



**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 27 April 2010 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

Mayor / Council Representatives Activities Report for the month of March 2010 attached to the back of the Agenda.

3.2 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the City's web site for anyone wanting to submit a written question. If anyone required help in this regard the Manager Governance and Administration is available to assist. He further stated that it was preferable that questions were received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 Audio Recording of Council meeting

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

4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

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

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services (until 7.42pm)
Mr M Kent	Director Financial and Information Service (until 7.42pm)
Ms V Lummer	Director Development and Community Services (until 7.42pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 7.35pm)
Mr P McQue	Manager Governance and Administration
Ms C Husk	City Communications Officer (until 7.42pm)
Ms J Jumayao	Governance Research and Administration Officer
Mrs K Russell	Minute Secretary

Gallery

There were 22 members of the public present and 1 member of the press.

4.1 Apologies

Cr L P Ozsdolay Manning Ward

4.2 Approved Leave of Absence

Cr T Burrows Manning Ward

5. DECLARATION OF INTEREST

The Mayor reported having received a Declaration of Interest from Cr Grayden in relation to Agenda Item 10.0.2. He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declaration 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

Note: At the Council meeting held 23 March 2010 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME : 27.4.2010

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 questions are to be in writing and questions received 5 working days prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. He then opened Public Question Time at 7.05pm.

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 Mrs Jane Pitcher, 40 King Edward Street, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

In relation to the right-of-way between Angelo and Karoo Streets, known as ROW15 I note that SAT handed down its decision on 11 March 2010 in relation to the development and amalgamation of ROW15.

1. When did the City, or its legal adviser, inform SAT that the Minister for Education had lodged a writ in the Supreme Court of WA challenging the closure of ROW15?
2. When did the City, or its legal representative, inform the WA Planning Commission that the Minister for Education had lodged a writ in the Supreme Court of WA challenging the closure of ROW?
3. Has the City also advised WAPC of the community concerns in relation to the loss of use of ROW15, as recorded in Council Minutes, Special Electors Meeting 16 November 2009? Has the City also urged the Commission to consider the implication of these matters with regard to the Guidelines of Council and WAPC Bulletins 33 and 57?

Summary of Response

The Mayor requested Cr Skinner to respond. Cr Skinner advised as follows:

1. The Tribunal was fully aware prior to it making a determination that the State Solicitor's Office, on behalf of the Minister for Education had filed pleadings in the Supreme Court in respect of Lot 69 (refer paragraph 39 of [2010] WASAT 35).
2. By email dated 17 March 2010, the City informed the processing officer at the WA Department of Planning that the Minister for Education has lodged a writ in the Supreme Court of WA challenging the closure of ROW. In that email, the City requested that the WAPC defer a decision on the amalgamation application until the Supreme Court's decision is handed down.
3. The City has sent to the WA Department of Planning the Writ of Summons lodged by the Minister for Education. In that document, the "Statement of Claim" explains the historic use of ROW 15 by the School community (parents, students and staff) and the concern about the loss of this access.

Subsequent to the City's written advice to the WAPC, the City's Mayor and Chief Executive Officer attended the meeting of the WAPC's Statutory Planning Committee held on Tuesday 20 April 2010 to make a deputation on this issue. During that deputation, the Mayor and CEO fully explained the community concerns as recorded in Council Minutes in relation to the Special Electors Meeting held on 16 November 2009. In its communication with the WAPC, the City has not made reference to WAPC Bulletins 33 and 57.

6.2.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

1. From a legal view are there any time limitations on when the City of South Perth can enforce the observance of its Town Planning Scheme?
2. Does the City have a policy enforcing the observance of its town Planning Scheme? If so, what is it?

3. Does the City enforce the observance of its town Planning Scheme with the same passion, vigour and enthusiasm on all ratepayers? – ie landowners who have breached the requirements of the Scheme?

Summary of Response

The Mayor requested the Deputy Mayor to respond. Cr Doherty advised as follows:

1. A prosecution for a planning offence must be commenced within 12 months after the date the offence was committed - see section 21 of the Criminal Procedure Act 2004.
2. No – there is no policy. Both the Town Planning Scheme and the Planning and Development Act 2005 create offence provisions, and the Planning and Development Act sets out the relevant penalties.
3. In deciding whether or not to implement enforcement action in a particular instance, the City evaluates a range of factors including the magnitude of the breach and the best interests of the neighbourhood and the City. The identity of the offender is irrelevant.

6.2.3 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

The Mayor acknowledged having received 9 written questions from Mr Defrenne and reiterated, for the benefit of the public gallery, that in accordance with ‘public question time procedures’ there is a limit of 3 questions per person. He then reminded Mr Defrenne of a Statement made in 2002 by Julian Donaldson, the Chairman of Commissioners of the City of South Perth at that time. The Mayor read aloud the following extract from that Statement:

“.....the City has been very accommodating by receiving and answering numerous questions on a wide range of subjects posed during public question time at Council meetings by Mr Geoff Defrenne of Kensington.....”

It is acknowledged that the purpose of public question time is to allow ratepayers and residents the opportunity to ask questions in a public forum on matters affecting Council. This traditionally applies to questions relating to reports contained on the Council agenda or matters affecting the ratepayer or resident personally. However, public question time was not designed or intended to be used by individuals for the purpose of asking questions of a very general nature on almost any area of Council operations.

It is my (Chairman of Commissioners) view, and the view of the Acting CEO that public question time is now taking up a considerable and an unreasonable amount of staff resources in researching and providing responses to the many questions raised. Clearly there is a significant cost to the ratepayers of the City in continuing to deal with accommodating a potentially unlimited number of questions at each Council meeting.”

The Mayor stated that for the same reasons as identified in the Statement by the Chairman of Commissioners the questions submitted by Mr Defrenne will not be answered nor will they (questions/responses) appear in the April 2010 Council Minutes.

Close of Public Question Time

The Mayor asked if there were any further questions from the public gallery. Mr Defrenne endeavoured to raise a further question which was declined by the Mayor. There being no further written questions from the public gallery the Mayor closed Public Question time at 7.15pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23.3.2010

COUNCIL DECISION ITEMS 7.1.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 23 March, 2010 be taken as read and confirmed as a true and correct record.

CARRIED (11/0)

7.1.2 CEO Evaluation Committee Meeting Held: 30.3.2010

COUNCIL DECISION ITEMS 7.1.2

Moved Cr Doherty, Sec Cr Skinner

That the Minutes of the CEO Evaluation Committee Meeting held 30 March 2010 be received.

CARRIED (11/0)

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 - March 2010 Ordinary Council Meeting Held: 16.3.2010

Officers of the City presented background information and answered questions on items identified from the March 2010 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum: Town Planning Major Developments Meeting Held: 7.4.2010

Officers of the City presented an update on Amendment No. 8 in Karawara. Questions were raised by Members and responded to by the officers. Notes from the Concept Briefing are included as **Attachment 7.2.2**

COUNCIL DECISION ITEMS 7.2.1 AND 7.2.2

Moved Cr Cala, Sec Cr Wells

That the comments and attached Notes under Items 7.2.1 and 7.2.2 inclusive on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (11/0)

8. PRESENTATIONS

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

8.1.1 Petition dated 16 March 2010 (received 23 March) **from David Horton, Haddon Place, 54 Mill Point Road, South Perth together with 21 Signatures in relation to a traffic problem in a section of Mill Point Road.**

Text of petition reads: *As residents of 'Haddon Place' we are concerned that the "yellow line" painting for traffic control allows cars to be parked on both sides of the road in front of Haddon Place (54 Mill Point Road) and we petition for immediate reconsideration of this matter.*

RECOMMENDATION

That the Petition dated 16 March 2010 (received 23 March) from David Horton, Haddon Place, 54 Mill Point Road, South Perth together with 21 signatures in relation to a traffic problem in a section of Mill Point Road be received and it be noted that the petition has been forwarded to Infrastructure Services for investigation.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Skinner, Sec Cr Trent

That the Petition dated 16 March 2010 (received 23 March) from David Horton, Haddon Place, 54 Mill Point Road, South Perth together with 21 signatures in relation to a traffic problem in a section of Mill Point Road be received, and it be noted that the petition has been forwarded to Infrastructure Services for investigation.

