



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING AGENDA

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

At the Council meeting held 23 February 2010 the following questions were taken on notice:

6.1.1 Mr Barrie Drake, 2 Scenic Crescent, South Perth
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Summary of Questions

I refer to Questions from Cr Doherty at Item 13.2.3 of the Minutes of the Council Meeting held 15 December 2009 relating to "Planning Approval vs Neighbour Consultation" and ask the following questions of a similar nature in relation to No. 10 Jubilee Street, South Perth:

1. If an adjoining property owner ie neighbour wrote a letter to the City of South Perth complaining about the possible overbuilding of that neighbour's site during its construction with the said letter's contents being ignored; consequently resulting in the site being overbuilt by 30% or more and adversely affecting the said neighbour's property, what recourse do the neighbours have?
2. If an adjoining property owner ie neighbour, exceeds the requirements of the building licence issued by the City and overbuilds their site by 30% or more , what recourse do the neighbours have who are adversely affected, assuming the City does nothing to stop the overbuilding.
3. If the affected neighbour suffers a financial loss as a result of their neighbour's overbuilding of their site, do the affected neighbours have a legal claim to recover their losses and if so from who?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 3 March 2010, a summary of which is as follows:

1. Information provided to the Elected Members in 2005 states that due processes were followed by the City in relation to processing the abovementioned development. The information provided also states that the building, as approved, complied with the relevant statutory provisions. As a general rule, all complaints are taken seriously by the City and investigated by the Compliance Officer(s). Your enquiry is based upon the assumption that the building is overbuilt, which is not the view expressed by the City in 2005. Nevertheless, it is up to the adjoining property owners to seek their own legal advice with regards to this matter.
2. Your enquiry is based upon the assumption that the building is overbuilt, which is not the view expressed by the City in 2005. There is no third party appeal right in Western Australia.
3. Your enquiry is based upon the assumption that the building is overbuilt, which is not the view expressed by the City in 2005. Nevertheless, it is up to the adjoining property owners to seek their own legal advice with regards to this matter.

6.2 PUBLIC QUESTION TIME : 23.3.2010

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

- 7.1.1 Ordinary Council Meeting Held: 23.2.2010**
- 7.1.2 Special Electors Meeting Held: 10.3.2010**
- 7.1.3 Audit and Governance Committee Meeting Held: 22.2.2010**
- 7.1.4 Audit and Governance Committee Meeting Held: 8.3.2010**

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 – February Ordinary Council Meeting and Collier Park Golf Course Landscape Masterplan Held: 16.2.2010

Officers of the City presented background information and answered questions on items identified from the February 2010 Council Agenda. A Consultant from Urbis then gave a presentation on the collier park Golf Course Landscape Master-plan. Questions were raised by Members and responded to by officers. The Notes from the Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum 'Customer Relationship Management' Meeting Held: 15.2.2010

Director Financial and Information Services gave a power point presentation on Customer Relationship Management approach and implementation and responded to questions from Members. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum ‘Transit-Oriented Development and Streetscape Compatibility vs Suitable Design’ Meeting Held: 17.2.2010

Design Advisory Consultant (DAC) Bill Hames gave a power point presentation on Transit-Oriented Development and Streetscape Compatibility vs Suitable Design. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum ‘Council Values’ Member Training Meeting Held: 2.3.2010

Consultant Graham Castledine gave a presentation on Council Values and responded to questions raised. Notes from the Concept Briefing are included as **Attachment 7.2.4.**

7.2.5 Concept Forum: Town Planning Major Developments Meeting Held: 3.3.2010

Officers of the City / the applicant presented background on a proposed development 2 M/Dwellings, café/restaurant at 297 Canning Highway, Como and officers provided an update on the Waterford Triangle project. Questions were raised by Members and responded to by the officers. Notes from the Concept Briefing are included as **Attachment 7.2.5**

8. PRESENTATIONS

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

8.1.1 Petition received 23 February 2010 from Patricia Gorrill, 25/8 Darley Street, South Perth together with 102 signatures calling for a Special Electors Meeting to Discuss the Flagpole Project in Sir James Mitchell Park.

Text of the petition reads:

We, the undersigned, being electors of the City of South Perth request that a Special Meeting of Electors be held to discuss the proposed new flagpole development on Sir James Mitchell Park. We request the public be informed of the proposal and be given an opportunity to have input at a Special Electors’ Meeting to be held prior to proceeding with this concept or plan or commencement of any construction.

RECOMMENDATION

That the petition received from Patricia Gorrill, 25/8 Darley Street, South Perth together with 102 signatures calling for a Special Electors Meeting to discuss the Flag Pole Project in Sir James Mitchell Park be received and it be noted that in response to the petition that a Special Electors Meeting was held on 10 March 2010.

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

8.2.1 Clean Up Australia Day 2010

The Mayor to present Certificates to Cr Kevin Trent, Cr Les Ozsdolay and Mrs Katrina Ozsolday from the Chairman and Founder of ‘Clean Up Australia Day in recognition of their help at the 2010 clean-up day.

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.

8.3.1 Request for Deputation – Mr Barrie Drake, 2 Scenic Crescent, South Perth

BACKGROUND

In February 2010 Mr Drake submitted an application request form for a Deputation to address Council on Item 3.3 (Announcement from Presiding Member) of the February Council Agenda. Mr Drake was advised by the CEO, by letter dated 5 March 2010, that the City does not permit Deputations on Presiding Member Announcements. Mr Drake has now requested that this decision be reviewed.

ACTING CEO COMMENT

It is recommended that, the request having been reviewed, is refused as this item is not listed for consideration on the 23 March 2010 Council Agenda.

The request for a deputation is based on Correspondence previously received from John Day, Minister for Planning, Culture and the Arts regarding No. 11 Heppingstone Street, South Perth. However, this correspondence was listed on the 23 February 2010 Council Agenda only for noting, with no decision required.

The Council has also resolved at the March 2004 Council meeting that it *"does not intend to further pursue the matters raised regarding the property at No. 11 Heppingstone Street, South Perth"*.

Further, the Council resolved at the May 2009 Council Meeting that *"any questions in connection with No. 11 Heppingstone Street, South Perth shall not be responded to where the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided"*.

For the reasons outlined it is recommended that Council refuse to receive this deputation.

OFFICER RECOMMENDATION

That Council refuses the request from Mr Drake to make a Deputation to Address Council on Item 3.3 (correspondence received from John Day, Minister for Planning, Culture and the Arts regarding No. 11 Heppingstone Street, South Perth) of the February, 2010 Council Agenda.

8.4 COUNCIL DELEGATES

8.4.1. Council Delegates: Rivers Regional Council Meeting : 18 February 2010

Councillors Cala and Trent attended a meeting of the Rivers Regional Council held on 18 February 2010 at the Shire of Serpentine Jarrahdale. The Minutes of the Rivers Regional Council Ordinary Council Meeting of 18 February 2010 have been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Minutes in of the Rivers Regional Council Meeting held 18 February 2010 be noted.

8.5 CONFERENCE DELEGATES

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

Nil

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - Round 1 Funding

Location:	City of South Perth
Applicant:	Council
File Ref:	GS/109 10/11
Date:	5 March 2010
Author:	Matthew Hunt, Recreation Development Coordinator
Reporting Officer:	Sandra Watson, Manager Community, Culture and Recreation

Summary

To consider applications for the Community Sporting and Recreation Facilities Fund (CSRFF) grants.

Background

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. In addition, priority is given to projects that lead to facility sharing and rationalisation.

Several changes have been made to the CSRFF program for 2010/2011. The State Government has increased its investment from \$9M in previous years to \$20M in 2010/2011. This is comprised of approximately \$1.5M for small grants, \$3M for annual grants in the next financial year and \$15.5 M for forward planning grants.

Examples of projects which will be considered for funding include:

- Upgrades and additions to existing facilities where they will lead to an increase in physical activity or a more rational use of facilities;
- Construction of new facilities to meet sport and active recreation needs;
- Floodlighting projects; and
- New, resurfacing or replacement of synthetic surfaces or courts.

The maximum grant awarded by the Department of Sport and Recreation will be no greater than one-third of the total cost of the project. The CSRFF grant must be at least matched by the applicants own cash contribution equivalent to one third of the total project cost with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the part of the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful projects within it's boundaries.

As stated in the CSRFF guidelines and in accordance with the City's funding guidelines, annual grants for this round of applications must be claimed in the next financial year, in this case 2010/2011. It is also important to note that the City's inclusion of funds for consideration on the 2010/2011 draft budget does not guarantee funds should the club be successful in its application to the Department of Sport and Recreation.

Comment

One (1) application for funding was submitted by a City-based sporting club. Details are as follows:

Como Croquet Club (CCC - Option 3 as detailed below)

CSRFF Grant Sought	\$6,569.40
City's Contribution	\$6,569.40
Club's Contribution	\$6,569.40
Estimated Total Project Cost	\$19,708.20 (ex gst)

Assessment

A panel comprising the Manager Community Culture and Recreation, Club Development Officer, Parks Operations Coordinator, Buildings Coordinator, Grants and Consultation Officer and the Recreation Development Coordinator assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

These results are summarised below.

Applicant	Project	Ranking	Rating	City's Contribution	Total project Cost
Como Croquet Club	Installation of two (2) lighting towers with single lights on each tower to courts 3/4 to meet AS2560	1	B	\$6,569.40 (ex GST)	\$19,708.20 (ex GST)

This project has been rated 'B -Well planned and needed by applicant' and in making this assessment the panel noted:

- The stipulation of project conditions including; spill light assessment, community consultation with adjacent residents, minimal user impact through works to be commenced, and power supply and measurement requirement capabilities confirmation;
- The upgrade will assist broader community usage throughout the year;
- The upgrade project benefits the club and will impact directly on growth and competency in competition and social play; and
- The proposed upgrade is consistent with the Sporting Facilities Needs Study undertaken on behalf of the City in March 2006, and associated CCC and affiliated organisational strategic plans.

