



## **ORDINARY COUNCIL MEETING M I N U T E S**

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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 22 September 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 people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to country.

### **2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

### **3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

#### **3.1 Activities Report Mayor Best / Council Representatives**

Mayor / Council Representatives Activities Report for the month of August 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**

Mayor J Best

#### Councillors:

G W Gleeson	Civic Ward
I Hasleby	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M J Kent	Director Financial and Information Services
Ms V Lummer	Director Development and Community Services
Mr R Bercov	Strategic Urban Planning Adviser
Ms D Gray	Manager Financial Services
Mrs K Russell	Minute Secretary

Gallery Twenty Two members of the public present and 1 member of the press

**4.1 Apologies**

**4.2 Approved Leave of Absence**

Cr S Doherty Moresby Ward

**5. DECLARATION OF INTEREST**

The Mayor reported that a Declaration of Interest had been received from the Chief Executive Officer in relation to Agenda Item 15.1.1. He further stated that in accordance with *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Item in question was discussed.

**6. PUBLIC QUESTION TIME**

**6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Council meeting held 25 August 2009 there were no questions taken on notice:

**Note:** As Mr Jamieson was not present at the August 2009 Council Meeting the six questions submitted by him in relation to a claim for legal fees were 'Taken as Correspondence'. A response by letter was provided by the Chief Executive Officer dated 28 August 2009.

**6.2 PUBLIC QUESTION TIME : 22.9.2009**

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 five written questions received in advance of the meeting will be dealt with first in the order they were received and that he would take two questions from each person. He then asked if there were any further questions from the public gallery. Mr Defrenne 'tabled' 15 written questions. The Mayor stated that it is preferable that questions be forwarded 5 working days prior to the Council Meeting in order for responses to be provided. He then opened Public Question Time at 7.05pm.

**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. What is the purpose of a Petition?
2. What are the requirements of a Petition?
3. Is the Council required to respond to a Petition?
4. How many residents of the community constitute a Petition?
5. Is there a legal requirement for the Council to respond to a Petition?
6. Does the Council welcome Petitions from the community on any Council matters?

Summary of Response

The Mayor responded:

1. To submit a request to the City from a large number of electors
- 2 - 6 Section 6.10 "Petitions" of Standing Orders Local Law is available on the City's web site and details the process. *The Mayor read aloud Section 6.10 of Standing Orders.*

**6.2.2 Ms Carol Roe, 16 Abjornson Street, Manning**

*(Written Questions submitted prior to the meeting)*

Summary of Question

1. On whose authority was a planning approval condition that Midpoint Holdings pay \$60,000 towards an upgrade of the Walanna Drive underpass (near the shopping centre) to meet disability standards (Council Minutes October 2007) subsequently reduced to \$30,000?
2. In view of the removal of Regulation 704 (7) of the Road Traffic Code (an offence for a pedestrian to cross the road, except by using an underpass within 120 metres of any entrance to an underpass) when WA adopted Australian Road Rules in 2000, will the Council consider suitable fencing to compel use of the underpass as part of the intended upgrade that has been pending since 2003?

Summary of Response

*The Mayor requested Cr Cala respond.*

Cr Cala responded as follows

1. In the Minutes of the October and December 2007 Council meetings the condition on the two approvals states:  
*"The applicant shall pay a contribution of \$60,000 to the City towards the cost of upgrading the Walanna Drive pedestrian underpass to a standard which meets disability access requirements in accordance with an improvement plan approved by the City. The required payment shall be made prior to the issue of a building licence."*

There is no information that suggests that there has been a reduction in the amount to \$30,000 from the approved \$60,000 amount.

2. With the proximity of the bus stops either side of Walanna Drive in the vicinity of the Shopping Centre the advice is that it would be impractical and "overkill" to install a fence along respective sides of Walanna Drive to compel pedestrians to use the underpass. Notwithstanding, there is no funding available in this years annual budget to permit the installation of fencing at the underpass.

The underpass not only connects the Shopping Centre to the Karawara Greenways but also provides a very direct east west link to and from Curtin University. Recently, the underpass was inspected in the vicinity of the Shopping Centre and have programmed some maintenance to landscaping to improve visibility at each end of the underpass. The Council will receive in time a proposal detailing the opportunities for an "at grade" crossing of Walanna Drive that will exclude any reference to fencing.

**6.2.3 Mr Wayne Leggett, 7 Cliffe Street, South Perth**

*(Written Questions submitted prior to the meeting)*

Summary of Question

Could Council please explain the rationale behind the imposition of a \$6,900 "Amenity Value" as an amount to be invoiced to a ratepayer in a response to a request for removal of a Queensland Box tree from the verge as part of a Building Licence Application? The amount would seem inordinately excessive for a number of reasons:

1. Throughout the neighbourhood, a great many examples of this species of tree, including one across the street from the property in question, appear to be dying from some form of disease, meaning that this \$6,900 tree in question could be similarly diseased;
2. It is evident that the Council are currently undertaking a program of systematically removing this species from other streets within the neighbourhood;
3. The particular tree in question, due to its annual pruning to keep it away from overhead power lines, bears no resemblance to an example of its species of similar age that has been allowed to grow naturally, meaning that the tree in question resembles a sawn-off power pole topped by a 2m depth of foliage;
4. Given the ratepayer concerned is prepared to replace the tree, at his own expense, with a tree of a species as designated by Council, of a similar age to the tree in question, why is this not an option for Council consideration?
5. The request for relocation of the street tree is necessitated by the design requirements of the proposed renovations, based on sun position and the like and would not have been requested if avoidable.

Summary of Response

The Mayor responded:

1. The tree at 7 Cliffe Street, South Perth is not affected by disease.
2. The City is not systematically removing the Queensland Box trees on its streets. It is just not planting them any more because residents prefer other species.
3. The tree is pruned to meet Western Power requirements.
4. The City will use the money obtained from the amenity valuation to source a replacement advanced tree. Transplanting a tree of similar maturity onto the verge and maintaining it for several years is expensive.
5. This is disputed. The City believes the street tree could have been retained but the resident was not prepared to amend the design. This is why the City now places an amenity value on its street trees when they are proposed to be removed for development. It ensures residents carefully assess whether they really require the tree to be removed and then recognise that there is a cost to the community of removing a tree that has been on the verge for many years.

**6.2.4 Mr Harry Anstey, 21 River View Street, South Perth**

*(Written Questions submitted prior to the meeting)*

Summary of Question

1. How many rights of way are there in the City of South Perth?
2. How many of these rights of way are on freehold land, remnant or other wise? That is, how many ROW have not been transferred to Council or the Crown?
3. With the benefit of hind sight in relation to ROW 15, will Council now actively pursue the transfer of each of the freehold land Rights of Way to the Crown? If not, why not?
4. Will Council and its Officer's actively support the retention of each existing ROW, actively ensuring that none are closed without first meeting all the requirements of Council's Policy P350.14 and WA Planning Commission Bulletins 33 and 57, particularly and as a minimum, public notification in local newspapers, signs at the end of each ROW and Impact Assessment Report to Council?



- 5 As a result of the issues identified with regard to ROW 15, will Council support the mounting of a test case in the Supreme Court to determine whether Council and WAPC policies can be by passed and proprietor's encumbrance rights disregarded?
6. As the issue of freehold land ROW is not unique to the City of South Perth, will this Council.
  - seek wider support to clarify the existing Legislation, .
  - raise the matter with the Local Government Association and as Local Government Reform.
  - actively pursue with other Local Government bodies, the transfer of each freehold ROW in the Crown?

#### Summary of Response

The Mayor responded to questions 1, 2 and 3 as follows, and stated that questions 4, 5 and 6 would be Taken on Notice and a written response provided.

1. Landgate records indicate that there are 95 rights of way in the City of South Perth.
2. Twenty nine (29) rights of way are not owned either by the City or the Crown
3. The answer to this question would depend upon many factors, such as the current use of each of the rights of way, the cost to Council of this action, the views of the adjoining property owners and the benefit of such action to the community, none of which can be determined without a comprehensive study being undertaken.

<b>6.2.5 Mr Lindsay Jamieson, 14 Tralee Way, Waterford</b>
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*(Written Questions submitted prior to the meeting)*

#### Summary of Question

In relation to legal representation funding can the CEO please:

1. Explain why the Shire of Mundaring Council can obtain approval to review the policy but COSP Council cannot?
2. Advise what action he will take to obtain approval for the COSP Council to review the policy P519?
3. Explain why is it that the four Councils listed above can review their policy on Legal Representation for Members and Employees but COSP Council cannot?
4. Explain why is it that the City of Belmont Council can debate and approve legal representation funding but the CEO has not brought my application to COSP Council?
5. Explain why is it that the City of Cockburn through delegated authority to the CEO can approve legal representation funding but the CEO has not brought my application to COSP Council?
6. Explain what action will the CEO take to bring my application for legal representation funding to COSP Council?
7. Advise what action do I need to complete to have my application brought to COSP Council?
8. Advise what action does the CEO advise I take with regard bringing my application for legal representation funding to COSP Council?

9. Can the CEO please explain why he answered No to question 1 in his letter dated 2 September 2009 when the minutes for the Council meeting 25 Sep 2007 indicate the contrary?
10. Does the CEO acknowledge receiving a copy of my legal advice from Zilkens and Co Barristers and Solicitors on 25 November 2007 in which Mr Zilkens completely defends my innocence and states: "In that respect I note that in my opinion, there are no legal reasons why the City of South Perth could not pay your legal costs pursuant to Policy P519." and "The advice from McLeods is insufficient to the extent that it has failed entirely to consider what, in my opinion, are the most crucial aspects of determining the question of whether you have contravened the s5.60A ..." and "... both of McLeods' letters fail to address or even mention what appears to be the true test for determining compliance/contravention with the financial interest provisions ...".

#### Summary of Response

The Mayor said that as the questions were 'specific' to the individual and not other residents and also because the questions required further research, that they would be 'Taken as Correspondence' and a written response provided to Mr Jamieson.

#### Limit to Number of Questions

Then Mayor reminded the public in the gallery that in accordance with the adopted Public Question Time Procedures that there is a limit of two questions from each member of the public to be submitted to Council Meetings.

### **6.2.6 Mr Geoff Defrenne, 24 Kennard Street, Kensington**

*(Fifteen (15) Questions 'Tabled' at the meeting)*

#### Summary of Questions

1. At the August 2009 meeting the Council passed Item 10.7.1 relating to Public Question Time Procedures. Given that the resolution acknowledges that Attachment 10.7.1(a) does not comply with the Standing Orders Local Law, what legal status has Attachment 10.7.1(a)?
2. At the June and July Council meetings I asked 12 questions relating to Item 10.6.5 of the May 2009 Council Meeting. As of today I have not received an answer that vaguely relates to the questions nor have the questions appeared in the Minutes. Does the Council require assistance in answering the questions?
3. I asked this question also last month, it has not been answered. Given the time it has taken in the past to find a suitable candidate for the position of CEO and that a suitable candidate may be required to give three months notice to their current employer, when does the Council intend to advertise the position of CEO?

#### Summary of Response

The Mayor responded that the questions 'tabled' were Taken as Correspondence and that a written response would be 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 7.17pm

**7. CONFIRMATION OF MINUTES / BRIEFINGS**

**7.1 MINUTES**

**7.1.1 Ordinary Council Meeting Held: 25 August 2009**

**COUNCIL DECISION ITEM 7.1.1**

Moved Cr Trent, Sec Cr Wells

That the Minutes of the Ordinary Council Meeting held 25 August 2009 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

**7.2 BRIEFINGS**

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

**7.2.1 Agenda Briefing - August 2009 Ordinary Council Meeting Held: 18.8.09**

Officers of the City presented background information and answered questions on report items identified from the August 2009 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

**7.2.2 Concept Forum - 2010 Red Bull Air Race and Local Government Reform Submission - Meeting Held: 1.9.2009**

Representatives from Eventscorp and Shani Wood Events provided background information on the proposed new concept for the 2010 Red Bull Air Race event and responded to questions raised by Members. The CEO presented the City's Submission Report on the Local Government Reform and responded to questions from Members. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

**7.2.3 Concept Forum - Town Planning Major Development Briefing - Meeting Held: 2.9.2009**

Officers of the City and applicant presented an overview of the proposed Mixed Use Development at No. 83 Canning Highway, South Perth. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

**7.2.4 Concept Forum - Flag Pole SJMP and Red Bull Air Race Discussion - Meeting Held: 8.9.2009**

Officers of the City present background on the Sir James Mitchell Park Flag Pole project and a Discussion was held on the 2010 Red Bull Air Race event. Notes from the Concept Briefing are included as **Attachment 7.2.4**.

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE**

Moved Cr Trent, Sec Cr Smith

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 25 August 2009 be noted.

CARRIED (12/0)

## 8. PRESENTATIONS

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

Nil

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

Nil

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

**Note:** A Deputation in relation to Agenda Items 10.0.3 was heard at the September Council Agenda Briefing held on 15 September 2009.

### Opening of Deputations

The Mayor opened Deputations at 7.20pm.

#### **8.3.1 Mr George Playford, 184-186 Lockhart Street, Como Agenda Item 10.0.3**

Mr Playford, also representing his parents, spoke in favour of the officer recommendation in relation to Agenda Item 10.0.3 'Partial Closure of ROW No. 133' on the following points:

- essential vehicular access required for northern portion of ROW133
- anti-social behaviour / security issues / dumping of rubbish
- potential future development of Nos. 182, 184 and 186 Lockhart Street
- do not believe partial closure necessary / object to full closure
- full closure not supported by many residents

**Note:** Mr Playford 'tabled' a submission letter from his parents in support on the officer recommendation.

#### **8.3.2 Mr Paola Serra, 11 Letchworth Centre Ave, Salter Point Agenda Item 10.3.2**

Mr Serra spoke for the officer recommendation in relation to Agenda Item 10.3.2 'Proposed Two Storey Single House 14A Hope Avenue, Manning' on the following:

- background - created two new dwellings
- proposed skillion roof compatible with streetscape
- skillion roofs have become more popular
- many other homes in the Manning area with skillion roofs
- ask Council support proposal for benefit of area/streetscape

### Close of Deputations

The Mayor thanked the presenters for their comments and closed Deputations at 7.40pm.

#### 8.4 COUNCIL DELEGATES

**8.4.1. Council Delegate: South East Districts Planning Committee Meeting: 6 August 2009**

A report from Cr Cala summarising his attendance at the South East Districts Planning Committee Meeting held 6 August 2009 is at **Attachment 8.4.1**.

The Minutes of the south East Districts Planning Committee Meeting of 6 August 2009 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.1** in relation to the South East District Planning Committee Meeting held 6 August 2009 be received.

#### COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Cala

That the Delegates' Report at **Attachment 8.4.1** in relation to the South East District Planning Committee Meeting held 6 August 2009 be received.

CARRIED (12/0)

**8.4.2. Council Delegate: Rivers Regional Council Meeting : 20 August 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 20 August 2009 is at **Attachment 8.4.2**.

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting of 20 August 2009 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Reports in relation to the Rivers Regional Council Meeting held 20 August 2009 at **Attachment 8.4.2** be received.

#### COUNCIL DECISION ITEM 8.4.1

Moved Cr Best, Sec Cr Trent

That the Delegate's Reports in relation to the Rivers Regional Council Meeting held 20 August 2009 at **Attachment 8.4.2** be received.

CARRIED (12/0)

#### 8.5 CONFERENCE DELEGATES

Nil

### 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 15 September 2009.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn for discussion / debate

- Item 10.0.3 Discussion
- Item 10.3.2 Alternative Motion proposed

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

Moved Cr Gleeson, Sec Cr Trent

That with the exception of Withdrawn Items 10.0.3 and 10.3.2 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.0.4, 10.2.1, 10.3.1, 10.4.1, 10.4.2, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.6.1, 10.6.2, 10.6.3 and 10.6.4 be carried en bloc.

