 of the Scheme specifies maximum plot ratio of 0.50 for "Mixed Development or other non-residential" on land within the Highway Commercial zone. For some other zones (e.g. District Centre Commercial and Mend Street Centre Commercial), Table 3 specifies separate maximum plot ratios for both the Mixed Development as a whole and for the residential component of that Mixed Development. However, for the Highway Commercial zone, a maximum plot ratio is specified only for the Mixed Development as a whole.

Clause 4.1(3) of the Scheme, Clause 5.1 and Table 3 must be regarded as provisions of the Scheme which provide “otherwise” for the maximum plot ratio of residential development where it forms a component of a Mixed Development. Consequently, Clause 5.1 and Table 3 apply to the exclusion of Clause 4.1(3) and the provisions of the Residential Design Codes (including Table 1) which specify a maximum plot ratio of 1.00 for multiple dwellings.

For the above reasons, it is the City officer’s view that:

- The applicable plot ratio for the proposed development as a whole is 0.5.
- The plot ratio applicable to the proposed development is prescribed by the Scheme, rather than the Residential Design Codes.
- Plot ratio is subject to Council’s power of variation under Clause 7.8(1) of the Scheme.
- Consequently, the plot ratio of 0.5 for the proposed development is capable of variation, should the requirements for the exercise of the power of variation be satisfied.

The development’s plot ratio is currently 0.992 (2,427.0 sq. metres) which is a variation of 0.492 (1,203.5 sq. metres). Having regard to the powers of Clause 7.8(1), the plot ratio could be approved for the following reasons:

- (i) The upper most two floors of the proposal have been deleted from the proposal.
- (ii) The height of the current proposal is more visually in harmony with neighbouring existing buildings in terms of scale, orientation, setbacks from the street and side boundaries.
- (iii) The current mass of the development is considered acceptable upon the Dyson Street streetscape and consistent with the Canning Highway streetscape.
- (iv) Using the R80 density coding, a plot ratio of 1.0 and site area of 2,447 sq. metres, a total of 2,447 sq. metres of plot ratio floor area could be supported if the development was solely residential.
- (v) City officers require a section showing that the storerooms are wholly below ground level therefore not included in plot ratio calculations. A condition to this effect has been included in the recommendation to this report.

City officers consider it acceptable to be granted planning approval as the plot ratio of the Mixed Use Development is less than 1.0, which would be acceptable if the development was solely residential. Mixed Use Development has been encouraged in order to address the over dependence on the car. Mixed Use is ideally associated with public transport, and Canning Highway has frequent buses with connection to the City of Perth and Fremantle which have connections to the wider Perth Metropolitan Region. The access to public transport will benefit both the residential and commercial uses of the development.

**(g) Landscaping**

The prescribed minimum landscaped area is 15% of the lot area excluding the area of the lot required for road widening purposes. The R-Codes define “landscape, landscaping or landscaped” as follows:

*“Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or playgrounds and any other such area approved of by the Council as landscaped area.”*



Landscaping of 15% (366.94 sq metres) is required. Landscaping for the development site currently stands at 9.81% (239.9 sq. metres). This represents a deficiency of 5.19% (127.04 sq. metres). Discretion can be exercised in relation to assessing the landscaping in accordance with Clause 7.8(1) of TPS6.

City officers recommend Council support the deficiency in landscaping for the following reasons:

- (i) Clause 5.1(5) of TPS6 states that the Council may permit a lesser landscaped area if the developer provides outstanding landscaping in accordance with Clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional. A condition to this effect has been included in the recommendation section of this report.
- (ii) In relation to the road widening strip and street verge along Dyson Street, the developer has shown approximately 180 sq. metres of area of landscaping. Although Clause 6.6(3) of the Scheme requires the exclusion of the road widening area for determining minimum required open space or landscaped area, this area could be landscaped until such time as the Department of Planning require the area for regional transport purposes.

**(h) Car parking**

The car parking bay requirements in accordance with TPS6 for each use and the proposed car parking is summarised in the following table:

Use	Required - TPS6	Proposed
Residential - 12 units	24 (2 per unit)	24 (20 in tandem)
Residential visitor	3 (1 per 5 units)	4
<i>Total Residential</i>	27	28
Office tenancy 1 (170 sq. metres)	9 (1 per 20 sq. metres)	12
Office tenancy 2 (380 sq. metres)	19 (1 per 20 sq. metres)	22
Office tenancy 3 (229 sq. metres)	12 (1 per 20 sq. metres)	16 (including 1 disabled bay)
Office tenancy 4 (263 sq. metres)	13 (1 per 20 sq. metres)	16 (including 1 disabled bay)
Office tenancy 5 (161 sq. metres)	8 (1 per 20 sq. metres)	11
Commercial lobby, kitchen, staff amenities, stairs and lifts (312 sq. metres)	16 (1 per 20 sq. metres)	1 loading bay, 1 disabled bay (others distributed between the office tenancies)
<i>Total Office</i>	76	79
<i>Total inclusive of Residential and Office</i>	<i>103 car bays</i>	<i>107 car bays</i>

The required number of car bays is 103 in accordance with TPS6 and the proposed number of car bays is 107, therefore the proposal complies with the current requirements relating to car parking.

(i) **Bicycle parking**

The bicycle parking bay requirements:

Use	Required – TPS6	Proposed
Residential	Nil	Nil
Office (1,515 gross sq. metres )	8 (1 per 200 sq. metres)	3

Revised plans are required for five bicycle parking bays in accordance with TPS6 requirements, the design and location of such bays are to be to the satisfaction of the Council.

The Council shall determine how many of the bays are required for staff use in accordance with Clause 6.4(3) of TPS6. It is the City officer’s view that at least five of the bicycle parking bays will be used for staff use, therefore a condition requiring five secure clothes lockers to be provided and at least one per each office tenancy.

(j) **Residential storage area**

Currently 10 residential storage areas have been provided for 12 dwellings. The R-Codes requires one storage area per dwelling. Consequently, revised plans are required to demonstrate the provision of 12 storage areas. City officers recommend two additional storage areas be located in the basement near the other 10 storage areas to the north-east of the lift. There is sufficient space to allow two storage areas with a minimum dimension of 1.5 metres with a minimum area of at least 4.0 sq. metres within the walls and roller door. The following condition is recommended:

*An enclosed, lockable storage area constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with a minimum area of at least 4.0 sq. metres shall be provided for Units 1 and 2 in accordance with the requirements of Clause 6.10.3(A3.1) of the Residential Design Codes.*

(k) **Rubbish storage area**

It is required that the doors of the bin enclosure open into the enclosure rather than opening out onto the street. The following condition is recommended:

*The rubbish storage area shall be provided with a gate that opens into the rubbish storage area not onto the street reserve.*

(l) **Driveway gradient**

The proposed driveway gradient exceeds the maximum prescribed in Clause 6.10(2) of TPS6, A letter has been submitted to the City, however this letter does not contain adequate wording and more information is required to support the letter. Therefore having regard to the discretionary provision in Clause 7.8(1)(b) of TPS6. The following condition is recommended:

- (i) *a letter from the property owner which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth; and*
- (ii) *a longitudinal section of the crossover, driveway and parking which demonstrates that adequate ground clearance has been provided for vehicular movement. The section drawings shall be prepared in accordance with “Ground Clearance Template” provided in Appendix C of Australian Standard - Parking Facilities (AS 2890.1:2004).*

The required information relating to driveway gradient is to be provided prior to the issuing of a building licence.

**(m) Building height**

The building height limit is 10.5 metres and the proposed building height is 10.5 metres, therefore the proposed development complies with Clause 6.2 “Maximum Building Height Limit” of the Town Planning Scheme No. 6. The City has determined the appropriate zero point as 16.45 above AHD which results in an external wall height of 26.95 above AHD.

**(n) Setbacks**

The setbacks comply with the relevant Scheme and R-Code requirements including a 4.0 metre setback to Canning Highway that incorporates a 1.5 metre road widening portion. The lot shall be subdivided in the manner shown on the drawings incorporating the following:

- (i) creation of a lot containing the portion of land reserved under the Metropolitan Region Scheme for the future widening of Canning Highway; and
- (ii) provision of an 8.5 metre corner truncation to the Canning Highway / Dyson Street intersection.

A building licence may not be issued until the new Certificates of Title have been issued.

**(o) Visual privacy setbacks**

The required minimum visual privacy setback for balconies is 7.5 metres and the proposed visual privacy setbacks are equal to 7.5 metres, therefore the proposed development complies with the visual privacy element of the R-Codes.

It is noted that some objecting comments from neighbours have been received (see neighbour consultation), however whilst the concerns have some logical merit, they do not have statutory support and are accordingly not upheld.

**(p) Finished ground and floor levels - Maximum**

The City has determined the appropriate zero point as 16.45 above AHD. It is proposed that the building be cut (or sunken) below the zero point of 16.45 above AHD. The proposed finished ground levels are less than equal cut and fill, therefore compliant with Clause 6.10.3 “Maximum Ground and Floor Levels” of TPS6.

**(q) Open space including communal open space**

The requirements of Clause 7.2.1 “Dwellings in Mixed Use Development” of the R-Codes do not require an assessment of open space or communal open space.

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

The proposal complies with the amount of overshadowing allowed by the R-Codes as the overshadowing will occur over Canning Highway and not over any abutting residential properties.

**(s) 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.

**(t) 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) Major Developments Concept Forum**

This development application was presented to Council Members at the Major Developments Concept Forum on 2 September 2009.

**(b) Design Advisory Consultants' comments**

The proposal was referred to the December 2007 meeting of Council's Design Advisory Consultants (DAC). The Advisory Architects held no objection to the general design of the building. The proposal was revised following the Advisory Architects' preliminary comments and the application was returned to the July 2008 DAC meeting for further comment, in which the architects stated the following:

- “(i) The architects observed that the modified design provided separate lobby areas for residential and commercial uses, but did not make such a distinction in the car parking area, which is also necessary.*
- (ii) The proposed floor levels of the development, as viewed from Canning Highway, were supported as they will present an interesting view from the street and the pedestrian pathway.*
- (iii) The architects observed that the number of car parking bays proposed for the development was generous. The Assessing officer is to assess as per the Scheme and R-Codes requirements.*
- (iv) Rubbish collection from the proposed two 1100 litre bins would be required twice a week. Comment from the Environmental Health Department is required to be obtained.*
- (v) The architects observed that the applicant had suitably modified the design of the development as per recommendations from the DAC meeting held in December 2007, especially with regards to the vehicular access and driveway gradient.*
- (vi) The wardrobe widths within Type 'C' dwellings are to be increased to meet with the standard requirements.*
- (vii) The storerooms need to be enclosed in accordance with the R-Codes requirements.*
- (viii) The architects stated that communal open space is not required for dwellings within a Mixed Development.”*

The above comments have been relayed to the applicant. Design changes in relation to the DAC comments are discussed elsewhere in this report and are generally supported by City officers.