CARRIED (11/0)

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

Nil

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

Note: Deputations in relation to Agenda Item 10.3.1 were heard at the April Council Agenda Briefing held on 20 April 2010.

There were no Deputations made at the Council Meeting.

8.4 COUNCIL DELEGATES

8.4.1. Council Delegate: Two Rivers Catchment Group 10 February 2010

Cr Ozsdolay attended the Two Rivers Catchment Group Meeting on Wednesday 10 February 2010 at the Town of Victoria Park. The Minutes of the Two Rivers Catchment Group Meeting are available on the *iCouncil* website and at **Attachment 8.4.1.**

RECOMMENDATION

That the Minutes at **Attachment 8.4.1** of the Two Rivers Catchment Group Meeting Held : 10 February 2010 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Lawrance

That the Minutes at **Attachment 8.4.1** of the Two Rivers Catchment Group Meeting Held : 10 February 2010 be received.

CARRIED (11/0)

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 20 April 2010.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.2 Declaration of Interest
- Item 10.3.1 Alternative Motion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Grayden, Sec Cr Cala

That with the exception of Withdrawn Items 10.0.2 and 10.3.1 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5 and 10.6.6 be carried en bloc.

CARRIED (11/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Submissions on Proposed Naming of Right-of-Way 109 *(Item 10.3.1 December 2009 Council meeting refers)*

Location: Right-of-Way 109
Applicant: Mr R Cherrie
File Ref: ROW 109
Date: 6 April 2010
Author: Patricia Wojcik, Trainee Planning Officer
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

To consider submissions on the naming of Right-of-Way 109, contained within the block bounded by Henley, Robert, Cassey and Leonora Streets, Como and to make a recommendation to the Geographic Names Committee.

Background

Previous Council resolution

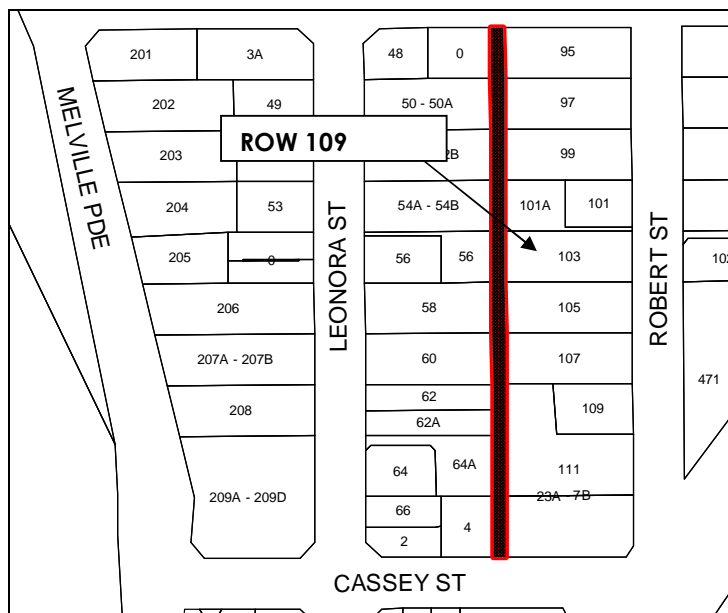
The request for naming Right-of-Way 109 was originally considered at the December 2009 Council meeting. At that meeting, Council resolved as follows:

That

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

Location

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



Condition and usage of right-of-way

ROW 109 is 5.0 metres wide and is paved for its entire length. There are no mail boxes on the right-of-way, however rubbish is collected off the right-of-way. The right-of-way has speed humps for its full length and is signposted for “20 km/h”. The following photographs show the condition and usage of the right-of-way:



Portion of ROW 109 (looking south)



Portion of ROW 109 (looking north)

Previous right-of-way naming

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

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

Right-of-Way 109 naming request

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

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

Comment

The "Consultation" section below describes the consultation undertaken with the adjoining owners and occupiers, and an officer from Landgate's Geographic Names Committee was contacted for advice before public advertising. The officer advised that "Lily Lane" is a compliant name and this name was subsequently advertised to all the adjoining landowners and occupiers.

Consultation

Advertising during February / March 2010.

There are no statutory advertising procedures for proposals to name a right-of-way. However, at its December 2009 meeting Council resolved to advertise the proposal to the affected owners and occupiers of properties for 21 days. The proposed name of “Lily Lane” was advertised during February and March 2010 to the owners and occupiers of approximately 19 dwellings abutting the right-of-way. Fourteen submissions were received and these are summarised as follows:

Submitter 1	Other interest	Agrees with Lily Lane.
Submitter 2	Owner	Agrees with Lily Lane.
Submitter 3	Other interest	Agrees with Lily Lane.
Submitter 4	Occupier	Agrees with Lily Lane.
Submitter 5	Owner / Occupier	Against the naming of the Right-of-Way in general.
Submitter 6	Owner / Occupier	Agrees with Lily Lane.
Submitter 7	Owner / Occupier	Agrees with Lily Lane.
Submitter 8	Other interest	Agrees with Lily Lane.
Submitter 9	Owner / Occupier	Agrees with Lily Lane.
Submitter 10	Owner / Occupier	Agrees with Lily Lane.
Submitter 11	Owner	Agrees with Lily Lane.
Submitter 12	Owner / Occupier	Agrees with Lily Lane.
Submitter 13	Owner / Occupier	Agrees with Lily Lane.
Submitter 14	Owner / Occupier	Agrees with Lily Lane.

Responses were received from around 78% of the properties to which notices were sent. Of the responses received, 92% were in favour of the naming of the right-of-way. The single owner who is against the naming has an opinion which is not shared by the substantial majority. All positive respondents agree with the name “Lily Lane”.

Geographic Names

According to the Geographic Names Committee’s naming guidelines for a right-of-way, a suitable name would:

- not have similar sounding names within a 10 km radius;
- not be duplicated more than five times within the metropolitan area;
- not be a double barrelled name or be too long;
- be a floral name consistent with previously named right-of-ways in the City; and
- if at all possible, have some relevance to the right-of-way being named.

The “road type” usually used for a right-of-way is “Lane”. The name chosen meets all the relevant Geographic Names Committee guidelines and is a native flowering species.

Policy and Legislative Implications

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

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

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

Financial Implications

If Council resolves to precede with the naming and the Geographic Names Committee consents to name the right-of-way, the cost to install a sign at each end will be approximately \$300 per sign. This would be a total of approximately \$600, although the cost varies according to the length of the name.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

There are no sustainability implications relating to this application.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
--

That ...

- (a) Council recommends to the Minister for Lands that Right-of-Way 109 (situated within the block bounded by Henley Street, Robert Street, Cassey Street and Leonora Street, Como) be named “Lily Lane”; and
- (b) the submitters and applicant be notified of the Council’s recommendation to the Minister for Lands.

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 10.0.2

The Mayor read aloud the following Declaration of Interest from Cr Grayden:

I wish to declare a Conflict of Interest in relation to Agenda Item 10.0.2. Although the SAT proceedings in relation to the development application affecting ROW15 have now finalised, I consider that I have an Impartiality Interest in this matter, however, my interest is no different to any other member of the community and as such I will remain in the Council Chamber and vote on the issue at the Council Meeting on 27 April 2010.

Note: Cr Grayden remained in the Council Chamber.

10.0.2 Recommendation to Western Australian Planning Commission for Proposed Amalgamation of Lot 204 (No. 32) and Lot 69 Riverview Street, South Perth.
(Item 10.3.3 Council Meeting 24 November 2009)

Location: Lots 204 (No. 32) and 69 Riverview Street, South Perth
 Applicant: Complex Land Solutions Pty Ltd
 Lodgement Date: 24 April 2009
 File Ref: 15.2009.85 139812
 Date: 15 April 2010
 Author: Rod Bercov, Strategic Urban Planning Adviser
 Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

To further consider an application for the proposed amalgamation of Lot 204 (No. 32) and Lot 69 River View Street, South Perth. The proposal does not conflict the Residential Design Codes of Western Australia. However, one of the lots involved in the amalgamation is the former Right-of-Way 15 which, in accordance with Council Policy P350.14 “Use or Closure of Rights-of-Way”, should have remained open. Closure of the ROW occurred due to the owner implementing a procedure not usually employed, in which the Council has no role.