CARRIED (12/0)

**10. REPORTS**

**10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

**10.0.1 Proposed Amendment No. 21 to TPS6 to Rezone land in Godwin Avenue, Manning. Report on Submissions** (*Item 10.3.2 May 2009 Council meeting refers*)

Location: Lots 801, 802, 803 and 804 shown on Deposited Plan 59437 in Godwin Avenue between Bickley Crescent and Kelsall Crescent, Manning.

Applicant: Allerdig and Associates, on behalf of owner of Lots 802, 803 and 804 Godwin Avenue, Manning

File Ref: LP/209/21

Date: 1 September 2009

Author: Gina Fraser, Senior Strategic Planning Officer

Reporting Officers: Vicki Lummer, Director, Development and Community Services

**Summary**

The purpose of the proposed Amendment No. 21 to Town Planning Scheme No. 6 (TPS6) is to apply zoning, density coding and building height limit to portions of land in Godwin Avenue, Manning, consistent with surrounding land. The draft Amendment proposals were endorsed by the Council in May 2009 and have been advertised for community comment. The submissions that were received are discussed in this Report. The recommendation is that Amendment No. 21 proceed to finalisation **without modification** and that this recommendation be forwarded to the Minister for Planning for final approval.

**Background**

This report includes the following attachments:

- **Attachment 10.0.1(a):** Report on the Submissions and Schedule of Submissions
- **Attachment 10.0.1(b):** Amendment No. 21 document for final adoption.

Amendment No. 21 was initiated at the May 2009 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 15 June 2009, allowing community advertising and consultation to proceed.

### **Comment**

The community consultation in relation to the proposed Amendment No. 21 was initiated on 7 July and concluded on 21 August 2009. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in two supporting submissions.

After considering the submissions, the Council will need to recommend to the Minister whether to proceed with the Amendment, with or without modifications, or not to proceed. The submissions are discussed in the Report on Submissions and the Schedule of Submissions, which also contain recommendations for adoption by the Council, on each of the submissions. Once the Council's recommendations have been conveyed to the Minister for Planning, he is responsible for the final determination of the proposal.

### **Consultation**

The statutory advertising required by the *Town Planning Regulations* was undertaken in the manner resolved at the May 2009 Council meeting, and as required by Council policy. The forms of consultation undertaken were as follows:

- A community consultation period of not less than 42 days
- Southern Gazette newspaper notice in two issues: 'City Update' column
- Mail-out of notices to 110 neighbouring land owners
- Two signs on the Amendment site
- Notices in Civic Centre customer foyer and on the notice-board
- Notices in City's Libraries and Heritage House
- City's web site: Notice on the 'Out for Comment' page.

Amendment No. 21 was advertised for a period of more than 42 days, between 7 July and 21 August 2009, inclusive. During the advertising period, two supporting submissions were received.

The submissions are reproduced, with appropriate discussion and recommendations by the City, in the attached Report on Submissions and the Schedule of Submissions contained in **Attachment 10.0.1(a)**. This document will be provided to the Western Australian Planning Commission for further consideration and for recommendation to the Minister for Planning.

### **Policy and Legislative Implications**

When approved, Amendment No. 21 will have the effect of rezoning land in Godwin Avenue, as described in the Amendment Report (**Attachment 10.0.1(b)**). The applicant intends to reconfigure the subdivision of the land to create three new lots suitable for Single Houses.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 21 is itemised below, together with the time frame associated with each stage of the process. Those stages which have been completed (including consideration at the September 2009 Council meeting) are shown shaded:

Stage of Amendment Process	Time
Preliminary consultation under TPS6, Policy P104 and P355	Not applicable
Council adoption of decision to initiate Amendment No. 21 to TPS6	26 May 2009
Council adoption of draft Scheme Amendment No. 21 proposals for advertising purposes	26 May 2009
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	29 May 2009
Receipt of EPA's response	15 June 2009
Public advertising period of not less than 42 days	7 July to 21 August 2009
Council consideration of Report on Submissions in relation to Amendment No. 21 proposals	22 September 2009
Referral to the WA Planning Commission and Minister for consideration: <ul style="list-style-type: none"> <li>• Report on Submissions and Schedule of Submissions;</li> <li>• Council's recommendations on the proposed Amendment No.21;</li> <li>• Three signed and sealed copies of the <b>modified</b> Amendment No. 21 documents for final approval</li> </ul>	Early October 2009 (estimated)
Minister's final determination of Amendment No. 21 to TPS6	Unknown
Publication by the City of the approved Amendment No. 21 notice in the <i>Government Gazette</i>	Unknown

Following the Council's decision to recommend to the Minister that Amendment No. 21 proceed with modifications, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council's recommendation.

#### **Financial Implications**

The applicant has paid the applicable Planning Fee, which covers costs incurred by the City in processing this Amendment.

#### **Strategic Implications**

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

#### **Sustainability Implications**

The Scheme Amendment request provides an opportunity for the Council to rectify the current situation of an old disused local shopping centre which has been demolished because it was found to be non-viable. The vacant land formerly occupied by this centre, together with a large piece of unused road reserve land, will be rezoned for residential purposes, and three new house lots will be created. The proposed Amendment will facilitate the use of the subject site for a more sustainable purpose.

#### **Conclusion**

To date, the proposed Amendment No. 21 has been supported by the Council. During the public consultation period, two supporting submissions were received. With no objection from any member of the community, there does not appear to be any reason to modify or not continue with the Amendment proposals. It is therefore recommended that the proposed Amendment No. 21 should now be finally adopted by the Council and a recommendation that the Amendment proceed **without modification** be forwarded to the Minister.



**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.0.1**

That ...

- (a) the Western Australian Planning Commission be advised that Council recommends that:
- (i) Submissions 1.1 and 1.2 unconditionally supporting Amendment No. 21 be **UPHELD**; and
  - (ii) Amendment No. 21 **proceed without modification**;
- (b) Amendment No. 21 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 21 document, as required by those Regulations;
- (c) the Report on Submissions and Schedule of Submissions (**Attachments 10.0.1(a)**) and three executed copies of the Amendment No. 21 document (**Attachment 10.0.1(b)**), be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning; and
- (d) the applicants be advised of the above resolution and thanked for participating in the process.

CARRIED EN BLOC RESOLUTION

**10.0.2 State Administrative Tribunal request for Review - Proposed Additions to Mixed Development. Lot 35 (No. 9) Bowman Street, South Perth (Item 10.3.4 May 2009 Council Meeting)**

Location: Lot 35 (No. 9) Bowman Street, South Perth  
Applicant: Campion Design Group  
File Ref: 11.2008.464 BO4/9  
Date: 20 August 2009  
Author: Laurence Mathewson, Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

To reconsider an application for planning approval for proposed additions to mixed office and residential development at Lot 35 (No. 9) Bowman Street, South Perth. The proposed development was previously considered at the May 2009 Council meeting and was observed to conflict with the planning requirements discussed in the Planning Officer's May report. In line with the officer recommendation, the application was refused at the Council meeting. The application is currently before the State Administrative Tribunal (SAT) for determination. Pursuant to section 31(1) of the *SAT Act 2004 (WA)*, the Council has been invited to reconsider its decision. The applicant has submitted amended drawings and accordingly, the matter is now being referred to this Council meeting for reconsideration. The amended drawings satisfactorily address the reasons for refusal. This report therefore recommends that the development proposal be approved subject to conditions.

**Background**

At the May 2009 meeting Council considered the previous planning application for additions to mixed development on the subject lot and resolved to refuse it for the following reasons:

- (a) The proposed development does not provide the 194 bays required by the City’s Town Planning Scheme No. 6 Table 6, “*Car and Bicycle Parking*”.
- (b) The levels of the proposed non-habitable spaces on the ground level do not comply with Clause 6.9 “*Minimum Ground and Floor Levels*” of TPS6.
- (c) The proposed car parking bay dimensions do not comply with the requirements of TPS6 Clause 6.3 “*Car parking*” and Policy P350.3 “*Car parking access, siting and design*”.
- (b) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of TPS6.
- (d) Having regard to the matters identified in the reasons above, the proposed development conflicts with the “Matters to be Considered by Council” identified in Clause 7.5 of TPS6.

The comments section of the report discusses the manner in which the above reasons have been dealt with in the proposal currently before the Council.

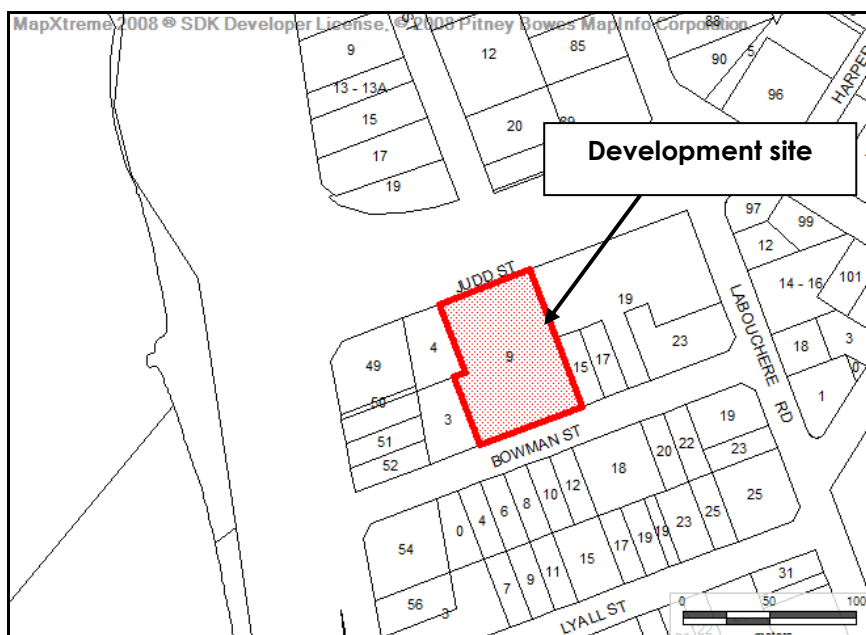
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R60/80
<b>Lot area</b>	5056 sq. metres
<b>Building height limit</b>	29.0 / 10.5 metres
<b>Maximum permissible plot ratio</b>	1 : 1

This report includes the following attachments:

- Confidential Attachment 10.0.2(a)** Plans of the proposal.
- Attachment 10.0.2(b)** Manufacturer’s details / technical drawings of the vehicle stackers.
- Attachment 10.0.2(c)** Comments from Engineering Infrastructure department.

The subject property is identified on the locality plan below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following two 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.*

and;

**4. Matters previously considered by the Council**

*Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

**Comment**

**(a) Description of the proposal**

The proposed development is located on Lot 35 (No. 9) Bowman Street. Located opposite the subject site toward north, is the on ramp freeway spur. To the west is a single storey office building, to the east is multi-storey mixed development and to the south of the subject site, on the opposite side of Bowman Street are a number of single storey office buildings.

A Mixed Development is defined in TPS6 as *any land or building used for the purpose of both:*

- a) one or more dwellings; and*
- b) one or more non-residential uses;*

*which are permissible within the applicable zone, but the term does not include a Home Business, a Home Occupation or a Home Office.*

The proposed development is an office addition to an existing mixed-use development. The existing development comprises an 8 storey tower containing 12 residential units on the upper floors and 24 commercial units on the lower floors. The additions comprise the following:

- (a) New office unit at the second-floor level, adding 1307.6 sq. metres of gross floor area to the existing building;
- (b) New office access point with lift, stairs and vehicle access off Judd Street; and
- (c) Additional car parking and landscaping.

The proposal generally complies with the requirements of the City's Town Planning Scheme No. 6 (TPS6). The three issues that formed part of the planning refusal are discussed below.

**(b) Floor levels**

TPS6 clause 6.9 "*Minimum Ground and Floor Levels*" prescribes that minimum floor level of non-habitable rooms shall not be less than 1.75 metres above Australian Height Datum. The application refused at the May 2009 Council Meeting showed an enclosed stair well and an enclosed lift foyer, which were assessed as non-habitable spaces. The proposed floor level of these spaces was 1.3 metres AHD and therefore failed to meet the minimum floor level requirement.

Amended drawings submitted by the applicant on 20 August 2009 show modifications to the stairwell, lift and the associated foyer area. The stairwell and lift are now accessed from the existing car parking area, the finished floor level of which is being maintained as per the previous approval, and in accordance with the schemes requirement of the day, hence assessment under the current scheme requirements is not necessary.

(c) **Car parking accessways**

TPS6 Clause 6.3(8) "*Car Parking*" states that car bays and associated accessways shall not be of lesser dimensions than those prescribed in Schedule 5 and shall be increased by 0.3 metres where a wall abuts the side of a car parking bay and associated accessway.

The accessway to car bays 187-191 has a proposed width of 6.0 m. However the accessway abuts a wall separating the down ramp and the up ramp. Due to the presence of this obstruction adjacent to the accessway, an additional gap of 300 mm between the required accessway width of 6.0 metres and the obstruction (wall) is advisable to ensure that cars manoeuvre out of the parking bays without hitting the wall or scraping their sides. Therefore a total accessway width of 6.3 metres is recommended.

The accessway width can be increased by shifting the existing retaining wall to the landscaped area, adjacent to bays 187-191. A condition has been recommended to this effect whereby the applicant will be required to submit amended drawings at the building licence stage.

(d) **Car bay dimensions**

Car parking bay dimensions have been assessed in accordance with the City of South Perth car bay envelope depicted in Figure 2 of Schedule 5 of TPS6. This was included in TPS6 by way of Amendment No. 11 which came into effect on 10 July 2009.

All bays demonstrate compliance with the City of South Perth car bay envelope except for one, Bay No. 191, located between the Bowman Street boundary of the site and the down ramp. This bay does not meet the minimum required bay length of 5.5 metres. A section drawing, submitted by the applicant, shows the bay obstructed by a significant fence and retaining wall approximately 1.7 metres in height. Bay 191 therefore does not comply with the requirements of TPS6 Clause 6.3 "*Car Parking*". The length of this bay can be increased to comply with the prescribed requirements by modifying the location of the adjacent retaining wall. A condition has been recommended to this effect. The applicant may submit amended drawings at the building licence stage.

(e) **Car bay numbers**

The proposal now incorporates 17 "stacked" car parking bays which have been introduced to address the significant shortfall of car parking bays on site. These 17 additional parking bays are "stacked" above the previously proposed parking bays on the first floor level adjacent to Judd Street. Information in this regard has been provided on the attached Level 1 site plan, the north elevation and Section B-B in the **Confidential Attachment 10.0.2(a)**. Manufacturer's details and technical drawings of the stackers have also been provided as **Attachment 10.0.2(b)**.

Additional bays have also been provided adjacent to the "entry" down ramp from Bowman Street, and at the end of the up ramp from Bowman Street.

Table 6 of TPS6 prescribes the car parking bay ratio for offices as one bay per 25 sq. metres of gross floor area. Based on a calculated gross floor area of 4288.6 sq. metres and the requirement for the provision of visitor bays, a total of 172 bays are required for the office component of the development out of which 10 percent or 18 parking bays are to be reserved for the visitors.

R-Codes Clause 6.5.1 requires the provision of 2 car parking bays per dwelling and 3 visitor bays, a total of 27 bays for the residential component of the development.

In accordance with Clause 6.3(4) (d) of TPS6, in a Mixed Use Commercial zone, where Mixed Development includes Offices, the number of required visitor bays designated for the combined use of the dwellings and the offices may be reduced by 25 per cent provided that all visitors to those parts of the development have access to the designated bays at all times. This provision allows for a reduction of visitors bays by 25% of  $(18 + 3) = 5$  parking bays.