Como Croquet Club (CCC)

The project involves the addition and upgrade of floodlighting to the Como Croquet Club grounds located on Lot 30 Comer Street, Como, in order to meet the requirements acceptable for competitive croquet. The project is designed to provide the reserve and facility with lighting compliant with Australian Standard 2560 for 'Amateur Level Ball and Physical Training'. The project is anticipated to attract new and younger members to the sport with the additional operating facility, as well as to assist the club to provide a safe environment in terms of the sun and skin cancer risks as extended night play across both courts will be possible once the lights are installed.

The project application described three (3) options of works to achieve the suggested outcomes to various levels of development, as detailed below.

Project Specifications	Scope	Total Cost	Comment
Option 1	In depth floodlighting project plan to encompass option 2 & 3 of this table	\$96,845 (inc GST)	CCC Preferred
Option 2	Installation of six (6) lighting towers with eight (8) fixed lights to courts 1 & 2 only	\$52,591(inc GST)	Not sustainable as still leaves courts 3 & 4 inadequate
Option 3	Installation of an additional two (2) lighting towers with single lights on each tower to courts 3/4	\$21,679 (inc GST)	City recommended

In supporting the third option put forward by the Club, the City can assess growth and impact of the development and in turn make a justified judgement as to future needs of the facility and sustainability of the sport. There is evidence through the WA Croquet Association's Club Development Sub-committee Report 2009, that the sport is growing in WA. Como specifically saw 24.4% growth during that period. It is anticipated that an upgrade to the existing lighting will further support this growth with the advent of increased night provision, social play opportunities and elite level competition on site.

The Western Australian Croquet Association (WACA) fully supports the Como Croquet Club in this project and has advised the City in writing that in recent times significant growth has occurred in the sport, accompanied by a lowering of the age demographic. Both these factors give rise to an increased demand for playing at night time, due to increased opportunities for participation and a change in participation trends including avoiding the sun and work and family commitments.

The Como Croquet Club's Strategic Plan 2008-2013 identifies as an opportunity, improvements to the Club's existing lighting. It further outlines this project as a medium term goal and is documented in the Clubs Operation Plan as a strategy to work with the City to upgrade this facility. This is designed to improve one of the Club's key result areas of participation, and as such this project is consistent with the Club's Strategic Plan.

It is recommended that the City rate the application for funding from CCC as a medium priority and allocate supporting funds accordingly, to the extent of funding 1/3 of the cost of option three (3) with the Department of Sport and Recreation to fund 1/3 and the club to fund the remaining 1/3..

Should the project proceed, strict conditions would apply, in addition to those that are standard for all projects involving the installation of reserve lighting and the upgrading of playing fields within the City. These conditions include the applicant's requirement to:

- Submit a confirmed electrical consultants report outlining that the power supply both on the grounds and at the facility can cater for the maximum potential electricity supply;
- Ensure a sub-meter power box is installed on site for measurement and accountability of expenditure incurred by the Club;
- Submit further detailed specifications of the project to the City and obtain appropriate approvals;
- Confirmation of spill light analysis prior to design acceptance from the City including potential use of hoods on light towers to prevent reflective glare to adjacent residences;
- Liaise with the City at all stages of the project and to ensure that the works do not impact on other regular or casual users of the facility;
- Forward a letter to all residents in adjacent streets (Comer Street and Eric Street) and areas affected by the proposed lighting advising that as a part of the on-going development of the reserve, further floodlighting towers would be installed and that the towers would be positioned so that there is no light spillage on adjacent properties where practical; and
- The applicant (CCC) to bear all pre-site requirements, installation, maintenance and operating costs with no cost to the City.

Comments from the City Environment Department

Significant benefits have been identified in this project, particularly in the following areas:

- Possible increase in the number of people participating in the clubs' activities including social activities;
- Ability to expand the current competition levels, including the opportunity to increase participation levels to a wider segment of the community;
- Will distribute court wear of turf area which will reduce surface wear and subsequently improve surface quality and longevity of the playing surface; and
- Sunsmart aspect enhanced with play able to be carried out in the more sociable hours of the evening.

Consultation

Local sporting clubs were advised of the CSRFF funding round via a direct mail-out and advertisements in the community newspaper, City publications and the West Australian newspaper. In addition, the City's Club Development Officer maintains regular contact with sporting clubs in the area ensuring that opportunities to participate in the CSRFF program are notified.

Specific to this proposed upgrade to floodlighting at the Como Croquet Club located on Lot 30 Comer Street Como, the Club distributed information flyers, letters to adjacent residents and displayed notices at the Club. Communication was directed to both the City and Club for comment with an opportunity to meet on site. Six (6) positive support communications were received by the Club with nil negative and adverse comments.

Policy and Legislative Implications

This report relates to Policy P222 - Support and Community & Sporting Groups.

Financial Implications

A provisional amount of \$30,000 is incorporated into the annual budgeting process to support CSRFF applications. The amount of \$6,569, being the City's contribution to the project, is within this forecasted estimate.

For the remaining amount of \$23,431 from the provisional \$30,000, it is proposed to utilise these funds to undertake effective and detailed planning sufficient to support the City's own CSRFF applications to the Department of Sport and Recreation in 2011 for facility sustainability and upgrade initiatives including extensions to Bill Grayden Pavilion and the installation of energy and water saving devices within a number of sporting facilities. Projects undertaken by the City will be guided by the Council endorsed, 'Future Directions and Needs Study for Sport and Recreational Clubs (March 2006)' and 'Active Futures 2010 - 2014 physical Activity Plan (December 2009)'.

Strategic Implications

This report is complimentary to: Strategic Directions:

Strategic Directions 1 - Community

Create opportunities for a safe, active and connected community

- 1.3 *Encourage the community to increase their social and economic activity in the local community.*
- 1.4 *Develop, prioritise and review facilities and relevant activities, taking advantage of Federal and State Government funding.*

Strategic Direction 4 - Places

Plan and develop safe, vibrant and amenable places

- 4.1 *Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable.*

Sustainability Implications

Whilst the installation of additional floodlighting to the CCC site will increase energy consumption and as a result increase carbon emissions, the project will enhance the social and physical benefits that are a by-product of increased active involvement by the community in sport and leisure pursuits. CCC have engaged the services of Sylvania Lighting Australasia, a leading provider of lighting services incorporating energy efficiency and economic operations, to conduct an on site assessment of current and future lighting operations. The Club have included the Briteline product series as their preference which allow for lower energy consumption and cost effective operations.

OFFICER RECOMMENDATION 10.1.1

That...

- (a) the application for funding from Como Croquet Club through the CSRFF program be rated as a medium priority and submitted to the Department of Sport and Recreation together with the supporting information and the following assessment:

Applicant	Ranking	Rating
Como Croquet Club	1	B

- (b) an amount of \$6,569 (ex GST) being the City's contribution for this project and subject to the application being successful with the Department of Sport and Recreation, that this be included for consideration in the 2010/2011 draft budget process; and
- (c) an amount of \$23,431 from the provisional amount of \$30,000 and as reflected in the current budget, be included for consideration on the 2010/2011 draft budget for projects related to the City's CSRFF applications in 2011.

10.1.2 Proposed new site – South Perth Community Kindergarten

Note: Report item 10.1.2 withdrawn by Officers.

10.1.3 Community Safety and Crime Prevention Plan

Location: City of South Perth
Applicant: Council
Date: 2 March 2010
Authors: Helen Doran-Wu, Community Development Coordinator
Reporting Officer: Sandra Watson, Manager Community Culture and Recreation

Summary

To present the draft of the Community Safety and Crime Prevention Plan 2010-2013.

Background

The State Government introduced the concept of Community Safety and Crime Prevention Plans (CSCPP) in 2003. The plans are developed in partnership with the Office of Crime Prevention and help to foster a strategic approach to overcoming community safety issues. Developing plans also helps to foster positive relationships between the City and other state government agencies to collaborate on the development and implementation of the identified strategies. Those Councils who do have plans are also given priority access to funding managed by the Office of Crime Prevention.

The development of the Community Safety and Crime Prevention Plan follows guidelines determined by the Office of Crime Prevention which are based around four objectives;

- *Make the City of South Perth a safer community through community connectedness and ownership of community safety and crime prevention strategies;*
- *Sustain a partnership between the City, State Government agencies, community and business to work towards community safety outcomes;*
- *Identify community safety and crime prevention priorities for the City of South Perth by researching current criminal and antisocial activity and consulting with the community; and*
- *Set up a process for monitoring and evaluating crime prevention initiatives and strategies that form part of the plan*

At its meeting in November 2005, Council endorsed the City's first Community Safety and Crime Prevention Plan. This plan was implemented from 2005-2009. The development of strong community networks with Police, various agencies, Neighbourhood Watch and other community groups was a key outcome of the plan.

The draft Community Safety and Crime Prevention Plan 2010-13 brings together work being undertaken by the City and other stakeholders, as well as identifying initiatives for the future. It is intended to be a 'living' document which will be monitored and reviewed on a regular basis by a Local Partnership Group comprising representatives from the City, WA Police, state government agencies and community stakeholder groups.

Comment

The draft plan is at **Attachment 10.1.3**. The draft outlines the process undertaken, detailed consultation results, a full review of the 2005-2009 plan and highlights identified strategies and actions to be developed over the life of the plan.

Summary

The draft CSCPP 2010-2015 plan was developed between April and November 2009 and included an extensive consultation phase. Over this time, information was gathered regarding the perceptions of safety and crime in the community, as well as factual data from the Police and the Office of Crime Prevention.

Consultation occurred via the following:

- Distribution of 19 000 surveys via the April 2009 NHW newsletter and the web site. Surveys were also made available in the City's two libraries, two senior citizens centres and at the George Burnett Leisure Centre.
- A focus group was held at a regular meeting of the NHW
- Young people: Information regarding perceptions of safety was gathered at the *Our Vision Ahead* Youth Summit in 2008 and at a focus group meeting with the City's South Perth Youth Network in 2009.
- The Local Partnership Group held two workshops to identify the issues and develop strategies to address them.
- City officers have liaised closely with the Office of Crime Prevention to ensure that the development of the plan conforms to all necessary requirements.

The Local Partnership Group analysed the above information at a workshop held 25 June 2009. The group identified five significant issues in the City of South Perth community relating to community safety:

1. Awareness
2. Property crime
3. Youth issues
4. Domestic violence
5. Crime Prevention Through Environmental Design (CPTED)

From the five key issues above, officers developed four objectives. These have been identified in the plan and highlighted below:

Objective 1: Increase awareness of safety and crime prevention strategies amongst residents of the CoSP.

Objective 2: Develop positive youth strategies.

Objective 3: Maintain support for and increase awareness of community organisations helping people dealing with domestic violence and associated issues.

Objective 4: Increase the use of CPTED principles within the CoSP.

Nine broad strategies were then developed to address the objectives above:

Strategy 1: Provide information and education to CoSP residents, businesses, visitors and community groups.

Strategy 2: Develop partnerships with relevant stakeholders and community groups.

Strategy 3: Liaise with CoSP staff on community safety issues.

Strategy 4: Provide a safe environment and places to increase youth passive and active recreation.

Strategy 5: Support agencies to address youth employment.

Strategy 6: Support agencies to address domestic violence.

Strategy 7: Promote CPTED within the community.

Strategy 8: Promote CPTED design guidelines to CoSP Officers.

Strategy 9: Apply CPTED principles to any review of CoSP infrastructure.

Each of the strategies contains a number of general activities, as well as a number of specific tasks related to the priority areas.

Two projects have been identified for implementation. These are the 'GBLC Skate Park Urban Art' project and the 'Youth Safety Magazine'. The City has received a \$20 000 grant to implement the two projects. The GBLC Skate Park Urban Design Art project aims to reduce the incidence of graffiti through an innovative urban art/youth engagement project. Most urban art projects engage with youth at the beginning of the design process. The art work is undertaken and the project is considered complete. This project aims to engage with the youth every four months and as a consequence, the skate park will be repainted every four months and the art will remain fresh. It is hoped that this innovative method will increase youth participation and reduce graffiti. The 'Youth Safety Magazine' is a project that has been identified by the South Perth Youth Network (SPYN). Throughout the Resilient Futures Framework and the 'Our Vision Ahead' projects young people have consistently expressed significant concern about crime and safety issues in their local community, particularly those of drug and alcohol abuse, violence and vandalism. The magazine will address these issues and aim to educate young people in an interesting and non-threatening manner. It will be produced quarterly.

The development of the draft CSCP plan has been a very positive process, with a range of stakeholders bringing a significant collective experience to consider a wide range of community safety issues and ways to address them.

Policy and Legislative Implications

Nil.

Financial Implications

Councils that develop CSCSP's are eligible to apply for funding from OCP to implement key activities. Each council was able to apply for up to \$20 000. The City applied for, and received, the full \$20 000 to implement two projects: the 'GBLC Skate Park Urban Art' project and the 'Youth Safety Magazine'. The plan will also support other grants that become available over time.

Strategic Implications

The development of a Community Safety and Crime Prevention Plan aligns with Strategic Directions 1 – Community - *Create opportunities for a safe, active and connected community*

Sustainability Implications

The plan allows the City to systematically develop partnerships and tools to address anti-social behaviour and the perception of crime in the area.

OFFICER RECOMMENDATION ITEM 10.1.3

That the *Community Safety and Crime Prevention Plan 2010-2013* be adopted.

10.1.4 Minutes Special Electors Meeting 10 March 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	11 March 2010
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Wednesday 10 March 2010.

Background

The Special Electors Meeting was called following receipt of a petition organised by Patricia Gorrill, 25/8 Darley Street, South Perth and signed by 102 ratepayers requesting a meeting to discuss the Flag Pole Project for Sir James Mitchell Park.

The Text of the Petition reads:

We, the undersigned, being electors of the City of South Perth request that a Special Meeting of Electors be held to discuss the proposed new flagpole development on Sir James Mitchell Park. We request the public be informed of the proposal and be given an opportunity to have input at a Special Electors' Meeting to be held prior to proceeding with this concept or plan or commencement of any construction.

As a result of the Petition, under a requirement of the *Local Government Act*, Section 528, a Special Electors Meeting was held on 10 March 2010 to discuss residents' concerns.

Comment

The Minutes from the Special Electors Meeting held 10 March 2010 are at **Attachment 10.1.4**. Comments raised at the meeting were taken into consideration as part of a report on this matter at Item 10.4.1 on the March Council Agenda.

Consultation

Notice of the Special Electors' Meeting scheduled for 10 March 2010 was advertised in the:

- in the West Australian newspaper 25 February ;
- in the Southern Gazette newspaper on 2 and 9 March, 2010
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre, the Libraries and Heritage House.

Policy Implications

This issue has no impact on this particular area.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with the Strategic Plan Direction 1 - ***Community - create opportunities for a safe, active and connected community.***

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.1.4.
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That the Minutes of the Special Electors Meeting dated 10 March 2010 be received.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Single Storey Single House - Lot 105 (No. 52) Gillon Street, Karawara

Location: Lot 105 (No. 52) Gillon Street, Karawara
 Applicant: Mr D Kapetas
 Lodgement Date: 25 November 2009
 File Ref: 11.2009.520 GI1/52
 Date: 2 March 2010
 Author: Lloyd Anderson, Senior Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a single storey Single House on Lot 105 (No. 52) Gillon Street, Karawara. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Setbacks to side boundary	R-Code Performance Criteria 6.3.1 P1
Maximum floor levels	TPS6 Clause 6.10
Streetscape compatibility - City Policy P370	TPS6 Clause 9.6(6)

The Design Advisory Consultants (DAC) consider that the proposed development does not comply with Council Policy P370_T “General Design Guidelines for Residential Development” in relation to the proposed built form with a flat roof which is observed to be incompatible to the existing streetscape character which consists of dwellings with pitched roofs. DAC’s view is supported by City officers. Additionally, the proposed driveway and existing crossover conflict with the relevant R-Codes provisions. For these reasons, it is recommended that the proposal be refused.

Background

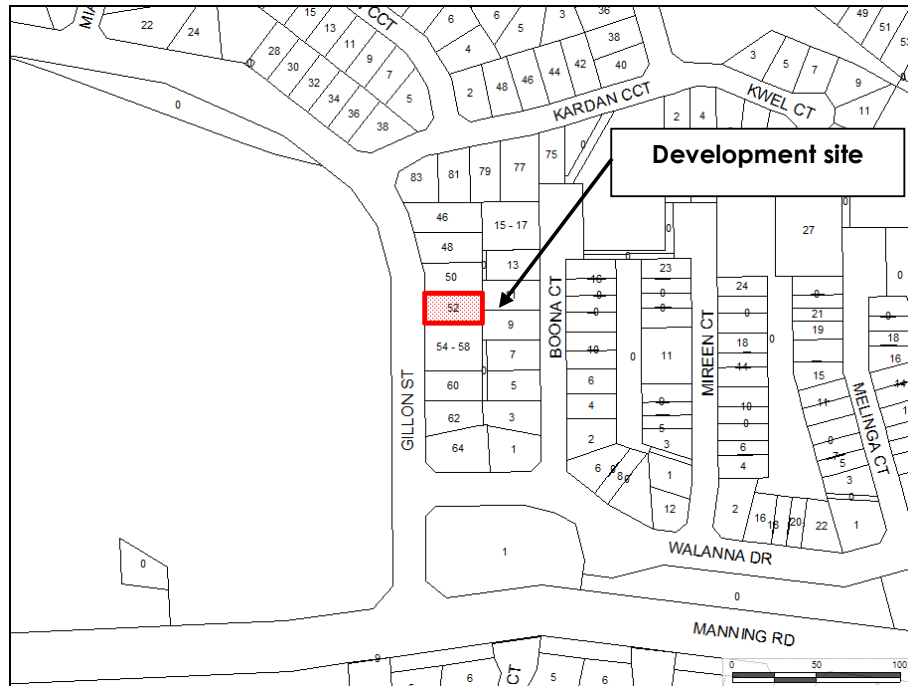
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	621 sq. metres
Building height limit	7.0 metres
Development potential	1 Dwelling
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Plans of the proposal.
Attachment 10.3.1(b) Applicant’s supporting report.

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is required to be referred to a Council meeting for determination as the recommendation of refusal involves Council exercising discretion in relation to a variation from a provision of Council Policy P370_T “General Design Guidelines for Residential Development”.

Comment

(a) Description of the proposal

The proposed development is for a new single storey Single House. The applicant’s letter, **Attachment 10.3.1(b)**, describes the proposal in more detail.

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

(b) Design - Council Policy P370_T “General Design Guidelines for Residential Development” (P370_T)

The main objective of Council Policy P370_T is as follows:

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

The proposal does not comply with the overriding objective of P370_T, specifically stated under Clause 3 “Streetscape Character” as follows:

“All residential development shall be designed in such a manner that will preserve or enhance the desired streetscape character ... In assessing the design compatibility of a proposed development, the Council will have regard to the primary and secondary contributing elements as identified in the preceding definition of the “design compatibility”.”

Design compatibility means the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area. Primary elements contributing to design compatibility are generally scale, colour form and shape; and rhythm. Secondary elements include construction materials, setbacks from the street and side boundaries, the extent and nature of site landscaping visible from the street, and architectural details.”

The policy provision deals with the need for design compatibility between the proposed building and the existing buildings within the focus area, having regard to the primary and secondary contributing elements. Building “form” is one of those primary elements.

The “focus area” means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting on to that section of the street.

Predominant characteristics of the focus area are as follows:

- Single Houses;
- Roof form - Pitched, gable and hipped (traditional roof form); and
- Roof materials - Tiled / colorbond.

The applicant’s drawings show a significant departure from the streetscape character with a flat roof design. City officers consider that the design could be more sympathetic with the streetscape, and therefore more in common with the traditional housing within the focus area. Other houses have pitched roofing, hence the continuation of the same shape and scale of the houses in the streetscape. This creates a streetscape with pitched roofs as the dominant element. There are no examples of flat roofs in the street. The proposed development would have a flat roof over the dwelling, therefore inconsistent with the streetscape character.

(c) **Maximum finished ground and floor levels**

The maximum finished *floor* level, calculated on the basis of equal cutting below and filling above the ground level, is a relative level of 10.2 above AHD. The proposed finished floor level is 10.3 metres. In this instance, it is noted that the proposed floor level satisfies the requirements based upon ascertaining compatibility with the existing streetscape character. It is noted that the proposed floor level is acceptable for the following reasons:

- (a) It achieves a visually balanced streetscape having regard to the floor levels of buildings on adjoining lots;
- (b) It does not have an adverse visual impact on the adjoining property; and
- (c) It does not have an adverse impact on the adjoining property in relation to overshadowing.

Therefore, it is concluded that the floor level complies with the TPS6 provisions. The proposed ground level also complies with the provisions.

(d) Setback - South

The wall setbacks generally comply, however the carport columns are set back 0.5 metres from the southern boundary in lieu of the required 1.0 metre. The applicant has satisfied the performance criteria provisions associated with Clause 6.3.1 of the R-Codes. An assessment of the proposal against those criteria reveals the following information:

- The proposed structure provides adequate sun and ventilation to the subject site;
- The proposed structure provides adequate sun and ventilation to the neighbouring property;
- Building bulk is not an issue;
- Visual privacy is not an issue; and
- No objecting comments from the neighbour (see neighbour consultation).

In assessing the wall setback issues, it is concluded that the proposal complies with the associated provisions.

(e) Vehicular access

The proposed driveway and existing crossover are not aligned at the street boundary, hence conflict with Clause 6.5.4 “Vehicular Access” of the R-Codes 2008. Therefore, if the owner wishes to retain the existing crossover, then the proposed driveway will need to be tapered to align with the width of the crossover. The driveway, as proposed, is observed to be not safe in use.

(f) Other planning controls

The proposal has no plot ratio implications. Planning controls in relation to building height, visual privacy and overshadowing meet the relevant requirements.

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

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

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

The proposed built form and flat roof of the dwelling are not in keeping with the character and scale of the existing residential development. It is therefore determined that the proposal does not comply with Clause 1.6 of TPS6.

(h) 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 the matters listed in Clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

(j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;

- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.; and*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site.*

The listed matters above are relevant to the subject application. In relation to listed matter (j), (n) and (s), the proposal is not in keeping with the dominant streetscape character and is therefore inconsistent with the abovementioned matters. It is therefore determined that the proposal does not comply with Clause 7.5 of TPS6.

Consultation

(a) Design Advisory Consultants' comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 9 February 2009. The proposal was not well received by the consultants. Their specific comments are summarised below:

- *The proposed design of the dwelling suggests that it may be used as a "residential building" to accommodate students instead of being used as a "Single House". Officers to confirm with the applicant / owner.*
- *The setback of the proposed garage from the street boundary conflicts with the Acceptable Development provisions of the R-Codes. Officers to also carry out assessment against the performance criteria provisions.*
- *The plans and elevations do not correlate. The street facing west elevation seemed incorrect.*
- *Cross sections through the building should be drawn up to show the correct roof slope.*
- *The internal courtyard with rooms around it is well designed to be used as an active outdoor space.*
- *Toilet facilities provided for the dwelling are insufficient.*
- *The Architects were not supportive of the proposed roof form as it was observed to conflict with the existing streetscape character.*

The applicant has provided information as well as drawings, to adequately address and resolve all of the abovementioned issues except for the roof design.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The proposal has been referred to the adjoining neighbour relating to the setback variation; the adjoining neighbour has no issue relating to the setback variation for the carport columns.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This matter relates to 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

The proposed development is observed to be sustainable in terms of its access to sunlight and ventilation. The applicant has also justified the site layout and design from a sustainability perspective in terms of compliance with the City's Policy P350.1, as referred to in **Attachment 10.3.1(b)**. The design however, is observed to conflict with the existing streetscape character, hence not supported by officers.

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 two storey Single House on Lot 105 (No. 52) Gillon Street, Karawara **be refused**, for the following reasons:

- (a) The proposed dwelling is incompatible to the existing streetscape character and conflicts with the provisions of Policy P370_T "General Design Guidelines for Residential Development" which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character.
- (b) The proposed driveway and existing crossover are not aligned at the street boundary, hence conflict with Clause 6.5.4 "Vehicular Access" of the R-Codes 2008.
- (c) Having regard to the above reasons, the proposed development does not comply with objective (f) listed within Clause 1.6 "Scheme Objectives" of the City of South Perth Town Planning Scheme No. 6.
- (d) Having regard to the above reasons, the proposed development does not comply with matters (j), (n) and (s) listed within Clause 7.5 "Matters to be Considered by Council" of the City of South Perth Town Planning Scheme No. 6.

Important Note

If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the determination date recorded on this notice.

10.3.2 Application for Proposed Mixed-Use Development being Student Housing - Clontarf College - Lot 14 (No. 295) Manning Road, Waterford

Location: Lot 14 (No. 295) Manning Road, Waterford
Applicant: Edgar Idle Wade Architects
Lodgement Date: 25 September 2009
File Ref: 11.2009.394 - MA3/ 295
Date: 8 March 2010
Author: Matt Stuart, Senior Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

To consider an application for planning approval for a mixed-use development being Student Housing (60 bedrooms) in a two-storey building for an Educational Establishment (Clontarf College) on Lot 14 (No. 295) Manning Road, Waterford.

The proposal does not conflict with the City's Town Planning Scheme No. 6, the 2008 R-Codes and City policies. Council is not being asked to exercise discretion. It is recommended that the proposal be approved subject to conditions.

Background

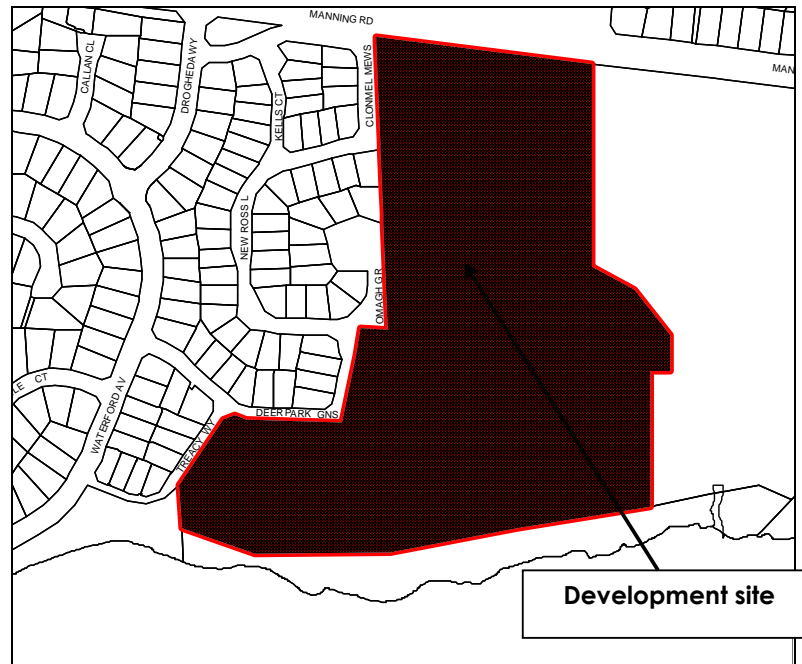
The development site details are as follows:

Zoning	Private Institution
Density coding	R20
Lot area	123,086 sq. metres
Building height limit	7.0 metres
Plot ratio limit	0.6

This report includes the following attachments:

- **Attachment 10.3.2(a)** Site photographs
- **Attachment 10.3.2(b)** Plans of the proposal
- **Attachment 10.3.2(c)** Applicant's traffic report

The location of the development site is shown below:



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

- I. **Specified uses**
 - (iv) *Student Housing.*

Comment

- (a) **Description of the Surrounding Locality**
 The subject site features a considerable 12 hectares of land with relatively few buildings and a significant amount of vegetation. The site is accessed from Manning Road from the north, is adjacent to road reserves and the rear of residential properties to the west, adjacent to a large vacant lot to the east (an undeveloped residential subdivision), and adjacent to a Parks and Recreation reserve to the south (the Canning River foreshore). The proposed development is located in the central west of the site, which abuts the rear of residential properties to the west.
- (b) **Existing Development on the Subject Site**
 The existing development on the subject site currently features a non-residential land use of 'Educational Establishment (the Clontarf College), as depicted in the site photographs [Attachment 10.3.2(a)].
- (c) **Description of the Proposal**
 The proposal involves a mixed-use development being Student Housing (60 bedrooms) in a two-storey building to an 'Educational Establishment' (Clontarf College) on Lot 14 (No. 295) Manning Road, Waterford (the site), as depicted in the submitted plans [Attachment 10.3.2(b)]. The site photographs show the relationship of the site to the surrounding development.

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2010* (the R-Codes) and relevant Council Policies with the exception of the remaining non-complying aspects, all discussed below.

(d) Land Use

The proposed land use of Student Housing is classified as a 'D' (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6.

In considering this discretionary use, it is observed that the proposal complies with all other planning requirements, and accordingly it is considered that the proposed use is acceptable.

(e) Residential Density

The permissible number of dwellings is 273 dwellings (R20), whereas the proposed development comprised of 60 dwellings (R5). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

(f) Car Parking

The required number of car bays is "as determined by Council" as per Table 6 of TPS6. In the Applicant's submission, a traffic report has been produced by TARSC Pty Ltd, as seen in **Attachment 10.3.2(c)**. In summary, the report states that the redevelopment will be suitably serviced by the proposed car parking facilities and have an acceptable impact upon the road network. Furthermore, the report was referred to the Manager of Engineering Infrastructure (as seen in the following consultation section), who in summary accepts the consultants report. Therefore the proposed development complies with the car parking requirement of TPS6.

(g) Finished Ground and Floor Levels- minimum

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with clause 6.9.2 "Minimum Ground and Floor Levels" of TPS6.

(h) Street Setback

The prescribed minimum street setback is 7.5 metres for buildings; whereas the proposed setback to the Omagh Grove street reserve is a minimum of 13.0 metres, therefore the proposed development complies with Table 3 of TPS6.

(i) Building Height

The building height is 7.0 metres and the proposed building height is 6.0 metres. Therefore, the proposed development complies with Clause 6.2 "Building Height Limit" of TPS6.

(j) Plot Ratio

The maximum permissible plot ratio is 0.6 (73,852m²), whereas the combined existing and proposed plot ratio is well under short of that amount. Therefore the proposed development complies with the plot ratio element of the R-Codes.

(k) Landscaping

The required minimum landscaping area is 30,771m² (25 percent); whereas the proposed landscaping area is well in excess of that amount. Therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (k) *Recognise and preserve areas, buildings and sites of heritage value; and*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (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;*
- (h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (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;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (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;*

- (o) *the cultural significance of any place or area affected by the development;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*

The proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in November 2009. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Applicant's Responses	Officer's Comments
The Architects observed that the proposed development complimented with other buildings on the subject site and was worthy of approval.	No comment required.	The comment is UPHELD .

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Consultation for Planning Proposals'. The owners of properties at No. 21 Clonmel Mews and No. 10 Omagh Grove were invited to inspect the application and to submit comments during a 14-day period. No responses were received.

(c) Manager, Engineering Infrastructure

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

General

The Parking and Traffic Impact Study has been prepared by TARSC Pty Ltd Traffic Consultants. The Report outlines their observations and conclusions. The methodology used appears to have followed normal practice and they have concluded that the development on site at 295 Manning Road could proceed.

There does not appear to be any parking or associated traffic reason why the development of Hostel Accommodation at 295 Manning Road should not proceed.

Vehicle Movements

The City is aware that at morning peaks in particular the right turn movement from Manning Road into the Clontarf College is exceedingly difficult. The volume of traffic on Manning Road determines how the intersection functions not the number of entries into the College. Whether there is one vehicle or a half dozen vehicles attempting the right turn at the peak morning hour crossing over two lanes of traffic one of which is a through lane will always be difficult. The likelihood of an increase in the number of vehicles needing to effect this movement at the peak times is problematic and will be determined by personal choice. Entry to the College can be from the east with left turn only into the College grounds.

The Traffic Engineer attempted on a number of occasions to contact the Director/Engineer of TARSC Pty Ltd to clarify and / or seek comment on the general accessibility of the site. The Consultant has acknowledged in the Report that during the morning peak period traffic entering Curtin University through the southern access does queue eastwards and across the entrance to the College. Sometimes this traffic does not provide the gaps needed to enable the College traffic to turn right. But this situation will not increase as a result of the Hostel Accommodation. The difficulties of turning right off a distributor road is experienced daily at all non signalised intersection or on any undivided road (compare Canning Highway). The Consultant concluded in his report that banning the right turn movements or the installation of traffic signals at the main entrance to the College was not considered viable or feasible. The more cost effective measure would be to have Main Roads install “Keep Clear” intersection markings and advance warning signs.

The Traffic Engineer notes that the College Principal has commented on a number of occasions that the Right Turn Eastbound Movements into and out of the property are-virtually impossible in both the morning and evening peak when the University is open.

Whilst the minimal increase in traffic associated with the proposed development will have no impact on the operation of Manning Road every effort needs to be undertaken to improve the safety of access to and from the property.

On Site Parking

The existing and proposed parking bays should satisfy the needs of the expanded College.

Accordingly, no planning conditions and/or important notes are recommended to deal with issues raised by the above officers.

(d) Other City Departments

Comments have also been invited from Environmental Health, and the Parks Environment and Heritage areas of the City’s administration:

The Manager, Environmental Health Services provided comments with respect to bins, noise, kitchens and laundries. This section raises no objections and recommends standard conditions and/or notes be placed on the approval.

The Parks and Environment section raises no objections and recommends standard conditions and/or notes be placed on the approval, with regards to buffer zones being maintained around the significant trees during construction.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the above officers.

(e) **External Agencies**

Comments have also been invited from the Department of Planning, Swan River Trust and the Heritage Council of Western Australia (Heritage Council).

The Department of Planning provided comments with respect to the site being on or abutting a regional road reservation. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval.

The Swan River Trust provided comments with respect the potential effect of the development upon the Swan and/or Canning Rivers. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval.

The Heritage Trust provided comments with respect to heritage matters. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the above 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

The determination has a no financial implications.

Strategic Implications

This matter relates to Goal 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.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.2

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a mixed-use development being Student Housing (60 bedrooms) in a two-storey building to an Educational Establishment (Clontarf College) on Lot 14 (No. 295) Manning Road, Waterford, **be approved** subject to:

(a) Standard Conditions

377	screened clothes drying	664	inspection (final) required
550	plumbing hidden	660	expiry of approval
507	trees protected		

(b) Specific Conditions

- (i) As per a recommendation from the Department of Planning, the development shall comply with the following requirements:
 - (a) The “keep clear” intersection markings not be implemented; and
 - (b) A Road Safety Audit be conducted along Manning Road adjacent to the site, with particular focus on the main access point.
- (ii) As per a recommendation from the Swan River Trust, the development shall comply with the following requirements:
 - (a) Stormwater drainage shall be contained onsite, or connected to the local government drainage system;
 - (b) No development, fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation reservation or allowed to enter the river as a result of the development; and
 - (c) The development shall be connected to the reticulated sewerage system prior to occupation.
- (iii) As per a recommendation from the Heritage Council of WA, the development shall comply with the following requirements:
 - (a) Further details regarding the proposed colour palette and building materials are to be submitted for the approval of the Executive Director of the Office of Heritage prior to the issuing of a Building Licence;
 - (b) The development is to be located in an area that is noted as having some archaeological significance, therefore, a watching brief is required to be carried out by a suitable professional during the course of the works.
- (iv) All registered trees (# 14645, #14646, #14647) to be retained as indicated on the site plan shall be identified for retention on the working drawings and shall be protected prior to and during construction with a 3m buffer, and shall **not** be removed without the prior approval of the City.

(c) **Standard Advice Notes**

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

(d) **Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Parks and Environment Section prior to designing a landscaping plan for the street verge areas as required;
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements;
- (iii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- (iv) The proposed development is satisfactory to Environmental Health Services subject to compliance with the following legislation (as amended):
 - (A) *Health Act 1911*;
 - (B) *Health Act (Laundries and Bathrooms) Regulations*;
 - (C) *Sewerage (lighting, Ventilation & Construction) Regulations 1971*;
 - (D) *The City of South Perth Health Local Laws 2002*;
 - (E) *Food Act 2008*;
 - (F) *Australian New Zealand Food Standards Code*;
 - (G) *Health (Public Buildings Regulations 1992*; and
 - (H) *Environmental Protection (Noise) Regulations 1997*.
- (v) As per a recommendation from the Swan River Trust, the Applicant is advised that:
 - (A) The Applicant is advised that the proposed development is located in a high risk acid sulphate soil area, and it is therefore recommended that an acid sulphate soil site assessment be carried out prior to commencement of any ground disturbing activities, and if necessary, a management plan be prepared and implemented; and
 - (B) The location of the proposed development is on the Permanent Register of Aboriginal sites of significance. The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
- (vi) The refuse enclosure/area is to be to the satisfaction of Council's Manager, Environmental Health and Regulatory Services. The refuse receptacle is to be provided with the following:
 - (A) Located towards the front of the development;
 - (B) The minimum size of the bin enclosure is 1.0m² per unit;
 - (C) Suitably screened from view from the street by a wall/fence, with a minimum height of 1.5 metres;
 - (D) Constructed with a hard stand graded to the driveway; and
 - (E) Serviced with a water supply point in close proximity.

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

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 SJMP Ceremonial Project and Flag-poles

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/202
Date:	11 March 2010
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

A Concept Plan has been produced for the redevelopment of the flagpole site within Sir James Mitchell Park following Council and Sir James Mitchell Park Community Advisory Group input. The purpose of this report is to present the Plan to Council for adoption.

Background

Council was looking for a project to celebrate the City's 50th year. Expressions of interested were sought and three proposals received. These were considered by Council at the April 2009 meeting, but Council resolved not to proceed with any of the suggestions. The idea of a Ceremonial Flagpole project was put forward as an alternative during budget deliberations and funds allocated.

The flag-pole site in Sir James Mitchell Park was originally constructed in 1989 and the current flagpole replaced the previous in 1990. The site contains a memorial to Captain James Stirling, first Governor of the Swan River Colony, which was erected by the Mill Point Rotary Club.

The site is of State significance, as it is utilised each year for the principal flag raising and citizenship ceremony on Australia Day, with the current Governor in attendance. The site is showing its age and its condition no longer befits a place of State significance, particularly in the context of recent beach and path upgrades within the Park.

In response, Council, in February 2009, allocated \$30,000, by way of a budget review, towards the creation of a concept design to redevelop the Sir James Mitchell Park flag-pole site. A further \$200,000 was included in the 2009/2010 Capital Works budget towards the cost of construction. This has since been augmented by the promise of a \$78,000 grant from Infrastructure Australia.

The City engaged a landscape architecture firm to develop a series of designs and following approval of a Concept Plan, progress the detailed design and specification of the project. An initial design was produced for review by Councillors at the first of two Concept Forums (8 September 2009). Comments received were incorporated into the plan and a revised version was presented at a second Forum (11 November 2009). Further comments from this Forum have been used to produce the Concept Plan presented with this report.

Comment

The redevelopment concept centres on the construction of four flagpoles. The flag-poles are designed to be 18 metres high, which is the same height as the existing pole and considered to be the right scale for the Park. These are proposed to fly the National, State, Indigenous and City of South Perth flags. The reasons why these flags have been chosen are as follows:

- The National flag - because it already flies at the site and because it is the national flag of Australia;
- The Western Australian State flag - to symbolise the significance of the site to the State of Western Australia (e.g. Captain Stirling Memorial);
- The Indigenous flag - in the spirit of reconciliation and to recognise the traditional owners of the land;
- The City of South Perth flag - because it recognises the organisation which maintains the site. The City currently spends \$840k each year maintaining the Park, excluding capital improvements (pathways, view platforms, beaches, etc).

Each flag-pole will be up-lit, which under current protocol, allows flags to be flown continuously. The poles are to be constructed on a promenade positioned on a diagonal from the foreshore giving them a greater presence from within South Perth and across the river. The promenade will protrude over the nearest headland and beach, providing an official / ceremonial area at the site.

Each flag-pole is proposed to have beneath it feature paving which includes interpretive historical information about what that flag represents (i.e. National, State, Indigenous and City of South Perth history). The proposal is to interpret these histories concurrently. This should add significantly to the cultural information contained within the Park and should result in the Ceremonial Flag-pole site becoming a distinct visitor destination in its own right. In addition, existing plaques and memorials will be incorporated into the design.

To the east and west of the flag-poles there are proposed to be low blade walls running north-south, which, along with the cycle path to the south, will provide a boundary to the site plus places to sit. The section of the Park immediately in front of the flag-poles will be mounded to provide a suitable viewing area. The turf in this area is proposed to be maintained to a high standard, befitting a site of State significance. A copy of the Concept Plan is at **Attachment 10.4.1**.

Consultation

A series of concept designs have been prepared for Councillors to review and these have been the subject of two Concept Forums (8 September and 11 November 2009). This included a site visit and project appraisal prior to the 11 November discussion. Feedback from the Councillors present at the Forums was generally supportive, with some minor amendments suggested. These have been incorporated into the final Concept Plan.

The project has also been discussed and presented at several meetings of the Sir James Mitchell Park Community Advisory Group (20 May, 19 August, 16 December 2009 and 17 February 2010). The Advisory Group have been generally supportive of the Concept Plan development.

On 23 February 2010 a petition was received from Patricia Gorrill, 25/8 Darley Street, South Perth together with 102 signatures.

The text of the petition reads:

We, the undersigned, being electors of the City of South Perth request that a Special Meeting of Electors be held to discuss the proposed new flagpole development on Sir James Mitchell Park. We request the public be informed of the proposal and be given an opportunity to have input at a Special Electors' Meeting to be held prior to proceeding with this concept or plan or commencement of any construction.

The Special Meeting of Electors was held on 10 March 2010. The Minutes of that meeting appear on the Agenda of the March 2010 Council Meeting at Item 10.1.4.

At the February 2010 meeting an item of *New Business of an Urgent Nature* was put forward regarding this project. Councillors were concerned that due to the significance of the project they should review and approve the final Concept Plan prior to it progressing to the detailed design and approvals stage. As a result, Council resolved the following with respect to this project:

That, before its implementation, the final design for the Sir James Mitchell Park Flag-pole project be approved by Council.

This report has been prepared in response to this resolution.

Summary

This has resulted in a delay to the project as Swan River Trust approval and detailed design cannot be progressed until Council has approved it. In response, a new suggested timeline for implementing this project has been developed:

- April - June 2010 Swan River Trust development assessment and approval;
- April - June Completion of detailed design and specification;
- July Call for and assess tenders;
- August Council consideration of preferred tender;
- September - December Construction;
- 26 January 2011 Australia Day (Flag raising ceremony and official opening).

While the revised completion date is now much later than originally envisaged, the project should be completed in time for an official opening on Australia Day 2011.

Even though it won't be completed during 2009/2010, this project could still be seen (and celebrated) as being initiated by the City as part of its 50th year celebrations.

The Concept Plan for the Sir James Mitchell Park Ceremonial Project and Flag-poles project at **Attachment 10.4.1** is presented to Council for adoption.

Policy and Legislative Implications

The Sir James Mitchell Park Ceremonial Project and Flag-poles project will require development approval from the Swan River Trust under Part 5 of the Swan and Canning Rivers Management Act 2006.

Financial Implications

The budget for this project currently stands at \$308,000. This is made up of \$230,000 municipal funds and \$78,000 from the Federal Government via Infrastructure Australia. The Infrastructure Australia grant has not yet been officially received, even though it has been promised.

Strategic Implications

This report item complies with the Strategic Direction 4. - 'Places' of the City's Strategic Plan 2010-2015, specifically 4.3 - *Engage the community to develop a plan for activities and uses on and near foreshore areas and reserves around the City.*

Sustainability Implications

The Sir James Mitchell Park Ceremonial Project and Flag-poles project is about improving the social fabric of the City by providing a significant community space. It is also about acknowledging and interpreting National, State, Local and Indigenous history.

OFFICER RECOMMENDATION ITEM 10.4.1

That the Concept Plan for the Sir James Mitchell Park Ceremonial Project and Flag-poles within Sir James Mitchell Park at **Attachment 10.4.1** be adopted.

10.5 STRATEGIC DIRECTION 5: TRANSPORT
Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - February 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 7 March 2010
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

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 28 February 2010 is \$35.22M which represents 101% of the \$35.00M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Municipal Fund 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 will be adjusted in the Q3 Budget Review.

Continuing to reflect the positive tone of WA's economic climate, Planning & Building Services revenues remain ahead of budget expectations - even after the (upwards) Q2 Budget Review increment.. Collier Park Village revenue is now 5% behind budget expectations due to several units being vacant whilst the Hostel revenue lags budget expectations by some 4% 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 even after it was adjusted in the Q2 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. Parking revenue (meter parking and infringements) are on budget after the Q2 (upwards) Budget Review adjustment at the end of February. 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.

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

Operating Expenditure to 28 February 2010 is \$23.60M which represents 98% of the year to date budget of \$24.01M. Operating Expenditure to date is 3% under budget in the Administration area, 1% over budget in the Infrastructure Services area and 2% under 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. Timing differences also exist on software purchases and catering 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 whilst streetscape maintenance reflects a small timing difference to date. Environmental services reflects an unfavourable variance due to increased activity during February whilst building maintenance is currently slightly favourable due to a couple of timing differences.

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 will require a budget adjustment in the Q3 Budget Review. Operating overheads in the Infrastructure areas are currently showing unfavourable variances - but are being investigated and adjusted jointly by Infrastructure Services & Financial Services during March.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is now around 2.50% 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 at **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$2.15M at 28 February against a year to date budget of \$1.90M. 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). An unfavourable variance relating to the timing of lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village remains despite a further two units being leased during the month. There are currently five vacant at present. 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 28 February 2010 is \$7.13M representing 90% of the year to date budget and some 38% 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.

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

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	2,375,000	2,055,540	87%	7,130,000
Financial & Information Services *	229,500	219,734	96%	795,000
Planning & Community Services	368,500	304,299	83%	930,350
Infrastructure Services	4,683,007	4,289,591	90%	9,345,990
Golf Course	255,200	257,989	101%	418,200
Total	7,911,207	7,127,153	90%	18,619,540

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance (Strategic Direction 6) 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 ITEM 10.6.1

That

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 7 March 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 & 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 \$41.65M compare favourably to \$34.63M 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 (\$1.6M higher) but \$1.5M less holdings in the Future Building Works Reserve as monies are applied to the new Library & Community Facility project. Several other Reserve balances are modestly higher.

Municipal funds are \$6.7M higher due to the additional \$1.5M in restricted funds (IAF & Lotteries grant relating to the Library & Community Facility) and the transfers back from Reserves for the same project (\$1.6M) - plus more favourable timing of cash outflows for other capital projects. We also benefit from not making regular cash calls on the UGP Project as was required last year as well as the larger cash outflows for the Library Project (structural steel and concrete works) being deferred until March / April.

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 \$15.80M (compared to \$9.06M at the same time in 2008/2009). **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$39.57M compared to \$32.94M 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 be transferred back to general funds from March 2010 as we pass the requisite expenditure thresholds on the Library & 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 96.0 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 \$1.19M - well down from \$1.71M 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 4.39% with the anticipated weighted average yield on investments yet to mature now sitting at 5.31% (compared with 5.27% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 3.50% - 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 & 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 February 2010 (after the due date for the third instalment) represent 91.0% of total rates levied compared to 90.4% at the equivalent stage of the previous year.

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

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) 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 \$2.13M at month end excluding UGP debtors compared to \$1.66M last month. The primary reason for this increase is an invoice for \$0.4M for the next tranche of Infrastructure Australia grant funding raised in February - but subsequently paid in March. Other major changes in the composition of the outstanding debtors balances (year on year) are \$0.20M decrease in the amount of GST refundable - and additional invoices raised for (confirmed) grants associated with Australia Day, Youth & Family Zone & Fiesta which are expected to be collected by the end of March. 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 similar to or slightly less than the previous year balances. The majority of the outstanding amounts are government & semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.77M billed for UGP (allowing for adjustments), some \$5.48M was collected by 28 February with approximately 73.4% of those in the affected area electing to pay in full and a further 25.9% 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 have now become the subject of follow up collection actions by the City as they have not been satisfactorily addressed in a timely manner (one was cleared in February). Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 but on the negative side, resulted in less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments 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 & 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 (Strategic Direction 6) 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 ITEM 10.6.2

That Council receives the 28 February 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)**

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 March 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 February 2010 and 28 February 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 (Strategic Direction 6) 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 ITEM 10.6.3

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

10.6.4 Capital Projects Review to 28 February 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 7 March 2010
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 28 February 2010. Officer comment is provided only on the significant identified variances as at the reporting date.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 90% of the year to date target - and 38% of the full year's budget. During the earlier part of the financial year, capital works are designed, tendered and contractors appointed but most actual expenditure occurs from the second quarter on.

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance (Strategic Direction 6) 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. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

OFFICER RECOMMENDATION ITEM 10.6.4

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 28 February 2010, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 2 March 2010
Author: Rajiv Kapur, Manager Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of February 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 February 2010, fifty-three (53) 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. Goal 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 ITEM 10.6.5

That the report and **Attachment 10.6.5** relating to delegated determination of applications for planning approval during the months of December 2009 and January 2010, be received.

10.6.6 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 5 March 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.

February 2010

Nature of document	Parties	Date Seal Affixed
Deed of Agreement	CoSP and South Perth Hospital Inc	28 January 2010 <i>* omitted from Jan Listing</i>
Sponsorship Agreement	CoSP and Western Australian Health Promotion Foundation (Healthways)	2 February 2010
Lease	CoSP and Phyllis Annie Edwards	16 February 2010
Deed of Agreement	CoSP and Phyllis Annie Edwards	16 February 2010
License Agreement	CoSP and Department of Planning	23 February 2010
Amendment Parking and Penalty Units Local Law	CoSP	24 February 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 Strategic Direction 6 of the Strategic Plan - *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.*

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.6

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

10.7 MATTERS REFERRED AUDIT & GOVERNANCE COMMITTEE MEETINGS

10.7.1 Audit and Governance Committee Recommendations - Meetings held 22 February and 8 March 2010

Location: City of South Perth
Applicant: Council
File Ref: GO/108
Date: 9 March 2010
Author: Kay Russell, Executive Support Officer
Reporting Officer: Phil McQue, Governance and Administration Manager

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meetings held 22 February and 8 March 2010.

Background

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

Comment

The Minutes of the Committee Meetings held on 22 February and 8 March 2010 are at **Attachment 10.7.1**. The background to the Committee recommendations, which incorporates the officer reports are set out in the Minutes.

The following items were considered by the Committee at its meetings held on 22 February and 8 March 2010:

- (a) Compliance Audit Return 2009;
- (b) Terms of Reference Audit and Governance Committee
- (c) Standing Orders Local Law 2007
- (d) Electronic Voting at Council Meetings
- (e) Review of Delegations;
- (f) Review of Policies (Financial Viability)
- (g) Organisational Management Framework

The Committee recommendations adopted for Council consideration are as follows:

- (a) **Compliance Audit Return 2009** (*Item 6.1 Audit & Governance Committee 22.2.2010*)

Committee Recommendation

That the Audit and Governance Committee recommends that Council:

- (a) adopt the 2009 Compliance Audit Return for the period 1 January 2009 to 31 December 2009 as detailed in **Attachment 6.1**;
- (b) authorise the Mayor and Chief Executive Officer to jointly certify the 2009 Compliance Audit Return; and
- (c) submit the 2009 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

Comment

The Committee reviewed the Return for 2009 and recommends that Council adopt the Annual Audit Return and submit it to the Department of Local Government and Regional Development.

(b) **Terms of Reference** (*Item 6.2 Audit & Governance Committee 22.2.2010*)

Committee Recommendation

The Audit and Governance Committee having reviewed the Committee's Terms of Reference recommends:

That the 'Terms of Reference' for the Audit and Governance Committee shall be, that the Committee is responsible for providing guidance, assistance and oversight to the Council of the audit and review of the City's processes and performances in relation to:

- (a) Annual Financial Audit;
- (b) City's Risk Management Framework;
- (c) Annual Statutory Compliance Audit;
- (d) Code of Conduct;
- (e) Access to Information;
- (f) Policy and Delegation Reviews;
- (g) Australian Business Excellence Framework; and
- (h) City's Local Laws.

Comment

The Committee reviewed the terms of reference list and discussed the 'wording' of the preamble to the list in the officer recommendation which read: ".....responsible for auditing and reviewing the City's processes and performance in relation to:..." . Following discussion the preamble 'wording' was modified to read: "**responsible for providing guidance, assistance and oversight to the Council of the audit and review of the City's processes and performances in relation to:**" The Committee were of the opinion the amended wording more clearly identified the responsibilities of the Audit and Governance Committee.

(c) **Standing Orders Local Law 2007** (*Item 6.3 Audit and Governance Meeting Held 22.2.2010 and Item 5.1 of Meeting Held 8.3.2010*)

Note: This item is the subject of a separate report at Item 10.7.2 on the Agenda.

(d) **Electronic Voting at Council Meetings** (*Item 6.7 Audit and Governance Meeting Held 22.2.10 and Item 5.4 Meeting Held 8.3.2010*)

Committee Recommendation

That the Audit and Governance Committee recommend to Council that it continue with the practice of recording voting details in Council Minutes in line with best practice governance principles.

Comment

The Committee reviewed the City of South Perth's long standing practice of recording voting details in the Council Minutes. The recording of votes is undertaken specifically to increase transparency in Council business and accountability to the community. The *Local Government Act 1995* also prescribes that voting is to be conducted so that no member's vote is secret. The Committee were of the view that the Council continue with this practice in line with best practice governance principles.

- (e) **Review of Delegations** (*Item 6.4 Audit and Governance Meeting Held 22.2.2010 and Items 5.2 and 5.3 Meeting Held 8.3.2010*)

Committee Recommendation

That the Audit and Governance Committee recommends to Council that...

- (a) the revised Delegations at **Attachment 5.2** as listed hereunder be adopted:
- DC342 Town Planning Scheme No.6;
 - DC343 Issue of Building Licences;
 - DC345 Administration of Building Controls within the City;
 - DC346 Authority to Issue Strata Title Certificates;
 - DC443 Partial Closure of a Thoroughfare for Repair or Maintenance;
 - DC538 Appointment of Authorised Officers;
 - DC539 Administer the City's Local Laws; and
 - DC545 Appointment of Acting CEO.
 - DC601 Strategic Financial Plan and Annual Budget Preparation
 - DC602 Authority to Make Payments from Municipal and Trust Funds
 - DC603 Investment of Surplus Funds
 - DC607 Acceptance of Tenders
 - DC609 Leases and Licences
 - DC612 Disposal of Surplus Property
 - DC651 Inviting Tenders or Expressions of Interest
 - DC652 Write Off Debts
 - DC653 Granting Fee Concessions
- (b) the new Delegation DC346 "Authority to Affix the City's Common Seal" be adopted and the Chief Executive Officer authorised to sign, on behalf of the City, a document that is necessary or appropriate for the Chief Executive Officer to sign in carrying out his functions under any written law.

Comment

The City's delegations were comprehensively reviewed and revised in 2008, therefore the recommended changes presented to the Audit and Governance Committee Meeting held 22 February 2010 were relatively minor. At that meeting and following a discussion as a result of input from Mr Neil Douglas of McLeods in relation to recent amendments to the *Local Government Act Regulations* a further Delegation DC346 "Authority to Affix the City's Common Seal" was presented to the Audit and Governance Committee Meeting held on 8 March 2010. The Committee having reviewed the Delegations as presented, recommends they be adopted.

(f) **Review of Policies (Financial Viability)** (*Item 6.5 Audit and Governance Meeting Held 22.2.2010*)

Committee Recommendation

The Audit and Governance Committee having reviewed the Policies at Goal 6 – Financial Viability recommends:

That Council adopt the revised Policies at **Attachment 6.5** as listed hereunder:

- P601 Preparation of Strategic Financial Plan and Annual Budget
- P602 Authority to make payments from the Municipal and Trust Funds
- P603 Investment of Surplus funds
- P604 Use of Debt as a Funding Option
- P605 Purchasing and Invoice Approval
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P608 Dividend Policy – Collier Park Golf Course
- P609 Lease of City Buildings
- P610 Collier Park Village – Financial Arrangements
- P611 Collier Park Hostel – Financial Arrangements
- P612 Disposal of Surplus Property
- P613 Capitalisation of Fixed Assets

Comment

The City's policies were comprehensively reviewed and revised in 2007 and 2008. As a consequence, with a couple of exceptions, the current review recommends either no change or relatively minor change as identified in the Minutes of the Audit and Governance Committee Meeting of 22 February 2010.

(g) **Organisational Management Framework** (*Item 6.6 Audit and Governance Meeting Held 22.2.2010*)

Committee Recommendation

The Audit and Governance Committee recommends that Council:

- (a) endorse the continued implementation of the Australian Business Excellence Framework as the appropriate management framework for the City of South Perth;
- (b) commit to the development of an organisation wide process management framework to be developed in accordance with ISO 9001 Quality Management Systems and integrated with the City's Safety Management System and Environmental Management System; and
- (c) commit to investigating an appropriate organisation wide performance measurement and reporting system and include for consideration in the 2010/2011 Annual Budget funding for software training and implementation.

Comment

The Committee commended officers for their professionalism and the work put into the Management Framework and endorsed the continued implementation of the Australian Business Excellence Framework.

Consultation

N/A

Policy and Legislative Implications

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

Financial Implications

Nil

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *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.*

Sustainability Implications

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

COMMITTEE RECOMMENDATION ITEM 10.7.1

That Council adopt the following recommendations of the Audit and Governance Committee meetings held on 22 February and 8 March 2010:

(A) Compliance Audit Return 2009

That Council...

- (a) adopt the 2009 Compliance Audit Return for the period 1 January 2009 to 31 December 2009 as detailed in **Attachment 10.7.1(A)**;
- (b) authorise the Mayor and Chief Executive Officer to jointly certify the 2009 Compliance Audit Return; and
- (c) submit the 2009 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

(B) Terms of Reference

That the ‘Terms of Reference’ for the Audit and Governance Committee shall be, that the Committee is responsible for providing guidance, assistance and oversight to the Council of the audit and review of the City’s processes and performances in relation to:

- (a) Annual Financial Audit;
- (b) City’s Risk Management Framework;
- (c) Annual Statutory Compliance Audit;
- (d) Code of Conduct;
- (e) Access to Information;
- (f) Policy and Delegation Reviews;
- (g) Australian Business Excellence Framework; and
- (h) City’s Local Laws.

(C) Electronic Voting at Council Meetings

That the Audit and Governance Committee recommend to Council that it continue with the practice of recording voting details in Council Minutes in line with best practice governance principles.