**(c) 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”. During the advertising period 13 submissions were received, two in favour and 13 against the proposal. The comments of the submitters, together with officer response, are summarised as follows:

Submitter's Comment	Officer Response
<p><u>Objection relating to the height of five stories</u> Developments on Canning Highway are currently not higher than two stories and going higher than this impacts on neighbouring residential properties relating to privacy. The loss of privacy will reduce the enjoyment of the location and its attractiveness.</p>	<p>This comment is <b>NOTED</b>. The development now only has three storeys which are within the prescribed height limit.</p>
<p><u>Further investigation relating to underground parking</u> To ensure that there is sufficient on-site parking to prevent street and verge parking in the area.</p>	<p>Town Planning Scheme No. 6 requirements relating to car parking have been met.</p> <p>Additional 4 car parking bays have been provided on-site, over and above the TPS6 and R-Codes requirements, further eliminating the need to park cars within the street.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
<p><u>Extreme shock and concern over the size and height</u> The development will be an eye-sore and block the early morning sun and sense of openness and space the area currently enjoys because previous developments in the street have been kept to a more reasonable height (i.e. two stories high).</p>	<p>This comment is <b>NOTED</b>. The development now only has three storeys which are within the prescribed height limit.</p>
<p><u>Not be in keeping with the 1930 - 1950's "Californian bungalow" feel</u> The preservation of the streetscape is what gives this part of South Perth its charm. When we extended our house the Council was concerned that we keep any development in sympathy with the other dwellings in the area.</p>	<p>This opinion is not consistent with the Design Advisory Consultants views relating to the use of this land. The comment is <b>NOT UPHELD</b>.</p>
<p><u>Traffic volume</u> Dyson Street is a "black spot" for collision. Dyson Street is the first street (after Mill Point Road / Wray Avenue traffic lights when travelling west along Canning Highway) that allows a right-hand turn. Increased traffic volumes will be a negative impact and will increase congestion at the intersection of Dyson Street and Canning Highway. The previous businesses on the site had two crossover accesses directly onto Canning Highway.</p>	<p>The Traffic Impact Assessment <b>Attachment 10.3.2(c)</b> states that the level of traffic generated is generally low, in the order of 59 vehicles per hour maximum during the commuter peak periods, and there is excellent access opportunities from the site including Mill Point Road, Douglas Avenue and Canning Highway. The comment is <b>NOT UPHELD</b>.</p>
<p><u>Parking</u> The existing commercial centre adjacent to the proposal has already created significant parking issues both for occupiers, visitors and residents at this end of Dyson Street. This proposal will increase these demands and no details to cater for "visitor parking" etc, was evident.</p> <ul style="list-style-type: none"> <li>▪ People working in the area already park in Salisbury Avenue.</li> <li>▪ More people working there will mean increased demand for on-street parking in Broome Street.</li> </ul>	<p>Refer to discussion on car parking. The comment is <b>NOT UPHELD</b>.</p>

Submitter's Comment	Officer Response
<p><u>Vehicle crossover access on Dyson Street impacting traffic volumes</u>                      Vehicle crossover access is now proposed exclusively on Dyson Street. Increased traffic volumes will be a negative impact and will increase congestion at the intersection of Dyson and Canning Highway. The previous businesses on the site had two crossover accesses directly onto Canning Highway.</p>	<p>The Traffic Impact Assessment <b>Attachment 10.3.2(c)</b> states that the level of traffic generated is generally low, there are no traffic engineering reasons to refuse the application relating to this. This has been confirmed by the City Engineering Department.                      The comment is <b>NOT UPHELD.</b></p>
<p><u>Rubbish collection and noise abatement plans</u>                      Requires further information. The location of the bin enclosure could result in the doors being left open and rubbish coming into the residential area.</p>	<p>The bin enclosure has been assessed by the City Environmental Health Department and has met all the relevant requirements of this department.                      The comment is <b>NOT UPHELD.</b></p>
<p><u>Location in Commercial Precinct</u>                      Mixed Development format is appropriate for this location.</p>	<p>It is agreed, Mixed Use Development is appropriate for this location.                      The comment is <b>UPHELD.</b></p>
<p><u>Road widening setback from Canning Highway</u>                      Any vehicle access (crossover or traffic congestion plans) should make allowance for the future potential road widening of Canning Highway.</p>	<p>The road widening has been considered and the relevant section of road widening has been removed from the development site.                      The comment is <b>NOT UPHELD.</b></p>
<p><u>Significant office component</u>                      Will result in increase in both traffic and people volumes during the day, in addition to the residential increase during day and night.</p>	<p>The Traffic Impact Assessment <b>Attachment 10.3.2(c)</b> states that the level of traffic generated is generally low, there are no traffic engineering reasons to refuse the application relating to this. This has been confirmed by the City Engineering Department.                      The comment is <b>NOT UPHELD.</b></p>
<p><u>Heavy equipment</u>                      Increased earthworks and heavy vehicle traffic will cause further damage to the integrity of surrounding buildings.</p>	<p>This is not a statutory planning consideration.                      The comment is <b>NOT UPHELD.</b></p>
<p><u>Height of dividing fencing to be 2.4 metres</u>                      In order to prevent the noise as there is no roof or cover to prevent the noise travelling.</p>	<p>There is no relevant planning requirement to require the fencing to be 2.4 metres.                      The comment is <b>NOT UPHELD.</b></p>

**(d) 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. The development is supported, subject to conditions, which will be provided to the applicant and required to be met before the City issues a building licence.

**(e) Environmental Health**

Comment has also been invited from the Building and Environmental Health areas of the City administration. Environmental Health Services provided comment with respect to a suitable bin enclosure, sanitary conveniences, Environmental Protection (Noise) Regulations 1997 and noise generally. The Environmental Health Department supported the development subject to conditions which will be provided to the applicant and required to be met before the City issues a building licence.

Environmental Health Services also provided comments with regards to noise related concerns raised by the adjoining property owners. Increasing the height of the boundary fence above the standard requirement of 1.8 metres, as proposed by the adjoining owners, is observed not to achieve noise attenuation. However, it has been proposed that speed breakers (speed humps) be incorporating into the design of the proposed driveway in order to reduce the speed of the vehicles as well as noise generated from them. This will also address the squealing of wheels. Accordingly, a condition of planning approval has been placed in the officer recommendation.

(f) **Building Services**

The Team Leader, Building Services had no comment to make on the proposal at this stage however, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

In order to adequately address concerns raised by the adjoining property owners in relation to challenges faced during the construction phase, a condition of planning approval and an associated important note have been recommended by the officers. These require the applicant / owner to provide a construction management plan together with the application for a building licence providing details of how the construction of the complex will be managed with special reference to delivery and storage of materials and equipment on the site; the parking arrangements for the contractors; impact on traffic movement; operation times including delivery of materials; and other matters likely to impact on the surrounding residents.

(g) **Traffic Impact Assessment**

The proposed development was referred to the Department for Planning and Infrastructure and again to the Department of Planning for comment, noting the fact that the development site abuts Canning Highway which is reserved under the Metropolitan Region Scheme as a “Primary Regional Road” and also having regard to the type and nature of the proposed development as the proposal may become a significant traffic generator in the future. By way of a letter dated 20 October 2009, Urban Transport Systems of the Department of Planning wrote to the City providing written support for the proposed development subject to the applicant / owner being advised of the current MRS reserve for Canning Highway.

**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 in 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**

This proposed development has balconies facing north which will have access to the northern sun, designed while keeping in mind the sustainable design principles in accordance with the R-Codes and Council’s Draft Sustainable Design Policy.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2</b></p>
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Moved Cr Ozsdolay, Sec Cr Kevin Trent

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 12 Multiple Dwellings and 5 Office Tenancies in a three-storey building (plus three basement floors of undercroft parking) on Lot 103 (No. 83) Canning Highway, South Perth **be approved**, subject to:

**(a) Standard Conditions**

410	Crossover effects infrastructure	615	Screening to be provided
415	Pay cost for removal of street tree	616	Screening to be permanent
390	Crossover standards	550	Plumbing hidden
625	Sightlines for drivers	445	Stormwater drainage
470	Retaining walls if required	427	Colours and materials - details
471	Retaining walls - timing	664	Inspection (final) required
455	Dividing fence standards	660	Expiry of approval
340	Parapet walls- finish of surface	352	Car parking bays marked
353	Visitor parking sign	354	Hard stand areas maintained / drained
393	Existing crossover to be removed	508	Landscaping plan required
377	External clothes drying facilities to be screened		

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

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (A) An enclosed, lockable storage area constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with a minimum area of at least 4.0 sq. metres shall be provided for Units 1 and 2 in accordance with the requirements of Clause 6.10.3(A3.1) of the Residential Design Codes.
  - (B) Provision shall be made for the parking of eight bicycles in bays and five secure clothes lockers at least one per each office tenancy, the design and location of which shall be in accordance with the requirements of Clause 6.4 of Town Planning Scheme No. 6.
  - (C) The rubbish storage area shall be provided with a gate that opens into the rubbish storage area not onto the street reserve.
  - (D) Landscaping is to be provided in accordance with Clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional in accordance with Clause 5.1(5) of TPS6.
  - (E) A section showing that the storerooms in the basement are wholly below natural ground level.



- (ii) The proposed driveway gradient exceeds that which will normally be accepted by the City. The driveway gradient will be accepted by the City if:
  - (A) A letter is received from the property owner which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth.
  - (B) Longitudinal section of the crossover, driveway and parking area is provided which demonstrates that adequate ground clearance has been provided for vehicular movement. The section drawings shall be prepared in accordance with "Ground Clearance Template" provided in Appendix C of Australian Standard - Parking Facilities (AS 2890.1:2004).

The required information shall be provided prior to the issuing of a building licence.

- (iii) Lot 103 shall be subdivided in the manner shown on the drawings incorporating the following:
  - (A) Creation of a lot containing the portion of land reserved under the Metropolitan Region Scheme for the future widening of Canning Highway.
  - (B) Provision of an 8.5 metre corner truncation to the Canning Highway / Dyson Street intersection.