Therefore, based upon the above calculations, a total of  $172 + 27 - 5 = 194$  bays are required for the entire development. The applicant proposes 191 bays, a shortfall of 3 bays. In addition to this shortfall, as discussed in section (d) above, it is also noted that one of the proposed car bays, Bay No. 191 does not meet the required bay dimensions. Officers have recommended that the retaining wall be modified to achieve a compliant bay depth. For this reason the non-compliant bay has been included in the total number of proposed bays.

The applicant requests that the Council exercise discretion under Clause 7.8 of TPS6 in order to approve the three bay shortfall for the following reason:

The gross floor area of the “end of trip” facilities for cyclists (showers, change rooms etc) generates a requirement for 3 car bays. The end of trip facilities are intended to promote the use of alternative transport modes and therefore should not generate a requirement for additional car parking bays. This view is supported by City officers and therefore it is recommended that Council exercise discretion to allow the three bay shortfall.

There is no requirement for disabled bays in TPS6 or in the R-Codes. However, disabled bays will be shown on the relevant drawings at the building licence stage in accordance with the Building Codes of Australia provisions.

**(f) Bicycle parking**

Table 6 of TPS6 prescribes the ratio for bicycle parking as being 1 bay per 200 square metres of gross floor area for offices. Based on a calculated gross floor area of 4288.6 sq. metres the existing and proposed development requires 28 bicycle parking bays. The applicant has provided 28 bicycle parking bays.

Clause 6.4(5) of TPS6 also requires the provision of 1 secure clothes locker per bay and 1 male and female shower in separate rooms per 10 bays. Based on the requirement for 28 bicycle bays the applicant is required to provide 28 secure lockers and 3 male and 3 female showers - a total of 6 showers. The applicant’s drawings show 28 secure clothes lockers and 3 male and 3 female showers. The proposed number of bicycle parking bays and end of trip facilities therefore complies with the requirements of Table 3 of TPS6.

**(g) Other planning controls:**

The development application complies with the following planning controls:

- (a) Primary and rear setbacks;
- (b) Side setbacks;
- (c) Plot ratio;
- (d) Building height limit;
- (e) Overshadowing
- (f) Bicycle bay numbers;
- (g) Open space; and
- (h) Landscaping;

**(h) 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 consistent with the following objectives:

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.*

The proposed development meets the car parking requirements prescribed in the City's Town Planning Scheme No. 6 Table 6 "Car and Bicycle Parking" and therefore consistent with the objective of Clause 1.6 of TPS6 relating to the preservation of the amenity of the locality.

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

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

- (i) *the preservation of the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

The proposed development is consistent with the matters listed above.

**Consultation**

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

The refused drawings were considered by the City's Design Advisory Consultants at their meeting held on 10 November 2008. The proposal was generally favourably received by the consultants. The amended drawings have not resulted in substantial changes to the external appearance of the proposed design; therefore the development proposal did not require re-consideration at a subsequent DAC meeting.

**(b) Neighbour consultation**

The development proposal was previously advertised to adjoining neighbours to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. Substantial changes requiring additional neighbour consultation have not been made to the development proposal; therefore application has not been re-advertised to community.

**(c) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure, was invited to comment on the 17 proposed stacker bays at the northern end of level 1. The proposed stacker bays were favourably received by the Manager, his comments have been included as **Attachment 10.0.2(c)**.

**(d) Environmental Health**

The proposed bin storage has not been modified from the refused drawings, therefore additional comment on the revised drawings has not been sought from Environmental Health and Regulatory Services Officers.

**Policy and Legislative Implications**

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

**Financial Implications**

Applications for review at SAT such as this, generate significant officer workload without any fee payable to the City.

**Strategic Implications**

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

**Sustainability Implications**

The proposed development has been designed keeping in mind the sustainability design principles. Due to the north-south orientation of the lot, the proposed development does not adversely impact upon the adjoining properties in terms of solar access. The proposed building has also been designed to maximise sunlight into its habitable spaces and an internal courtyard.

**Conclusion**

The proposal meets all of the relevant Scheme and R-Codes objectives and provisions. Provided that all conditions are applied as recommended, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.0.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Office Additions to Mixed Development on Lot 35 (No. 9) Bowman Street, South Perth **be approved**, subject to:

**Standard Conditions**

351	screen bays from view from street	455	dividing fence standards
353	visitors' parking bays marked	470	retaining walls- if required
354	maintain hard stand areas	471	retaining walls along boundaries
390	crossover standards	505	upgrade existing landscaping
393	verge & kerbing works	508	landscaping approved & completed
410	crossover effects infrastructure	550	plumbing concealed from view
425	colours & materials- match existing	625	sightlines for drivers
427	colours & materials- details	660	validity of the approval

**Specific Conditions**

Prior to the issue of a Building License, revised drawings shall be submitted to the City, drawings shall incorporate the following:

- (a) Vehicular accessway adjacent to bay Nos. 187 - 191 are to be increased to a minimum width of 6.3 metres; and
- (b) Bay No. 191 is to be increased to a length of 5.5 metres in order to comply with the TPS6 car parking bay dimensions.

**Standard Advice Notes**

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

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

**Specific Advice Note**

- (a) The applicant and owners are advised of the need to obtain all necessary approvals from the City prior to commencing the proposed development.
- (b) The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes."

**CARRIED EN BLOC RESOLUTION**



**10.0.3 Partial closure of Right-of-Way 133.** (Item 10.0.6 Council Meeting 27 November 2007 refers)

Location: Right-of-Way 133 situated within the block bounded by Gentilli Way and Lockhart, Paterson and Edgecumbe Streets, Como  
 Gentilli Way  
 Applicant: G Hurst and M Lee  
 File Ref: ROW 133  
 Date: 4 September 2009  
 Author: Patricia Wojcik, Trainee Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development & Community Services

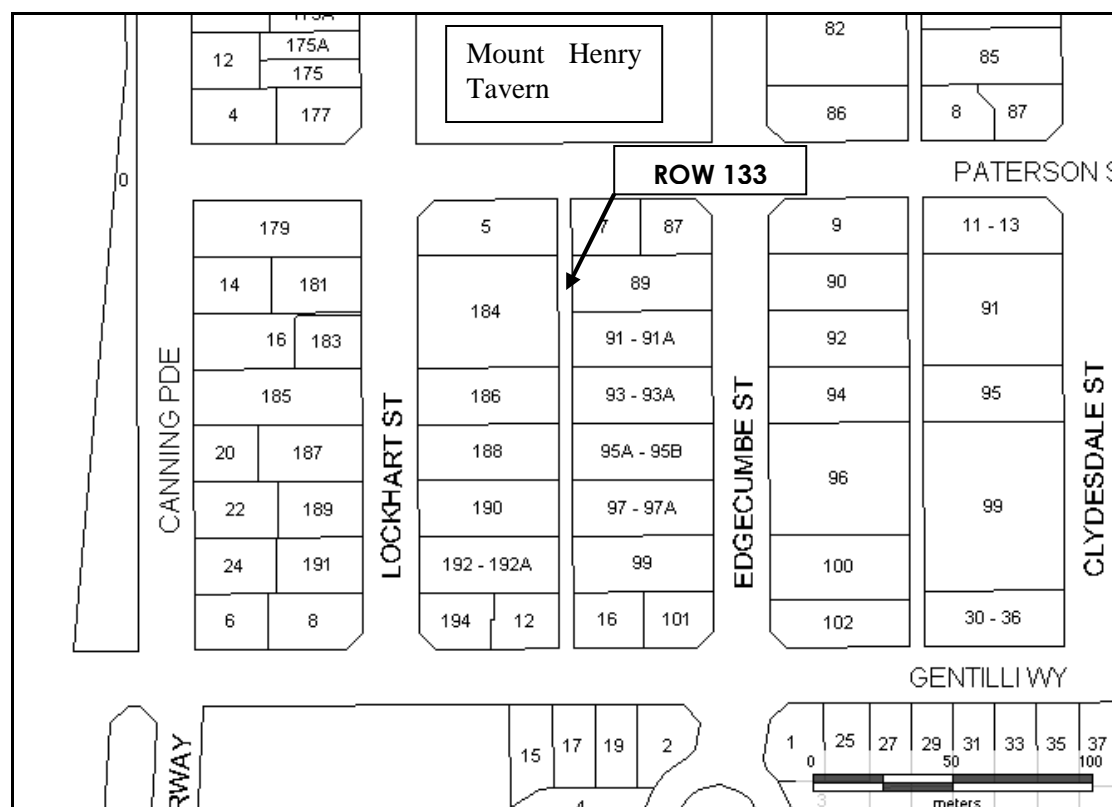
**Summary**

This report relates to the decision at the November 2007 Council meeting on Agenda Item 10.0.6 (Clarification of extent of partial closure of Right-of- Way 133 situated within block bounded by Gentilli Way and Lockhart, Paterson and Edgecumbe Streets, Como). The recommendation now, is that the November 2007 resolution relating to partial closure of the right-of-way be revoked.

**Background**

**(a) Location**

The location of the ROW is shown below. The ROW is adjoined by residential properties.



**(b) Usage and original intention to retain and pave full length of ROW 133**

The northern half of the length of ROW 133 cannot be closed as it provides essential vehicular access to approved garages, car ports or parking bays. The Council's original intention, consistent with the former Policy P388\_T, was to retain the full length of this right-of-way. The paving of ROW 133 was included in the Capital Works Budget 2006/07 and works commenced in October 2006. However this prompted resident requests for construction to cease, pending Council's consideration of a request for partial closure of the ROW. In response to this request, construction ceased during October 2006, after the ROW had been brought back to a trafficable condition.

**(c) Previous Council Resolution**

When the petition for partial closure of ROW 133 was being presented to the Council, the new owner of No. 188 Lockhart Street informed the City that he strongly objected to any proposal to close the right-of-way at the rear of the property, largely due to his desire to utilise the right-of-way for vehicular access to his two proposed houses. At the October 2007 meeting, Council granted development approval for two Single Houses on Lot 270 (No. 188) Lockhart Street.

In response to a petition, the Council originally resolved in October 2007 to initiate the lengthy statutory process towards the partial closure of Right-of-Way 133. However, the wording of the resolution was unclear in relation to the exact extent of the proposed closure. Therefore, the matter was reconsidered at the November 2007 meeting. At that meeting, the Council resolved as follows:

*(a) Council clarifies its position with respect to the extent of closure of Right-of-Way 133 insofar as the intended extent of closure matches that which is shown on the plan contained within Attachment 10.0.6. The extent of closure is to extend from the southern end of the right-of-way up to (and including) the portion of the right-of-way abutting properties located at Nos. 188 Lockhart Street and 95A Edgumbe Street; and*

*(b) owners and occupiers of properties within the street block bounded by Paterson Street, Edgumbe Street, Gentilli Way and Lockhart Street be advised accordingly.*

Due to staffing difficulties, further action towards the closure had not progressed by the time the Council adopted Policy P350.14 under which the Council now opposes 'partial' closures of ROW's. The WA Department of Planning must also approve closure proposals before they can be finalised and it has been known for some considerable time that the Department's policies and guidelines also oppose 'partial' closures.

**(d) Rights-of-Way 82 and 106**

Prior to the petition requesting partial closure of ROW 133, the City had commenced action towards the partial closure of ROW's 82 and 106, however these partial closures did not eventuate due to the unequivocal opposition of the Western Australian Planning Commission (WAPC). The WAPC's advice relating to ROW's 82 and 106 is relevant in the context of Council's reconsideration of the partial closure of ROW 133.

At its August 2004 meeting, Council resolved to initiate the process toward the partial closure of ROW 82. However, after the statutory advertising procedures had been completed, in August 2006 the WAPC advised the City that it did not support the partial closure of this ROW due to conflict with their policies and guidelines. Critical reasons for the WAPC's opposition, among others, relate to the lack of vehicle turning space at the closed end, and the fact that partial closure results in a 'dead-end lane' with possible 'entrapment' concerns, contrary to the Commission's "Designing Out Crime Planning Guidelines".

The Council subsequently sought a review of this decision and received further correspondence from the WAPC reaffirming the earlier decision.

At its November 2005 meeting, Council resolved to initiate the process toward the partial closure of ROW 106. However, after the statutory advertising procedures had been completed, for the same reasons as those cited in relation to ROW 82, in November 2006 the WAPC advised that it did not support the partial closure of ROW 106. Once again, the City sought a review of the WAPC's decision, but to no avail.

Subsequently, when a new Council Policy was being prepared regarding the use or closure of rights-of-way, the City wrote to the WAPC once more, to ascertain the position the WAPC would take in the future in relation to 'obsolete' ROW's which the Council wished to close. Officers representing the WAPC advised that the proposed Council policy would not be supported unless the Policy made it clear that the Council would no longer support "partial" closures.

In early August 2009, City officers again contacted a senior officer from the WA Department of Planning regarding the WAPC position. This has again reaffirmed the original position that partial closures are not supported as they conflict with the WAPC's policies and guidelines.

In light of the history of previous consultation with the WA Department of Planning, it is clear that it would be futile to refer any further "partial" closure proposals to the WAPC seeking their support.

(e) **Council Policy P350.14 "Use or closure of Rights-of-Way"**

At its December 2008 meeting, the Council adopted Policy P350.14 "Use or closure of Rights-of-Way". Having confirmed the WAPC's total opposition to "partial" closure of rights-of-way, Council Policy P350.14 now includes the following:

***"10. Partial closure of a right-of-way not supported***

*The partial closure of a right-of-way may cause vehicular access difficulties for visitors to dwellings adjoining the right-of-way, due to the absence of a turning circle at the closed end of the right-of-way. In addition, a partial closure would create a 'dead end' without opportunities for surveillance, thus providing the potential for entrapment. Therefore, the Council would not be prepared to initiate a partial closure."*

As well as the WAPC's opposition to "partial" right-of-way closures, the inconsistency with the Council's adopted right-of-way Policy P350.14 is another reason why the November 2007 Council resolution relating to ROW 133 needs to be rescinded.

**Comment**

The petitioners who had requested the partial closure of the right-of-way represented 9 out of 15 (60%) of the affected property owners. The petitioners' reasons for requesting the closure related to antisocial behaviour of patrons from the Mount Henry Tavern after closing time. Other reasons related to a perceived security risk posed by the right-of-way and accumulation of rubbish. Prior to presenting the partial closure proposal to a Council meeting, City officers had sought the petitioners' responses to questions relating to the lack of support from the other affected owners; and the WAPC's reasons for opposition to partial closures. However, the petitioners did not provide responses.

The Council's November 2007 resolution proposes that the northern half of the right-of-way, closest to the Mount Henry Tavern, will remain open. Consequently, even if the southern half of the right-of-way was closed, tavern patrons' antisocial activities could continue in the remnant northern half. Therefore, it is arguable whether this is a valid reason for the proposed partial closure. Further, security concerns in connection with ROW 133 are no different from the circumstances pertaining to other rights-of-way in this respect. In any event, having regard to the WAPC's opposition to partial closures, and Council Policy P350.14 which also now opposes partial closures, no further action should be taken concerning the partial closure of ROW 133.

**Consultation**

When the matter was previously considered by Council, all property owners abutting the right-of-way were consulted. The property owners have not been consulted again in connection with the current reconsideration of the matter, however they have received written advice that the matter is being referred to the September Council meeting.

Due to the WAPC's opposition to partial closures, which is also reflected in Council Policy P350.14, the City's Infrastructure Department is proposing to complete the paving of the full length of ROW 133. The City's September 2009 edition of the "Peninsula" newsletter includes reference to the proposed works. In response to that reference in the "Peninsula", one resident abutting the right-of-way has written to the City expressing concern about this proposal having regard to the Council's November 2007 resolution.

**Policy, Legislative and Procedural Implications**

The closure of rights-of-way is dealt with under section 52 of the Land Administration Act 1997. However, while Right-of-Way 133 is only 5 metres wide and has the characteristics and functions of a "right-of-way" ie private street, this particular thoroughfare is in fact a gazetted public road referred to as Public Road 9801 and not a "private street." Therefore, if the closure proposal were still to be pursued, it would be dealt with under Section 58 of the *Land Administration Act 1997* which deals with closure of public roads.