(D) Review of Delegations;

That

(a) the revised Delegations at **Attachment 10.7.1(D)(a)** as listed hereunder be adopted:

- DC342 Town Planning Scheme No.6;
- DC343 Issue of Building Licences;
- DC345 Administration of Building Controls within the City;
- DC346 Authority to Issue Strata Title Certificates;
- DC443 Partial Closure of a Thoroughfare for Repair or Maintenance;
- DC538 Appointment of Authorised Officers;
- DC539 Administer the City's Local Laws; and
- DC545 Appointment of Acting CEO.
- DC601 Strategic Financial Plan and Annual Budget Preparation
- DC602 Authority to Make Payments from Municipal and Trust Funds
- DC603 Investment of Surplus Funds
- DC607 Acceptance of Tenders
- DC609 Leases and Licences
- DC612 Disposal of Surplus Property
- DC651 Inviting Tenders or Expressions of Interest
- DC652 Write Off Debts
- DC653 Granting Fee Concessions

(b) the new Delegation DC346 "Authority to Affix the City's Common Seal" at **Attachment 10.7.1(D)(b)** be adopted and the Chief Executive Officer authorised to sign, on behalf of the City, a document that is necessary or appropriate for the Chief Executive Officer to sign in carrying out his functions under any written law.

(E) Review of Policies (Financial Viability)

That Council adopt the revised Policies at **Attachment 10.7.1(E)** as listed hereunder:

- P601 Preparation of Strategic Financial Plan and Annual Budget
- P602 Authority to make payments from the Municipal and Trust Funds
- P603 Investment of Surplus funds
- P604 Use of Debt as a Funding Option
- P605 Purchasing and Invoice Approval
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P608 Dividend Policy – Collier Park Golf Course
- P609 Lease of City Buildings
- P610 Collier Park Village – Financial Arrangements
- P611 Collier Park Hostel – Financial Arrangements
- P612 Disposal of Surplus Property
- P613 Capitalisation of Fixed Assets

(F) Organisational Management Framework

That Council:

- (a) endorse the continued implementation of the Australian Business Excellence Framework as the appropriate management framework for the City of South Perth;
- (b) commit to the development of an organisation wide process management framework to be developed in accordance with ISO 9001 Quality Management Systems and integrated with the City's Safety Management System and Environmental Management System; and
- (c) commit to investigating an appropriate organisation wide performance measurement and reporting system and include for consideration in the 2010/2011 Annual Budget funding for software training and implementation.

10.7.2 Standing Orders Local Law 2007 Review – Recommendation from the Audit and Governance Committee Meeting Held 8 March 2010

Location: City of South Perth
Applicant: Council
Date: 9 March 2010
Author: Kay Russell
Reporting Officer: Phil McQue, Manager Governance and Administration

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 8 March 2010 relating to a review of the Standing Orders Local Law 2007.

Background

The City's current Standing Orders Local Law was adopted by Council in 2006 and gazetted in May 2007. The purpose of the review of the Standing Orders Local Law is to bring it into line with current procedures and recent Amendments to the *Local Government Act Regulations*.

A draft of proposed Amendments to the Standing Orders Local Law document was presented to the Audit and Governance Committee Meeting held on 22 February 2010. At that meeting and following a discussion as a result of input from Mr Neil Douglas of McLeods, Barristers and Solicitors in relation to recent amendments to the *Local Government Act Regulations* the Committee recommended:

That consideration of the Standing Orders Local Law 2007 document be deferred and workshopped at a Special Meeting of the Audit and Governance Committee, at the first available opportunity, in order to take into consideration the recent Amendments to the Local Government Act Regulations.

Mr Douglas further reviewed the *draft* Standing Orders Local Law and provided a summary of the proposed Amendments which were then 'workshopped' at the Audit and Governance Committee meeting on 8 March 2010 attended by ten Council Members. The 'marked up' copy of the *draft* Standing Orders Local Law document incorporating the amendments is at **Attachment 10.7.2.**

Comment

Procedural Requirements for the making of a local law

Section 3.12 of the Act and regulation 3 of the *Local Government (Functions & General) Regulations 1996* set out the procedural requirements for the making of a local law.

Purpose and effect

At a Council Meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law by ensuring that the purpose and effect of the proposed law is included in the Agenda for that meeting; and, the Minutes of the meeting of Council include the purpose and effect of the proposed local law.

The purpose of the proposed Standing Orders Local Law is to provide rules and guidelines for the orderly conduct of meetings of Council, Committees and other meetings as prescribed.

The effect of the proposed Standing Orders Local Law is that all Council Meetings, Committee Meetings and other meetings as prescribed, shall be governed by these Standing Orders, unless otherwise provided by the Act, regulations or other written law.

Public consultation

Section 3.12(3) of the Act requires the City to:

- (a) give State-wide public notice stating that:
 - (i) the City proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the City before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the Notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the Notice, to any person requesting it.

A notice under subsection (3) is also to be published and exhibited as if it were a Local Public Notice.

After the last day for submissions, the City is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Consultation

The draft Standing Orders Local Law document was forwarded to Neil Douglas of McLeods, Barristers and Solicitors for comment and advice at the Audit and Governance Committee Meetings held 22 February and 8 March 2010.

Public consultation will be conducted as described above in accordance with the Act.

Policy and Legislative Implications

The revised draft Standing Orders Local Law 2007 is consistent with the relevant statutory requirements and principles of good governance.

Financial Implications

N/A

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *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.*

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.7.2

The Audit and Governance Committee having reviewed the Standing Orders Local Law 2007 and 'workshopped' proposed amendments to bring it into line with current procedures and recent amendments to the *Local Government Act* and Regulations under that Act recommends:

That....

- (a) Council adopt the amended draft Standing Orders Local Law 2007 at **Attachment 10.7.2** for the purposes of public advertising and consultation as required by section 3.12 of the *Local Government Act*; and
- (b) a further report be presented to Council after the expiry of the submission period to enable the Council to consider any submissions and to consider whether the amendments to the Local Law should-be made.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Mayor Best

I hereby apply for Leave of Absence from all Council Meetings for the period 8 to 16 April 2010 inclusive.

11.2 Application for Leave of Absence : Cr Pete Best

I hereby apply for Leave of Absence from all Council Meetings for the period 27 to 30 May 2010 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.2 Questions from Members

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



Mayors Activity Report - February 2010

Date	Activity
Sunday, 28 February	Attend Neighbourhood Watch stall and Devonshire tea - Fiesta event Awarding of Certificates @ Fiesta - Totally Best Family Day Ever! The Totally Best Family Day Ever @ James Miller Reserve, Manning
Saturday, 27 February	Attend John Curtin Leadership Academy - Foundations Workshop - Dinner
Thursday, 25 February	Introduce Speaker: Josh Byrne at Fiesta : Our Vision Ahead series + Deputy Mayor, Cr Sue Doherty + Crs Pete Best, Glenn Cridland, Veronica Lawrance, Betty Skinner and Kevin Trent Attend meeting on Canning Bridge Vision by Como Beach Action Group + Director, Development and Community Services + Crs Pete Best
Tuesday, 23 February	Chair Council meeting Presentation on 'leadership' at John Curtin Leadership Academy Advanced leadership Camp Mayor/Acting CEO meeting
Monday, 22 February	Attend Audit & Governance Committee meeting
Sunday, 21 February	Give speech at Fiesta Foreshore Festival - ToVP & CoSP shared event @ Sir James Mitchell Park
Thursday, 18 February	Attend John Curtin Leadership Academy Advisory Board Meeting
Wednesday, 17 February	Chair lecture on Transit Oriented Development & sustainable design - Bill Hames + Councillors + CEO, Director Development and Community Services, Manager Development Services, Senior Planning Officers Matt Stuart and Lloyd Anderson Attend Natural Resource Management Local Government Reference Group Meeting @ Shire of Mundaring + Cr Pete Best
Tuesday, 16 February	Chair Briefing - Agenda items Mayor/CEO weekly meeting
Monday, 15 February	Attend Briefing: Customer Relationship Management Chair Access Ambassadors meeting +Community Development Coordinator + Community Development Officer +Events Manager
Saturday, 13 February	Attend Public Information Briefing for the Canning Bridge Precinct Vision
Friday, 12 February	Attend Norm Ashlin's Retirement Farewell @ Collier Park Golf Course

AGENDA : ORDINARY COUNCIL MEETING : 23 MARCH 2010

Wednesday, 10 February	Attend Water Sensitive Water Design Presentation Chair Safety and Crime Prevention in the City of South Perth
Tuesday, 9 February	Attend AICD Training - Mike Horabin Governance: Role of the Council and Councillor Attend Local Government Reform Forum + CEO, Legal & Governance Officer, + Deputy Mayor, Cr Sue Doherty, Crs Kevin Trent, Veronica Lawrance, Betty Skinner
Monday, 8 February	Attend Zoo Board meeting followed by stakeholder event with CEO Mayor/CEO weekly meeting Present cheques at Community funding presentation
Friday, 5 February	Attend WALGA State Council meeting, Margaret River
Thursday, 4 February	Travel to WALGA State Council meeting, Margaret River + Cr Kevin Trent
Wednesday, 3 February	Chair Council Briefing :Town Planning Workshop - Major Developments Conduct Private citizenship ceremony Attend Swan Canning Rivers Local Government Policy Forum @ City of Perth + Manager City Environment
Tuesday, 2 February	Mayor/CEO weekly meeting. Discuss precinct planning ideas with Deputy Mayor, Cr Sue Doherty
Monday, 1 February	Meeting with Marion Fulker - Committee for Perth Meeting Shire President Wickespin, Steve Martin Attend Swan Canning steering committee meeting Attend Rivers Regional Council Regular Yearly Review Meeting with Alex Sheridan, Cr Bob Tizard and Ron Hoffman + CEO + Cr Kevin Trent

**Council Representatives' Activity Report -
February 2010**

February 2010	Activity
Wednesday, 24 February	Opening Fiesta - Theatre in Art: May Gibbs - frequently at Centre - Deputy Mayor, Cr Sue Doherty