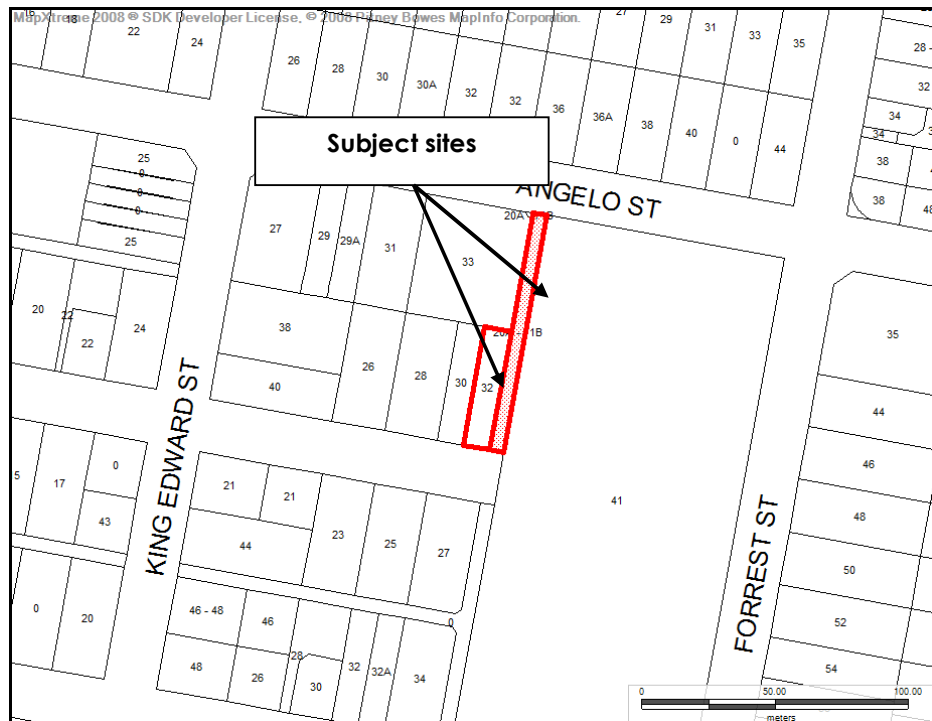
At officer level, the WA Department of Planning has been advised that the City recommends that the Western Australian Planning Commission **refuse** the application. This report now recommends that the Council endorse the officers’ response.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R25
Lot area	Lot 204 - 457 sq. metres; Lot 69 – 473 sq. metres
Building height limit	7.0 metres
Development potential	Not applicable
Plot ratio limit	Not applicab2le

The location of the subject land is shown below:



The Council first considered this amalgamation application at its November 2009 meeting. At that meeting, the Council resolved as follows:

- (a) *In respect of the proposed amalgamation of Lots 204 (No. 32) and 69 Riverview Street, South Perth, a recommendation to the Western Australian Planning Commission (WAPC) be deferred to a later Council meeting pending receipt of the decision on the appeal to the State Administrative Tribunal (SAT) DR 234/2009: Parker v City of South Perth, following the SAT hearing scheduled for 11 December 2009; and*
- (b) *The WAPC be requested to defer its decision on the amalgamation until the SAT decision on the appeal has been handed down.*

The above Council resolution was conveyed to the WAPC by letter dated 1 December 2010. Subsequently, the following advice was included in an email dated 4 January 2010, addressed to the WA Department of Planning officer who was processing the amalgamation application:

"... The former Right-of-Way 15 (now identified as Lot 69) off Riverview Street, South Perth has been closed by way of a very uncommon procedure under the Transfer of land Act, in which the Council had no involvement. The Council is greatly concerned about the closure because ROW 15 is classified as an "essential" right-of-way under Council Policy P350.14. The Council has also received a petition from neighbouring residents and people associated with the South Perth Primary School seeking assistance towards reinstatement of the right-of-way. Therefore, at its December 2009 meeting, the Council resolved to advise the petitioners that the City supports the reinstatement of ROW 15 as a public accessway and that City officers are pursuing options in an endeavour to bring about the reinstatement. The Council is also making a formal approach to the Minister for Education requesting assistance in progressing the re-opening of right-of-way 15 as a Public Accessway.

.....

The Council has been advised that the Minister for Education intends to take action in the Supreme Court regarding the ROW closure process.

...

As advised in the City's letter dated 1 December 2009 the Council resolved that the WAPC be requested to defer its decision on the amalgamation application until the SAT decision has been handed down on the related appeal against refusal of the development application.

The Council greatly appreciates the support of your Department and the WAPC in the extended deferral of the decision on the amalgamation application. Having regard to the circumstances outlined above, would you please confirm that the WAPC will continue to defer its decision at least until the decision on the related SAT application is known, and possibly until after a determination on any related Supreme Court challenge regarding the ROW closure process."

Since this time the Administration has been in regular contact with the various parties to monitor progress of this issue.

Comment

(a) SAT decision on related development application

The development application involves additions to the existing house on Lot 204 (No.32) Riverview Street. The additions are proposed to be situated on the adjoining Lot 69, being the former ROW 15. Council refused that development application and the applicant lodged an appeal with the State Administrative Tribunal. The SAT decided to uphold the appeal as it was considered that the proposed additions would not adversely affect the adjoining South Perth Primary School. The City was advised of the SAT's decision on 16 March 2010 and this information was conveyed to Council Members by the Manager, Governance and Administration on 17 March.

(b) Supreme Court Action: Writ lodged by Minister for Education

A further complication has now arisen as although the SAT has made a decision on the development application in favour of the applicant, a new action in the Supreme Court has now been instigated by the Minister for Education. The writ served in the Supreme Court contends that the Minister for Education holds a prescriptive easement over Right of Way 15. It is understood that, if the Supreme Court action is successful, this could result in the former Right-of-Way 15 being fully reinstated.

A Directions Hearing is scheduled to be held in the Supreme Court on 29 April 2010 and this will be followed by a Mediation session listed for 29 June 2010. It is not known when the Supreme Court is likely to finally determine the Action.

(c) Recent Communication with WA Department of Planning

On 12 April the assessing officer from the WA Department of Planning advised that they will now be recommending to the WAPC's Statutory Planning Committee that the amalgamation application be approved. Being mindful of the possibility that the Supreme Court action could lead to the re-opening of the ROW, the City forwarded the following response to the DoP.

“Therefore it would be prudent for the WAPC to continue to defer its decision on the amalgamation application pending the Supreme Court's final decision.

*If the WAPC's Statutory Planning Committee is to determine the amalgamation application before the Supreme Court decision is handed down, the City recommends that the application **be refused** due to the possibility of the right-of-way being re-opened and reinstated as a communal thoroughfare.*

Could you please advise the City of the date of the Statutory Planning Committee meeting at which the amalgamation application will be considered.

It is understood that the City may be given an opportunity to make a presentation to the Statutory Planning Committee outlining reasons against amalgamation of the subject lots. If such an opportunity is available, would you please forward an invitation to the City in this regard, and advise as to the procedure involved.

For your information, a directions hearing in the Supreme Court is scheduled for 29 April 2010.”

On Friday 16 April 2010 the City became aware that the application for amalgamation of Lots 69 (ROW15) and Lot 32 Riverview Street was on the Agenda for consideration by the Statutory Planning Commission of the WAPC for Tuesday 20 April 2010. The Chairman of the WAPC was contacted and a Deputation arranged.

The Mayor and CEO represented the City at the Committee meeting and strongly presented Council's views as to why the Amalgamation should not proceed. The City has since received advice that the Committee deferred making a decision on the Amalgamation and has sought its own legal advice on the subject. It is not known when the matter will be brought back to the Committee for further consideration.

A more detailed summary of the arguments put and issues arising in relation to this matter are contained at ***Confidential Attachment 10.0.2.***

Consultation

In connection with the related development application, there has been substantial community engagement including an electors' meeting. No further consultation was required in regard to the amalgamation application.

Policy and Legislative Implications

Council Members have been extensively briefed on legislative implications in reports from the Manager Governance and Administration and also during the attendance of lawyers Jackson McDonald at a special briefing.

Policy P350.14 is also relevant.

Financial Implications

Applications for amalgamation of lots have no financial implications for the City because the WAPC is the authority responsible for determining such applications. The WAPC receives the application fee.