A Council request for closure of a public road is presented to the Minister for Lands via the Western Australian Land Information Authority i.e. "Landgate". If the closure request is granted, the "closed road" land is then offered for sale to the abutting land owners at full market value, which would be many thousands of dollars. Therefore, before presenting the closure request to the Minister, Landgate obtains valuations of the portions of land which would be offered for sale and seeks confirmation that the recipient owners are willing to pay the nominated purchase price. In the event that all of the abutting owners decline to pay the nominated purchase price, the physical closure of the road cannot proceed and therefore the closure request would not be granted by the Minister.

Having regard to the dominant impact of the land sale element of the process, before delivering a road closure request to the Minister, it is the practice of this Council to seek confirmation from the recipient land owners that they are willing to pay the nominated purchase price. If certain owners decline to pay, the closure process will not proceed to finality and therefore it is futile to present the request to the Minister.

The procedure for the closure of public roads is summarised as follows:

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

Before deciding whether or not to grant the closure request, the Minister will seek advice from relevant officers of his department. The officers' advice will be guided by adopted policies and guidelines including the following:

- the Western Australian Planning Commission's Policy DC1.7 "General Road Planning";
- WAPC Policy DC2.2 "Residential Subdivision";
- WAPC Planning Bulletin No. 33 "Rights-of-Way or Laneways in Established Areas - Guidelines".

The implications of these State Policies are briefly explained as follows:

#### Policy DC1.7

Part 3.5, dealing with closure of private streets states that, in established residential areas, where the private street provides an opportunity for narrow lot subdivision or other forms of "infill" development, closure of the private street would not be supported. While ROW 133 is actually a public street, it is expected that this position would be supported by Landgate. Similarly, the Minister on advice from Landgate would be unlikely to approve a partial closure due to the concerns about absence of vehicle turning space and "entrapment".

#### Policy DC2.2

Clause 3.6.3 states that effective use should be made of the opportunities provided by dedicating existing laneways and rights-of-way as public roads, both as a means of providing alternative access and a street aspect, and to overcome the need for battleaxe lots. It is therefore expected that Landgate would not recommend that the Minister should grant a road closure request from the Council.

Planning Bulletin No. 33

This Planning Bulletin is extremely comprehensive and informative. It promotes the upgrading and use of rights-of-way for vehicular access to dwellings. Part 6 of the Planning Bulletin promotes the dedication of rights-of-way as public roads to facilitate their upgrading management and maintenance. Right-of-Way 133 is already a public road. While this Planning Bulletin is generally administered by the WAPC, Landgate would also have regard to it in preparing advice to the Minister.

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

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

**Conclusion**

Full closure of ROW 133 is not possible due to vehicular access requirements over the northerly portion. Due to the undesirable aspects of partial closures relating to lack of vehicle turning space and “entrapment” and also having regard to the WAPC’s opposition to partial closures for these reasons, no useful purpose would be served by pursuing further action towards the proposed partial closure. In addition, this proposal is directly contrary to the adopted position relating to partial closures in Council Policy P350.14. Therefore, the Council should now revoke its November 2007 resolution.

<b>OFFICER RECOMMENDATION ITEM 10.0.3</b>
---

That....

- (a) consideration be given to revoking Item 10.0.6(a) of the Minutes of the Council Meeting dated 27 November 2007 as follows:

*Council clarifies its position with respect to the extent of closure of right-of-way No. 133 insofar as the intended extent of closure matches that which is shown on the plan contained within **Attachment 10.0.6**. The extent of closure is to extend from the southern end of the right-of-way up to (and including) the portion of the right-of-way abutting properties located at Nos. 188 Lockhart Street and 95A Edgecumbe Street.*

***Note: Support of a Minimum of One-Third of the Members is Required***

- (b) Item 10.0.6(a) of the Minutes of the Council Meeting dated 27 November 2007 be revoked;

***Note : An Absolute Majority is Required***

- (c) no further action be taken towards the partial closure of Right-of-Way No. 133 as this action would be contrary to:
- (i) Council’s policy position as expressed in Clause 10 of Policy P350.14 (Use or Closure of Rights-of-Way); and
  - (ii) the Western Australian Planning Commission’s Policies DC1.7 “General Road Planning”; DC2.2 “Residential Subdivision”; and Planning Bulletin No. 33 “Rights-of-Way or Laneways in Established Areas - Guidelines”; and
- (d) the owners of all properties adjoining Right-of-Way No. 133 be advised of Council’s resolution above.

MOTION - Item 10.0.3 Part (a)

Cr Best moved part (a) of the officer recommendation, Sec Cr Trent

MOTION Item 10.0.3 Part (b)

Cr Trent moved part (b) of the officer recommendation, Sec Cr Grayden

FORESHADOWED MOTION ITEM 10.0.3 Part (b)

Cr Ozsdolay Foreshadowed that he would be moving an alternative Motion calling for more investigation to be done before moving to revoke the November 2007 resolution if the current Motion is Lost.

MOTION Item 10.0.3 Parts (c) and (d)

Cr Best moved parts (c) and (d) of the officer recommendation, Sec Cr Grayden

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3</b></p>
---

The Mayor put the Motion

That.....

- (a) consideration be given to revoking Item 10.0.6(a) of the Minutes of the Council Meeting dated 27 November 2007 as follows:

*Council clarifies its position with respect to the extent of closure of right-of-way No. 133 insofar as the intended extent of closure matches that which is shown on the plan contained within **Attachment 10.0.6**. The extent of closure is to extend from the southern end of the right-of-way up to (and including) the portion of the right-of-way abutting properties located at Nos. 188 Lockhart Street and 95A Edgumbe Street.*

CARRIED (12/0)

And By Required One Third Members

- (b) Item 10.0.6(a) of the Minutes of the Council Meeting dated 27 November 2007 be revoked.

CARRIED (9/3)

And By Required Absolute Majority

- (c) no further action be taken towards the partial closure of Right-of-Way No. 133 as this action would be contrary to:

- (i) Council's policy position as expressed in Clause 10 of Policy P350.14 (Use or Closure of Rights-of-Way); and  
(ii) the Western Australian Planning Commission's Policies DC1.7 "General Road Planning"; DC2.2 "Residential Subdivision"; and Planning Bulletin No. 33 "Rights-of-Way or Laneways in Established Areas - Guidelines"; and

- (d) the owners of all properties adjoining Right-of-Way No. 133 be advised of Council's resolution above.

CARRIED (10/2)

<b>10.0.4 Adoption of Alfresco Dining Local Law</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/101
Date:	4 September 2009
Author:	Jelette Jumayao, Research and Administration Officer
Reporting Officer	Cliff Frewing, Chief Executive Officer

### **Summary**

At its December 2008 ordinary meeting, Council instigated a review of the City's Alfresco Dining Local Law pursuant to section 3.16 of the *Local Government Act*. The purpose of the review is to determine whether the local law operates satisfactorily and to seek submissions from the community on its operation and usefulness.

The City has conducted a review of the local law which recommends minor textual revision to correct some drafting errors in the existing local law. A draft Amendment Local Law has been prepared for consideration by Council in order to initiate the law-making procedure of the Act.

After initiating the law-making procedure at the May 2009 Council meeting, the City advertised the Alfresco Local Law and asked for public submissions. The only submission received was from the Department of Local Government making some minor comments.

The only submission received was from the Department of Local Government making some minor comments.

### **Background**

At its ordinary September 2008 meeting, Council requested a review of recent legislative activity by the local governments of Fremantle and Perth concerning proposals to ban smoking in alfresco dining areas. A number of local governments have taken action in recent years to address passive smoking in public places. This action has been triggered by concern over the deleterious health effects of passive smoking, the nature and extent of which have been widely documented.

#### *Section 3.16 - Periodic review of local laws*

As reported to Council at its December 2008 meeting, the City is able to impose conditions on a licence issued for alfresco dining within public places it owns or manages such as footpaths. A prohibition on smoking within the licence area could be imposed as a condition of the licence.

As part of a wider periodic review of other local laws, Council instigated a review of the Alfresco Dining Local Law at its December meeting under section 3.16 of the Act which enables a local government to review its local laws to determine if the law needs to be repealed or amended.

The statutory procedure for a periodic review is similar to that for the local law-making procedure which provides for community consultation by means of state-wide and local public notice over a minimum period of six weeks prior to Council considering any submissions received and making decisions on the amendment or repeal of the local law. Given the Christmas/New Year break, the consultation period was extended to the end of February 2009.



Although notices of the review were published in the *West Australian* and the *Southern Gazette* in December 2008, by the close of the public consultation period at the end of February 2009, no submissions had been received.

**Comment**

Council adopted the existing Alfresco Dining Local Law in May 2003. The purpose of the law was to enable the City to regulate the operation of alfresco dining on its footpaths, which constitute 'public property' owned or managed by the City.

Under the Alfresco Dining Local Law, the City may grant a licence, subject to such conditions as it sees fit, including a condition which prohibits smoking within the licence area.

The City has conducted a review of the existing local law and recommends that minor textual revision only is necessary. A draft Amendment Local Law has been prepared for consideration by Council in order to initiate the law-making procedure of the Act. A copy of the Amendment (Alfresco Dining) Local Law is at **Attachment 10.0.4(a)**. A marked-up copy of the existing local law is also provided, at **Attachment 10.0.4(b)**, to more clearly indicate the changes.

*Procedural Requirements for amending local law*

The procedural requirements for amending a local law are the same as for making a local law.

*Purpose and effect of Amendment (Alfresco Dining) Local Law*

The person presiding at a Council meeting is 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.

The purpose of the proposed Amendment (Alfresco Dining) Local Law is to remove typographical and drafting errors in the existing Local Law.

The effect of the proposed Amendment (Alfresco Dining) Local Law is to clarify the operation of the Local Law.

*Public consultation*

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

Submissions about the proposed local law may be made to the City for a period of not less than six weeks after the notice is given. After the last day for submissions, Council 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. The submission period was 13 June 2009 to 14 August 2009.

*Policy P313 Alfresco Dining*

The administration of the local law is guided by policy P313 Alfresco Dining as adopted on 26 May 2009 Council Meeting.

**Policy and Legislative Implications**

Policy and legislative implications are as described in the report.

**Financial Implications**

Nil.

**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**

The report is consistent with the objectives of the City’s Sustainability Strategy.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4</b>
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That Council resolves to adopt\* the Alfresco Dining Local Law 2009 at **Attachment 10.0.4(a)**, pursuant to section 3.12 of the *Local Government Act*.

CARRIED EN BLOC RESOLUTION  
And By Required Absolute Majority

**10.1 GOAL 1 : CUSTOMER FOCUS**  
Nil

**10.2 GOAL 2: COMMUNITY ENRICHMENT**

<b>10.2.1 Lions Community Partnership</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: GS/102/6  
Date: 19 August 2009  
Author: Seánna Dempsey, Community Development Officer  
Helen Doran-Wu, Community Development Coordinator  
Reporting Officer: Sandra Watson, Manager Community Culture and Recreation

**Summary**

This report recommends that the City enter into a new Community Partnership with the South Perth Lions Club.

**Background**

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

The goals of the Community Partnerships program are to:

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

The City's Community Partnerships Program is designed to create mutually beneficial relationships between the City and organisations operating within the area. The intent of the program is to enhance services to the community through partnerships and the development of common objectives and goals. The benefit to the community organisations is access to financial and other forms of assistance over the three years of the agreements.

The City already has Community Partnership Agreements established with Southcare Incorporated (which includes support for the Moorditch Keila Aboriginal Group), Perth Zoo, South Perth Church of Christ and the RSPCA. These agreements involve contributions from the City being exchanged for the delivery of local services, events and programs, providing a range of benefits to the City of South Perth community.

### **Comment**

The Lions Club of South Perth has been operating within the City since 1965. Over the years it has delivered a number of valuable programs and services to local community members, with particular emphasis in the areas of assisting youth, the elderly, disabled and disadvantaged people and groups.

The two main projects that the club is dedicated to are:

1. The South Perth Lions Club Junior Band- The club provides low cost tuition and instrument hire to children aged 8 to 12 years, giving them the opportunity to learn a musical instrument and play together in a band. These children make up the South Perth Lions Club Junior Band.
2. The South Perth Lions Club Big Band- The senior band, which consists of experienced musicians, charges a fee for its performances and all funds raised go back into the community via the club's other various programs, including the Junior Band.

The City of South Perth has supported these projects over many years through its Community Funding Program and by inviting both bands to play at a number of City events during Fiesta. Establishing a Community Partnership agreement between the South Perth Lions Club and the City will help to formally recognise and clarify this relationship, and provide mutual benefits to both parties. The draft partnership agreement that has been developed at **Attachment 10.2.1** proposes that the City provide annual funding and ongoing support to the South Perth Lions Club, for the term of the agreement in exchange for the Club's continued delivery of valuable community programs, extending to free band performances at City events.

### **Consultation**

City Officers have consulted and collaborated extensively with representatives from the South Perth Lions Club in the development of this partnership agreement.

### **Policy Implications**

This report relates to Policy P202 *Funding Assistance* which states:

Level 1. Community Partnerships *The City may enter into Community Partnerships with identified organisations that provide a major benefit to the City of South Perth community.*

### **Financial Implications**

The draft partnership agreement attached recommends that the City provide \$5,000 annually to the South Perth Lions Club for the next three years.

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

**Strategic Implications**

This report relates to Goal 2 of the City's Strategic Plan 2004 - 2008: *To foster a strong sense of community and a prosperous business environment*

and in particular:

*Strategy 2.2: Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the businesses community and other organisations*

**Sustainability Implications**

The development of Community Partnerships allows the City to foster and support valuable community services and initiatives, whereas it would not be sustainable for the City to deliver these programs itself.

This partnership agreement will help to ensure the sustainability of South Perth Lions Club programs, particularly their Junior Band and Big Band.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1</b>
--

That Council endorses a Community Partnership with the South Perth Lions Club, as outlined in **Attachment 10.2.1**.

CARRIED EN BLOC RESOLUTION

**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

<b>10.3.1 Proposed Change of Use - Shop to Take-Away Food Outlet (Hans Café) Lot 7 (Unit 1/262) Canning Highway Cnr Birdwood Avenue, Como</b>
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Location:	Lot 7 (Unit 1, No. 262) Canning Highway
Applicant:	KPY Projects
Lodgement Date:	22 June 2009
File Ref:	11.2009.230 CA6/262
Date:	1 September 2009
Author:	Lloyd Anderson, Senior Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

**Summary**

To consider an application for a change of land use from Shop to Take-Away Food Outlet (Hans Cafe) for an existing commercial tenancy which is situated at No. 1/262 Canning Highway Como. The recommendation is for approval with standard and specific conditions.

**Background**

The development site details are as follows:

<b>Zoning</b>	Primary Regional Road / Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	1736 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	1429.21 sq. metres
<b>Plot ratio</b>	0.5

This report includes the following attachments:

- Attachment 10.3.1(a)** Plans of the proposal.
- Attachment 10.3.1(b)** Applicant’s supporting letter.
- Attachment 10.3.1(c)** Riley Consulting - Traffic report for the site.
- Attachment 10.3.1(d)** Greg Rowe and Associates - Report for the site.

The location of the development site is shown below. The commercial tenancy that is the subject of this development application fronts onto Canning Highway in a row of commercial tenancies on the corner of Canning Highway and Birdwood Avenue. The tenancy is separated from adjoining residential dwellings by Canning Highway and other shops on the site. A vacant lot (zoned Residential - R80) is situated directly opposite the development site along Birdwood Avenue.



In relation to item 6 above, as determined by the Officers, the extent of amenity impact arising from the proposal is considered acceptable based upon the information submitted to the City. However, the adjoining property owner on Birdwood Avenue considers that the proposal will have a significant parking and traffic impact. The application has been referred to the Council meeting for consideration and determination.