A building licence may not be issued until the new Certificates of Title have been issued (refer to Important Note 6).

- (iv) The property shall not be used for the use hereby granted until an inspection has been carried out by a Council officer and the City is satisfied that the conditions of planning approval have been complied with.
- (v) In accordance with the provisions of Clause 6.8(2) of Town Planning Scheme No. 6, all subsoil water and stormwater from the property shall be discharged into soak wells or sumps located on the site unless special arrangements can be made to the satisfaction of the Director, Infrastructure Services for discharge into the street drainage system.
- (vi) Noise attenuation methods shall be incorporated into the design of the building in accordance with the requirements of Clause 4.9 of Town Planning Scheme No. 6, details of which shall be included with the working drawings submitted in support of a building licence application.
- (vii) Having regard to item (i) of Clause 7.5 "Matters to be Considered by Council" of TPS6, preservation of the amenity of the locality, speed breakers (speed humps) will be incorporating into the design of the proposed driveways as noise attenuation measures, and submitted as drawings at the building licence stage.
- (viii) A construction management plan to the satisfaction of the City shall be submitted, together with the application for a building licence. Such plan shall detail how the construction of the complex will be managed with special reference to:
  - (A) The delivery of materials and equipment to the site;
  - (B) The storage of materials and equipment on the site;
  - (C) The parking arrangements for the contractors and subcontractors;
  - (D) Impact on traffic movement;
  - (E) Operation times including delivery of materials; and
  - (F) Other matters likely to impact on the surrounding residents.[Refer also to Specific Advice Note (iii)].
- (ix) All plumbing fittings on external walls shall be concealed from external view as required by Clause 7.5(k) of Town Planning Scheme No. 6.
- (x) The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval.

<b>Footnote</b>	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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(c) **Standard Advice Notes**

648	Building licence required	651	Appeal rights - SAT
649A	Minor variations - seek approval	647	Revised plans required
645	Landscaping plan	641	Certificate of Title
646A	Fencing brick or masonry		

(d) **Specific Advice Notes**

- (i) The proponent shall liaise with, and obtain written certification from the City Engineering Infrastructure Department that the plans meet the engineering requirements of this department prior to the issuing of a building licence.
- (ii) The proponent shall liaise with, and obtain written certification from the City Environmental Health Officers that the plans meet their requirements of this department prior to the issuing of a building licence.
- (iii) Construction Work on the premises shall be in accordance with the Environmental protection (Noise) Regulations 1997, and shall be carried out between 7.00am and 7.00pm from Monday to Saturday. No construction work is to be conducted at any other time including Sundays or Public Holiday unless in accordance with Regulation 7, Regulation 13, and subject to:
  - (A) Construction work to be carried out in accordance with AS 2436 – 1981;
  - (B) The equipment used on the premises is the quietest reasonably available;
  - (C) The construction work is carried out in accordance with a construction management plan that is approved by the City’s Chief Executive Officer, and submitted no later than 7 days prior to any construction work;
  - (D) Provide written notification to all premises likely to receive noise emissions that fail to comply with prescribed standards under Regulation 7, at least 24 hours prior to the commencement of any construction; and
  - (E) That the construction work is reasonably necessary at that time.

<b>Footnote</b>	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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CARRIED (13/0)

<b>10.3.3 Recommendation to Western Australian Planning Commission for Proposed Amalgamation of Lot 204 (No. 32) and Lot 69 Riverview Street, South Perth.</b>
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Location:	Lots 204 (No. 32) and 69 Riverview Street, South Perth		
Applicant:	Complex Land Solutions Pty Ltd		
Lodgement Date:	24 April 2009		
File Ref:	15.2009.85	139812	
Date:	2 November 2009		
Author:	Laurence Mathewson, Planning Officer		
Reporting Officer:	Vicki Lummer, Director Development and Community Services		

**Summary**

To consider an application for the proposed amalgamation of Lot 204 (No. 32) and Lot 69 River View Street, South Perth. The proposal does not conflict with either Council Policy or the 2009 Residential Design Codes of Western Australia 2008.

It is recommended that the City support the application for amalgamation subject to conditions.

**Background**

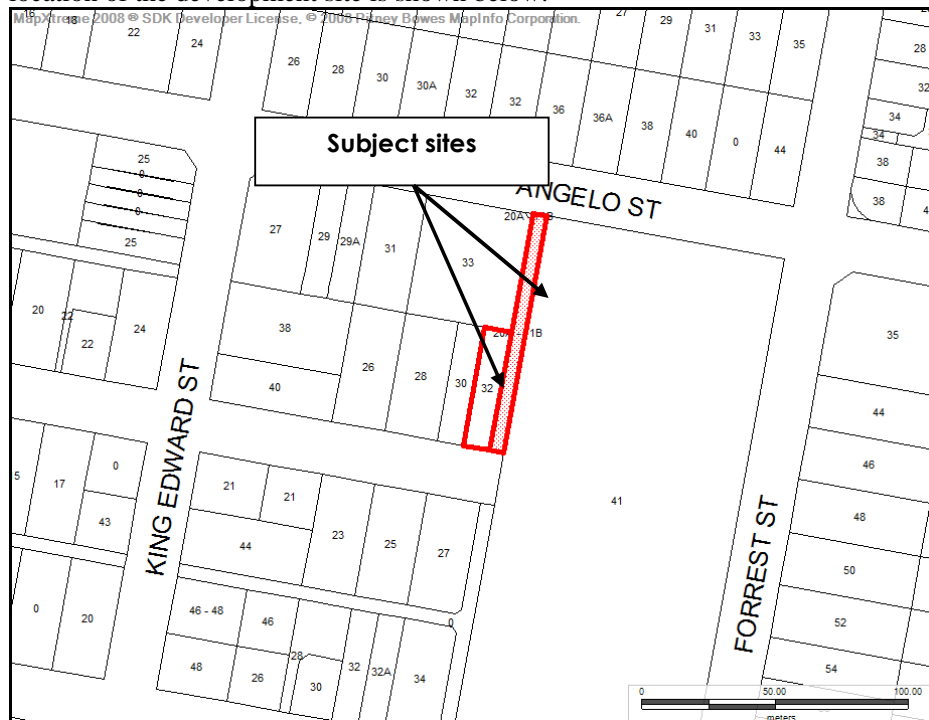
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R25
<b>Lot area</b>	Lot 204 - 457 sq. metres; Lot 69 – 473 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Not applicable
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachment:

**Attachment 10.3.3** Proposed amalgamation plan.

The location of the development site is shown below:



At its October 2009 Council Meeting, Council considered a development application for additions, including garage, patio, balcony and sauna, to Lot 204 (No. 32) and Lot 69 Riverview Street, South Perth, where the application was refused. The refusal carried the following reason:

- (d) with regard to the application for amalgamation of Lots 204 and 69, before responding to the West Australian Planning Commission, an officer report and recommendation is to be referred to a Council meeting for endorsement.

In accordance with this condition, the proposed amalgamation is now referred to Council for a recommendation to the Western Australian Planning Commission (WAPC).

**Comment**

**(a) Description of the surrounding locality**

The subject site Lot 204 (No. 32) Riverview Street, South Perth is located adjacent to residential development assigned an R25 density coding to the north and west. To the east is former Right-of-Way 15 and to the south is residential development, also assigned an R25 density coding. Lot 69, former ROW 15, is located adjacent to South Perth Primary School to the east. To the north, west and south is located residential development assigned an R25 density coding.

**(b) Existing development on the subject site**

The existing development on the subject site currently features a two storey dwelling. Lot 69 (No. 20A) also former ROW 15 is currently vacant. Both lots have been assigned an R25 density coding.

**(c) Description of the proposal**

The proposal involves the amalgamation of Lot 204 and Lot 69 Riverview Street, to form a single green title lot, as depicted on plan at **Attachment 10.3.3**. The application was referred by the West Australian Planning Commission (WAPC) to the City for comment on 1 May 2009. On 18 May 2009, the City wrote to the WAPC requesting an extension to the referral deadline to enable the application for amalgamation to be considered by Council, rather than at a delegated level by Council Officers. This action was requested as the City, Council and local residents were concerned that the former ROW (Lot 69) was not closed in the correct manner.

On all previous occasions, the closure of rights-of-way has been implemented via the procedure in the *Land Administration Act* (LAA). Under the LAA procedure, the Council determines whether or not the closure process will be initiated. However, on this occasion, the applicant, who is also the owner of ROW 15, used a different process under the *Transfer of Land Act* (TLA) to gain approval for the closure. This alternative procedure was previously unknown to the City and the Council has no role in the TLA procedure. The applicant now holds a Certificate of Title for Lot 69, being the former ROW 15.

Issues relating to the closure of the right-of-way have been examined in the course of appeal proceedings in the State Administrative Tribunal (SAT), for the development application on the proposed amalgamated lot. Neighbouring residents have sought leave to make a submission to the SAT or to intervene in the proceedings. Those residents contend that the right-of-way closure process has not been implemented correctly. However, this contention could only be tested by way of proceedings in the Supreme Court. It is not the role of the SAT to challenge the correctness of the closure process. Accordingly, the merits of the proposed amalgamation have been considered independently of both the development application and the right-of-way closure.

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

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.*

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

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;*
- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (i) *the preservation of the amenity of the locality;*
- (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) **Neighbour consultation**

In accordance with Council Policy P355, as this proposal relates to an application for amalgamation only, community consultation was not required. However, during the consultation phase of the preceding development application (Reference 11.2009.65) for the subject site, it was discovered that there is significant community opposition to any development of the two sites.

(b) **Other City Departments**

Comment from other City Departments was not required.

(c) **Petition**

As the result of a petition received, a Special Electors Meeting was held on 16 November to discuss the closure of the right-of-way.

**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**

As the authority responsible for issuing the determination the application fee is paid to the West Australian Planning Commission, therefore this determination has no financial implications.

**Strategic Implications**

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

**Sustainability Implications**

There are no sustainability implications relating to this application.

**Conclusion**

As per the advice from the State Administrative Tribunal the application for amalgamation must be considered independently of the development application for additions on the subject sites. The proposal meets all of the relevant Scheme and R-Codes objectives and provisions, and provided that the conditions are applied as recommended, it is considered that the proposed amalgamation should be conditionally supported.

**OFFICER RECOMMENDATION 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, the Western Australian Planning Commission be advised that:

**(a) Standard Conditions / Reasons**

Council has no objection to the proposed amalgamation of Lots 204 (No. 32) and 69 Riverview Street, South Perth.

Further the WAPC be advised that Council, at its September 2009 meeting, refused a development application for Lots 204 (No. 32) and 69 for additions, therefore the Commission's approval should not be construed as an approval for development of any of the lots proposed.

**DECLARATION OF INTEREST : CR GRAYDEN : ITEM 10.3.3**

The Mayor read aloud the following Declaration from Cr Grayden:

*I wish to declare an interest in Agenda Items, 8.1.1, 10.1.1 and 10.3.3 for the reasons outlined in my Declaration of Interest made at the Special Electors Meeting held on 16 November 2009 and included in the Minutes of that Meeting at Item 10.1.1 and will leave the Chamber should those items be discussed.*

**Note:** Cr Grayden left the Council Chamber at 7.55pm

**OFFICER RECOMMENDATION : ITEM 10.3.3**

The Mayor called for a mover of the officer recommendation at Item 10.3.3. The officer recommendation Lapsed.

**MOTION**

Moved Cr Skinner, Sec Cr Hasleby

That...

- (a) the officer recommendation not be adopted;
- (b) in respect of the proposed amalgamation of Lots 204 (No. 32) and 69 Riverview Street, South Perth, a recommendation to the Western Australian Planning Commission (WAPC) be deferred to a later Council meeting pending receipt of the decision on the appeal to the State Administrative Tribunal (SAT) DR 234/2009: Parker v City of South Perth, following the SAT hearing scheduled for 11 December 2009; and
- (c) the WAPC be requested to defer its decision on the amalgamation until the SAT decision on the appeal has been handed down.

**MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION**

Cr Skinner opening for the Motion

- seeking deferral
- had Special Electors Meetings to hear residents concerns
- local MP has advised the Minister for Education is currently seeking legal advice
- believe beneficial to defer until decision on SAT application available

Cr Hasleby for the Motion

- support alternative Motion
- alternative prescribed is the way to go
- support deferral pending SAT outcome

Cr Cala against the Motion

- not so much against but wish to raise concerns about this matter being linked to SAT
- believe it is an ownership issue and should be linked to the Supreme Court action
- see outcome of SAT being just one component of the issue
- believe other issues should have been addressed

Cr Skinner closing for the Motion

- in decision-making one does not go with the other
- no harm in deferral pending SAT outcome
- ask Members support Motion

**COUNCIL DECISION ITEM 10.3.3**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) in respect of the proposed amalgamation of Lots 204 (No. 32) and 69 Riverview Street, South Perth, a recommendation to the Western Australian Planning Commission (WAPC) be deferred to a later Council meeting pending receipt of the decision on the appeal to the State Administrative Tribunal (SAT) DR 234/2009: Parker v City of South Perth, following the SAT hearing scheduled for 11 December 2009; and
- (c) the WAPC be requested to defer its decision on the amalgamation until the SAT decision on the appeal has been handed down.

CARRIED (12/0)

Reason for Change

In order to assist in making a decision on this matter, Council were of the view it would be beneficial to defer consideration until the decision on the related SAT application is available.

**Note:** Cr Grayden returned to the Council Chamber at 8.00pm

**10.4 GOAL 4: INFRASTRUCTURE**  
Nil

**10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

**10.5.1 Applications for Planning Approval Determined Under Delegated Authority.**

Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 2 November 2009  
Author: Matt Stuart, Acting 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 October 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 October 2009, fifty-six (56) 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1</b>
--

That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of October 2009, be received.

CARRIED EN BLOC RESOLUTION



<b>10.5.2</b>	<b>Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 2 November 2009  
 Author: Kay Russell, Executive Support Officer  
 Reporting Officer: P McQue, Manager Governance and Administration

**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.

**October 2009**

Nature of document	Parties	Date Seal Affixed
Deed of Variation	City of South Perth and Margaret Dunn, Unit 75/37 McNabb Loop, Como	2 October 2009
CoSP Town Planning Scheme No 6 Scheme Amendment Report Amendment No 21	Proposal to rezone land in Godwn Avenue, Manning from Local Commercial zone and Local Roads reserve to Residential zone with a density coding of R20; and to apply the .0 m Building Height Limit to land acquired through road closure.	13 October 2009
Lease Agreements	City of South Perth and Martin Hayes	15 October 2009
Modified Amendment Report Amendment No 19	Increase in density coding from R40 to R40/60 for Lot 50 [No 32] Jubilee Street, corner of Weston Avenue, South Perth	21 October 2009
Collaborative Arrangement - Riverbank Grants Scheme 10SP02 - Como Beach North River - wall replacement and Como Beach Foreshore Rehabilitation 10SP03	Swan River Trust and the City of South Perth	28 October 2009
Contract of Employment 2009-2014	CEO	28 October 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</b>
--

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

CARRIED EN BLOC RESOLUTION

<b>10.5.3 Delegates from Council</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/109  
 Date: 4 November 2009  
 Author: Kay Russell, Executive Support Officer  
 Reporting Officer: P McQue, Manager Governance and Administration

**Summary**

The purpose of this report is to nominate Delegates to represent Council on several external organisations.

**Background**

A number of community, regional and statewide organisations regularly request that Council provide a member to be a Delegate and sit on a management or consultation committee of the external organisation. Where Council provides a delegate they may wish to nominate a deputy delegate to act in the absence of the delegate.

Council has previously provided Delegates to the following organisations:

ORGANISATIONS	DELEGATES
* Rivers Regional Council (prev. SE Metro.Regional Council)	Two and a deputy
* WALGA - South-East Metropolitan Zone	Two and a deputy
South East District Planning Committee	One and a deputy
Perth Airport Municipalities Group	One and a deputy
Two Rivers Catchment Group (SERCUL)	One and a Deputy
S E R C U L (South East Regional Centre for Urban Landcare)	One and a Deputy
Local Emergency Management Committee for Canning	One and a Deputy

- \* Due to the meeting schedules of the Rivers Regional Council and WALGA : South East Metropolitan Zone it was necessary to appoint the Council Delegates to these organisations at the Special Council Meeting held on 20 October 2009.

At that meeting Council appointed:

- (a) Mayor Best and Cr Trent as Council's Delegates to the WALGA South East Metropolitan Zone with the CEO as a Deputy Delegate, and
- (b) Crs Cala and Trent as Delegates on the Rivers Regional Council with Cr Ozsdolay as the Deputy Delegate.

**Comment**

Details of the other external organisations previously provided with Delegates are provided hereunder:

***South East District Planning Committee***

The South East District Planning Committee (SEDPC) exists under the authority of the WAPC *Western Australian Planning Commission Act* and the *Metropolitan Region Town Planning Scheme Act* (MRTPS).

The SEDPC is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- Shire of Serpentine Jarrahdale
- City of South Perth
- Town of Victoria Park

Members and Deputy Members shall hold office for the period commencing from the date of their appointment by the Local Government and concluding on the day of the next subsequent annual municipal elections. The previous Council representative was Cr Cala with Cr Doherty as Deputy Delegate and meetings were held on a bi-monthly basis.

As part of the "Building a Better Planning System" consultation paper released in March 2009 a priority action was for the WAPC to undertake a formal review of the statutory and other supporting committees of the WAPC to determine their effectiveness. In June 2009 the Premier also requested that all government agencies review and where appropriate reduce the number of boards and committees in order to improve operational efficiencies, reduce costs and to make government more responsive to the needs of Western Australians.

As a consequence of these two initiatives and with the aim of contributing to the overall improvement of the State's planning framework and processes, the WAPC has completed a review of its committee structure. Following this review, in August 2009 WAPC resolved that the South East District Planning Committee would become an advisory committee with meetings scheduled at the discretion and direction of the WAPC. It was agreed that the South East District Planning Committee could assist the WAPC with broader strategic issues that are referred to it on an 'as needed' basis rather than having regular scheduled meetings. Therefore future meetings of the South East District Planning Committee will be called by the WAPC as and when required and will not be held on a regular basis.

***Perth Airports Municipalities Group***

The objectives of the PAMG are as follows:

- (a) To provide a forum of meaningful discussion on issues which affect the Perth International Airport and Jandakot Airport and their environs and to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports and to monitor their use and environmental impact on neighbouring communities.
- (b) To advise relevant State and Federal Ministers, State and Commonwealth Government departments, the Noise Management Committee, and Westralia Airports Corporation (WAC) and Jandakot Airport Holdings Pty Ltd (JAH) on issues of major concern affecting Airports and the surrounding communities.
- (c) To provide a medium for the expression of community views and a proper exchange of information with members of the community.
- (d) To consider all proposals affecting Airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations.
- (e) To liaise with the Airport Emergency Procedures Committee where necessary on matters involving emergency co-ordination and rescue response.
- (f) To pursue active participation on the Australian Mayoral Aviation Council (AMAC) and such other bodies that may come into existence for the purpose of fostering participation in the development, use and impact of Airports.
- (g) To promote the benefits of Airports.

Membership to the PAMG includes the following Local Governments:

The Cities of: Swan, Bayswater, Belmont, Canning, Cockburn, Gosnells, South Perth, the Shires of Kalamunda and Mundaring and the Town of Bassendean.

Meetings are held bi-monthly or as decided by the PAMG on a rotational basis at the members local government offices. The previous Council Delegate was Cr Hasleby with Cr Burrows as the Deputy Delegate. The next meeting of this Committee is scheduled for Thursday 17 December 2009.

***Two Rivers Catchment Group - SERCUL (South East Regional Centre for Urban Landcare)*** Two Rivers Catchment Group operates over a large area from Kalamunda through Belmont and to the Canning Plains area on the northern side of the Canning River. The Group is an integrated catchment body that allows the community to protect and preserve natural environments.

Meetings are held quarterly on a rotational basis at the members local government offices. The previous Council Delegate was Cr Ozsdolay with Cr Smith as the Deputy Delegate.

***SERCUL - (South East Regional Centre for Urban Landcare)-***

SERCUL is a sub-region of the Perth Natural Resource Management Organisation whose allocated region covers 12 local authorities. SERCUL is a 'not for profit' organisation and operates from an office at 69 Horley Road, Beckenham. The organisation currently has 8 full time staff and 4 part time staff working with Commonwealth, state and Local governments to implement a wide range of NRM projects including community education.

As a member of the organisation Council will have the opportunities to:

- Gain first hand knowledge of projects being offered and occurring;
- Network with NRM officers, community, local and State Government Officers involved with NRM; and
- Put forward requests for information or presentations on NRM topics or issue that is of interest to the City of South Perth.

Council has not previously been asked by SERCUL to nominate a Councillor or Officer as a Delegate to this organisation.

The SERCUL Committee meets at 9.00am to 12 noon four times a year on the second Thursday of the month. Meetings are held at member local government offices on a rotating basis.

***Local Emergency Management Committee for Canning***

In 2005 with the introduction of the *Emergency Management Act* provision was made to combine Local Emergency Management Committees. The Local Emergency Management Committee for Canning (LEMC) comprises the Cities of Canning and South Perth and represents the interests of both local governments.

The Emergency Management Structure in accordance with the *Emergency Management Act 2005* is as follows:

**1. State Emergency Management Committee**

- Authorises regulations.
- Appoints SEMC members.
- May declare “State of Emergency”.
- Determines emergency management districts under the Act.

**2. District Emergency Management Committee**

- Provide advice and support to the district emergency management committee for the district in the development and maintenance of emergency management arrangements for its district.
- To carry out other emergency management functions in accordance with the directions of the State Emergency Coordinator.

**3. Local Emergency Management Committee**

- Develop and implement local emergency management arrangements.
- To manage recovery following an emergency affecting the community in its district.
- To perform other functions given to the local government under the Act.

**4. State Emergency Service**

- Provides on-ground response to local emergencies.
- Provides rescue volunteer support and resources to hazard management agencies.
- Co-ordinates volunteers providing training and resources in preparedness of emergencies.
- Maintains rescue equipment in fully functional condition in preparedness of emergencies.

The committee meets quarterly and meetings are held at Canning and South Perth local government offices on a rotating basis. The previous Council Delegate was Cr Bill Gleeson.

**Consultation**

Council decision required to nominate Members to external groups/boards/committees.

**Policy Implications**

Policy P514 “Delegates from Council”.

Delegates are required to provide a report on matters discussed so that the information can be included on the next following Council Agenda for the information of Council Members.

**Financial Implications**

Minor representation costs.

**Strategic Implications**

In line with Strategic Plan Goal 5: Organisational Effectiveness *“To be a professional, effective and efficient organisation.”*

**OFFICER RECOMMENDATION ITEM 10.5.3**

That Council provide the following organisations with the identified number of Elected Member Delegates:

- |   |                  |
|---|------------------|
| • South East District Planning Committee                      | One and a deputy |
| • Perth Airport Municipalities Group                          | One and a deputy |
| • Two Rivers Catchment Group (SERCUL)                         | One and a deputy |
| • S E R C U L (South East Regional Centre for Urban Landcare) | One and a deputy |
| • Local Emergency Management Committee for Canning            | One and a deputy |

**NOMINATIONS**

The Mayor reported that the following Nominations had been received:

South East District Planning Committee *Cr Cala as Delegate*

Perth Airport Municipalities Group *Cr Burrows Delegate, Cr Hasleby Deputy Delegate*

Two Rivers Catchment Group (SERCUL) *Cr Ozsdolay Delegate, Cr Skinner Deputy Delegate*

S E R C U L (South East Regional Centre for Urban Landcare) *Cr Skinner Delegate, Cr Ozsdolay Deputy Delegate*

Local Emergency Management Committee for Canning *Cr Lawrance Delegate, Cr Best Deputy Delegate*

The Mayor asked for any further Nominations. Cr Trent nominated as Deputy Delegate to the South East District Planning Committee.

**COUNCIL DECISION ITEM 10.5.3**

Moved Cr Hasleby, Sec Cr Burrows

That Council appoints:

- Cr Cala as its Delegate on the South East District Planning Committee with Cr Trent as Deputy Delegate;
- Cr Burrows as its Delegate on the Perth Airport Municipalities Group with Cr Hasleby as the Deputy Delegate;
- Cr Ozsdolay as its Delegate on the Two Rivers Catchment Group with Cr Skinner as the Deputy Delegate;
- Cr Skinner as its Delegate on the South East Regional Centre for Urban Landcare (S E R C U L) with Cr Ozsdolay as the Deputy Delegate; and
- Cr Lawrance as its Delegate on the Local Emergency Management Committee for Canning with Cr Best as the Deputy Delegate.

CARRIED (13/0)

**10.5.4 Council Meeting Schedule 2010**

Location: City of South Perth  
 Applicant: Council  
 File Ref: A/ME/2  
 Date: 2 November 2010  
 Author: Kay Russell, Executive Support Officer  
 Reporting Officer: : P McQue, Manager Governance and Administration

**Summary**

The purpose of this report is to adopt the Council Meeting / Agenda Briefing Schedule for the 2010 year.

**Background**

It is customary to set the Council meeting calendar as early as possible so that meeting dates are known and dates can be advertised to the public well in advance. Typically, Council meets on the fourth Tuesday in each month with the Agenda Briefing on the preceding Tuesday. Town Planning Briefings are typically arranged for the first Wednesday in each month.

Exceptions to the above are:

- In December the ordinary scheduled Council meeting date is usually brought forward by one week to accommodate the Christmas period. In 2010 this would mean the December meeting would be held on 21 December, three days before Christmas which would allow very little time for the preparation of the Council Minutes and the implementation / 'action' of Council resolutions. It has therefore been suggested that the December Council Meeting be brought forward by 2 weeks to 14 December 2010. Bringing forward the December meeting by 2 weeks still allows three weeks between the November and December meetings.
- During January each year when the Council is in recess any urgent matters that may arise, that the Chief Executive Officer does not have authority to deal with, will be the subject of a Special Meeting of Council. Clause 3.1 of the Standing Orders Local Law. 'Calling and Convening Meetings' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government as he is empowered to do in accordance with the *Local Government Act*.

**Comment**

A resolution is required to adopt the Council Meeting / Agenda Briefing Schedule for the year 2010. The dates of all of these meetings, open to the public, are known well in advance and can therefore be advertised early in the new year. The 'standard' meeting schedule for 2010 is as follows:

Council Agenda Briefings 2010		Ord. Council Meetings 2010	
Month	Recess	Month	Recess
January		January	
February	16.2.2010	February	23.2.2010
March	16.3.2010	March	23.3.2010
April	20.4.2010	April	27.4.2010
May	18.5.2010	May	25.5.2010
June	15.6.2010	June	22.6.2010
July	20.7.2010	July	27.7.2010
August	17.8.2010	August	24.8.2010
September	21.9.2010	September	28.9.2010
October	19.10.2010	October	26.10.2010
November	16.11.2010	November	23.11.2010
December	7.12.2010	December	14.12.2010

The changes proposed for January and December have been custom and practice at the City of South Perth and this report is proposing continuation of this practice, albeit for 2010 the December meeting has been brought forward by two weeks instead of the customary one week. There is minimal public impact expected.

Special Council Meetings

Special Council meetings are generally called on a needs basis and as a result, it is not possible to predict in advance when such meetings will be held.

**Consultation**

It is proposed to advertise the Council Meeting / Agenda Briefing Schedule for the year 2010 in the Southern Gazette newspaper and to update the internet 'Schedule of Meetings' accordingly. In accordance with normal practice the contents of Agendas for all meetings are included on the internet 'Minutes / Agendas' and displayed on the noticeboards in the Libraries, at Heritage House and outside the Civic Centre Administration Offices.

**Policy Implications**

Adopting the Council Meeting schedule for the forthcoming year is in common with past practice and in line with the *Local Government Act* Regulations which state that: *at least once each year a local government is to give local public notice of the dates, time and place at which Ordinary Council Meetings/Briefings open to the public are to be held.*

**Financial Implications**

N/A

**Strategic Implications**

In line with Goal 5 of the Strategic Plan : Organisational Effectiveness - *To be a professional, effective and efficient organisation*

**Sustainability Implications**

Reporting on the Council / Briefing meeting schedule for 2010 contributes to the City's sustainability by promoting effective communication.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.4</b>
--

That the Council Meeting Schedule for 2010, as detailed in Item 10.5.4 of the November 2009 Council Agenda be adopted and advertised for public interest.

CARRIED EN BLOC RESOLUTION

<b>10.5.5 Review of Policy P513 "Travel"</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	2 November 2009
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

It is timely to review the content of Policy P513 "Travel" in relation to Elected Members. The purpose of the review is so that the content of the policy reflects contemporary standards and can be administered as efficiently and equitably as possible yet maintain accountability for the Elected Member participating in the travel.



**Background**

The policy was first adopted in November 2002 and reviewed by the Audit and Governance Committee in February 2006. The amended Policy was adopted at the March 2006 Council Meeting.

**Comment**

A review of the policy now reveals that it is unduly restrictive and flexibility can and should be improved. At the present time, the policy effectively requires a Council resolution for any Elected Member to travel on a plane - although what the significance of the mode of travel has is not fully appreciated. Travel interstate is now a common practice, an accepted way of conducting business and is relatively cheap.

A recent example of where the current policy does not meet contemporary business practice involved the invitation, at short notice, by the Prime Minister to the Mayor to attend an Australian Council of Local Government meeting in Canberra. In accordance with current convention, the policy was varied by the CEO and the Deputy Mayor and reported to Councillors to allow the attendance of the Mayor. The alternative was to call a Special Meeting of Council to consider the invitation which of course cannot be justified.

It is therefore suggested that the policy be amended to identify the most common situations where the Mayor would reasonably be expected to attend and to modify the policy accordingly. Obvious additions would include attendance at similar Australian Council of Local Government functions, the annual Australian Local Government Association convention and perhaps other awards or ceremonies where the City is being acknowledged or presented with an award.

The policy could also be amended to provide for attendance of at least one Interstate Conference by each Councillor each year. Attendance would not require the approval of Council but would require the CEO to be given Delegated Authority to approve attendance in accordance with the Policy. Reporting procedures in relation to Conference Attendance would need to be strengthened, as well as restrictions on travelling, for example not within 4 months of becoming an Elected Member or within 4 months of a Councillor's term expiring.

The existing Policy P513 is at **Attachment 10.5.5(a)** for information.

For the reasons detailed above, it is suggested that the policy be amended by deleting clause 1 under 'Approval to Travel', replacing it with the following clauses 1 - 4 and re-numbering the existing clauses 2, 3 and 4 accordingly:

**Approval to Travel**

1. The Mayor is authorised to represent the City at the following events without specific approval by Council:
  - (a) attendance at the Australian Council of Local Government forums convened by either the Prime Minister or the Commonwealth Minister for Local Government;
  - (b) attendance at the Australian Local Government Association Annual Convention; and
  - (c) one other Interstate Conference or Seminar (or similar) related to Local Government each calendar year.

2. Each Elected Member, each year, is authorised without the specific approval of Council to:
  - (a) represent the City at one Interstate Conference or Seminar (or similar) related to Local Government or
  - (b) travel outside of the Perth metropolitan region on one occasion per year, but within WA to any Conference or Seminar (or similar) related to Local Government.
3. Travel without specific Council approval in relation to 1(c) and 2 is not permitted within 4 months of becoming an Elected Member or within 4 months of an Elected Members expiry of term of office.
4. No more than two Elected Members may attend the same Interstate or country WA Conference or Seminar (or similar) under this policy. Attendance of three or more Elected Members at a Conference or Seminar (or similar) will require specific approval.

Clause 9 has been amended to make the clause more flexible.

Attendance at interstate conferences is considered justified on the basis of the opportunity presented for education and training purposes as well as providing an opportunity to experience local study tours, amenities, facilities and other features relevant to the City of South Perth.

Under the heading **Information and Reporting**:

Clause 10 of the existing policy has been reworded to require a greater degree of reporting to Council and has been renumbered to clause 12.

Clause 12 will therefore read as follows:

***Information and Reporting***

12. *A Council member or officer who travels under this policy must provide to the CEO:*
  - (i) *a copy of the conference papers and/or other relevant information they obtained during the course of the conference or study tour; and,*
  - (ii) *a report of not less than two pages describing the significant outcomes of the conference or study tour.*

Clause 11 of the existing policy has been reworded to require the report to be included on the Council Agenda in accordance with current practice. This clause has been renumbered to clause 13 and reads as follows:

13. *The CEO will include the report referred to at clause 12(ii) above on the Council Agenda in accordance with the City's Standing Orders Local Law and current practice*

Clauses 14 and 15 have been deleted as they are a duplication of the strengthened Clause 12 which requires a report be prepared and included on a Council Agenda.

The amended policy provides that the CEO be given delegated authority to process applications in accordance with the policy and if not satisfied with the relevance or content of the application, refer the application to Council for consideration.

Elected Members wishing to attend conferences or seminars (or the like) outside of or in addition to this Policy must seek specific Council approval.

All other clauses remain the same.

The amended Policy is at **Attachment 10.5.5(b)**.

#### **Consultation**

The Department of Local Government has advised that section 5.69 of the *Act* (approval of the Minister to consider) and section 5.98 (Declaration of Interest in relation to expenses) is not relevant and Elected Members are able to debate and resolve on the policy without declaring a financial or other interest.

#### **Policy and Legislative Implications**

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

Councillors are exempt from Declaring an Interest in this matter as it relates to 'reimbursement of an expenses' as defined by s.5.98(2) of the *Act*. A disclosure is not required under s.5.65 of the *Act*.

#### **Financial Implications**

Sufficient funding will be provided in the Budget for education and training of Elected Members.

#### **Strategic Implications**

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.5</b>
--

That Policy P513 "Travel" as amended at **Attachment 10.5.5(b)** by adopted.

CARRIED EN BLOC RESOLUTION

<b>10.5.6 Amendment of Parking Local Law and Penalty Units Local Law</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	LE/101 & LE/106
Date:	3 November 2009
Author:	Sebastian Camillo Manager Environmental Health and Regulatory Services
Reporting Officer:	Vicki Lummer, Director Development and Community Services

#### **Summary**

To enable the City to regulate car parking during the staging of the 2010 Red Bull Air Race, it is necessary to amend the City's Parking Local Law to provide for the establishment of General No Parking Areas in specified locations at specified times. It is necessary to amend the Penalty Units Local Law in order to double the penalty which will apply for infringement of those parking restrictions during the specified times.

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

### **Background**

In February Council will be considering approval of the 2010 Red Bull Air Race on Sir James Mitchell Park including the imposition of road closures and parking restrictions on Saturday 17 and Sunday 18 April 2010.

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

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

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

### **Comment**

#### *Procedural Requirements - Purpose and effect*

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

#### *Parking Local Law*

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

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

#### *Penalty Units Local Law*

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

The text of the proposed amendment local law is at **Attachment 10.5.6**.

#### *Public consultation*

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

Submissions about the proposed local law may be made to the local government for a period of not less than 6 weeks after the notice is given. After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Once the public consultation process is concluded, a further report will be presented to Council to enable it to consider any submissions received and to make the local law.

**Policy and Legislative Implications**

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

**Financial Implications**

Nil.

**Strategic Implications**

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

**Sustainability Implications**

The City is committed to sustainability by demonstrating the establishment of a Sustainability Policy, Sustainability Strategy and Action Plan, and various sustainability program

Reducing vehicle travel and parking to the foreshore will significantly contribute to the City’s commitment to the ICLEI Cities for Climate Protection program and the Planet Footprint data management program which calculates and measures the City’s greenhouse gas emissions from the corporate and community areas.

**OFFICER RECOMMENDATION ITEM 10.5.6**

That....

- (a) the proposed Amendment (Parking and Penalty Units Local Laws) Local Law 2009, at **Attachment 10.5.6** be adopted for the purposes of public advertising and consultation as required by section 3.12 of the *Local Government Act*; and
- (b) a further report be presented to Council after the expiry of the submission period to enable the Amendment Local Law to be made.

PURPOSE AND INTENT OF PROPOSED LOCAL LAW ITEM 10.5.6

As required, the Mayor read aloud the following purpose of the proposed Local Law:

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.6</b>
--

Moved Cr Trent, Sec Cr Ozsdolay

That....

- (a) the proposed Amendment (Parking and Penalty Units Local Laws) Local Law 2009, at **Attachment 10.5.6** be adopted for the purposes of public advertising and consultation as required by section 3.12 of the *Local Government Act*; and
- (b) a further report be presented to Council after the expiry of the submission period to enable the Amendment Local Law to be made.

CARRIED (13/0)

<b>10.5.7 Committees of Council</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	2 November 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

**Summary**

The purpose of this report is to formally receive a nomination from Cr Best for the Audit and Governance Committee and the CEO Evaluation Committee.

**Background**

After each election, the Council must review the membership of each of its Committees. The City currently has two committees of Council. These are the Audit and Governance Committee which oversees the City's audit process and deals with a range of governance issues and the CEO Evaluation Committee which oversees quarterly reviews of the CEO's performance and conducts annual performance reviews for the CEO.

**Comment**

At the Special Swearing-In Council Meeting held on 20 October 2009, following the 2009 Council Election, nominations were received from Council Members to sit on its internal Committees. Cr Pete Best emailed his interest in standing on both Committees prior to the Special Council Meeting. At the time of the Special Council Meeting Cr Best was on Leave of Absence and unfortunately his nomination was not 'tabled'. As a consequence the Council resolution to appoint the committees did not include Cr Best. It is now recommended that Cr Best be formally appointed to the Audit and Governance Committee and the CEO Evaluation Committee.

The following are the current members of the Committees appointed at the Special Council Meeting held 20 October 2009:

:Audit & Governance Committee	CEO Evaluation Committee
Mayor Best Cr Cala Cr Cridland Cr Doherty Cr Grayden Cr Lawrance Cr Skinner;	Mayor Best Cr Burrows Cr Grayden Cr Hasleby Cr Skinner Cr Trent

**Consultation**

Nil

**Policy and Legislative Implications**

Establishment of Committees is in accordance with section 5.11 of the *Local Government Act 1995* which provides that the tenure of a committee member ceases at each ordinary election day.

**Financial Implications**

Nil

**Strategic Implications**

In line with Strategic Plan Goal 5: Organisational Effectiveness. *'To be a professional, effective and efficient organisation.'*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.7</b>
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That Councillor Best be appointed to the Audit and Governance Committee and the CEO Evaluation Committee.

CARRIED EN BLOC RESOLUTION

**10.6 GOAL 6: FINANCIAL VIABILITY**

<b>10.6.1 Monthly Financial Management Accounts - October 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 November 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 31 October 2009 is \$30.69M which represents 101% of the \$30.26M year to date budget. Revenue performance is close to budget expectations overall - although there are some small line item differences. Municipal Fund interest revenues are below budget expectations for the first four months of the year due to weak investment rates whilst 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). Parking infringement revenue (meter parking and infringements) is well ahead of budget to the end of October and Golf Course revenue remains around 8% ahead of budget targets. The plant nursery reflects a substantial book gain in the carrying value of nursery greenstock. A 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)**. Relevant items have been addressed in the Q1 Budget Review - Item 10.6.5 of this agenda.

Operating Expenditure to 31 October 2009 is \$11.96M which represents 99% of the year to date budget of \$12.11M. Operating Expenditure to date is 3% under budget in the Administration area, 2% over budget in the Infrastructure Services area (a non cash item only - depreciation) and 4% 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 and Building Services area. 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 are 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. The plant nursery reflects additional costs – but these are offset by a significant increase in the book value of nursery greenstock. Building maintenance and engineering reinstatements both reflect significant favourable variances but these are considered to be only of a timing nature - and likely to reverse later in the year. Fleet charge out rates and overhead recovery rates are currently under review and will be adjusted for the start of the new calendar year.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.3% under the budget allocation for the 216.3 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)**. Relevant expenditure items have also been addressed in the Q1 Budget Review - Item 10.6.5 of this Agenda.

Capital Revenue is disclosed as \$0.79M at 31 October against a year to date budget of \$0.80M. A small unfavourable variance relating to lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village is offset by a small favourable variance 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)**. Relevant items in this category have been addressed in the Q1 Budget Review - Item 10.6.5 of this agenda.

Capital Expenditure at 31 October 2009 is \$2.61M which represents 83% of the year to date budget and some 14% of the full year budget (after the inclusion of carry forward works approved by Council in August). The City will again be using the staged capital program approach of creating a ‘Deliverable’ capital program 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	865,000	767,188	89%	7,120,000
Financial & Information Services *	110,000	109,273	99%	720,000
Planning & Community Services	180,000	129,443	72%	872,850
Infrastructure Services	1,788,698	1,398,138	78%	9,066,377
Golf Course	190,200	202,210	106%	418,200
<b>Total</b>	<b>3,133,898</b>	<b>2,606,252</b>	<b>83%</b>	<b>18,197,427</b>

- 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’ financial resources’*. Such actions are necessary to ensure the City’s financial sustainability.

#### **Sustainability Implications**

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

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

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.1**

That ....

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (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) & (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 31 October 2009**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 8 November 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 \$44.87M compare favourably to \$39.55M at the equivalent stage of last year. Reserve funds are some \$1.4M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV (\$2.0M higher) but \$0.8M less holdings in the Future Building Works Reserve as monies are applied to the new Library & Community Facility project.

Municipal funds are \$3.9M higher due to the additional \$1.0M in restricted funds (IAF grant relating to the Library & Community Facility) and much lesser capital outflows (\$3.0M less) 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 even in this 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 \$18.67M (compared to \$14.71M at the same time in 2008/2009). **Attachment 10.6.2(1)**.

**(b) Investments**

Total investment in money market instruments at month end was \$43.30M compared to \$40.55M 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 96.4% 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 \$0.51M - well down from \$0.92M 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 in September and October as banks undertake 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 4.28% with the anticipated yield on investments yet to mature sitting at 4.47% (compared with 4.27% 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 very modest return of only 2.75%.

(c) **Major Debtor Classifications**

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

**(i) Rates**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of October 2009 (after the due date for the first instalment) represent 73.3% of total rates levied compared to 72.3% 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 \$2.01M at month end including UGP debtors - which compares to \$1.43M at the same time last year. GST Receivable is some \$0.60M higher than at the same time last year. UGP Debtors & Balance Date Debtors are lower whilst Parking infringements outstanding are higher than last year. The majority of the outstanding amounts are government & semi government grants or rebates - and as such they are 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 \$5.29M was collected by 31 October with approximately 70.9% of those in the affected area electing to pay in full and a further 28.1% opting to pay by instalments. The remaining 1.0% has yet to make a payment. However, a number of these accounts are new billings or disputed billing amounts. These are about to become the subject of follow up collection actions by the City if they are not 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, significantly less revenue than was budgeted is being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which are currently accruing on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the 'yet to completed UGP service' - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (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**

That Council receives the 31 October 2009 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

### **10.6.3 Listing of Payments**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 November 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 October 2009 and 31 October 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 or Non Creditor 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 will no longer be 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's financial resources'*.

### **Sustainability Implications**

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

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3**

That the Listing of Payments for the month of October as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

### **10.6.4 Capital Projects Review to 31 October 2009**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 November 2009
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

### **Summary**

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 October 2009. Officer comment is provided only on the significant identified variances as at the reporting date.

### **Background**

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

### **Comment**

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also effected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the Capital Program represents 83% of the year to date target - and 14% of the full year's budget. During the earlier part of the financial year, capital works are designed, tendered and contractors appointed but most actual expenditure occurs from the second quarter on.

The Executive Management Team acknowledges the challenge of delivering the remaining capital program and has recognised the impact of:

- contractor and staff resource shortages
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore closely monitors and reviews the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility. The City has also successfully implemented the 'Deliverable' & 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this Agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.4(1)** and **Attachment 10.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

#### **Consultation**

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

#### **Policy and Legislative Implications**

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

#### **Financial Implications**

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

#### **Strategic Implications**

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

#### **Sustainability Implications**

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.4**

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 October 2009, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

**10.6.5 Budget Review for the Quarter ended 30 September 2009**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 05 Nov 2009  
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

**Summary**

A review the 2009/2010 Adopted Budget for the period to 30 September 2009 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

**Background**

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

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

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of

the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter.

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

#### **Comment**

The Budget Review is typically presented in three parts:

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

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

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2009.

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

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

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

#### **Consultation**

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

**Policy and Legislative Implications**

Whilst compliance with statutory requirements necessitates only a half yearly budget review (with the results of that review forwarded to the Department of Local Government), good financial management dictates more frequent and dynamic reviews of budget versus actual financial performance.

**Financial Implications**

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$31,574) to the projected 2009/2010 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government’s guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The changes recommended in the Q1 Budget Review will result in the (estimated) 2009/2010 Closing Position being adjusted to \$101,815 (down from the estimated Closing Position of \$133,389) after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers.

The impact of the proposed amendments in this Q1 Budget Review report on the financial arrangements of each of the City’s directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2008/2009 year end accounts.

**TABLE 1 : (Q1 BUDGET REVIEW ITEMS ONLY)**

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	42,250	(25,750)	16,500
Financial and Information Services	288,478	(280,768)	7,710
Planning and Community Services	195,700	(106,850)	88,850
Infrastructure Services	616,938	(565,113)	51,825
Opening Position	0	(196,459)	(196,459)
Accrual Movements & Reserve Transfers	0	0	0
<b>Total</b>	<b>1,143,366</b>	<b>1,174,940</b>	<b>(31,574)</b>

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

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

**TABLE 2 : (CUMULATIVE IMPACT OF ALL 2009/2010 BUDGET ADJUSTMENTS) \***

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	42,250	(25,750)	16,500
Financial and Information Services	288,478	(280,768)	7,710
Planning and Community Services	195,700	(106,850)	88,850
Infrastructure Services	616,938	(565,113)	51,825
Opening Position	0	(196,459)	(196,459)
Accrual Movements & Reserve Transfers	0	0	0
<b>Total change in Adopted Budget</b>	<b>1,143,366</b>	<b>1,174,940</b>	<b>(31,574)</b>

**Strategic Implications**

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City's financial resources'*.

**Sustainability Implications**

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5</b>
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That following the detailed review of financial performance for the period ending 30 September 2009, the budget estimates for Revenue and Expenditure for the 2009/2010 Financial Year, (adopted by Council on 10 July 2009 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the November 2009 Council Agenda:

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

CARRIED EN BLOC RESOLUTION  
And By Required Absolute Majority

<b>10.6.6 Annual Audit Report and Management Letter - 2008/2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 November 2009
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

To present the Auditors Report and Audit Management Letter resulting from the audit field work conducted in June 2009 and the audit of the City's annual financial statements in September 2009.

### **Background**

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

To facilitate this annual audit process, the City's auditors undertake a site visit prior to the end of the financial year to evaluate the financial systems and controls inherent in them and to conduct some transactional testing within the City's financial systems. This field work is important in establishing the reliance which the auditors can place upon those systems and controls when they are validating the balances within the final year end financial statements for the City. Following the completion of the City's annual financial statements, the auditors conduct an extensive examination of the financial reports - validating the balances contained in those statements and ensuring that all statutory disclosures are made in accordance with relevant accounting standards and professional pronouncements. It is this examination of the City's financial statements that lead to the auditors issuing an Audit Opinion (Report).

Audit regulations also provide for an audit communication known as the Management Letter (which identifies potential business improvement opportunities) to be prepared and submitted to the CEO. This Management Letter is not a public document and is a confidential communication between the City's auditors, the Chief Executive Officer, Council and the Minister for Local Government. The auditors may issue an Audit Management Letter after either (or both) audit visits conducted during the year. In accordance with that requirement, the Management Letter is now provided to Council as a *Confidential Attachment*.

### **Comment**

An interim audit of the City's financial systems occurred in June 2009. The audit examined the internal controls in place in the City's systems - and related financial processes. This audit also involved transaction testing to review how effectively those controls worked in practice.

The interim audit field work involved testing of the following areas:

- Purchases
- Payments & Creditors
- Rate Receipts & Rates Debtors
- Receipts & Sundry Debtors
- Payroll
- General Accounting & Computer Environment
- Tender Register
- Financial Interests Register
- Site Visit - Operations Centre

The annual audit field work focussed on validating the figures presented in the various financial statements addressing the City's financial performance, its financial position and the notes providing supplementary schedules and information to those financial statements.

The City has now received an audit report recognising that the City's financial report fairly and accurately presents the financial position and results of the City's operations for 2008/2009. The Audit Opinion at **Attachment 10.6.6(1)** indicates that there were no errors detected, nor matters which disclosed significant adverse trends in the City's financial position or practices. In addition, there were no significant matters of non-compliance with relevant legislation that were detected in the conduct of the audit although one minor matter was noted. Further comment on this item is provided below.

### **Original Budget Estimates**

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

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

To illustrate this point, consider the following example. The City received advice of an unbudgeted \$2.0M grant for the new Library & Community Facility during the financial year. The budgets for both revenue and expenditure were then revised accordingly. To have used original budget estimates in the financial statements rather than the revised ones would have shown multi million dollar variances in both revenue and expenditures as a consequence. How this could be argued to assist users of the financial statements in understanding the City's operations is unclear. Indeed, every time that the City was successful in obtaining unbudgeted grant revenue during the year (for instance for river walls, paths or buildings), it is necessary to reflect the grant revenue and the related expenditure in the City's accounts via a budget amendment which alters the original budget estimates.

Clearly, it was not the intent of the department to stifle timely and responsible financial management, so the reporting 'defect' would appear to be only an unintended consequence of the drafting of the regulation.

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

The City's auditors are required to note the non compliance - and have done so in accordance with their obligations. However, they have written to the Department of Local Government supporting the City's position in relation to the disclosure of *Revised* Budget Estimates and suggesting that it may be necessary to review the relevant regulation in future. Anecdotal evidence suggests that a number of other local governments have encountered similar problems and would support the City's view. Officers within the Dept of Local Government acknowledge the City's Financial Services team's leadership to our profession in challenging this rule and have indicated that it will be considered in the next review of the Local Government Financial Management Regulations.

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



In conducting their field work, the City's Auditors have acknowledged the integrity of the City's financial management systems and procedures. In presenting the City's annual financial statements and full supporting documentation in line with a best practice reporting timeframe, the City has again achieved its corporate performance indicator of achieving audit sign off by 30 September.

**Management Letter**

In the detailed analysis of the financial statements by the auditors, one minor observation was made in the Management Letter. This item related to the timing of recording deposited funds received on 30 June but not recorded in the City's books of accounts until July. An appropriate and justifiable explanation for the timing difference is provided in *Confidential Attachment 10.6.6(2)*.

This issue is regarded as a very minor matter. It was considered by senior management who have provided an appropriate response in relation to this matter.

A summary of the Auditor's observation and the City's response is included as *Confidential Attachment 10.6.6(2)*.

**Consultation**

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

**Policy and Legislative Implications**

In accordance with the requirements of the Section 7.9 of the Local Government Act , Department of Local Government Guidelines, relevant Australian Accounting Standards and the Local Government (Financial Management) Regulations.

**Financial Implications**

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

**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 primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through the validation of effective controls to manage our financial resources and financial performance. Secondly, it ensures that the consequences of our financial decisions remain sustainable into the future.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.6**

That ...

- (a) the Audit Report for the 2008/2009 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants at **Attachment 10.6.6(1)** be received;
- (b) the Audit Management Letter for the 2008/2009 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants at **Confidential Attachment 10.6.6(2)** be received; and
- (c) the proposed actions in response to the matters listed in the Management Letter be noted and endorsed.

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Application for Leave of Absence : Cr G Cridland**

I hereby apply for Leave of Absence from all Council Meetings for the periods:

- 07 November to 15 November 2009.
- 29 November to 05 December 2009; and
- 22 December 2009 to 03 January 2010.

**11.2 Application for Leave of Absence : Cr L Ozsdolay**

I hereby apply for Leave of Absence from all Council Meetings for the period 7 to 11 December 2009.

**11.3 Application for Leave of Absence : Cr T Burrows**

I hereby apply for Leave of Absence from all Council Meetings for the period 29 November to 11 December 2009.

**11.4 Application for Leave of Absence : Cr S Doherty**

I hereby apply for Leave of Absence from all Council Meetings for 2 December 2009.

**COUNCIL DECISION ITEMS 11.1 TO 11.4 INCLUSIVE**

Moved Cr Trent, Sec Cr Cala

That....

- (a) Councillor Cridland be granted Leave of Absence from all Council Meetings for the period
  - 07 November to 15 November 2009.
  - 29 November to 05 December 2009; and
  - 22 December 2009 to 03 January 2010.
- (b) Cr Ozsdolay be granted Leave of Absence from all Council Meetings for the period 7 to 11 December 2009 inclusive.
- (c) Cr Burrows be granted Leave of Absence from all Council Meetings for the period 29 November to 11 December 2009 inclusive; and
- (d) Cr Doherty be granted Leave of Absence from Council Meetings for 2 December 2009.

CARRIED (13/0)

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12.1 Claim for Legal Expenses : Cr L Ozsdolay**

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 24 November 2009.

MOTION

That....

- (a) in the matter of the claim for legal expenses by Mr Lindsay Jamieson the CEO write to the Director General of the Department of Local Government asking her to expedite the response to the requests made previously by Mr Jamieson; and
- (b) the City's representatives be granted the necessary approvals for the Council to discuss and decide on Mr Jamieson's claim.

MEMBER COMMENT:

Mr Jamieson made a claim for legal expenses while he was a sitting Councillor in late 2007. At the Council meeting on 16 October 2007 Agenda Item 12.1, Council resolved to support a review of Policy P519 relating to "Legal Representation". However, due to advice from the CEO, Council and the Audit and Governance Committee have not been able, and are still not able, to review that policy. It seems that the two issues have combined to place Council in a position that it is not permitted to consider Mr Jamieson's claim. The combination of these two issues has also been variously cited as being reason for the delay and hence the Motion asks for 'the necessary approvals' in an effort to cover all aspects.

Mr Jamieson, the CEO and the Mayor met with the Department in March 2009 in an attempt to progress the matter. Assurances were given that appropriate responses would be forthcoming giving the City guidance on how to deal with and finalise this matter. As of Tuesday 17 November 2009 I was advised that no response has been received and the City and Council are still in the position of not being able to deal with the claim. These delays are clearly unacceptable and while there are some complexities which have required careful consideration none are of such a nature that a delay of this duration can be justified. This Motion does not in any way make a judgment on the validity of the claim and whether it should or should not be accepted by Council, this is a matter to be considered by Council on advice from the Department, the City's Officers and perhaps external legal advisers. The Motion is brought forward because I believe that Mr Jamieson has a fundamental right to have his claim heard and be provided with a decision on the outcome whatever that may be.

**COUNCIL DECISION ITEM 12.1**

Moved Cr Ozsdolay, Sec Cr Burrows

That...

- (a) in the matter of the claim for legal expenses by Mr Lindsay Jamieson the CEO write to the Director General of the Department of Local Government asking her to expedite the response to the requests made previously by Mr Jamieson; and
- (b) the City's representatives be granted the necessary approvals for the Council to discuss and decide on Mr Jamieson's claim.

CARRIED (13/0)

**13. QUESTIONS FROM MEMBERS**

**13.1. Response to Previous Questions From Members**

Nil

**13.2 Questions from Members**

**13.2.1 Customer Service Charter Standards .....Cr P Best**

*Questions provided in advance of the Council Meeting*

Summary of Question

With reference to our Customer Service Charter:

- (a) What are our Customer Service Standards?
- (b) Do we measure our performance against these standards eg:
  - Number of calls "abandoned"
  - Number of emails enquiries not answered after seven days
- (c) Do we report qualitatively and quantitatively on this performance?
- (d) How do we manage our performance in meeting the Customer Service Charter?

Summary of Response

The Director Financial and Information Services responded as follows:

The City has a concept for its customer relationship management model that embraces four key aspects of the management of its relationships with our customers:

- Service Intent
- Service Action
- Process Control
- Service Results

The first two elements (Service Intent and Service Action) are already well established and have proven effective. The third element (Process Control) is currently in development with temporary support systems in place to manage customer contacts. The fourth element (Service Results) represents a future development opportunity.

- (a) The Customer Service Charter is accessible on every page of the website.
- Contact by Telephone – answer call promptly and politely. If we cannot resolve the issue at the first contact point, we will transfer you to the officer who is best able to address your issue.
  - Contact by visiting our Offices - Greet you with respect, courtesy and understanding. Identify ourselves so that you know who you are dealing with. Try to put you in direct contact with the officer best able to respond to your enquiry. Aim to answer your enquiry at first point of contact.
  - Contact by Letter/Email - Aim to respond within 10 working days of receipt of your correspondence. Provide an interim response within 5 working days to you if your enquiry cannot be fully addressed within 10 working days. Respond in clear, concise language that is easily understood.
- (b) We have in place effective systems to monitor telephone call volumes, durations, subject matter, call resolution, calls abandoned etc. The City has a record management system that can record incoming correspondence, assigned officer, response processing times, open and closed items etc. The capacity to proactively manage written / electronic customer contacts and measure performance against standards is an outcome of stage 3 of the implementation of our Customer Relationship Management System.
- (c) The City currently accumulates and uses data on telephone service performance to identify system failures, continuously improve our service and to roster resources in our first tier customer service areas. Preparatory work for the implementation of an integrated Customer Relationship Management System that could be used to track all incoming customer requests (via phone, face to face, email or, ultimately web interface) is currently underway (as Stage 3 of the concept explained above).
- Once this work is done, the technology solution that will drive the CRMS should allow the City to proactively manage customer contacts, identifying and escalating issues before they pass response timeframes can be implemented. This will also provide the ability to report qualitatively and quantitatively on our customer responsiveness.
- (d) The City is currently managing its performance via several separate approaches which unfortunately rely to some degree on manual intervention supported by the focus and dedication of individual employees. Overall these approaches are largely successful and certainly provide a reasonable effective temporary solution until the more permanent technology driven one can be made fully operational. The City has invested very significant energy in the first two phases of our CRM concept and has achieved good results. With the support of Council and the understanding of our community, we will continue to invest time and resources in implementing the next phases of our concept to ensure that we gain all of the potential benefits that it offers.

Future Action:

The Director Financial and Information Services advised that he has approached the CEO with a proposal to present a separate more detailed briefing to all Council Members in relation to the Customer Focus Model and how it inter-relates to the overall Customer Relationship Management System. That presentation will also include information on project timelines and milestones for the remaining stages of the implementation of the Customer Management System concept. It is hoped that that session will not only provide useful information to Council Members on what we are currently doing and what we are planning to do, but will also give them confidence in the manner in which the City continues to progress its Customer Focus Initiative.

**Note:** City Communications Officer retired from the meeting at 8.20pm

**13.2.2 Trees – Near Scented Garden , Sir James Mitchell Park .....Cr I Hasleby**

Summary of Question

There are three dead trees near the Scented Garden in Sir James Mitchell Park:

1. Do we know how they died?
2. Will they be replaced?
3. What process to be undertaken if replacements also die?
4. Are the other trees recently planted in SJMP unscathed?

Summary of Response

The Acting Director Infrastructure Services responded as follows:

1. It is believed the trees were poisoned.
2. Yes.
3. Action will be taken – possibly replacing with metal trees.
4. One of the recently planted young trees has died.

**13.2.3 Alleged Leaking of Confidential Document .....Cr I Hasleby**

Summary of Question

I again request a response to a matter raised by a ratepayer at the 25 August 2009 Ordinary Council Meeting alleging the 'leaking' of a confidential Council legal document. Can the CEO confirm that this matter has been fully investigated and if so, by what agency and what are the findings?

Summary of Response

The Chief Executive Officer said that he could add nothing further to that previously stated.

Councillor Hasleby asked if the CEO's response could be provided in writing. The Chief Executive Officer replied, yes.

**13.2.4 Parking Issues, Labouchere Road to Preston Street.....Cr K Trent**

Summary of Question

In Labouchere Road cars are parking from Richardson Street back to the Preston Street shops. Are we addressing the root of this issue ie time parking in Richardson Street?

Summary of Response

The Mayor advised there will be a report on this issue on the December 2009 Council Agenda.

**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.**  
Nil

**15.2 Public Reading of Resolutions that may be made Public.**

**16. CLOSURE**

The Mayor closed the Meeting at 8.32pm

## **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 15 December 2009**

Signed \_\_\_\_\_  
**Chairperson at the meeting at which the Minutes were confirmed.**

**17. RECORD OF VOTING**

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24/11/2009 7:16:36 PM

**Item 7.1.1, 7.1.2 and 7.1.3 Confirmation of Minutes : Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:17:10 PM

**Item 7.2.1 – 7.2.5 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:19:26 PM

**Item 8.1.1 Motion Passed 12/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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 Rob Grayden, Casting Vote

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24/11/2009 7:21:16 PM

**Item 8.1.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:22:50 PM

**Item 8.1.3 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:32:25 PM

**Items 8.4.1, 8.4.2 and 8.4.3 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:33:04 PM

**Item 8.5.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote



MINUTES : ORDINARY COUNCIL MEETING : 24 NOVEMBER 2009

24/11/2009 7:36:54 PM

**Item 9.0 En Bloc Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:40:53 PM

**Item 10.2.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:52:15 PM

**Item 10.3.1 Motion Passed 12/1**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 7:56:39 PM

**Item 10.3.2 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 8:00:25 PM

**Item 10.3.3 Motion Passed 12/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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 Rob Grayden, Casting Vote

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24/11/2009 8:03:11 PM

**Item 10.5.3 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 8:05:08 PM

**Item 10.5.6 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 8:06:10 PM

**Item 11.1 to 11.4 inclusive Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote

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24/11/2009 8:17:03 PM

**Item 12.1 Motion Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, 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: Casting Vote