The City has however incurred significant expense in challenging the closure of ROW15. Further costs are unknown.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

There are no sustainability implications relating to this application.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
--

Moved Cr Skinner, Sec Cr Trent

That....

- (a) in respect of the proposed additions on Lot 204 (No. 32) Riverview Street and Lot 69 Riverview Street (ROW 15), the decision of the State Administrative Tribunal to conditionally approve the development application, be noted;
- (b) the Council maintains its strong opposition to the amalgamation of Lots 204 (No. 32) Riverview Street and Lot 69 Riverview Street, South Perth for the following reasons:
 - (i) Right-of-Way 15 is considered to be an "essential" right-of-way and is identified as such in Council’s Policy P355.14 as it provides public pedestrian access by means of a constructed footpath;
 - (ii) the closure of the right-of-way occurred without City knowledge which circumvented any opportunity for the City and the public to comment;
 - (iii) one of the adjoining property owners, the South Perth Primary School, strongly opposes the closure of the right-of-way as it affects access to and egress from the school;
 - (iv) there is strong community opposition to the closure of the right-of-way; and
 - (v) Action has been commenced by the Minister for Education in the Supreme Court by way of a writ claiming Prescriptive Access Rights over the right-of-way.
- (c) the WAPC be thanked for deferring a decision on the application to amalgamate Lots 204 and 69 and be requested to either refuse the application or further defer consideration of the application until such time as the outcome of the Action taken by the Minister for Education in the Supreme Court is known; and
- (d) the Minister for Education, the Minister for Lands, the Minister for Planning and Member for South Perth, John MGrath, MLA be advised of Council’s decision in this matter.

CARRIED (11/0)

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Change of Use (Shop and Single House to Shop and Café/Restaurant) and Associated Extensions to Existing Building. Lot 3 (No. 333) Mill Point Road, South Perth

Location: Lot 3 (No. 333) Mill Point Road, South Perth
 Applicant: Private Horizons – Planning Solutions
 Lodgement Date: 8 December 2009
 File Ref: 11.2009.539 MI3/333
 Date: 6 April 2010
 Author: Lloyd Anderson, Senior Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

The application relates to the conversion of an existing Shop and Single House to a Shop and Café / Restaurant. Under Table 1 of the City’s Town Planning Scheme No. 6 (TPS6), the proposed Café / Restaurant is classified as a “DC” use (Discretionary use with Consultation) on the subject lot zoned local commercial. Neighbour consultation has resulted in several supporting, as well as opposing, comments received by the City. The Council’s consideration is sought in regard to this discretionary use, the concerns expressed by neighbours, and variations requested to car parking requirements. The officer recommendation is for approval, subject to a number of standard and special conditions.

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

Element on which discretion is sought	Source of discretionary power
Discretionary land use	TPS6 Clause 3.3(3), and Table 1
Car parking	TPS6 Clause 7.8(1)

Background

The development site details are as follows:

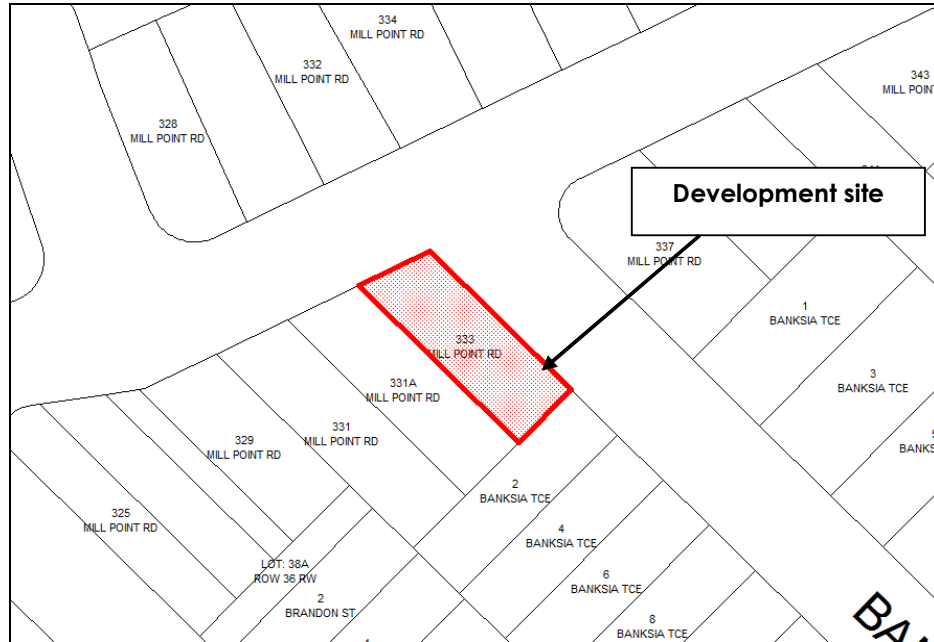
Zoning	Local Commercial
Density coding	R15
Lot area	562.0 sq. metres
Building height limit	7.0 metres
Development potential	The proposed Café / Restaurant is a “DC” use (Discretionary use with Consultation) in the local commercial zone. The existing Shop is a “D”use (Discretionary use).
Plot ratio limit	0.5

The City’s property file does not have a record of when the existing development was originally built, and it is possible that it was built during the first half of the 20th century. The subject premises originally operated as a House with a Shop front and continued to operate in this form until recently. The use of the premises for commercial purposes in part therefore, is not new, even though the site is adjoined by low density residential development on both sides and at the rear. Approval is now sought for conversion of the entire building to a non-residential use, namely Café / Restaurant.

This report includes the following attachments:

Confidential Attachment 10.3.1	Plan of adjoining dwelling at 331A Mill Point Rd
Confidential Attachment 10.3.1(a)	Plans of the proposal.
Attachment 10.3.1(b)	Applicant's supporting report.
Attachment 10.3.1(c)	Comments received during consultation.

The location of the development site is shown below:



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

6. Amenity impact

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

In relation to Item 6 above, concerns raised by neighbours include late trading, serving of alcohol on the premises, noise, car parking and traffic generated. The extent of adverse amenity impact arising from the proposal is considered acceptable (see “Comments” section below). The City officers are of the opinion that the proposal will not have a detrimental impact on the amenity of the area, provided that the on-site parking facilities are upgraded and evening opening hours are appropriately restricted. Neighbours raised various concerns which are discussed in this report.

7. Neighbour comments

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

The City advertised the proposal and neighbours' comments are discussed further in this report. Some neighbours' comments on the proposal warrant Council consideration in relation to possible future amenity impacts.

Comment

(a) Change of use

The current proposal involves the conversion of the House to Café / Restaurant while retaining the existing Shop. Extensions to the existing building have been proposed to accommodate the additional enclosed areas, as shown on the plans.

The applicant advises that it is not the immediate intention to operate the establishment as a “restaurant”, but as a low-key café for the local community. The applicant makes particular mention of the desire to enhance the local community vibrancy by providing a facility currently lacking in the area which will be readily accessible to local residents, people catching the bus, and to people riding past on the dedicated cycle path connecting to the foreshore. Refer **Attachment 10.3.1(b)**, applicant’s supporting report.

The use is defined in TPS6 as follows:

“Café / Restaurant : means any land or building used primarily for the preparation and serving of meals or refreshments for consumption on the premises.”

The City had obtained legal advice regarding the serving or sale of liquor from a Café / Restaurant for a similar application approved by the Council in the past.

The sale, supply and consumption of alcohol are not regulated by the City but by the Licensing Authority under the *Liquor Licensing Act 1988*. Under that Act, a person may apply for a “restaurant licence” which would permit the sale of alcohol to a customer who is eating a meal on the premises. A person wishing to obtain a restaurant licence must file a Section 39 Local Government Certificate (relating to Health Act matters) and a Section 40 Planning Authority Certificate (relating to compliance with “planning” legislation) with the licensing authority.

Whilst under Section 51(2) of the *Liquor Licensing Act 1988* it is an offence to supply liquor for consumption in an unlicensed restaurant, Section 51(3) provides that:

Where a person is charged with a contravention of subsection (2) it shall be a defence to show that the liquor was brought to the restaurant, in such a quantity only as was reasonable in the circumstances, by a customer of the restaurant for consumption ancillary to a meal supplied at that restaurant to, and eaten by, that customer or a guest of that customer there.

So whilst it is an offence to supply liquor in an unlicensed restaurant, it is permissible for customers to consume alcohol which they have brought with them to have with their meal.

As TPS6 does not contain any provisions dealing with liquor, legal advice obtained by the City advises that it is unlikely that the City would be able to impose a condition preventing the consumption of BYO alcohol on the premises where that occurs in accordance with Section 51(3) of the *Liquor Licensing Act*.

However, appropriate conditions of planning approval are being recommended to limit any possible detrimental impact on the amenity of the locality by:

- (i) limiting the hours of operation; and
- (iii) preventing the use of on-site parking bays by non-users during night-time hours.

(b) Core trading hours

Hours of operation of the proposed Café / Restaurant can be set by way of a condition of planning approval under Clause 7.5 of TPS6 as an amenity consideration. The applicant's proposal is to operate from 7:00am to 9:00pm, seven days of the week.

In light of neighbours' comments and other approvals for Café / Restaurant within the City, the officer recommendation is to confine opening hours to between 8:00am and 9:00pm 7 days of the week. The general daily operations would need to fit within these core times.

(c) Plot patio

Table 3 of TPS6 prescribes a maximum plot ratio of 0.5 (281.0 sq. metres) for the subject proposal. The plot ratio proposed is 0.5 (281.0 sq. metres) which complies with the relevant provisions.

(d) Landscaping and fencing

Table 3 of TPS6 requires 10% (56.2 sq. metres) of the subject local commercial zoned lot to be landscaped. The proposal entails landscaping 12.2% (68.5 sq. metres) of the site, which complies with the prescribed requirement.

(e) Car parking bays

TPS6 requirements

The car parking requirement for a Café / Restaurant in Table 6 of TPS6 is one car bay per 5.0 sq. metres of dining area.

From the plans provided, an area of approximately 52.0 sq. metres is proposed as dining area which results in a requirement of 11 car parking bays. Ten car parking bays have been provided on site. There isn't sufficient space on site to provide an additional parking bay. However, the dining floor space could be reduced by 2.0 sq. metres to achieve the required 50.0 sq. metres which will match the number of car parking bays proposed. It should also be noted that the café will attract people living within walking distance of the premises.

In relation to the existing Shop, it is noted that the shop currently relies upon on-street parking for customers. There will be no additional requirement in this regard, and street parking will continue to cater to this use without impacting upon the amenity of Mill Point Road and Banksia Terrace.

On-site car park design

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

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

Noting the site constraints, City officers observe that the proposed screening or natural planting surrounding the car parking area is adequate as the bays have been designed to minimise adverse visual and amenity impact on the adjacent residential properties.

The on-site car parking is seen to satisfy the demand requirements for staff and customers. To ensure that the proposed dimensions of the car parking bays comply with Clause 6.3 of TPS6, a standard condition to this effect has been recommended.

(f) Bicycle parking

TPS6 requirements

The bicycle parking requirement for a Café / Restaurant in Table 6 of TPS6 is one bay per 40.0 sq. metres of dining area. Three bike bays have been provided to comply with this requirement.

(g) Setbacks

Under Table 3 of TPS6, buildings in the local commercial zone are required to be set back a minimum of 1.5 metres from the street boundary. The table prescribes a nil setback from other boundaries. In addition Clause 5.1(4) of TPS6 reads as follows:

“(4) Notwithstanding the minimum setbacks prescribed in Table 3:

- (a) in any non-residential zone where a development site has a common boundary with land in the residential zone:*
 - (i) the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3 in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site; and*
 - (ii) the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the Council.”*

The application involves the use of the existing building as well as some extensions to it. While TPS6 requirements are not retrospective, the proposed change of use of the site causes the proposal to need to be assessed fully as though it were a new development. In the current application, the existing building has, in part, a zero setback from Mill Point Road. This requires the Council’s discretionary approval under Clause 7.8 of TPS6. This clause empowers the Council to permit variations from certain Scheme provisions if it is satisfied that:

- *such a variation would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- *enforced compliance would have an adverse impact on the users of the property or of the precinct; and*
- *the proposed development meets the objectives for the City and the precinct.*

In view of the building having existed with a zero setback for many years as a non-residential use, it has become well established within the streetscape of Mill Point and this part of the precinct, and therefore fits comfortably within the orderly and proper planning of the locality for the type of building that it is and the function it fulfils. Noting that the use of this portion of the building as a Shop remains unchanged, it is considered that the existing zero setback of the front wall of the building should be accepted.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

- (1) *The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.*

The proposed development is considered to meet this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
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;*
Objective (g) *Protect residential areas from the encroachment of inappropriate uses;*
Objective (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
Objective (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.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*

- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

The proposal is considered satisfactory in relation to each of the above matters.

(j) Local Commercial Strategy

The proposal has been assessed against to the strategy for local commercial centres set out in the Council's Local Commercial Strategy (LCS) which was adopted in March 2004. The proposal is considered to meet the following relevant statements:

“Objective for local centres

To recognise, reinforce and retain the important role that small corner stores and local centres play in fulfilling the daily shopping and commercial requirements of residents of the City.

Recommended actions for local centres

In considering a change from one commercial use to another within a local commercial zone, Council should aim to ensure that such use will not adversely impact on adjoining residential amenity and can preferably be demonstrated as serving local shopping needs or aspirations. The Council will have regard to the impact of the development on adjacent residential areas, as well as the demand for such facilities to serve the adjacent local community.”

Consultation

(a) **Design Advisory Consultants**

The proposal to convert the existing House and Shop to a Café / Restaurant was not required to be referred to the Design Advisory Consultants for comment.

(b) **Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. All of the submissions have been summarised and responses provided to all comments in **Attachment 10.3.1(c)** to this report.

(c) **Engineering comments**

Supporting comments have been received from the City’s Engineering Department and will be attached to the determination of this planning application.

(d) **Environmental Health comments**

Comments have also been received from the City’s Environmental Health Department and will be attached to the determination of this planning application.

In relation to the noise effect and the ability of the fence to ameliorate the noise, the Manager Environmental Health Services has advised that a fence of 2.1 or 2.2 metre height will reduce the noise impact on the adjoining properties. A difference of 100mm in the fence height will have a negligible impact. In terms of materials, the denser the material the more it reflects noise away, however the unevenness of the colorbond surface also breaks up sound waves so the actual material will make a difference, but only minimal difference.

A condition to this effect has been recommended by the officers.

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

There are no financial implications in relation to this development.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

Since the proposal is observed by officers to comply with relevant statutory planning requirements, and not have an adverse amenity impact upon the surrounding residential development, the proposed development is observed to be sustainable.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the proposed change of use from Shop to include Café / Restaurant at Lot 3 (No. 333) Mill Point Road, South Perth, **be approved** subject to:

(a) Standard Conditions

349	Car parking bay dimensions	455	Standard fence heights
352	Approved bays marked on site	456	Removal of existing fencing
353	Designated visitors' bays	508	Landscaping plan required
351	Screening of parking bays	555	Revised drawings required
354	Hard standing area for bays	550	Concealed plumbing fittings
390	Crossover specifications	615	Visual privacy screening details
393	Reinstating verge and kerbing	625	Sightlines for drivers
410	Crossover effects infrastructure	660	Validity of approved construction
425	Colours and materials	661	Validity of approved use

(b) Specific Conditions

- (i) The dining area including the proposed alfresco seating area of the proposed Café / Restaurant shall not exceed 50.0 sq. metres in order to comply with the car parking requirements of TPS6.
- (ii) The opening hours for the proposed Café / Restaurant shall be between 8:00am and 9:00pm 7 days of the week.
- (iii) Adequate measures shall be taken to ensure that on-site parking is not accessible to public outside the hours of operation of the proposed use. Barriers shall be installed to block access to on-site parking outside the approved operating hours.
- (iv) The external materials and finish of the existing building shall be upgraded to a standard that matches with the proposed building and its use.
- (v) In order to minimise the noise related amenity impact upon the adjoining residential properties at No. 331A Mill Point Road and No. 2 Banksia Terrace, the owner of the proposed development is required to consult with the adjoining property owners, and provide a 2.2 metre high fence on common boundaries with both these properties. The cost of the fence and its installation is to be borne by the owner of the proposed development.

(c) Standard Advice Notes

645	Landscaping plan required	648	Building licence required
646	Landscaping standards – General	649	Signs licence required
646A	Details of any brick fence	649A	Minor variations - Seek approval
647	Amended drawings	651	Appeal rights – SAT

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

The applicant is advised that:

- (i) The applicant / owner are advised of the need to liaise with the City's Environmental Health Department in order to comply with all relevant health requirements.
- (ii) The applicant / owner are advised of the need to liaise with the City's Engineering Infrastructure Department in order to comply with all relevant infrastructure requirements.
- (ii) It is the applicant's responsibility to liaise with the City's Environment Department prior to landscaping the street verge areas.
- (iii) All activities conducted on the premises will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.1. The officer recommendation Lapsed.

MOTION

Moved Cr Hasleby, Sec Cr Lawrance

That....

- (a) the officer recommendation not be adopted;
- (b) this application for planning approval for the proposed change of use from Shop to include Café / Restaurant at Lot 3 (No. 333) Mill Point Road, South Perth, **be deferred** to the May Ordinary Meeting of Council to enable the applicants to undertake further neighbour consultations to fully address the vexing issues they have raised.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hasleby opening for the Motion

- issues raised by neighbours during Deputations in relation to application for café/restaurant to replace existing shop/single house
- understand there is a petition from neighbours circulating stating there has not been enough consultation in relation to proposed redevelopment
- particular concerns raised by adjoining neighbour at 331 Mill Point Road in respect of business proposed in residential area affecting amenity of neighbours re traffic/noise etc
- neighbours and applicant need to get together to discuss height / type of dividing fences, proposed hours of business, especially at night
- refer to the Banksia Terrace Café and see similarities – low key business operating in a residential area where extensive neighbour consultation took place
- ask that this proposal be deferred to the May Council meeting in order for applicant to get together with neighbours to address issues raised such as suggested inversion of the toilet / ablutions area at the rear of the plan to realign along Banksia Terrace, the height / materials of the dividing fences and the proposed hours of business
- applicants are reminded they need to live in harmony with their neighbours
- consultation to reach a compromise will prevent issues in the long term

Cr Lawrance for the Motion

- reiterate points raised by Cr Hasleby
- believe rights of both parties are relevant
- adjoining neighbour has come to the table with suggested alternatives to be put to the developers such as inversion of the toilet / ablutions area at the rear of the plan, the height / material of dividing fence which shows Mrs Johnson as a neighbour has come up with a good compromise and this needs to be discussed
- support deferral

Cr Trent point of clarification to Ward Members – officers have recommended conditional approval, what if there is no agreement reached?

Cr Hasleby said he believed the suggested consultation is a positive approach and worth pursuing.

Cr Doherty point of clarification – who is in the best position to undertake this negotiation process?

Director Development and Community Services responded that the way the Motion is worded that it is for the applicant to negotiate with the adjoining neighbour, however if a 'stalemate' occurs then officers, or alternatively Elected Members can be involved.

Cr Hasleby closing for the Motion

- for long term harmony need to sort out issues raised with proposal at the start rather than experiencing problems down the line
- believe further consultation to reach a satisfactory compromise by both parties will prevent issues in the long term.
- ask Members support deferral

COUNCIL DECISION ITEM 10.3.1

The Mayor put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) this application for planning approval for the proposed change of use from Shop to include Café / Restaurant at Lot 3 (No. 333) Mill Point Road, South Perth, **be deferred** to the May Ordinary Meeting of Council to enable the applicants to undertake further neighbour consultations to fully address the vexing issues they have raised.

CARRIED (11/0)

Reason for Change

The item was deferred as Council were of the view the applicants of the proposed redevelopment needed to consult with neighbours in relation to amenity issues raised.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - March 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 April 2010
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then 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)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 March 2010 is \$36.19M which represents 101% of the \$35.73M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Interest revenues have further improved and are now right on budget expectations despite weak investment rates in the early part of the year. Property management revenue shows a significant favourable variance after the final settlement sum for disputed prior year rental adjustments on a major commercial lease was finally agreed after very protracted negotiations. This revenue area is adjusted in the Q3 Budget Review.

Continuing to reflect the positive tone of WA's economic climate, Planning and Building Services revenues remain well ahead of budget expectations (24% and 19% respectively) - and will be further adjusted upwards in the Q3 Budget Review. Collier Park Village revenue is now 4% behind budget expectations due to several units being vacant whilst the Hostel revenue lags budget expectations by some 3% due to room vacancies (an unusual situation) and lesser commonwealth subsidies being received (since the commonwealth funding model has been adjusted to the detriment of our facility). Grant funding for events has been better than anticipated and will be further adjusted upwards in the Q3 Budget Review - but all extra revenue is expended on those events, meaning that there is no net financial benefit to the City as a consequence of receiving the larger grant allocations. Meter parking revenue is on budget - but infringement revenue efforts have been adversely impacted by staff shortages in the area during March. Golf Course revenue remains around 9% ahead of budget targets. The plant nursery reflects a substantial book gain in the carrying value of nursery greenstock. A review of aged Trust deposits by the Financial Services team yielded additional \$48K revenue that will also be recognised in the Q3 Budget Review.

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 March 2010 is \$27.54M which represents 101% of the year to date budget of \$27.32M - but after eliminating the (unbudgeted) non-cash impact of the asset book values of the old Library & Hall buildings which were necessarily written out of the Asset Register following demolition, (\$640K), the operating expenses are actually around 98.5% of year to date budget. Originally it had been planned to address this issue in 2010/2011 when the building was completed - but the more correct accounting treatment is to write the old asset values out now. The (adjusted) Operating Expenditure to date is 4% under budget in the Administration area, 1% over budget in the Infrastructure Services area and on budget for the golf course. There are several favourable variances in the administration areas that relate to budgeted (but vacant) staff positions (currently covered to some extent by consultants) in the CEO Office, Building Services and Rangers areas. Waste collection site fees have resulted in a favourable variance against budget to date due to the

City having (correctly) budgeted for the increased State Waste Levy from 1 Jan 2010 but no charge has yet been levied for this to date. The matter is currently under investigation to ensure that the City does not get caught out by a large retrospective adjustment at the end of the financial year.

Timing differences also exist on software purchases and events but these should reverse in the immediate future. Golf Course expenditure is close to budget overall with minor offsetting variances on salaries, promotions, maintenance activities and plant use. Most other items in the administration areas remain close to budget expectations to date other than minor timing differences.

Following the (cost neutral) re-distribution of parks maintenance budgets in the Q2 Budget Review to better reflect the in-use maintenance regimes at SJMP, EJ Oval and in the Manning Ward, this area is now on target. Traffic device maintenance has a favourable timing difference to date but streetscape maintenance reflects an unfavourable variance due to the \$60K work in progress cleanup costs after the severe storm damage. This amount will increase further as supplier invoices are rendered. Storm damage / cleanup costs relating to engineering infrastructure and buildings are not included in this number at this time. A complete summary of the storm related costs and any recoveries made against them will be prepared at a later date - but it will take some months before the various suppliers, agencies and insurers have settled and tallied these expenses.

There are some small unfavourable variances relating to road and path maintenance as a consequence of having taken advantage earlier in the year of contractor availability - but these differences are of a timing nature only and will reverse in the future. There are favourable variances on street lighting and street sweeping but these are also expected to reverse later in the year. Cash fleet and mobile plant operating costs are very close to budget and are in line with charge out recoveries - although the (non cash) expense of plant depreciation is necessarily being adjusted in the Q3 Budget Review. Operating overheads in the Infrastructure area are currently showing some improvement following the recent investigation and adjustment during March.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is now around 2.40% under the budget allocation for the 217.6 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

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

Capital Revenue is disclosed as \$2.62M at 31 March against a year to date budget of \$2.37M. Some \$0.28M of this reflects additional 'revenue' from the UGP project (which will be used to offset the unbudgeted costs over and above the project cash calls). A favourable variance now exists on lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village after three units were settled during the month. There are currently six vacant at present. An Infrastructure Australia grant for \$78K relating to the flagpole precinct is yet to be recognised - but is included in the Q3 Budget Review. A capital contribution towards landscaping at the Judd St on ramp may not be realised at this time and the project is under further investigation.

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 March 2010 is \$9.06M representing 91% of the year to date budget and some 49% of the full year budget (after the inclusion of carry forward works approved by Council in August). Management continues to closely monitor the delivery of the capital program - and is again using the staged capital program approach of running a 'Deliverable' and a 'Shadow' capital program to ensure that organisational capacity and expectations are appropriately matched. Delays attributable to public consultation and clashes with major events on certain high profile locations (eg: SJMP) have had an adverse impact on completion of some projects. Updates on the individual project progress were last supplied in the March Council agenda.

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	2,980,000	2,749,819	92%	7,130,000
Financial & Information Services *	317,000	221,094	70%	795,000
Planning & Community Services	472,500	390,680	83%	930,350
Infrastructure Services	5,911,007	5,383,890	91%	9,345,990
Golf Course	302,700	314,392	104%	418,200
Total	9,983,207	9,059,875	91%	18,619,540

* Financial and Information Services is also responsible for the Library building project which constitutes the majority (\$6.96M) of the capital expenditure under the CEO Office

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Direction 6 : Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That ...

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34;
- (c) the Schedule of Movements between the Adopted and Amended Budget provided as **Attachment 10.6.1(6)(A)** and **Attachment 10.6.1(6)(B)** be received; and
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 April 2010
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 and 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 funds held in 'cash backed' Reserves. As 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 these 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 same 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 \$39.19M compare favourably to \$32.33M at the equivalent stage of last year. Reserve funds are some \$0.30M higher than at the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV (\$2.1M higher) but \$2.3M less holdings in the Future Building Works Reserve as monies are applied to the new Library and Community Facility project. Several other Reserve balances are modestly changed.

Municipal funds are \$7.1M higher due to the additional \$1.9M in restricted funds (IAF and Lotteries grant relating to the Library and Community Facility) and the transfers back from Reserves for the same project (\$2.4M) - plus very favourable timing of cash outflows for other capital major projects. We also benefit from not making regular cash calls on the UGP Project as was required last year. Collections from rates and reimbursements from the Office of State Revenue for pensioner rebates are also well in advance of last year's cash position thanks to very successful and timely follow up actions from the Financial Services team.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have continued to have the desired effect in relation to our cash inflows. 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 \$13.84M (compared to \$6.68M at the same time in 2008/2009). **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$36.30M compared to \$31.10M at the same time last year. This is due to the higher holdings of Municipal Funds as investments as described above. In the current year we also have higher cash holdings in bank accounts as required by the grant funding obligations - although these can now be transferred back to general funds as we have passed the requisite expenditure thresholds on the Library and Community Facility project..

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 95.6% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having 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 \$1.35M - well down from \$1.82M at the same time last year. This result is attributable to the substantially lower interest rates early in the year - notwithstanding higher levels of cash holdings. Rates were particularly weak during July and much of August but have strengthened progressively (albeit modestly) since late September as banks undertook capital management initiatives.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding, investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 4.52% with the anticipated weighted average yield on investments yet to mature now sitting at 5.30% (compared with 5.31% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 3.75% - although this is a significant improvement on the 2.75% on offer early in the year.

(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 debtor's category classifications (rates, general debtors and underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of March 2010 (after the due date for the fourth instalment) represent 95.7% of total rates levied compared to 95.0% at the equivalent stage of the previous year. This means that the year end KPI of 95% has already been achieved - the challenge now is to see how much it can be bettered by at year end.

This is a particularly pleasing result in spite of the improving economic climate. It reflects a good community acceptance of the rating and communication strategies applied by the City in developing the 2009/2010 Annual Budget.

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

(ii) General Debtors

General debtors stand at \$1.82M at month end (\$1.86M last year) excluding UGP debtors - and compared to \$2.13M last month. The primary reason for this decrease is collection of \$0.4M for the most recent tranche of Infrastructure Australia grant funding raised in February. Other major changes in the composition of the outstanding debtors balances (year on year) are \$0.15M decrease in the amount of GST refundable - and additional invoices raised for (confirmed) grants associated with Australia Day, Youth and Family Zone, Fiesta and youth activities at GBLC. The balance of parking infringements outstanding is also higher than last year. Debtors relating to Pensioner Rebates, outstanding CPH fees and other sundry debtors are substantially less than the previous year balances. The majority of the outstanding amounts are government and semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.77M billed for UGP (allowing for adjustments), some \$5.61M was collected by 31 March with approximately 74.4% of those in the affected area electing to pay in full and a further 24.9% opting to pay by instalments. The remaining 0.7% has yet to make a payment. However, most of these 18 remaining properties are disputed billing amounts. A number of these are the subject of escalating collection actions by the City as they have not been satisfactorily addressed in a timely manner. Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 but on the negative side, resulted in somewhat less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan).

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

Consultation

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

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 and 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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 31 March 2010 Monthly Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments March 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 April 2010
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 March 2010 and 31 March 2010 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

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

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

The report format now reflects 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 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

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

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

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

CARRIED EN BLOC RESOLUTION

10.6.4 Budget Review for the Quarter ended 31 March 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	15 April 2010
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2009/2010 Adopted Budget for the period to 31 March 2010 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Background

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

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

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review were forwarded to the Department of Local Government for their review after they were endorsed by Council. This requirement allowed the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter - and the attached review incorporates all known variances up to 31 March 2010 including a comprehensive review of the capital program jointly undertaken by Financial Services & Infrastructure Services.

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

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review

Attachment 10.6.4(1)

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

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 10.6.4(2).**

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

- Cost Neutral Budget Re-allocation **Attachment 10.6.4(3)**

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$202,135 to the projected 2009/2010 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The adopted budget at 10 July showed a Closing Position of \$133,389. The changes recommended in the Q3 Budget Review will result in the (estimated) 2009/2010 Closing Position being adjusted to \$385,065 (up from the estimated Closing Position of \$139,065) after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers.

The impact of the proposed amendments in this Q3 Budget Review report on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

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

TABLE 1: (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	0	0
Financial and Information Services	314,000	(177,000)	137,000
Development and Community Services	217,500	(100,000)	117,500
Infrastructure Services	843,000	(841,500)	1,500
Opening Position	0	0	0
Accrual Movements & Reserve Transfers	90,000	(100,000)	(10,000)
Total	1,464,500	(1,218,500)	246,000

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

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

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

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	127,250	(159,750)	(32,500)
Financial and Information Services	750,478	(619,268)	131,210
Planning and Community Services	699,200	(428,850)	270,350
Infrastructure Services	2,110,849	(2,021,774)	89,075
Opening Position	0	(196,459)	(196,459)
Accrual Movements & Reserve Transfers	90,000	(100,000)	(10,000)
		0	
Total change in Adopted Budget	3,777,777	3,526,101	251,676

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City’s budget, the overall budget closing position has only moved from the \$133,389 as determined by Council when the budget was adopted in July 2009 to \$385,065 after including all budget movements to date.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City’s Strategic Plan - *‘To ensure that the City’s governance enables it to respond to the community’s vision and deliver on its promises in a sustainable manner’.*

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That following the detailed review of financial performance for the period ending 31 March 2010, the budget estimates for Revenue and Expenditure for the 2009/2010 Financial Year, (adopted by Council on 10 July 2009 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the April 2010 Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4(1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.4(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4(3)**.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 6 April 2010
Author: Rajiv Kapur, Manager Development Services
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of March 2010.

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 March 2010, fifty-one (51) development applications were determined under delegated authority at **Attachment 10.6.5**.

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 Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms: *Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5
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That the report and **Attachment 10.6.5** relating to delegated determination of applications for planning approval during the month of March 2010, be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	8 April 2010
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

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

Background

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

Comment

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

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

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

Register

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

March 2010

Nature of document	Parties	Date Seal affixed
Deed of Agreement to Lease	CoSP and Frederick Charles Grigg and Lenora Edna Grigg	9 March 2010
Deed of Lease	CoSP and Frederick Charles Grigg and Lenora Edna Grigg	9 March 2010
Surrender of Lease	CoSP and Millar Holdings Pty Ltd	9 March 2010
Sublease	CoSP and Millar Holdings Pty Ltd and Graeme Ross Millar	9 March 2010
Amendment No 15 TPS No 6	City of South Perth	9 March 2010
Amendment No 18 TPS No 6	City of South Perth	9 March 2010
Surrender of Lease	CoSP and Winifred May Marshall	13 March 2010
Deed of Agreement	CoSP and Martha Helen Fischer	19 March 2010
Deed of Agreement	CoSP and Winifred May Marshall	19 March 2010
Deed of Agreement	CoSP and Norma Leslie Levitzke	19 March 2010
Deed of Agreement	CoSP and Kenneth Joseph Savedra	19 March 2010
Deed of Agreement to Lease	CoSP and Arthur Frederick Liddelow and Roma Geraldean Liddelow	19 March 2010
Deed of Lease	CoSP and Arthur Frederick Liddelow and Roma Geraldean Liddelow	19 March 2010
Deed of Lease	CoSP and Sybil Dawn Watson	19 March 2010
Deed of Agreement to Lease	CoSP and Betty Joyce Hillier	29 March 2010
Deed of Lease	CoSP and Betty Joyce Hillier	29 March 2010
Surrender of Lease	CoSP and June Doris Laycock	30 March 2010
Delegation D346 Authority to Issue Strata Title Certificates	City of South Perth	30 March 2010

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 'Governance' at Direction 6 of the Strategic Plan - *Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6</p>

That the report on the use of the Common Seal for the month of March 2010 be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr P Best

I hereby apply for Leave of Absence from all Council Meetings for the period 6 – 8 May 2010 inclusive.

11.2 Application for Leave of Absence : Cr I Hasleby

I hereby apply for Leave of Absence from all Council Meetings for the period 17 to 19 May 2010 inclusive.

11.3 Application for Leave of Absence : Cr T Burrows

I hereby apply for Leave of Absence from all Council Meetings for the period 22 April to 1 May inclusive and 17 to 19 May 2010 inclusive.

11.4 Application for Leave of Absence : Cr G Cridland

(Note: Request 'tabled' at the Council meeting)

I hereby apply for Leave of Absence from all Council Meetings for the period 4 May to 10 June and 28 June to 21 July 2010 inclusive.

COUNCIL DECISION ITEMS 11.1 TO 11.4

Moved Cr Wells, Sec Cr Trent

That Leave of Absence from all Council Meetings be granted to:

- Cr Best for the period 6 – 8 May 2010 inclusive;
- Cr Hasleby for the period 17 to 19 May 2010 inclusive;
- Cr Burrows for the period 22 April to 1 May and 17 to 19 May 2010 inclusive; and
- Cr Cridland for the period 4 May to 10 June and 28 June to 21 July 2010 inclusive.

CARRIED (11/0)

Note: The Manager Development Services retired from the meeting at 7.35pm

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 WALGA - Notice of Motion for AGM – Cr Trent

Location: South Perth
Applicant: Council
File Ref: GR/601
Date: 9 April 2010
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide information relating to a proposed Notice of Motion which, if adopted by Council, will be considered at the Western Australian Local Government Association [WALGA] Annual General Meeting to be held on Saturday, 7 August 2010.

Background

The Annual General Meeting of WALGA will be held as part of the Local Government Convention. The agenda of the Annual General Meeting includes a section For Members' Notices of Motion. In this instance Members refers to local governments which have previously supported Notices of Motion. Any Notices of Motion must be provided to WALGA by Monday, 14 June 2010.

Comment

Elected Members were advised to give consideration to correspondence received from WALGA in relation to submission of Motions to be considered at the Annual General Meeting of WALGA.

In response, Cr Trent has submitted the following Notice of Motion for Council consideration:

The ALGA call on the Federal and State Governments to develop a plan to deal with the predicted 35-45 million people predicted to be residing in Australia by 2050.

In support of this Motion Cr Trent has made the following comments:

- Local Governments across Australia provide and maintain both the infrastructure and human services required to maintain life in Australia and with the increasing expectations as to what those services will be it is anticipated that the cost of providing those services will be greater than it is today.
- Not only will new infrastructure be required, the cost of maintaining or replacing existing infrastructure will place an extreme burden on Local Government.

The proposed Motion is justified for obvious reasons. It is clear that Local Government is becoming increasingly reliant on Commonwealth funding given the reduction in State Government grants to Local Government. Further, the Labor Government has become increasingly involved in capital city planning and planning for population growth is consistent with this position.

Summary

Council endorsement of individual Elected Member's Motions is necessary to enable consideration by the WALGA State Council at its AGM.

Consultation

All Elected Members have been invited to submit Motions for consideration at the WALGA AGM.

Policy Implications

Action consistent with past procedures.

Financial Implications

Nil.

Strategic Implications

In line with the Strategic Plan, Direction 6: Governance - "*Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*"

RECOMMENDATION ITEM 12.1

That Council adopt to the following Notice of Motion proposed by Cr Trent to be considered at the WALGA AGM on 7 August 2010.

The ALGA call on the Federal and State Governments to develop a plan to deal with the 35-45 million people predicted to be residing in Australia by 2050.

MOTION

Moved Cr Trent, Sec Cr Best

That the ALGA call on the Federal and State Governments to develop a plan to deal with the 35 - 45 million people predicted to be residing in Australia by 2050.

AMENDMENT

Moved Cr Cala, Sec Cr Best

That the Notice of Motion be amended by the inclusion of the following additional words after the words *in Australia by 2050....: in recognising the role of local government in funding the provision of Services and Infrastructure.*

The Mayor Put the Amendment.

CARRIED (11/0)

COUNCIL DECISION ITEM 12.1

The Mayor Put the Motion

The ALGA call on the Federal and State Governments to develop a plan to deal with the 35-45 million people predicted to be residing in Australia by 2050 in recognising the role of local government in funding the provision of Services and Infrastructure.

CARRIED (11/0)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Skinner, Sec Cr Cala

That the meeting be closed to the public at 7.42pm in accordance with the *Local Government Act Section 5.23(2)(a)* while Item 15.1.1 is discussed as it relates to a matter affecting an employee.

CARRIED (11/0)

Note: The following staff and the remaining members of the public gallery left the Council Chamber at 7.42pm

Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Service
Ms V Lummer	Director Development and Community Services
Ms C Husk	City Communications Officer

The Council Chamber doors were closed at 7.45pm

**15.1.1 Recommendations from CEO Evaluation Committee Meeting Held
30 March 2010 *CONFIDENTIAL Not to be Disclosed REPORT***

Location: City of South Perth
Applicant: Council
Date: 1 April 2010
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.

MEMBERSHIP OF CEO EVALUATION COMMITTEE

Following discussion on Item 15.1.1 and in particular points of clarification raised it was suggested by the Mayor that Cr Cala be nominated as a member of this Committee as currently the McDougall Ward was not represented. Cr Cala accepted nomination.

COUNCIL DECISION 15.1.1

(A) Moved Cr Skinner, Sec Cr Cala

That Council adopts the CEO Evaluation Committee Recommendations as contained in *Confidential* Report Item 15.1.1 of the April 2010 Council Meeting.

(B) Moved Cr Trent, Sec Cr Hasleby

That Cr Cala be appointed as a member of the CEO Evaluation Committee.

CARRIED (11/0)

COUNCIL DECISION : MEETING OPEN TO THE PUBLIC

Moved Cr Doherty, Sec Cr Trent

That the meeting be again open to the public at 7.48pm.

CARRIED (11/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the 5 members of the public gallery that returned to the Council Chamber the Minute Secretary read aloud the Council decision at Item 15.1.1.

16. CLOSURE

The Mayor closed the meeting at 7.50pm and thanked everyone for their attendance.

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 25 May 2010

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

17. RECORD OF VOTING

27/04/2010 7:16:12 PM

Item 7.1.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:16:43 PM

Item 7.1.2 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:17:13 PM

Item 7.2.1 and 7.2.2 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:19:01 PM

Item 8.1.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:19:37 PM

Item 8.4.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:22:52 PM

Item 9 en Bloc Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:25:02 PM

Item 10.0.2 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:35:28 PM

Item 10.3.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7:36:26 PM

Item 11.1 to 11.4 Leave of absence...Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010

Amendment Item 12.1.....Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010

Item 12.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010

Meeting Closed to be Public Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010

Item 15.1.1 Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote

27/04/2010 7.45pm

Meeting Again Open to Public Motion Passed 11/0

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

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Casting Vote