### **Comment**

#### **(a) Description of the proposal**

Under Town Planning Scheme No. 6 (TPS6) a Take-Away Food Outlet is a “DC” Use which means:

*“... is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 7.3 of the Scheme.”*

This special notice has been undertaken and further comments in this respect are provided in the “Consultation” section of this report.

The applicant indicates that the proposed Take-Away Food Outlet will operate during the following hours:

- Monday to Friday: 11am to 11:00pm;
- Saturday and Sunday: 11am to 11:00pm; and

It is proposed that the premises will be staffed by a total of 4 people in the following manner:

- 2 chefs; and
- 2 wait staff.

The proposal complies with the TPS6, however Council needs to consider the amenity impacts, car parking and traffic issues that may arise with respect to the proposal.

#### **(b) Amenity and character**

Council has to be satisfied that the proposal will not adversely affect the amenity of the surrounding residential property owners. Some concern is held that the proposed hours of trade will have the capacity to cause an adverse amenity impact on adjoining and other nearby property owners, and in this regard, it is considered prudent to restrict the hours of trade in order to mitigate any potential adverse amenity impact on nearby property owners. It is recommended:

The hours of operation being limited to the hours between:

- (i) 9:00am and 10:00pm Sunday to Thursday; and
- (ii) 9:00am and 10:30pm Fridays and Saturdays.

The critical issue relating to hours of operation of the Takeaway Food Outlet is the closing time. Birdwood Avenue is a residential street, concerns have been raised relating to the late night trade of the Hans Cafe in relation to the closeness to the Como Hotel. The connection may encourage anti-social behaviour in Birdwood Avenue causing nuisance for residents and other business within the area. Conditions relating to trading hours have been successful in the past and the same restrictions relating to the hours of operation have been applied by Council to the pizza store next door to this tenancy on the same site.

In relation to staff working the number of staff may increase (or decrease) over time depending on the success of the business and on this basis, the restriction on staff numbers could impact the viability of the business and is not recommended.

The character and form of the existing building will remain largely unchanged which will have no significant impact on the adjoining properties.

(c) **Car parking, access and egress**

TPS6 does not specify a prescribed parking ratio for a Take-Away Food Outlet. In accordance with the provisions of Clause 6.3(2) of the Scheme, car parking bays have to be provided to the number determined by Council in each case, having regard to the likely demand.

The site has 25 approved car parking bays. In addition to the 25 car bays provided on-site, there are 24 car bays on Birdwood Avenue (9 bays on the south side of Birdwood Avenue, 2 bays in front of adjacent houses and 13 bays on the north side of Birdwood Avenue). These bays have been constructed by the City of South Perth in front of the existing shops. The applicant was required to demonstrate that the 25 car bays on-site and the 24 bays on Birdwood Avenue being 49 in total, cater adequately for the proposed development and other uses surrounding the area.

For a previous application considered at the November Council Meeting for a change of use from a Shop to Take-Away Food Outlet, "Riley Consulting" had conducted a "Traffic Statement" (**Attachment 10.3.1(c)** refers) relating to the site which states that the following points were worth considering:

- The existing and proposed land uses are retail land uses which will have the same traffic attraction.
- 30 car parking bays would be required to satisfy the peak demands for the site.
- The proposed use generates a demand for car parking in the evening and night which would differ from other uses on the site and within the locality.

In addition to this report, Greg Rowe and Associates (**Attachment 10.3.1(d)** refers) submitted a report discussing development requirements relating to the site, which states that 43 car parking bays are required at a rate of 1 bay per 20 square metres of gross floor area.

The above figure would be correct if all the uses of the site were "Shop", however the proposal is for a "Take-Away Food Outlet" and there is no prescribed car parking figure. In the City officers' opinion, the change of land use is not considered to be significant as the development site is well catered for with respect to car parking (49 car bays are provided on-site and on-street). The "Greg Rowe and Associates" report suggests that 43 car parking bays would be required for the site, meaning that if all the bays were full, there would still be 6 car parking bays remaining. Staff parking will be minimal and located to the rear of the property. This is recommended to form a condition of approval.

(d) **Traffic**

The report, "Riley Consulting Traffic Statement" (**Attachment 10.3.1(c)** refers) states the increase in traffic generated by this proposal would represent a modest increase and not impact on the existing traffic operations. The proposal is seen to have minimal impact in respect to traffic.

(e) **Signage**

TPS6 requires an application for planning approval to be submitted in relation to any proposed sign. The Department of Planning requested the following:

- *The advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy D.C 5.4, paragraph 3.3.1; and*
- *The proponent agrees to remove the signage structure without seeking compensation from either the Council or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.*

Main Roads has requested the following:

- *The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve.*
- *Main Roads agreement is to be obtained prior to any modifications.*
- *If illuminated it must be of Low-level not exceeding 300cd/m2 not flash, pulsate or chase.*
- *The device shall not contain fluorescent, reflective or retro reflective colours or materials.*
- *The type of sign and location must comply with all relevant by-laws and planning schemes made by Council.*
- *No other unauthorised signing is to be displayed.*

The above requirements of the Department of Planning and Main Roads Western Australia do not confirm or deny that signs are acceptable therefore it is recommended that the property owner obtain written confirmation that the proposed signs and their structures comply with the requirements of Department of Planning and Main Roads Western Australia. Should the signs comply with these requirements then the signs are seen to comply with Clause 6.12 of TPS6 and City's Policy P382\_T "Signs".

(f) **Canning Highway - Road widening**

In a letter dated 7 August 2009 the Department for Planning requested the inclusion of the following in relation to the proposal, keeping in view the planned future road widening:

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

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

(g) **Other planning controls**

As shown on the plans, **Attachment 10.3.1(a)**, the existing building is being used for the purposes of the proposed Take-Away Food Outlet use. Planning controls in relation to plot ratio, building height, setbacks, boundary walls, ground and floor levels, landscaping and bicycle parking will not apply.



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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

With regards to Objectives (a) and (f), the character and the built form of the proposed Take-Away Food Outlet will remain largely unchanged as the existing building will be utilised for the purpose.

- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.**

With respect to (g) and (j) the site being on a corner is seen to be the most appropriate location for this type of use. There are many corner blocks along Canning Highway with commercial uses of this nature.

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

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

- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality.*

In regards to matters (b) and (i), the proposal meets the requirements for orderly and proper planning through its use of the rear of the lot for car parking and the restrictions on trading hours as recommended.

- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

**(j) Conclusion**

The proposal broadly meets the objectives of the Scheme. The matters relating to amenity, character and traffic generation have been adequately addressed in the development application. It is recommended that the application be conditionally approved.

**Consultation**

**(b) Neighbour consultation**

Area 2 neighbour consultation has been undertaken for this proposal in accordance with Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. 114 properties in the vicinity were invited to inspect the application and to submit comments during a 14-day period. In addition to this a sign was placed on the site for a period of 21-days. During the advertising period, 1 submission was received in support of the application but subject to conditions relating to trading hours. The comments of the submitters, together with officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Considering the residential amenity of the street, the hours of operation no later than 10:00pm Monday to Thursday and 10:30pm on Friday and Saturday	The recommendation proposes restricting the hours of operation to no later than 10:00pm Sunday to Thursday and 10:30pm on Friday and Saturday. The comment is <b>NOTED</b> .
Parking and traffic impact on residential amenity.	Section (c and d) of this report provides the required information. The comment is <b>NOTED</b> .

**(c) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure has provided comments in relation to the requirements for on-site parking bays, crossovers, ground levels and stormwater drainage.

**(d) Senior Health Officer, Environmental Health**

The Environmental Health Department has provided detailed comments. Refer to important notes recommended to be placed on the approval.

**(e) Other Department comments**

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

**Policy and Legislative Implications**

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

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

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

### **Sustainability Implications**

Sustainability implications in relation to planning matters have been taken into consideration. The use of an existing building and an existing car parking area is observed to be sustainable. The proposed use, being a discretionary use with consultation in accordance with TPS6, is also observed to be sustainable based upon the discussion in the report and the officer recommendation for approval.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1</b>
--

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from Shop to Take-Away Food Outlet on Lot 7 (No 262) Canning Highway, Como **be approved**, subject to:

(a) **Standard Conditions**

425 colours and materials 661 Validity of 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.
---

(b) **Specific Conditions**

- (i) The hours of operation being limited to the hours between:
  - (a) 9:00am and 10:00pm Sunday to Thursday; and
  - (b) 9:00am and 10:30pm Fridays and Saturdays.
- (ii) Staff parking bays required to be in the marked parking bays at the rear of the property.
- (iii) The land owner agrees that any compensation for loss of revenue arising from the change of use to Take-Away Food Outlet will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.
- (iv) The property owner shall obtain written confirmation that the proposed signs and their structures comply with the following requirements of Department of Planning and Main Roads Western Australia:
  - (A) The advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy D.C 5.4, paragraph 3.3.1
  - (B) The proponent agrees to remove the signage structure without seeking compensation from either the Council or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
  - (C) The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve.
  - (D) Main Roads agreement is to be obtained prior to any modifications to the signs. If signs are illuminated, they must be of low-level not exceeding 300cd/sq. metres and neither flash, pulsate or chase.
  - (E) The signs shall not contain fluorescent, reflective or retro reflective colours or materials.
  - (F) The type of sign and location must comply with all relevant by-laws and planning schemes made by Council.
  - (G) No other unauthorised signing is to be displayed.
- (v) The approved on-site car parking bays clearly marked on-site in accordance with planning approval (Reference ID No. 11.2008.312 dated 24 October 2008) prior to commencing this particular take-away food outlet use.

(c) **Standard Advice Notes**

- 648 building licence required 649A minor variations - seek approval  
651 appeal rights - SAT

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

(d) **Specific Advice Notes**

(i) Engineering Infrastructure

An effective drainage system needs to be installed consisting of a “below ground structure” to capture and retain stormwater with soakage into the subsoil. The most likely structural form would be precast concrete culverts although other forms such as the “Atlantis Cell” or “Invisible Structures” would suffice providing the system was designed to accept the “worst case” scenario for the accepted storm event.

- (ii) Environmental Health: The applicant / owner are advised of the need to comply with the City’s Environmental Health requirements and obtain necessary approvals from the department prior to commencing the proposed use.

CARRIED EN BLOC RESOLUTION

**10.3.2 Proposed two storey Single House - Lot 512 (No. 14A) Hope Avenue, Manning**

Location: Lot 512 (No. 14A) Hope Avenue, Manning  
 Applicant: Avena Homes (Avena Pty Ltd)  
 Lodgement Date: 23 July 2009  
 File Ref: 11.2009.282 HO2/14  
 Date: 1 September 2009  
 Author: Cameron Howell, Trainee Planning Officer  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

The subject application for planning approval relates to a proposed two storey Single House on Lot 512 (No. 14A) Hope Avenue, Manning. In accordance with City Policy P398 ‘Applications for Planning Approval: Applicant’s Responsibilities’, this application needed to be submitted because the current proposal is a major variation from an existing planning approval issued by City Officers under delegated authority. The proposed variation is the modification of the roof above the street-facing balcony from an approved double pitch to proposed skillion (mono-pitch) form. The proposed roof has a pitch of 16 degrees as against the 30 degree roof pitch over the remainder of the building.

In accordance with City Policy P370\_T ‘General Design Guidelines for Residential Development’ and comments received from the Design Advisory Consultants, the Officer recommendation is that the application be refused as the roof above the street-facing balcony is not compatible with the existing streetscape character.

Council has the ability to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	Clause 9.6 (6) of TPS6

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	524 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One (1) Single House
<b>Maximum plot ratio</b>	Not applicable

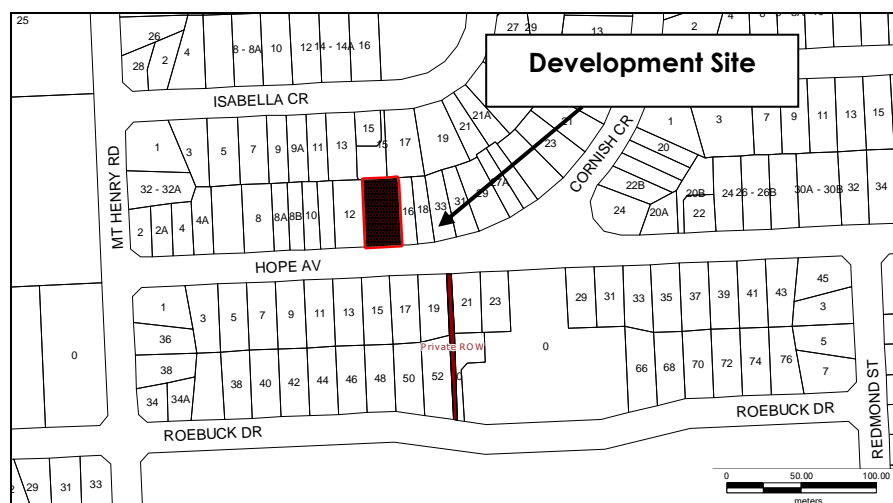
This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal dated 23 July 2009.
- Attachment 10.3.2(b)** Photographs of neighbouring dwellings, with accompanying captions and a computer-generated photograph of the dwelling's proposed front elevation submitted by the applicant, Averno Homes received 20 August 2009.

**Comment**

**(a) Description of the proposal**

The proposed development is a two storey Single House. The site is adjoined by residential zoned land and has street frontage to Hope Avenue. The location of the development site is shown below:



The development site encompasses only the right (eastern) half of the lot identified above, as this lot has been subdivided to form two lots.

In accordance with Council Delegation DC342, the proposal is required to be referred to a Council meeting for determination as the recommendation of refusal involves Council exercising discretion in relation to a variation from a provision of Council Policy P370\_T 'General Design Guidelines for Residential Development'.

The proposal complies with the requirements of the City's Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant City Policies with the exception of the variations discussed below.

(b) **Design - City Policy P370\_T “General Design Guidelines for Residential Development” (P370\_T)**

The applicant’s drawings show a 16 degree skillion (mono-pitch) roof over the street-facing balcony and a 30 degree double pitched roof design over the rest of the house. City Officers consider that a matching double pitch roof over the balcony will be more in keeping with the streetscape and with traditional housing within the focus area. One of the objectives of the City Policy P370\_T “General Design Guidelines for Residential Developments” is:

*“(a) To preserve or enhance desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings.”*

The assessing officer considers that the proposed combination of skillion and double pitched roof design would not be consistent with this policy objective. Clause 3 “Streetscape Character” of this policy supports the above policy objective. The policy provision deals with the need for design compatibility between the proposed building and the existing buildings within the focus area, having regard to the primary and secondary contributing elements. Building ‘form’ is one of those primary elements.

The applicant’s photographs, **Attachment 10.3.2(b)** attempt to demonstrate that the design of the proposed dwelling is compatible with the streetscape, by providing examples of roof forms visible from public streets located within Manning and Salter Point. However it is important to note that within the development site’s focus area (Hope Avenue between Mount Henry Road and Cornish Crescent), no skillion (mono-pitch) roofs are present on any residential dwellings. In addition, the photographs submitted by the applicant have not identified any buildings within close proximity of the development site that have a combination of skillion and double pitched roof forms, as currently proposed. In cases where a proposed skillion roofed building is supported by the City’s Design Advisory Consultants (DAC), in accordance with the May 2008 Officer report and Council resolution, such a proposal may be approved by officers under delegated authority. However, where the DAC does not support a particular skillion roofed design, the application needs to be referred to a Council meeting for determination. In this instance, the DAC does not support the proposed skillion roofed design.

As the non-compliance relates to provisions in a Council Policy, Council has discretionary power under clause 9.6 (6) of TPS6 to approve the skillion roofed addition. This discretionary power should only be exercised if Council is satisfied that the proposed design meets the “streetscape compatibility” objective of Policy P370\_T. In this instance, it is recommended that the proposal not be approved, as the applicant has not satisfied this Policy objective.

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

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

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

The proposed dwelling has few features or characteristics in keeping with the character and scale of existing residential development. It is therefore, determined that the proposal does not comply with Clause 1.6 of TPS6.

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

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

- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

In relation to listed matters (f), (j) and (n) the proposal is not considered satisfactory as the design is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters. It is therefore, determined that the proposal does not comply with Clause 7.5 of TPS6.

**Consultation**

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

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 7 September 2009. The proposal was not well received by the Consultants. Their specific comments are summarised below:

1. The Architects observed that the approved drawings for the proposed development showing a double-pitch roof over the balcony matching the double-pitch roof above the remainder of the building was compatible to the existing streetscape character.
2. Even though the amended mono-pitch roof over the balcony is a relatively small element in comparison to the entire building, noting the extent of visibility of the mono-pitch roof from the street, the Architects did not support this change proposed at the building licence stage.

**(b) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The proposal has been referred to the adjoining neighbour, as a boundary wall is proposed. No comments were received. The boundary wall is considered to meet the requirements of City Policy P350.2 'Residential Boundary Walls'.

**Policy and Legislative Implications**

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

**Financial Implications**

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

### **Strategic Implications**

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

### **Sustainability Implications**

The proposed development has been designed to maximise solar access to its habitable rooms by providing sufficient setbacks from the side boundaries. The outdoor living area faces north, providing sufficient solar access.

<b>OFFICER RECOMMENDATION ITEM 10.3.2</b>
---

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed two storey Single House on Lot 512 (No. 14A) Hope Avenue, Manning **be refused**, for the following reasons:

- (a) The proposed dwelling is incompatible to the existing streetscape character and conflicts with the provisions of Policy P370\_T “General Design Guidelines for Residential Development” which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character.
- (b) Having regard to the above reasons, the proposed development does not comply with objective (f) listed within Clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6.
- (c) Having regard to the above reasons, the proposed development does not comply with matters (f), (j) and (n) listed within Clause 7.5 “Matters to be Considered by Council” of the City of South Perth Town Planning Scheme No. 6.

### **Important Note**

- (a) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

### OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.2. The officer recommendation Lapsed.

### MOTION

Moved Cr Burrows, Sec Cr Trent

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a proposed Two Storey Single House on Lot 512 (No. 14A) Hope Avenue, Manning, **be approved** subject to the following conditions:
  - (i) **Standard Conditions**

340	Boundary (Parapet) Walls	470	Retaining, Filing, Finished Ground Levels
377	Clothes Drying	471	Retaining Walls
390	Crossovers	506	Trees on Private Property
416	Street Trees	625	Fencing - Visual Truncations Adjacent to Driveways
455	Fencing	660	Validity of Approval



- (A) The existing fencing shall not be removed, until such time as any required new fencing and the boundary wall are to be erected.
- (ii) **Standard Important Footnotes**
- |      |                           |      |            |
|------|---------------------------|------|------------|
| 648  | Building Licence Required | 649A | Variations |
| 646  | Landscaping               | 651  | Aggrieved  |
| 646A | Fencing                   |      |            |

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

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Burrows opening for the Motion

- spoke with architect regarding proposal
- owner trying to add a feature ie enhance front of house
- believe skillion roofs to be an acceptable roof form compatible with various other roof forms in focus area
- minor amendment proposed to that originally approved by addition of skillion roof over the balcony
- ask Members support Alternative Motion

Cr Trent for the Motion

- this is a case of officers following Council policy
- have a situation where the policy does not necessarily apply
- suggest we look at reviewing the policy relating to roof forms
- support the proposal for skillion roof

**Note:** The CEO confirmed that the suggested policy review was currently underway.

Cr Cala point of clarification - On page 39 of the Agenda under the heading 'summary' the report states *...the current proposal is a major variation from an existing planning approval issued under Delegated Authority?*. The Strategic Urban Planning Adviser stated that the change occurred between the officers issuing planning approval under Delegated Authority and the lodgement of the Building Licence Application and that is why the change was predicted.

**COUNCIL DECISION ITEM 10.3.2**

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a proposed Two Storey Single House on Lot 512 (No. 14A) Hope Avenue, Manning, **be approved** subject to the following conditions:

- (i) **Standard Conditions**
- |     |                          |     |  |
|-----|--------------------------|-----|--|
| 340 | Boundary (Parapet Walls) | 470 | Retaining, Filing, Finished Ground Levels          |
| 377 | Clothes Drying           | 471 | Retaining Walls                                    |
| 390 | Crossovers               | 506 | Trees on Private Property                          |
| 416 | Street Trees             | 625 | Fencing - Visual Truncations Adjacent to Driveways |
| 455 | Fencing                  | 660 | Validity of Approval                               |

(A) The existing fencing shall not be removed, until such time as any required new fencing and the boundary wall are to be erected.

(ii) **Standard Important Footnotes**

648	Building Licence Required	649A	Variations
646	Landscaping	651	Aggrieved
646A	Fencing		

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

CARRIED (12/0)

Reason for Change

Council supported the skillion roof proposed and were of the view it would not detract from the amenity of the surrounding streetscape.

**10.4 GOAL 4: INFRASTRUCTURE**

**10.4.1 Annual Tender 17/2009- Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths.**

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 17/2009
Date:	3 September 2009
Author:	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

**Summary**

This report considers submissions received from the advertising of Tender 17/2009 for 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths'.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

**Background**

A Request for Tenders was recently called for the 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths'. Tender 17/2009 was advertised in the West Australian newspaper on Saturday 8 August 2009.

At the close of the Tender advertising period five (5) submissions from registered companies had been received with one arriving late making a total of six (6) tenders received. However, the late tender was non-compliant as was one other, leaving a total of four compliant tenders which are tabled below:

Tenderer	Estimated Tender Price (GST Exclusive)
Cobblestone Concrete	\$ 450,630
Dowsing Concrete	\$410,550
Techsand	\$440,482
Hammond Concrete	\$500,625

This tender forms part of the City's annual supply tenders. The replacement of existing concrete slab paths with poured in-situ concrete is essential to facilitate the completion of the 2009/2010 concrete slab replacement and maintenance program.

**Comment**

Tenders were invited as a Schedule of Rates Contract. The estimated contract value was determined using 9,000 square metres of path as the notional quantity of path to be replaced during the 2009/2010 financial year (the quantity of pathway is an estimate only and the City does not guarantee that this amount of path will be replaced during the contract period).

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

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to do the service on time	10%
2. Conformity with tender specification	10%
3. Referees	10%
4. Price	70%
<b>Total</b>	<b>100%</b>

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

TABLE B - Weighted Score and Estimated Tender Prices

Tenderer	Estimated Tender Price (GST Exclusive)	Weighted Score
Cobblestone Concrete	\$ 450,630	9.1
Dowsing Concrete	\$410,550	10.0
Techsand	\$440,482	9.5
Hammond Concrete	\$500,625	7.7

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

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

Based on the assessment of all tenders received for Tender 17/2009, this report recommends to the Council that the tender from Dowsing Concrete be accepted for the period of supply up to 30 June 2010 inclusive in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B.

**Consultation**

Tender 17/2009 Replacement Of Existing Concrete Slab Footpaths With Poured In-Situ Concrete Footpaths was advertised in the West Australian on Saturday 8 August 2009. In total six (6) tenders were received.

**Policy and Legislative Implications**

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

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Inclusive).

#### **Financial Implications**

Full cost of the works reflected in the tender has been provided in the current 2009/2010 Operations and/or Capital Works Budgets.

#### **Strategic Implications**

The calling of tenders (forms part of Goal 6 Financial Viability) for goods and services to complete the various operations and Capital Works Programs is consistent with Goal 4 Infrastructure - Strategy 4.1 "*Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level*).

#### **Sustainability Implications**

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

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1</b>
--

That Council accepts the Tender submitted by Dowsing Concrete for the Replacement of Concrete Slab Footpaths with Poured (Insitu) Concrete in accordance with Tender Number 17/2009 for the period of supply up to 30 June 2010 inclusive.

CARRIED EN BLOC RESOLUTION

<b>10.4.2 Annual Tender 23/2009: Supply, Delivery and Laying of Asphalt</b>
---

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 23/2009
Date:	3 September 2009
Author:	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

#### **Summary**

This report considers submissions received from the advertising of Tender 23/2009 for the '*Supply, Delivery and Laying of Asphalt*' to both the City of South Perth and Town of Victoria Park respectively.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

**Background**

A Request for Tenders was recently called for the ‘Supply, Delivery and laying of Asphalt’. Tender 23/2009 was advertised in the West Australian newspaper on Saturday 25 July 2009. This was a joint annual tender involving both the City of South Perth and Town of Victoria Park.

At the close of the Tender advertising period five (5) submissions from registered companies were received as noted below:

- Asphaltech
- Asphalt Services
- Boral
- Downer EDI
- Pioneer Road Services

All tenders conformed to the requirements of the Request for Tender.

**Comment**

This tender is for the supply, delivery, and laying of:

- Asphalt Bituminous Stabilised Roadbase (Thicklift),
- Asphalt with laterite/red oxide additives; and
- Various Asphalt Mixes

to any roadway within the City of South Perth and Town of Victoria Park respectively. The Tender is a Schedule of Rates Contract with an estimated tonnage per year of about 9,000 tonnes for the purpose of -determining the estimated contract price.

The tender period is for a fixed term of two years from 1 October 2009 to 30 June 2011 inclusive, with an option to extend the Contract by a further 12 months to 30 June 2012 subject to satisfactory performance.

As previously stated, at the close of the Tender advertising period five (5) submissions from registered companies had been received. The estimated tender prices are shown in table A below (in no apparent order):

TABLE A - Tender Prices

Tenderer	Estimated Tender Price (GST Exclusive)
Asphaltech	\$ 951,560.00
Asphalt Surfaces	\$ 983,985.00
Boral	\$ 1,110,805.00
Downer EDI	\$ 951,875.00
Pioneer Road Services	\$ 1,036,090.00

The tenders were reviewed by an evaluation panel comprising Officers from both the City of South Perth and Town of Victoria Park and assessed according to the qualitative criteria outlined in the Request for Tender. For ease, the qualitative criteria is noted in Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in spec.	10%
2. Works records and experience.	10%
3. Contractor's management systems.	10%
4. Referees - Past & Present Clients	10%
5. Price	60%

The weighted score and the estimated tender price of each tender received is shown in Table C below.

TABLE C - Weighted Score and Total Estimated Contract Price

Tenderer	Total Estimated Tender Price (GST Exclusive)	Weighted Score
Boral	\$ 1,110,805.00	8.0
Pioneer	\$ 1,036,090.00	8.5
Downer EDI Works	\$ 951,875.00	9.7
Asphaltech	\$ 951,560.00	10.0
Asphalt Surfaces	\$ 983,985.00	9.6

The tender submitted by Asphaltech was the lowest of all tenders received and recorded the highest score of 10.00 in the evaluation matrix. Asphaltech is currently the preferred asphalt contractor with the Town of Victoria Park. In this regard, Officers from Victoria Park are highly satisfied with the level of service and quality of work provided by Asphaltech.

Downer EDI has been the preferred contractor to the City of South Perth for many years. However, their commitment to major clients such as Main Roads Western Australia has meant that on a number of occasions work scheduled by the City has been delayed or deferred due to their non-availability. Hence, Officers have concerns over the reliability of Downer EDI to service the City's capital works and maintenance program during the 2009/2010 financial year.

Based on the assessment of all tenders received for Tender 23/2009, this report recommends to Council that the tender from Asphaltech be accepted for a period of twenty four (24) months up to 30 June 2011 inclusive at the Schedule of Rates and Total Estimated Price (GST Exclusive) as noted in Table C.

#### **Consultation**

Tender 23/2009 Replacement Of Existing Concrete Slab Footpaths With Poured In-Situ Concrete Footpaths was advertised in the West Australian on Saturday 25 July 2009. In total five conforming (5) tenders were received.

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

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

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Inclusive).

#### **Financial Implications**

The full cost of the works reflected in the tender has been provided in the current 2009/2010 Operations and/or Capital Works Budgets.

**Strategic Implications**

The calling of tenders (forms part of Goal 6 Financial Viability) for goods and services to complete the various operations and Capital Works Programs is consistent with Goal 4 Infrastructure - Strategy 4.1 *“Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level).*

**Sustainability Implications**

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

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2</b>
--

That Council accepts the Tender submitted by Asphaltech for the Supply, Delivery and Laying of Asphalt in accordance with Tender Number 23/2009 for the period up to the 30 June 2011 inclusive.

CARRIED EN BLOC RESOLUTION

**10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

<b>10.5.1 Applications for Planning Approval Determined Under Delegated Authority.</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 3 September 2009  
Author: Rajiv Kapur, Manager, Development Services  
Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of August 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 August 2009, forty six (46) 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 August 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:	3 September 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

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

**Background**

At the October 2006 Ordinary Council Meeting the following resolution was adopted: *That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.*

**Comment**

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



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

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

**Register**

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.

**August 2009**

Nature of document	Parties	Date Seal Affixed
Surrender of Lease x 3 Copies	City of South Perth & Kevin and Constance Dawson	5 August 2009
CPV Lease - Collier Hair Care	City of South Perth & Michelle Moylan Collier Hair Care	5 August 2009
CPV Deed of Agreement to Lease	City of South Perth & Norma Marshall	5 August 2009
CPV Lease Agreement	City of South Perth & Norma Marshall	5 August 2009
Deed of Agreement to Lease	CoSth Pth & Michelle Suzanne Moylan Tdg as Collier Hair Care	20 August 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 of the Strategic Plan *To be a professional, effective and efficient organisation.*

**Sustainability Implications**

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

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</b></p>
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That the report on the use of the Common Seal for the month of August 2009 be received.

CARRIED EN BLOC RESOLUTION

<p><b>10.5.3 Proposed Increase to Landfill Levy</b></p>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/902
Date:	3 September 2009
Author	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to provide a response to the proposal by the Minister for Environment, Hon Donna Faragher, JP, MLC to increase the landfill levy from its current level of \$7 per tonne to \$28 per tonne.

### **Background**

In 1998 the then Minister for the Environment introduced what is known as a Waste Management Levy which applies to all municipal waste deposited by metropolitan local governments to landfill sites within the metropolitan region. At the time of the introduction of the levy the fee was \$3 per tonne which was absorbed in the annual refuse charge. In 2006 the rate was increased to \$6 per tonne and in 2008 it was increased again to \$7 per tonne.

On 18 May 2009 the Minister for Environment; advised that the levy would increase significantly from \$7 per tonne to \$28 per tonne with effect from 1 July 2009. The increase of \$21 per tonne is significant and represented an overall increase of 300%.

The increase was a large factor in the City's decision to increase the 2009/10 refuse rate from \$190 to \$200.

In what was considered to be an unusual move, when the Minister announced this increase, it was also announced that a large portion of the funds derived from the levy, estimated to be \$30m would be used to fund normal operations of the Department of Environment and Conservation (DEC). Not unexpectedly, this proposal met with stiff opposition from local government. Upon investigation, WALGA determined that the legislation provided that proceeds from the Waste Management Levy could not be used for purposes other than on waste management and advised the Minister accordingly.

As a consequence the Minister advised that the levy would not be increased with effect from 1 July 2009, that the legislation would be amended to allow the funds to be used for an alternative use and the new levy would be introduced from 1 January 2010.

The City also wrote to the Minister expressing concern about the increase and the purpose to which the funds would be put. On 31 July 2009 the Minister replied and advised that an amendment to the *Waste Avoidance and Resource Recovery Amendment Act* was being progressed through Parliament which would provide that at least 25% of the forecast levy revenue could be directed for the purpose of waste avoidance and resource recovery.

### **Comment**

The proposed action by the Minister and the State is considered an abuse of power and unprecedented in that it requires local government to be a collection agency for the State to supplement its general consolidated revenue. It is not unusual for the State to require local government to levy and collect fees on its behalf (ie the FESA levy) however the proceeds of this levy are used exclusively on fire and emergency services which is the subject of this levy.

The proposal to increase the Waste Management Levy by such a significant amount, ie from \$7 to \$28 is not necessarily opposed provided that the funds are utilised for the purpose consistent with the levy, ie waste management issues - particularly on strategic waste initiatives such as assistance to Local Government towards the cost of providing Alternative Waste Treatment facilities.

Generally, this fund has been used to provide funding to local governments for education purposes and trialling new approaches to promote the three r's "Reduce, Re-use and Recycle".

Two schemes have been in place where funding has been provided to Local Government for minimising waste to landfill initiatives. The Resource Recovery Rebate Scheme (RRRS) was operational up until 2008, but has now concluded. Examples of projects funded from this source include:

- Waste education and reduction programs
- Domestic bin trials (reduction from 240 litre to 120 litre bins)
- Installation of weighbridges in non-metro areas
- Waste engine oil collection scheme

In addition, a new scheme recently commenced *The Strategic Waste Incentive Scheme* whereby individual projects are considered by the Municipal Waste Advisory Committee.

The Minister has advised that the legislation currently being amended will only require 25% of the revenue derived from the Waste Management Levy to be spent on waste management purposes. By deduction, this means that 75% of the funding pool (estimated to be \$22.5m) can be directed to other activities associated with the DEC. This is considered a highly inappropriate use of funds.

Interestingly, the inquiry into Municipal Waste Management in Western Australia conducted by the Standing Committee On Environment and Public Affairs in its report of May 2009 made the following finding.

*Finding 23: The Committee finds that although an increase in the landfill levy may be appropriate, it is concerned that any increase in the levy may be absorbed as an additional revenue stream for the Department of Environment and Conservation's activities in the area of waste management.*

Whilst the State Government has not yet responded to the inquiry of the Standing Committee (it is required to do so within four months of the report being tabled in Parliament and is therefore due in December 2009) the Minister has clearly not only ignored the finding of the Legislative Council Standing Committee, but directly contradicted it.

It is also interesting to note that a letter was received in April 2009 from the Minister for Local Government, the Hon John Castrilli, MLA advising local governments to exercise restraint when giving consideration to the 2009/10 budget. Specific extracts from the Minister's letter are as follows:

*Upon assuming office, the Liberal National Government implemented a commitment to achieve a three per cent efficiency dividend. The Department of Local Government, will achieve this through a program of restraint and more targeted spending - while not sacrificing service delivery.*

*However, in these tough economic times, when people are losing their jobs and an increasing number of families are struggling to keep their head above water, all levels of government should be taking the lead in reconsidering spending patterns.*

*Expenditure by any level of government, which is perceived as not being in the public interest, is viewed unfavourably by the very communities who look to their elected representatives for leadership; this is more so the case during times of economic hardship.*

*I urge those currently planning discretionary spending projections for the coming financial year to consider if their desired outcomes can instead be achieved through scaled back and other more cost-effective approaches.*

These comments are also in direct contradiction to the actions of the Minister for the Environment in relation to the increase in the waste management levy, the Minister for Environment has clearly disregarded the intention of the Minister for Local Government by proposing an increase in the levy of 300%. The increase also suggests that the DEC has been unable to achieve a 3% efficiency dividend and has taken the soft approach of increasing revenue by requiring local government to levy and collect funds on its behalf.

WALGA has also issued a draft policy statement on the Waste Levy and Strategic Waste Funding. The relevant policy statement in connection with the waste levy is as follows.

*Conditional support for Waste Levy*

Continuing Local Government support for the Levy is subject to the provision (on an ongoing basis) of robust evidence, made available to the public, demonstrating the levy is achieving its broad objectives, and on a number of conditions regarding the levy's operation and the application of levy funds.

Further, the support for a levy hypothecated to strategic waste management activities is based on the following:

Local Government strongly opposes the application of the levy to non-waste management related activities, such as funding State Government core activities. Local Government supports funds from the levy being applied to strategic waste management activities.

WALGA policy states there is no support for the levy to be applied to waste received at licensed premises whose primary purpose is resource recovery.

**Consultation**

The City has exchanged correspondence with the Minister for Environment and consulted with WALGA regarding the increase in the Waste Management Levy.

**Policy and Legislative Implications**

If the Waste Avoidance and Resource Recovery Bill 2009 is passed by Parliament, all local governments will be required to collect the levy on behalf of the DEC.

**Financial Implications**

The levy of \$28 per tonne will yield approximately \$414,500 in a full year from the City of South Perth alone, based on the tonnages collected during 2008/09. From a overall WA Local Government point of view the levy will yield approximately \$30m in a full year at current rates. If the Bill is not amended or defeated approximately \$22.5m may be estreated by the DEC to fund its normal operations. This would only leave \$7.5m for waste minimisation initiatives.

**Strategic Implications**

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

**Sustainability Implications**

The proposal to redirect funds away from waste minimisation initiatives to ordinary State Government Department operations is contrary to sustainability objectives. All of the proceeds from the levy should be used for the purposes of further developing waste minimisation initiatives including the provision of Alternative Waste Treatment facilities.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.5.3**

That the Minister for Environment and local members be advised that the City of South Perth strongly objects to the proposal to subsidise the operation of the Department of Environment from funds derived from the Waste Management Levy.

CARRIED EN BLOC RESOLUTION

**10.5.4 Local Government Reform Submission**

Location: City of South Perth  
Applicant: Council  
File Ref: GO/314  
Date: 3 September 2009  
Author: Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to seek the approval of Council to lodge a submission on the topic of Local Government Reform to the Minister for Local Government.

**Background**

In February 2009, the WA Minister for Local Government announced that he was keen to see reform of Local Governments in the State, with changes that may result in changes in four areas:

1. A reduction in the number of elected members to between 6 and 9;
2. Regional groupings of Councils for service delivery;
3. Amalgamations of local governments; and
4. Boundary changes.

In considering the issue of Local Government reform, the Minister was keen to involve the community in this process and as a result, desired community consultation to occur to ensure that the Local Government took into account views of the community.

The Minister advised that he believes local government in its current form is not sustainable, and that:

- There are 85 local councils in WA serving populations of less than 2,000 people.
- More than 50 councils have representation ratios of one Councillor to less than 100 electors and in some instances this ratio is as low as one to 20.
- Benefits from amalgamations across the state, including metropolitan Perth, will be very significant, including achieving greater economies of scale, elected members clearly focusing on governance and long-term strategic planning.
- Increased competition for staff positions within the sector will be a welcome change from the present situation.
- Fewer, yet larger, local governments would improve their State and Federal Government lobbying capacity, and this may lead to additional funding and partnerships from those levels of government and the private sector to further improve services to communities.

To facilitate the reform process, the Minister has formed a Local Government Reform Steering Committee. This Committee comprises representatives from the Minister's Office, the State Department of Local Government and Regional Development, the WA Local Government Association, Local Government Managers Australia (WA Division) the Chamber of Commerce, Department of Planning and Infrastructure, the University of Western Australia and the Local Government Advisory Board [LGAB] and is tasked with reviewing submissions from individual Local Governments and making recommendations to the Minister.

The Local Government Reform Steering Committee has supported the need for reform and recognised that action was required in view of the following pressures on the sector.

The process suggested by the Minister involves stages, with a final submission originally requested by 31 August 2009. This date has now subsequently been amended to 30 September 2009.

### **Comment**

In accordance with the Minister's direction, the City has fully participated in the reform process and addressed each of the four areas required by the Minister.

During the course of participating in the Local Government Reform agenda the City formed an internal project team consisting of the Mayor, Deputy Mayor and CEO. This team met regularly with representatives from the City of South Perth's neighbours, ie the Town of Victoria Park and the City of Belmont. The three local governments appointed an external consultant CRL Highbury Consultancy to provide an external independent review of reform opportunities.

In addition the project team participated in discussions with the City of Canning who arranged a meeting of local governments who shared its boundaries and subsequently met with the Mayor and CEO of that Council to discuss progress.

No meetings were held with representatives from the City of Melville or the City of Perth as it was not considered necessary as any amalgamation proposals with these local governments are inconsistent with the principles adopted by the Local Government Advisory Board. This is because the Swan River forms a natural boundary and there is no common land connection with those Local Governments.

The City has been very mindful of the need to consult with and advise the community in accordance with the Minister's wishes. Opportunities for involvement have been provided on a number of occasions, including the following:

- A draft discussion paper was prepared for this purpose in May 2009 and feedback was sought from elected members prior to it being made available to the community for comment. Submissions closed on 22 June 2009 and were considered at the July 2009 Council meeting.
- The City regards the importance of consulting with its community very highly. To demonstrate the importance of the comprehensive consultation processes that the City has in place, reference is made to the recently concluded City of South Perth *Our Vision Ahead* process. At the concluding event at which the public participated in this visioning exercise, a community conference was held at the Como High School. The Local Government Reform issue was specifically raised at the 'Summit' and the discussion paper on this subject was referred to.
- Advice of the final draft version of the Submission was communicated to all participants of the Visioning process who provided email addresses on Thursday, 3 September 2009. The Submission was also placed on the City's website and available for general public to access. The purpose of this action was to advise the community that the Council was preparing to consider the Submission at its Council Meeting on 22 September 2009 and that comments on the document were welcome.

A copy of the Submission is at **Attachment 10.5.4**. With respect to the four issues that the Minister requested each local government to address, the Submission responds as follows:

1. The Submission contains a proposal that the number of elected members be reduced from 13 to nine.
2. The City currently participates in a range of regional resource sharing arrangements, particularly with the Town of Victoria Park, and is willing to participate in additional arrangements if there are benefits to residents and ratepayers of the City.
3. The City does not favour amalgamation at this time, unless the Town of Victoria Park willingly participates in any amalgamation proposal.
4. Whilst there are some minor boundary anomalies, the current boundaries are not causing any operational difficulties and no boundary changes are proposed.

#### **Consultation**

In developing the Submission to the Minister, the community has had opportunities to participate in the reform debate and make submissions to the City. In addition, the City of South Perth Project Team has actively been involved in discussions with the Town of Victoria Park and the City of Belmont. Other discussions have been held with the City of Canning. Elected members have been progressively involved with the development and progress of the Submission through briefing sessions and the elected member Bulletin.

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

There are potentially significant policy and legislative implications if the Minister does not support the direction contained in the Submission. The City supports the reduction in elected member representation which will involve at some stage in the future, changes to ward representation.

#### **Financial Implications**

It is not possible to determine the financial implications at this time.

#### **Strategic Implications**

Again, potentially significant dependent upon the outcome of the Minister's review process.

#### **Sustainability Implications**

The City of South Perth is regarded as a financially sustainable local government by a number of external independent assessments. Any amalgamation proposal with the Town of Victoria Park and the City of Belmont would also likely result in the new local government being assessed as financially sustainable.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.4</b>
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That the Submission from the City of South Perth on Local Government Reform at **Attachment 10.5. 4** be endorsed and submitted to the Minister for Local Government.

CARRIED EN BLOC RESOLUTION

**10.6 GOAL 6: FINANCIAL VIABILITY**

**10.6.1 Monthly Financial Management Accounts - August 2009**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 9 September 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(6)(B)**

Operating Revenue to 31 August 2009 is \$28.52M which represents 100% of the \$28.42M year to date budget. Revenue performance is close to budget expectations overall - although there are some small line item differences. Interest revenues are slightly below budget expectations for the first two months of the year due to weak investment rates. Building revenue is below expectations for August but parking infringement revenue and waste management revenue is well ahead of budget to the end of August.

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

Operating Expenditure to 31 August 2009 is \$5.75M which represents 94% of the year to date budget of \$6.11M. Operating Expenditure to date is 7% under budget in the Administration area, 4% under budget in the Infrastructure Services area and 1% over budget for the golf course.

This is not an unusual situation for the first few months of the year when community services and infrastructure maintenance programs are developed and readied for implementation - but are yet to get underway. There are also several favourable variances in the administration areas that relate to budgeted (but vacant) staff positions in the CEO Office, Planning and Rangers areas at present - for which recruiting activities are currently in progress. Waste collection arrangements and site fees have resulted in a 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.

Streetscape maintenance, park maintenance, environmental services and building maintenance all currently reflect favourable variances at the end of August but this is regarded as nothing more than a timing difference whilst detailed maintenance programs are developed and readied for implementation.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 10.6% 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 - and the EBA related pay increases approved by Council in the budget process are not paid until the first pay period in September (although back-dated until 1 July).

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

Capital Revenue is disclosed as \$0.11M at 31 August against a year to date budget of \$0.10M. The favourable variance relates to lease premiums and refurbishment levies resulting from the accelerated turnover of units at the Collier Park Village. Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**. Capital Expenditure at 31 August 2009 is \$0.79M which represents 88% of the year to date budget and some 4.35% 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 to be provided bi-monthly from the finalisation of the October management accounts onwards.

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	335,000	355,769	106%	7,120,000
Financial & Information Services	67,500	58,290	86%	720,000
Planning & Community Services	80,000	73,247	92%	872,850
Infrastructure Services	398,300	284,111	71%	9,066,377
Golf Course	20,000	20,587	103%	418,200
<b>Total</b>	<b>900,800</b>	<b>792,004</b>	<b>88%</b>	<b>18,197,427</b>

### Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

### **Policy and Legislative Implications**

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34.

### **Financial Implications**

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

### **Strategic Implications**

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

### **Sustainability Implications**

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

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1</b>
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That ....

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Schedule of Movements between the Adopted & Amended Budget provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received;

CARRIED EN BLOC RESOLUTION

<b>10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2009</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 September 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 \$44.66M compare favourably to \$40.64M at the equivalent stage of last year. Reserve funds are some \$2.7M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV.

Municipal funds are \$1.3M higher due to the additional \$1.0M in restricted funds (IAF grant relating to the Library & Community Facility). As collections from Rates have flowed into the City during August 2009, it has been shown that our convenient and customer friendly payment methods - supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses) have had 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 \$17.50M (compared to \$16.22M at the same time in 2008/2009). **Attachment 10.6.2(1)**.

**(b) Investments**

Total investment in money market instruments at month end was \$42.90M compared to \$39.99M at the same time last year. This is due to the higher holdings of both Reserve Funds and Municipal Funds as described above.

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 \$0.22M - well down from \$0.42M at the same time last year. This result is attributable to the substantially lower interest rates - notwithstanding higher levels of cash holdings. Rates have been particularly weak during July and much of August - but have shown some signs of strengthening in August 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, it will be necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. 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 4.16% with the anticipated yield on investments yet to mature sitting at 4.19% (compared with 4.08% 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 are now providing a 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 August 2009 (after the due date for the first instalment) represent 59.4% of total rates levied compared to 60.7% at the equivalent stage of the previous year. This is largely due to a slightly later issue date for rates notices this year (relative to 2008/2009) and is a particularly pleasing result given the challenging economic climate at present. It is not expected that this will have any impact on organisational cash flows other than a minor initial timing difference.

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 \$2.21M at month end including UGP debtors - which compares to \$2.23M at the same time last year. GST Receivable is some \$0.38M higher than at the same time last year. UGP Debtors & Balance Date Debtors are lower. Parking infringements outstanding are also slightly 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 \$5.05M was collected by 31 August with approximately 68.5% of those in the affected area electing to pay in full and a further 30.1% opting to pay by instalments. The remaining 1.4% has yet to make a payment. However, a number of these accounts are new billings or disputed billing amounts. These will however 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 August 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:	8 September 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 August 2009 and 31 August 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' 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.

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

CARRIED EN BLOC RESOLUTION

<b>10.6.4 End of Year Financial Management Accounts - June 2009.</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 September 2009
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

#### **Summary**

Management account summaries comparing actual performance against budget expectations for the 2008/2009 year are presented for Council review. Comments are provided on the significant financial variances disclosed therein.

#### **Background**

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a

summary of the detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on lesser variances where it believes this helps discharge accountability.

The local government budget is a dynamic document and is necessarily being progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2008/2009 Adopted Budget and the 2008/2009 Amended Budget including the introduction of the capital expenditure items carried forward from 2007/2008.

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

#### **Comment**

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

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

#### ***Operating Items***

Operating Revenue to 30 June 2009 is \$36.86M which represents 101% of the Annual Budget. The Directorate of Financial & Information Services exceeded their revenue budget by 1% (\$189,005) due to a better than expected performance on interim rates (extra \$18,216) and by achieving better than anticipated investment returns, primarily due to the higher cash holdings and higher interest rates in the early part of the year (additional \$79,995). The Planning & Community Services Directorate finished the year 0% (\$36,601) behind budget due to better than anticipated results in the waste management area and slightly below (revised) expectations in the areas of planning & building approvals.

Infrastructure Services concluded the year 18% (\$180,071) ahead of budget expectations - a result that would have been even better but for certain plant items not being able to be traded at 30 June. Contributions for works undertaken for third parties and a significant revenue from an increase the value of nursery green stock are the major contributors to this very positive result. Golf course revenue finished the year some 2% under budget expectations after a very wet final month produced a significant downturn in green fees.

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

Operating Expenditure to 30 June 2009 is \$34.97M which represents 103% of the Total Budget. The costs within the Chief Executive's Office were 4% (\$95,529) under budget overall - mostly due to a less than budgeted use of consultants, savings from staff vacancies and less than budgeted recruiting costs as staff turnover reduced in the second half of the year.

Operating Expenditure of the Financial and Information Services area (after allocations outwards) is reported as 2% (\$68,550) below budget. The majority of this relates to staff cost savings in the IT area - although, despite this, the team was able to deliver on almost all of its business plan objectives. There were a number of small unfavourable variances in the Library area - although none of these were individually significant. Customer Services was very close to budget expectations at year end.

Operating Expenses in the Planning & Community Services Directorate were on budget overall at year end - although this was impacted by a number of favourable and unfavourable variances on individual line items. Planning was 1% over budget largely due to greater than budgeted legal costs defending contested decisions - but this was offset by a significant salary saving in the directorate administration area due to the extended vacancy for the director position. Building Services finished 2% over budget with consultants being used to supplement the work of our qualified building surveyors. Health Services concluded the year 8% under budget. Rangers were also some 2% over budget at year end with savings on salaries costs being offset by increased fines enforcement costs.

Community Culture & Recreation was 1% over budget at year end with an overspend on Fiesta and community safety being largely offset by savings in the functions and events area as the Pioneer lunch was moved from June into July - and hence into a different financial year. The Collier Park Retirement Complex was 4% over budget at year end primarily attributable to higher than budgeted maintenance costs and additional hostel staffing costs for more frail residents.

Infrastructure Services finished the year 9% (\$1,232,514) over its Operating Expense budget. This did include some unbudgeted expenditure associated with reinstating the Manning Library after a fire (which is recoverable from the insurers) as well as a reasonably significant value of 'minor capital expenditures' that subsequently have had to be reclassified from capital expenditure to 'operational expenditures' to comply with accounting disclosure requirements. The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year 7% over budget with the main items being an increased spend on street sweeping and a less than budgeted recovery of overheads.

The City Environment area finished the year 11% unfavourable overall largely as a consequence of the 'level of service' issues flagged in earlier months - and responsibly addressed by Council in the 2009/2010 budget process. The cost of maintaining parks and reserves was 15% over budget for the year. Streetscape maintenance was 10% over budget because the service level provided to manage risk and maintain the desired standard of streetscape was beyond the allocated budget. Building maintenance was well in excess of the approved budget allocation but a large portion of this is attributable to reinstatement costs at the Manning Library after the fire, vandalism costs at GBLC and unbudgeted, but urgent remedial works at the Como Bowling Club.

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

#### *Employee Costs*

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$13.01M against a budget of \$13.05M - a favourable variance of 3.6% reflecting the challenge the City faced (particularly in the first half of the year) in maintaining service levels in a labour market where it was challenging to fill vacant positions. Employee entitlements mentioned above (annual & long service leave) are fully cash-backed as part of responsible financial management practice.

Staff costs within the Chief Executive's Office - which includes the Human Resources and corporate support area were 5.9% under budget overall at year end. The Financial & Information Services area was 2.2% under budget for staff costs with most areas other than Information Services very close to budget. Information Technology was well under budget due to staff vacancies - although the GIS Officer position was filled by an external contractor. Financial Services was within 0.6% of budget overall as was the Libraries area at year end.

Staff costs in the Planning and Community Services Directorate were 3.2% under budget at year end. Directorate Administration was 18% under budget (director vacancy for several months) whilst Planning Services ended the year within 0.7% of budget. Building Services was also more than 15% under budget - but this was offset by increased use of a consultant to ensure service standards were maintained. Health Services was 4.4% under budget due to an extended staff vacancy. The Rangers area reflected a 14.2% lower cost than was budgeted due to staff movements and vacancies during the year. Waste Management was slightly over budget at year end whilst. Community Culture & Recreation was 1% under budget. Total staff costs at the Collier Park Retirement Complex were 2.6% over budget at year end - which is still a pleasing result for the facility given the very difficult year for the hostel in particular.

Infrastructure Services staff costs were 4.2% under budget overall. Directorate Support was over budget at year end due to a conscious decision to provide additional resource to ensure greater customer responsiveness during the year. City Environment salaries finished 6.4% under budget at year end - but this was offset by increase use of external contractors to complete works.

Staff costs recorded in the accounts include all temporary staff costs for the year as well as permanent staff. A portion of the savings relates to not using allocated sums to 'back fill' positions during short term leave.

Engineering Infrastructure finished with its salaries expenditure 3.0% under budget largely because of the extended vacancy in the Asset Coordinator position. Collier Park Golf Course experienced several vacancies during the year as workers were attracted to other industries such as resources and construction - resulting in a 4.2% favourable variance on staff costs.

#### ***Capital Items***

Capital Revenue of \$3.69M represents 86% of the Total Budget. The most significant factors contributing to this unfavourable variance are the incomplete sale of land to the South Perth Hospital (carried forward to 2009/2010), the receipt ahead of budget timelines of \$1.0M of IAF funding for the Library & Community Facility project and the delayed receipt of the LotteryWest \$1.5M building grant (carried forward into 2009/2010).

Road grant revenue was very close to budget expectations, revenues from leasing units at the Collier Park Village ended the year well ahead of expectations and UGP revenue was slightly less than the anticipated amount.

Capital Expenditure of \$17.14M represents 86% of the Total Budget of \$19.43M. Of this, some \$5.6M relates to cash calls on the UGP Stage 3 Project. The 2009/2010 Annual Budget flagged potential gross carried forward expenditure of some \$2.53M but following adjustment to reflect actual rather than projected expenditure on the identified works, an amount of \$2.45M was adopted by Council in August. Combined with the completed works, this represents the full year budget. A detailed report on the Capital Projects and the list of Carried Forward Works was considered by Council as Item 10.6.4 of the August Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 10.6.4(5)**.

#### ***Borrowings***

Because of the late start to the UGP project and better than anticipated up-front cash collections, it was possible to delay the finalisation of borrowings associated with the project until late in the financial year resulting in a significant interest expense saving for 2008/2009. Fixed rate borrowings were completed in accordance with all statutory obligations on 29 June.

#### ***Balance Sheet***

Current Assets at year end are \$33.47M compared to \$30.25M in 2007/2008 - with the major changes being the holding of an additional \$1.48M in cash investments and an additional \$1.60M in cash (\$1.0M of this is 'restricted' as it relates to an advance payment of the IAF grant for the Library & Community Centre). Receivables are at a very similar level to the previous year - a good result considering the difficult economic climate. Inventories are higher because of the revaluation of nursery green stock whilst accrued interest is lower than last year's comparative figure.

Current Liabilities are higher than their position at year end last year being \$5.47M against \$4.15M in 2007/2008. Accounts Payable have increased by \$0.85M largely due to tardy billing by suppliers resulting in late receipt of invoices, whilst Provisions for Employee Entitlements (under legislation) for Annual Leave & Long Service Leave have necessarily increased by \$0.03M. Current Loan Liabilities are \$0.2M higher than at the same time last year due to the new borrowings.

Non Current Assets as at 30 June 2009 are \$194.03M after capitalising infrastructure assets created during the year - and revaluing roads, paths and drains to current replacement value at 30 June 2009. This compares to \$190.58M at this time last year. This is attributable to the revaluation impact of the value of infrastructure assets. Non Current Receivables decreased by the \$2.10M due to accelerated collection of UGP debts during the year.

Non Current Liabilities finished the year at \$30.47M - an increase of \$4.4M on the 30 June 2008 balance. The combined CPV / CPH Leaseholder Liability increased from \$23.28M to \$25.14M in 2008/2009. The increase was a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Offsetting this was a \$0.2M increase in Non Current Payables (Trust Fund Liabilities) and a \$0.05M decrease in non current Provisions for Employee Entitlements. Non Current Loans increased by \$2.45M after including the new borrowings and removing the loan capital payments made during 2008/2009.

#### **Consultation**

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

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

In accordance with the requirements of the Section 6.4 of the Local Government Act and Local Government Financial Management Regulations 34 & 35.

#### **Financial Implications**

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

#### **Strategic Implications**

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

#### **Sustainability Implications**

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

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.6.4**

That ....

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.4 (1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.4(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2008/2009 provided as **Attachment 10.6.4(6)(A)** and **10.6.4(6)(B)** be received.

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Application for Leave of Absence : Cr B Hearne**

I hereby apply for Leave of Absence from all Council Meetings for the period 23 September until 24 October 2009 inclusive.

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

I hereby apply for Leave of Absence from all Council Meetings for the period 7 to 19 October 2009 inclusive.

**COUNCIL DECISION ITEMS 11.1 AND 11.2**

Moved Cr Trent, Sec Cr Grayden

That....

- (a) Councillor Hearne be granted Leave of Absence from all Council Meetings for the period 23 September until 24 October 2009 inclusive; and
- (b) Cr Burrows be granted Leave of Absence from all Council Meetings for the period 7 to 19 October 2009 inclusive.

CARRIED (12/0)

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

Nil

**13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE**  
Nil

**13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

<b>13.2.1 Alleged Leaking of Confidential Document .....Cr I Hasleby</b>
--

Summary of Question

I 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.

At the Ordinary General Meeting of the City of South Perth on Tuesday 25th August 2009, a ratepayer alleged he was given a copy of a *confidential* legal Council document by a City of South Perth Councillor. The ratepayer alleged that the document was legal advice to the City and Councillors on the matter of No. 11 Heppingstone Street, South Perth.

Is the Mayor and /or CEO satisfied with the authenticity of the 'leaking' allegation; and

- has the matter been referred to another agency for investigation;
- which agency is examining the allegation;
- will the Councillor be required to stand aside during the investigation; and
- is the allegation of the 'leaking' of a *confidential* legal Council document regarded as serious?

Summary of Response

The Chief Executive Officer confirmed that following the August Council Meeting he had received such a complaint for which he had sought legal advice. He further stated that he was acting upon the legal advice received, that he was not prepared to comment further.

<b>13.2.2 Underground Power McDougall Ward .....Cr K Trent</b>
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Summary of Question

Now that the last power pole has been pulled out of the McDougall Ward area, where are we at with the next submission for underground power?

Summary of Response

The Director Infrastructure Services responded that the Como East recently completed underground power project went in under budget. He said that in regards to future projects that the City is currently in negotiations with Western Power and it would appear that Salter Point is the next area to be considered. Officers are currently researching information and once this is complete a report will be submitted to Council for determination.



**13.2.3 Private Ownership of Rights-of-Way .....Cr R Grayden**

Summary of Question

Following on from the recent issue associated with ROW15 we have been advised that there are twenty nine (29) rights-of-way in private ownership within the City of South Perth. Despite Council and State Government policies a private owner can buy the land. What can and will the City do to prevent our own Council policies and State Government policies being circumventing?

Summary of Response

The CEO stated that if the Council wished to pursue this, the first course of action would be to seek legal advice as to where the City stands in this regard. He said that he believed it appropriate for Council to consider all of the issues because to take action to protect all of the 29 ROW's within the City of South Perth will result in significant resource and cost issues.

**13.2.4 Closure Process for Rights-of-Way.....Cr Gleeson**

Summary of Question

Have the 'rules' for closure of rights-of-way changes since the 1980's? Is it true that prior to subdivisions in Kensington that the rights-of-way were remnants of subdivisions and that remnant pieces of land remained with the owners of the subdivision?

Summary of Response

The Mayor responded that in relation to the ROW15 issue that the land owners in question have found a process whereby they have gone directly to Landgate to obtain the right-of-way land thereby using an alternative process as to that we are used to when closing rights-of-way.

**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.**

DECLARATION OF INTEREST : ITEM 15.1.1 : CEO

The following Declaration of Interest from the CEO in relation to Item 15.1.1 was read aloud by the Mayor:

*I wish to declare a Financial / Conflict of Interest in Agenda Item 15.1.1 "Recommendations from CEO Evaluation Committee Meeting 14.9.09" on the Agenda for the Ordinary Council Meeting to be held 25 August 2009. As I am the subject of the report in question I will leave the Council Chamber while this item is being debated.*

**Note:** The Mayor sought an indication from Members as to whether they wished to discuss *Confidential* Item 15.1.1. As there was no debate proposed by Members the meeting was not closed to the public and the Chief Executive Officer did not leave the Council Chamber.

**15.1.1 Recommendations from CEO Evaluation Committee Meeting Held  
14 September 2009 *CONFIDENTIAL Not to be Disclosed REPORT***

Location: City of South Perth  
Applicant: Council  
Date: 15 September 2009  
Author: Kay Russell, Executive Support Officer  
Reporting Officer: Cliff Frewing, Chief Executive Officer

***Confidential***

This report has been designated as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

**Note:** *Confidential report circulated separately*

**COUNCIL DECISION ITEM 15.1.1**

Moved Cr Burrows, Sec Cr Trent

That ....

- (a) Council endorses the CEO Key Performance Indicators, as amended, at ***Confidential Attachment 15.1.1(a)*** for the 2009/10 year; and
- (b) the Contract with the CEO, as amended at ***Confidential Attachment 15.1.1(b)*** be approved.

CARRIED (12/0)

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

**Note:** The Council Resolution at Item 15.1.1 was not read aloud.

**16. CLOSURE**

The Mayor thanked everyone for their attendance and closed the meeting at 8.20pm.

**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 13 October 2009**

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

**17. RECORD OF VOTING**

22/09/2009 7:20:38 PM

**Item 7.1.1 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 7:21:06 PM

**Item 7.2.1 - 7.2.4 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 7:44:26 PM

**Item 8.4.1 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 7:44:52 PM

**Item 8.4.2 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 7:46:55 PM

**Item 9 En Bloc Resolution - Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 7:54:57 PM

**Item 10.0.3(a) Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 8:02:10 PM

**Item 10.0.3(b) Motion Passed 9/3**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Brian Hearne, Cr Peter Best, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Cr Ian Hasleby, Cr Travis Burrows, Cr Les Ozsdolay

Absent: Cr Susanne Doherty, Casting Vote

**Item 10.0.3 Parts (c) and (d) Motion Passed 10/2**

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22/09/2009 8:10:05 PM

**Item 10.0.4 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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MINUTES : ORDINARY COUNCIL MEETING : 22 SEPTEMBER 2009

22/09/2009 8:10:54 PM

**Item 10.3.2 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

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22/09/2009 8:24:04 PM

**Item 11.1 and 11.2 Motion Passed 12/0**

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr David Smith, Cr Rob Grayden, Cr Roy Wells, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote