



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 26 October 2010 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

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

3.2 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. He said that if anyone required help in this regard the Manager Governance and Administration, Phil McQue is available to assist. He referred to clause 6.7 of the Standing orders Local Law 'procedures for question time' and stated that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 Audio Recording of Council meeting

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

4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

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

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Service
Ms S Watson	Acting Director Development and Community Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 7.55pm)
Mr P McQue	Manager Governance and Administration
Mr R Bercov	Strategic Urban Planning Adviser
Mrs G Fraser	Senior Strategic Planning Officer (until 7.55pm)
Mrs K Russell	Minute Secretary

Gallery

There were 6 members of the public present and 1 member of the press.

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

Nil

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 28 September 2010 there were no questions taken on notice. Nineteen questions 'tabled' during public question time by Mr Geoff Defrenne, 24 Kennard Street, Kensington, were 'taken as correspondence'. A written response to those questions was provided by the CEO, by letter dated 6 October 2010.

6.2 PUBLIC QUESTION TIME : 26.10.2010

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. However, if there are no further written questions public question time can be concluded in less than 15 minutes. He said that questions are to be in writing and questions received 5 working days prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. The Mayor then opened Public Question Time at 7.05pm.

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

6.2.1 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Questions

My questions relate to Agenda Item 10.3.2 of the 24 August 2010 Council Meeting re development at Lot 42 No. 9 Lamb Street, South Perth

1. I refer to the report on the development by officer, Matt Stuart, on page 16 at (d) "Building Height" – Mr Stuart states in this report the existing building height is 8.82 metres. Please show exactly step by step how this figure of 8.82 metres is calculated.
2. The plans for the new development show a parapet wall on part of all boundaries except the front. I am a joint owner of the southern boundary masonry wall – If I refuse to consent to the demolition of this existing good condition boundary fence, are the owners of No. 9 Lamb Street legally able to demolish this wall and replace it with a very high parapet wall?

Summary of Response

The Mayor responded as follows:

1. The building height has been calculated in accordance with the steps contained within Clause 6.2 "Building Height Limits" of the City of South Perth Town Planning Scheme No. 6 and the City is confident the building height is correct. TPS6 is available on the City's website and also in hard-copy form at the Administration, front counter, during normal working hours.
2. The boundary fence is a matter to be decided between the adjoining property owners. However, the parapet wall can still be constructed next to the fence.

6.2.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

The Mayor referred to eight (8) written questions submitted by Mr Defrenne this afternoon. He thanked Mr Defrenne for e-mailing his questions to the City and stated that the CEO and himself (Mayor) have both responded to the same or similar questions during the past month. Therefore under clause 6.7 of the Standing Orders Local Law, part (6), as Presiding Officer rule these questions out of order. The questions will not be recorded in the Minutes or responded to and no further correspondence will be entered into on these matters.

6.2.3 Mr Rick Hughes, President, Kensington Community Association (KCA)

(Written Questions submitted prior to the meeting)

Summary of Question

1. Is the Council aware that a document was tabled by Steve Irons (Federal Member for Swan) on 18 October 2010 claiming, amongst other things, that the City is not listening to the residents regarding the Canning Bridge urban densification issue?
2. Are the claims being made by Steve Irons correct?
3. What is the City's understanding of the requirements for urban infill/densification and what processes are being put in place to understand both the social and environmental sustainability aspects of any densification that may take place?

Summary of Response

The Mayor requested one of the Ward Councillors for this area to respond. Cr Best responded as follows:

1. Do not know of the document referred to. However, Steve Irons did state that *'the City is not listening'*.
2. No. There has been an immense amount of public participation in the consultation process with approximately 500 / 600 people being involved in about 40 different forums during the process which resulted in changes being made to the final 'Canning Bridge Precinct Vision' document.
3. Under the Directions 2031 document the City will be asked to find space for 6,000 more dwellings to accommodate the huge population growth anticipated over the next 20/30 years.

The Mayor said that as there were no more written questions submitted prior to the meeting that he proposed to close public question time. Mr Defrenne indicated that he had more questions which were not accepted.

Close of Public Question time

The Mayor closed Public Question Time at 7.16pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28.9.2010

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 28 September 2010 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.1.2 CEO Evaluation Committee Meeting Held: 13.10.2010

COUNCIL DECISION ITEM 7.1.2

Moved Cr Burrows, Sec Cr Hasleby

That the Minutes of the CEO Evaluation Committee Meeting held 13 October 2010 be received.

CARRIED (12/0)

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing - September Ordinary Council Meeting Held: 21.9.2010

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

7.2.2 Concept Forum – Mixed-Use Development Proposal for 2 Downey Drive, Manning - Meeting Held: 6.10.2009

Architects provided an overview of the development concept proposed for No. 2 Downey Drive, Manning and responded to questions from Elected Members. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum - Directions 2031 Central Metropolitan Perth Sub-Regional Strategy and Mellen Events Proposal - Meeting Held: 11.10.2009

Officers from the Department of Planning presented an overview of the Directions 2031 Central Metropolitan Perth Sub-Regional Strategy and the Director Development and Community Services provided an overview of an event proposal from "Mellen Events". Notes from the Concept Briefing are included as **Attachment 7.2.3.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.3 INCLUSIVE

Moved Cr Cala, Sec Cr Grayden

That the comments and attached Notes under Items 7.2.1 to 7.2.3 inclusive on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (12/0)

8. PRESENTATIONS

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

Nil

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

Nil

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

8.3.1 Deputations at Council Agenda Briefing 19 October 2010

A Deputation in relation to Agenda Item 10.3.1 was heard at the October Council Agenda Briefing held on 19 October 2010.

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: South East Regional Centre for Urban Landcare (SERCUL) Meeting Held: 12 August 2010

Cr Skinner attended the SERCUL Group meeting held at the City of South Perth on 12 August 2010. The Minutes of the South East Regional Centre for Urban Landcare (SERCUL) meeting are available at **Attachment 8.4.1**.

Note: The Minutes of the South East Regional Centre for Urban Landcare meeting held 12 August 2010 are also available on the *iCouncil* website.

RECOMMENDATION

That the Minutes, at **Attachment 8.4.1**, of the South East Regional Centre for Urban Landcare meeting (SERCUL) held at the City of South Perth on 12 August 2010 be received.

8.4.2. Council Delegate: WALGA South-East Metropolitan Zone Meeting Held: 29 September 2010

A report from Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 29 September 2010 at the City of Canning is at **Attachment 8.4.2**

Note: The Minutes of the WALGA South East Metropolitan Zone meeting of 29 September 2010 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.2** in relation to the WALGA South East Metropolitan Zone meeting held 29 September 2010 at the City of Canning be received.

COUNCIL DECISION ITEMS 8.4.1 AND 8.4.2

Moved Cr Trent, Sec Cr Grayden

That....

- (a) the Minutes, at **Attachment 8.4.1**, of the South East Regional Centre for Urban Landcare meeting (SERCUL) held at the City of South Perth on 12 August 2010; and
- (b) the Delegates' Report at **Attachment 8.4.2** in relation to the WALGA South East Metropolitan Zone meeting held 29 September 2010 at the City of Canning be received.

CARRIED (12/0)

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Conference Delegate: Waste & Recycle 2010 Conference : Fremantle 14 – 17 September 2010

A report from Crs Hasleby and Trent summarising their attendance at the Waste and Recycle 2010 Conference “*Our Generation – How does it measure up?*” held in Fremantle on 14 to 17 September 2010 is at **Attachment 8.5.1**.

Note: The Conference Proceedings are available on *iCouncil*.

RECOMMENDATION

That the Delegate’s Report in relation to Crs Hasleby and Trent’s attendance at the Waste and Recycle 2010 Conference held in Fremantle on 14 to 17 September 2010 at **Attachment 8.5.1** be received.

COUNCIL DECISION ITEM 8.5.1

Moved Cr Skinner, Sec Cr Grayden

That the Delegate’s Report in relation to Crs Hasleby and Trent’s attendance at the Waste and Recycle 2010 Conference held in Fremantle on 14 to 17 September 2010 at **Attachment 8.5.1** be received.

CARRIED (12/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 19 October 2010.

The Chief Executive Officer confirmed that this was correct with the exception of Item 10.0.3 which was the subject of a separate briefing held on 20 October and a late report circulated tonight.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.2 Proposed Amended Motion
- Item 10.0.3 Discussion
- Item 10.1.1 Discussion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Doherty, Sec Cr Burrows

That with the exception of Withdrawn Items 10.0.2, 10.0.3 and 10.1.1 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.3.1, 10.5.1, 10.5.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6, 10.6.7 and 10.6.8 be carried en bloc.

CARRIED (12/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 23 to Town Planning Scheme No. 6 – Child Day Care Centres and Consulting Rooms; and Proposed Modifications to Planning Policy P380 “Family Day Care and Child Day Care Centres” (referred from Item 10.3.6 Council Meeting 24 August 2010)

Location: City of South Perth
Applicant: Council
File Ref: LP/209/23 and LP/801/9
Date: 4 October 2010
Author: Michael Willcock, Senior Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

Council is requested to consider a proposal to initiate Amendment No. 23 to the City of South Perth Town Planning Scheme No. 6 (TPS6). The purpose of the amendment is to refine the development requirements in Table 4 of TPS6 that apply to ‘Child Care Centre’ and ‘Consulting Room’ land uses in the Residential zone.

The objective of Amendment No. 23 is to relax the provisions pertaining to the locations where a ‘Child Day Care Centre’ or ‘Consulting Rooms’ may be considered appropriate. For both land uses, the road name lists in Table 4 of TPS6 are proposed to be deleted. In relation to a Child Day Care Centre, the list of road names will be replaced by provisions stating that, when a Child Day Care Centre is proposed in the Residential zone, Council’s preference is for this land use to be located adjacent to other trip-generating uses such as commercial centres, recreation and educational facilities. For Consulting Rooms proposed in the Residential zone, Table 4 will prohibit this land use on cul-de-sac roads and instead require Consulting Rooms to be located on ‘through’ roads.

In support of Amendment No. 23, officers have also prepared modifications to Planning Policy P380 *Family Day Care and Child Day Care Centres* (Policy P380) to introduce a wider range of location and development requirements for Child Day Care Centres and Family Day Care. In addition to initiating Amendment No. 23, Council is requested to endorse the recommended modifications to Policy P380 for the purpose of advertising.

Relevant Council Minutes

24 August 2010 Item 10.3.6: Council resolved to not adopt Amendment No. 23, and to defer further consideration pending a Council Members’ workshop to consider a strategic approach to the placement of Child Day Care Centres and Consulting Rooms.

19 August 1997 Item 5(c)(i): Council adopted Planning Policy P15 “Centre-Based Private Child Care and Out of School Hours Care / Vacation Care”.

Background

(a) Council Members’ Workshop held on 1 September 2010

At its August 2010 meeting, Council deferred initiation of Amendment No. 23 pending a Council Members’ workshop. It was agreed at the meeting that the review of the location of Consulting Rooms would be considered separately from Child Day Care Centres.

The workshop was convened on 1 September 2010 to consider a strategic approach to the placement of Child Day Care Centres and Consulting Rooms. The Council Members discussed the manner in which Amendment No. 23 was originally prepared, and also discussed other concepts including the complete removal of reference to specifically named roads as the means of restricting where Child Day Care Centre and Consulting Rooms could be approved; and using reserves or other City-owned freehold land for child care services. The outcome from the workshop was that officers were to provide a stronger policy context for 'location' criteria in relation to Child Day Care Centres, as well as further investigating the use of reserved land or other City-owned freehold land for improving the supply of child care services within the City of South Perth.

(b) Demand for Child Care Placements

There is an increasing demand for child care services as the trend for parents to work more hours continues. Throughout Perth, child care centres are growing in size to cater for larger catchments. However, in the City of South Perth demand significantly exceeds availability of child care placements.

The Western Australian Planning Commission (WAPC) and Department for Communities (DFC) acknowledge that there is an oversupply of child care services in outer suburbs, but not within established inner areas of Perth (WAPC 2009). The DFC's register of licensed child care services indicates that nine child care services (child care and outside school hours care) operate within the City of South Perth and provide 421 child placements, refer to the following table. Such services perform a necessary community function and form a valuable component of community infrastructure.

Suburb	Child Day Care Centre Name and Address	Type of Licence and expiry date	Licensed child places	Zoning and Lot Size
Como	Como Children 47 Birdwood Avenue	Child Care Service (07-Feb-13)	35	Residential R20 1,012m ²
	Penrhos College Pre-kinder 6 Morrison Street	Child Care Service (07-Mar-13)	20	Private Institution 8.1486 ha
	Penrhos College After School Care 6 Morrison Street	Outside School Hours Care (15-Aug-10)	26	Private Institution 8.1486 ha
Karawara	Lady Gowrie Child Care Centre 61 Lowan Loop	Child Care Service (27-Jun-10)	72	Private Institution 5,726m ²
Kensington	Ngala Early Learning and Development Service 9 George Street	Child Care Service (23-Nov-12)	54	Residential R40 1.0499 ha
	Vista House Outside School Hours Care 53 Brandon Street	Outside School Hours Care (17-Jan-13)	30	Public Assembly 612m ²
South Perth	South Perth Uniting Church Child Care Centre 2 Sandgate Street	Child Care Service (11-Oct-10)	53	Public Assembly 3,224m ²
	South Perth Out of School Centre Inc. 51 Forrest Street	Outside School Hours Care (19-Apr-13)	80	Public Purposes (Primary School) Reserve 1.8211 ha
	Wesley College – Camp Australia OSHC 40 Coode Street	Outside School Hours Care (08-Feb-12)	51	Private Institution 8.1061 ha

Table data compiled from the Department for Communities, correct as of 3 August 2010.

The pattern of development within the City of South Perth is characterised by interconnected streets that provide residents with ease of mobility throughout the district. This street pattern provides opportunities for non-residential uses to become established along busy roads in small activity corridors and at 'nodes' around important intersections.

Against this background, it is considered appropriate to review the provisions of TPS6 that currently restrict 'Child Day Care Centres' and 'Consulting Rooms' to the specific roads listed in Table 4 of TPS6. To support the Scheme Amendment, it is also appropriate to modify and expand the related Council Policy P380. The recommendation in this report has been framed accordingly.

Comment

The Amendment No. 23 report comprising **Attachment 10.0.1(a)** discusses the rationale for the proposal. The Amendment will modify TPS6 in the following areas:

- Revised definition of 'Child Day Care Centre'; and
- Modifications to Table 4. The principal modification relates to restrictions on permissible locations for both Child Day Care Centres and Consulting Rooms. The specific road name lists for both land uses will be removed from the 'Other Development Requirements' column. For 'Child Day Care Centres' alternative provisions will be inserted in Table 4, with a reference to Policy P380. For 'Consulting Rooms', a substitute 'location' provision is proposed, prohibiting this land use in cul-de-sac roads.

Policy P380 will also be substantially modified and expanded, refer **Attachment 10.0.1(b)**.

(a) Revised definition of 'Child Day Care Centre' in TPS6

Since gazettal of TPS6, the *Child Care Services Act 2007* and subsidiary regulations have been promulgated. Additionally, the WAPC, DFC and Department of Environment and Conservation have collaborated and prepared Planning Bulletin 72 *Child Care Centres*. Due to the changes in legislation and a definition of 'Child Day Care Centre' being provided in Planning Bulletin 72, the TPS6 definition is proposed to be updated to read:

'Child Day Care Centre': means premises used for the daily or occasional care of children in accordance with the regulations for child care under the Child Care Services Act 2007, but does not include a Family Day Care.

(b) Modifications to Table 4 of TPS6

The City's TPS6 regulates the siting and design of 'Child Day Care Centres' and 'Consulting Rooms' having regard to factors such as the scale of the business, car parking, landscaping, compatibility with adjacent land uses and with the streetscape, all of which can be varied by Council exercising its discretionary power. Importantly, Table 4 of TPS6 currently restricts these land uses to lots that abut the designated roads. Owing to restrictions on the extent to which discretion can be exercised under clause 7.8 of TPS6, no discretion is available for Council to favourably consider proposals that are not on one of the designated roads.

The road lists in Table 4 are proposed to be deleted and the planning framework will be modified to introduce more performance-based 'location' criteria.

For 'Child Day Care Centres', Table 4 will state that the Council prefers sites adjoining schools, public open space and other non-residential uses. It also will state that this land use will not be permitted on culs-de-sac, rights-of-way, laneways or battleaxe access legs. Any other sites will only be considered having regard to Planning Policy P380 (also subject to proposed modifications).

It is proposed to insert a new development requirement for 'Child Day Care Centre', being a minimum lot area of 1,000 square metres. This is supported by Planning Bulletin 72 which states that "*as a general rule sites in a residential area should be of regular shape and greater than 1000 sq. metres*". Council has the ability to exercise discretion on a case-by-case basis where proposals cannot comply with this minimum lot area. A minimum lot frontage of 20 metres will also be prescribed (again open to discretionary variation in particular instances).

For 'Consulting Rooms' Table 4 will be modified to prohibit this land use along cul-de-sac roads, and additional provisions will be introduced for controlling development along Canning Highway.

Through the examination of the development requirements for both land uses, minor word changes have been proposed to ensure consistency. The provisions relating to minimum indoor and outdoor playing space have also been updated to refer to current legislation and regulations.

(c) **Modifications to Policy P380**

The City's Planning Policy P380 *Family Day Care and Child Day Care Centres* was adopted in August 1997 (reviewed March 2005) to ensure that Family Day Care and Child Day Care Centres do not adversely impact on neighbouring properties due to noise penetration, excessive traffic and on-street parking, or adverse visual impacts on the streetscape.

Policy P380 is proposed to be modified such that its scope is expanded to more broadly cover location criteria, development requirements, and issues such as noise. The policy also stipulates "in-principle" support for the establishment of Child Day Care Centres on City-owned freehold land and suitable reserved land.

The proposed objectives for Policy P380 are to:

- (a) minimise the impact a Family Day Care or Child Day Care Centre has on its surrounds, in particular on the amenity of existing residential areas, with regard to noise, traffic, visual appearance and design;
- (b) minimise the impact the surrounds may have on the Family Day Care or Child Day Care Centre;
- (c) safeguard the health and safety of children attending the Family Day Care or Child Day Care Centre within the confines of the planning system; and
- (d) express 'in principle' support for the establishment of Child Day Care Centres on land in the care and control of the City of South Perth, or suitable reserved land.

The proposed modifications to Policy P380 cover:

- Maximum number of children and the requirement to provide details of staff numbers and hours of operation;
- Provisions for locating Child Day Care Centres throughout the district;
- Family Day Care design requirements relating to:
 - Car parking;
 - Visual appearance of the development;
 - Location, design and screening of playing spaces; and
 - Signage.
- Child Day Care Centre design requirements relating to:
 - Design, appearance and accessibility of car parking areas;
 - Traffic impact statement requirement if considered necessary;
 - Noise attenuation;
 - Visual appearance of the development;
 - Boundary setbacks and consistency with TPS6;
 - Location, design and screening of playing spaces;
 - Landscaping;
 - Fencing;
 - Signage; and
 - Bin storage.

The policy objectives are designed to ensure that these land uses do not adversely impact on the amenity of surrounding land uses and vice versa. For Child Day Care Centres, in order to support and complement the 'location' provisions in TPS6 (as amended), it is proposed that Policy P380 will be expanded and elaborated in line with Planning Bulletin 72. The intent of the policy is to better protect surrounding land, particularly Residential zoned land, from inappropriate development and other externalities such as traffic congestion and noise.

The policy presents the City's position in relation to considering the use of City-owned freehold land or suitable reserved land for the development of Child Day Care Centres. This enables the City to utilise its own assets or allow for other land agencies to provide child care services, where appropriate.

Consultation

(a) Amendment No. 23 to TPS6

Council Members attended the workshop on 1 September 2010 and discussed the purpose and intent of the proposed Amendment. The outcomes of the workshop have resulted in significant modifications to Amendment No. 23 and a review of Policy P380.

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the *Town Planning Regulations 1967* and in the City's Planning Policy P355 *Consultation for Planning Proposals*. Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P355. The consultation process will also involve referral to the Environmental Protection Authority for assessment; and also to the Water Corporation.

Public consultation on Amendment No. 23 will involve a 42-day advertising period, during which, notices will be placed on the City's website, in the *Southern Gazette* newspaper and in the City's Libraries and Civic Centre. Any submissions received during this period will be referred to a later Council meeting for consideration.

(b) Planning Policy P380

The City’s Manager Environmental Health has been consulted regarding noise impacts on surrounding residential areas, and whether it is appropriate to require an Acoustic Consultant’s report for Child Day Care Centres. This is due to this land use being subject to the *Environmental Protection (Noise) Regulations 1997*. From this consultation, it was determined that the policy provisions are thorough and identify issues for applicants to address, if an Acoustic Consultant’s report is deemed necessary. The policy states that “*an Acoustic Consultant’s report may be required where a proposed Child Day Care Centre provides care for 10 or more children*”. Council has discretion under clause 7.6 of TPS6 “Impact Assessment Report” to require the submission of an Acoustic Consultant’s Report.

Public consultation on the modifications to Policy P380 will be undertaken in accordance with clause 9.6(2) of TPS6 and Planning Policy P355 *Consultation for Planning Proposals*.

Consultation will involve a notice in the *Southern Gazette* newspaper for two consecutive weeks giving details on the nature and subject of the modified policy, where the policy can be viewed and in what format submissions may be made. The policy will be on display at the City’s libraries, the Civic Centre, and on the City’s website. The advertising period will be not less than 21 days from the date of the first newspaper notice being published.

Advertising of the policy can commence before public consultation on Amendment No. 23, however it is considered appropriate to bring both items back to Council at the same meeting in 2011 for final adoption.

Policy and Legislative Implications –Amendment No. 23 to TPS6

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 23 is set out below, together with an estimated time frame associated with each stage of the process:

Stages of Advertising and Adoption of Amendment No. 23	Estimated Time Frame
Preliminary consultation under Policy P355	Not applicable
Council resolution to initiate Amendment No. 23 to TPS6	26 October 2010
Council adoption of draft Amendment No. 23 for advertising purposes	26 October 2010
Referral of draft Amendment proposal to EPA for environmental assessment during a 28-day period, and a copy to the WAPC for information	Early November 2010
Public advertising period of not less than 42 days	Commencing January 2011
Council consideration of submissions and final consideration of Amendment No. 23 for final adoption	March/April 2011 Council meeting
Referral to the WAPC and Minister for Planning for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council’s recommendation on the proposed Amendment No. 23; • Three signed and sealed copies of Amendment No. 23 to TPS6 and publication in <i>Government Gazette</i> 	Unknown

Planning Policy P355 *Consultation for Planning Proposals* will be used in conducting the public advertising of the amendment.

Public advertising of Amendment No. 23 will commence upon receiving favourable assessment and advice from the Environmental Protection Authority.

Clause 7.8 of TPS6 confers discretionary power, within limits, for Council to permit variations from certain development requirements. Subject to the Council being satisfied that approval of a variation will not result in any adverse amenity impact, a variation may be approved with respect to:

- (i) minimum lot area;
- (ii) plot ratio;
- (iii) setbacks;
- (iv) open space;
- (v) car parking;
- (vi) landscaping, and
- (vii) related matters.

'Location' criteria are not included in the above list. Therefore no discretionary power exists for Council to approve proposals that do not meet the 'location' criteria in Table 4 or elsewhere stipulated in TPS6. There is, however, the ability to consider variations from the 'location' criteria introduced into the modified Policy P380.

Policy and Legislative Implications – Policy P380

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy and for amendment of an adopted policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to the proposed modifications to Policy P380 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stages of Advertising and Adoption of Policy P380	Estimated Time Frame
Council resolution to consider the modified Policy P380 for advertising	26 October 2010
Public advertising period of not less than 21 days	Commencing early November 2010
Council review of the draft Policy P380 in light of submissions received and outcome of public consultation on Amendment No. 23 to TPS6, and resolution to formally adopt the policy with/without modification, or not proceed with the policy	March/April 2011 Council meeting
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	May 2011

A planning policy is not part of TPS6 and does not bind the Council in respect of any application for planning approval, but the Council is to have due regard to the provisions of any applicable policy and the objectives which the policy is designed to achieve, before making its determination.

Planning policies are guidelines used to assist Council in making decisions under TPS6. Although planning policies are not part of TPS6, they must be consistent with, and cannot vary, the intent of TPS6 provisions.

In accordance with clause 7.5 of TPS6, in considering an application for planning approval the Council must have due regard to relevant planning policies.

Financial Implications

Some minor financial costs will be incurred during the course of the statutory Scheme Amendment process for Amendment No. 23. In the case of Scheme Amendments implemented at the request of an external applicant, the applicant is required to pay the Planning Fee, in accordance with the Council's adopted fee schedule. However, in this instance, since the City is the proponent, all costs are borne by the City and are accommodated in the 2010/2011 Budget. These include the cost of notices in the *Southern Gazette*.

The City will be responsible for advertising and any other costs associated with Planning Policy P380.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's Strategic Plan 2010-2015 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 Amendment No. 23 facilitates more effective use of land. It will enable consideration of applications for 'Child Day Care Centres' and 'Consulting Rooms' in a broader context, and will allow determination of applications on their merits rather than on the basis of the road on which the development site is situated.

The relaxation of the TPS6 provisions in terms of expanding the number of permissible roads for Child Day Care Centres and Consulting Rooms will facilitate a broader mix of appropriate land uses within the Residential zone, while the controls in Amendment No. 23 and Policy P380 will effectively safeguard the amenity and character of neighbouring residential and non-residential areas.

Conclusion

To a moderate extent, the proposed Amendment No. 23 to TPS6 will relax the Scheme Text provisions for Child Day Care Centres and Consulting Rooms within the Residential zone, particularly in relation to the permissible location of these land uses. Further, the Amendment deletes references to repealed legislation and inserts references to current legislation.

The proposed modifications in Policy P380 will ensure that the City's local planning framework is robust and comprehensive, thus providing officers, the Council and the community with greater clarity and certainty on how Child Day Care Centres (and Family Day Care) are to be designed and where they can be located.

In light of all of the matters addressed in this report, it is considered that Council should now initiate the statutory Scheme Amendment process for the proposed Amendment No. 23 to enable the Amendment to be advertised to the public, and to adopt the draft modified Planning Policy P380 *Family Day Care and Child Day Care Centres* for public advertising.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.1**

That...

- (a) the Council, under the powers of the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.0.1(a)**;
- (b) in accordance with section 81 of the *Planning and Development Act 2005*, the amendment be forwarded to the Environmental Protection Authority for its assessment under the *Environmental Protection Act 1986*;
- (c) the amendment being forwarded to the Western Australian Planning Commission for information;
- (d) upon receiving the Environmental Protection Authority's clearance, advertising of Amendment No. 23 shall be implemented in accordance with the *Town Planning Regulations 1967* and the City's Planning Policy P355 *Consultation for Planning Proposals*; and
- (e) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 23:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.

- (f) in accordance with clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the draft modified Planning Policy P380 *Family Day Care and Child Day Care Centre* comprising **Attachment 10.0.1(b)** be adopted for advertising;
- (g) public advertising of the draft modified Policy P380 be implemented in accordance with Council Policy P355 *Consultation for Planning Proposals*; and
- (h) a report on any submissions received on Amendment No. 23 and the modified Policy P380 be presented to the same Council meeting following the conclusion of both advertising periods.

CARRIED EN BLOC RESOLUTION

10.0.2 Report on new Potential Names for Rights-of-Way and Public Roads within the City of South Perth. (Item 12.1 May 2010 Council meeting refers)

Applicant:	City of South Perth
Date:	1 October 2010
File Ref:	RO/801
Author:	Patricia Wojcik, Trainee Planning Officer
Reporting Officer:	Vicki Lummer, Director Development & Community Services

Summary

To adopt a list of names for future reference when naming public roads and rights-of-way within the City of South Perth.

Background

Previous Council Motion

At its May 2010 meeting, Council resolved as follows:

“That the CEO develop a list of suitable names for use on future roads and Rights-of-Way within the City of South Perth and the list be presented to Council for adoption.”

In response to that resolution, this report presents a recommended list of names.

Comment

Public Roads

In numerous locations, public road names within the City of South Perth already follow a great many themes as shown in **Attachment 10.0.2(a)**. While these themes are present, in most cases there is no clear delineation of boundaries to show where one theme ends and another begins. Therefore it is considered that a new theme should be adopted which can “retrofit the gaps”, should they arise through the creation of new roads. This new theme is “Marine Species” based on the rationale that the City of South Perth is bordered on three sides by river and contains Perth’s only Zoo. Other themes considered were “previous businesses in the City of South Perth” and “native flora and fauna”, however given the City’s riverside location, the marine theme is deemed appropriate.

In some locations, it may be more appropriate to select a new name from one of the existing themes. It would be a relatively straightforward task to research that theme when the need arises, to arrive at a suitable new name. For example, if a new road was created in Karawara, an Aboriginal word should be chosen following the existing theme. However, for the purposes of this report it was not considered practical, or necessary, to identify a new name for each of the twenty-eight themes currently in place. Within the City of South Perth, the Council would not be creating twenty-eight new roads in the foreseeable future.

Rights-of-Way

The naming of rights-of-way within the City of South Perth already follows a native floral theme, and it is considered that this theme should continue.

Consultation

Officers from the Perth Zoo, Department of Environment and Conservation and the Western Australian Museum were helpful in offering suggestions that would fit into the new themes identified above. The suitability of the suggested names was then tested through consultation with Landgate’s Geographic Names Committee, which has responsibility for approval of names recommended by the Council.

Naming of Public Roads

According to the Geographic Names Committee’s policy document entitled Principles, Guidelines and Procedures, the following provisions would apply for any proposed new public road names:

- (a) **Suitable Names**
Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.
- (b) **Unsuitable Names**
Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).
- (c) **Name Duplication**
Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.
- (d) **Names of Living Persons**
The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

Naming of Rights-of-Way

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

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

The "road type" usually used for a right-of-way is "Lane".

Names on which advice was sought

Twelve proposed public road names and 16 proposed right-of-way names were sent to the Geographic Names Committee for preliminary advice. It is important to note that all advice received from the Geographic Names Committee is preliminary and that final approval of any of these names is not guaranteed. The Geographic Names Committee is the approval body for the naming of any new public road and right-of-way and they have strict guidelines that need to be followed. Of the 28 names presented, only 11 were deemed suitable according to the Committee's criteria. The table below shows the results of the research and comments that were received:





Originally Suggested Public Road Names (Marine Species Endemic to WA's Rivers)			
	<i>Proposed New Name</i>	<i>Rationale</i>	<i>GNC Comments</i>
1.	Tellina	Scientific name for Molluscs of the marine and estuarine reaches of the Swan and Canning Rivers.	Suitable as long as the road type is not "lane"
2.	Moon	Molluscs of the marine and estuarine reaches of the Swan and Canning Rivers.	Suitable but road type cannot be "street".
3.	Goby	Found north and south of WA	Suitable
4.	Cobbler	Found north and south of WA	Suitable
<i>Unsuitable Names</i>			
5.	Tailor	Looking back at old South Perth (book) – used to fish this in the Canning River	Unsuitable due to over-use
6.	Ibis	Found in the South of WA and resides in Perth Zoo	Unsuitable due to over-use
7.	Brolga	Found in the North of WA and resides in Perth Zoo	Unsuitable due to over-use
8.	Grebe	Tiny water bird found in the Waterford Conservation Area	Unsuitable due to over-use
9.	Osprey	Ospreys found along coastal waterways, or inland river estuaries. Can be observed at Cloisters Reserve, Salter Point and the Waterford Conservation Area	Unsuitable due to over-use
10.	Darter	Fantastic Swimmers and fish-hunting birds. Found in the Salter Point Conservation Area	Unsuitable due to over-use
11.	Stilt	Dainty wader, found in the Mt Henry Peninsula	Unsuitable due to over-use
12.	Minnow	Found in the Swan River	Duplicate/similar sounding names unsuitable due to 10km radius




Originally Suggested Right-of-Way Names (Flowering Species Endemic to Australia)			
	<i>Proposed New Name</i>	<i>Rationale</i>	<i>GNC Comments</i>
1.	Nivea	Endemic and flowering species (scientific name)	Suitable, but cannot be used in the suburb of South Perth
2.	Gum	Endemic and flowering species	Suitable
3.	Fuchsia	Endemic and flowering species	Suitable
4.	Boree	Endemic and flowering species	Suitable
5.	Pratia	Endemic and flowering species	Suitable but can only be used in the suburbs of South Perth, Kensington and Como
6.	Yorrell	Endemic and flowering species	Suitable but can only be used in the suburbs of South Perth and Kensington
7.	Flannel	Endemic and flowering species	Suitable as long as the road type is not "road"




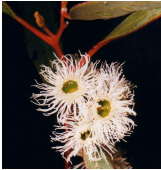
<i>Unsuitable Names</i>			
8.	Indigo	Endemic and flowering species	Unsuitable due to over-use
9.	Bell	Endemic and flowering species	Unsuitable due to over-use
10.	Illyari	Endemic and flowering species	Duplicate/Similar sounding names unsuitable due to 10km radius
11.	Pimelia	Endemic and flowering species	Duplicate/Similar sounding names unsuitable due to 10km radius
12.	Senna	Endemic and flowering species	Duplicate/Similar sounding names unsuitable due to 10km radius
13.	Zieria	Endemic and flowering species (scientific name)	Duplicate/Similar sounding names unsuitable due to 10km radius
14.	Correa	Endemic and flowering species (scientific name)	Unsuitable due to over-use
15.	Mulga	Endemic and flowering species	Unsuitable due to over-use
16.	Sago	Endemic and flowering species	Duplicate/Similar sounding names unsuitable due to 10km radius

Attachment 10.0.2(b) contains a complete list of names from which the above 28 were chosen.

Given the above constraints and preliminary comments offered by the Geographic Names Committee, the names listed in the tables below are presented to Council for adoption. Four names are listed for the proposed public roads. These are considered more than sufficient as the City is already extensively developed and therefore new roads will only be created in isolated instances over many years. Seven new names are proposed for rights-of-way and this number is also considered sufficient. In the last 10 years, eight rights-of-way have been approved for naming.

Recommended Public Road Names (Marine Species Endemic to WA's Rivers)			
	<i>Proposed New Name</i>	<i>Rationale</i>	<i>GNC Comments</i>
1.	Tellina 	Scientific name for Tellen Clams of the marine and estuarine reaches of the Swan and Canning Rivers.	Suitable as long as the road type is not "lane"
2.	Moon 	Molluscs of the marine and estuarine reaches of the Swan and Canning Rivers – Full common name Moon Shells	Suitable as long as the road type is not "street"
3.	Goby 	Found in rivers to the north and south of WA – Full common name Swan River Goby	Suitable
4.	Cobbler 	Found in rivers to the north and south of WA – Full common name Freshwater Cobbler	Suitable

Recommended Right-of-Way Names (Flowering Species Endemic to Australia)			
	<i>Proposed New Name</i>	<i>Rationale</i>	<i>GNC Comments</i>
1.	Nivea 	Endemic and flowering species – Full scientific name <i>Eremophila Nivea</i>	Suitable, but cannot be used in the suburb of South Perth
2.	Gum 	Endemic and flowering species – Full common name Manna Gum	Suitable
3.	Fuchsia 	Endemic and flowering species - Full common name Native Fuchsia	Suitable

Recommended Right-of-Way Names (Flowering Species Endemic to Australia)			
	<i>Proposed New Name</i>	<i>Rationale</i>	<i>GNC Comments</i>
4.	Boree 	Endemic and flowering species – Full common name Weeping Boree	Suitable
5.	Pratia 	Endemic and flowering species – Full Common Name Trailing Pratia	Suitable but can only be used in the suburbs of South Perth, Kensington and Como
6.	Flannel 	Endemic and flowering species – Full name Flannel Flower	Suitable as long as the road type is not “road”
7.	Yorrell 	Endemic and flowering species	Suitable but can only be used in the suburbs of South Perth and Kensington

Policy and Legislative Implications

There is no legislative implication in relation to this report. However, in selecting names, the Council must be mindful of the Geographic Names Committee policy guidelines explained earlier.

Financial Implications

Financial implications extend to the officer time spent in researching and compiling this report.

Strategic Implications

This matter relates to Strategic Direction 5 “Transport” identified within the Council’s Strategic Plan which is expressed in the following terms:

Improve accessibility to a diverse and interconnected mix of transport choices.

Sustainability Implications

There are no sustainability implications in relation to this report.

OFFICER RECOMMENDATION ITEM 10.0.2

That ...

- (a) the recommended list of names for future naming of public roads and rights-of-way within the City of South Perth, as contained in Report Item 10.0.2 of the October 2010 Council Agenda, be adopted; and
- (b) on all future occasions when a new name is required for a public road or right-of-way, the Council will select a name from the adopted lists referred to in part (a) above, for recommendation to the Geographic Names Committee.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Cala

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay Opening for the Motion

- aware Cr Hasleby is proposing to move an Amendment
- will comment if necessary following Amendment
- support officer recommendation

AMENDMENT

Moved Cr Hasleby, Sec Cr Trent

That the officer recommendation be amended by the inclusion of the following additional clause (c):

- (c) a further report be submitted to the March 2011 Council meeting recommending an additional list of names, drawn from the names of the prominent Chinese market gardeners who provided a vital source of horticulture and fresh produce along the South Perth foreshore between the 1890's and the 1950's.

Note: The Mover and Seconder concurred with the Amendment.

Cr Hasleby Opening for Amended Motion

- Cr Hasleby provided the historical background on the Chinese Market Gardens called 'Yellow Hill'
- acknowledge Council Delegate to the Geographic Names Committee is Cr Trent who reminds us to 'keep names short'
- names of the prominent Chinese market gardeners are short eg: Yuon, Wing, Bue, Yook, Sun, Lung, Wong, Lee etc
- urge Councillors support Amended Motion

Cr Trent for Amended Motion

- naming of ROW's within the City of South Perth currently follows a native floral theme
- we need to recognise all aspects of South Perth and in particular the Chinese market gardeners
- Chinese market gardeners input into South Perth significant
- endorse suggestion to draw up a list of names of the prominent Chinese market gardeners
- ask Councillors support Amended Motion

Cr Ozsdolay closing for the Amended Motion

- congratulate Cr Hasleby in suggesting we recognise the Chinese market gardeners' important contribution to the City
- ask Members support Amended Motion

COUNCIL DECISION ITEM 10.0.2

The Mayor Put the Motion

That ...

- (a) the recommended list of names for future naming of public roads and rights-of-way within the City of South Perth, as contained in Report Item 10.0.2 of the October 2010 Council Agenda, be adopted;
- (b) on all future occasions when a new name is required for a public road or right-of-way, the Council will select a name from the adopted lists referred to in part (a) above, for recommendation to the Geographic Names Committee; and
- (c) a further report be submitted to the March 2011 Council meeting recommending an additional list of names, drawn from the names of the prominent Chinese market gardeners who provided a vital source of horticulture and fresh produce along the South Perth foreshore between the 1890's and the 1950's.

CARRIED (12/0)

Reason for Change

Council believed it important to include the names of prominent Chinese market gardeners to the list of potential names for rights-of-way and public roads as these pioneers made invaluable contributions to the prosperity and culture of the City of South Perth.

10.0.3 Sir James Mitchell Park Ceremonial Flagpole Construction and Landscaping Tender *(Item 10.3.5 August 2009, Item 14.1 February 2010 and Item 10.0.6 September 2010 Council Meetings refer)*

Location: Sir James Mitchell Park
Applicant: Council
File Ref: Tender 4/2010
Date: 26 October 2010
Author: Mark Taylor, Manager City Environment
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

At the September 2010 meeting, Council resolved not to accept tenders received for the construction of the Sir James Mitchell Park Ceremonial Flag-pole Project.

This report considers an alternative method devised to complete the project in three phases with the completion of phase one by 30 June 2010.

Background

In 2009, Council was investigating a project to celebrate the City's 50th year. Expressions of Interest 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. 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 State 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 a \$78,000 grant from Infrastructure Australia. It should be noted that the funding allocation was not based on any construction estimate which would ordinarily be undertaken for annual budget submissions for projects.

At the March 2010 meeting Council considered and adopted a Concept Plan for the Sir James Mitchell Park Ceremonial Flag-pole Project. Following approval of the Concept Plan, the City worked with its Landscape Consultant to design in detail the concept plan. Work completed included:

- Submission of the concept for development approval from the Swan River Trust under Part 5 of the Swan and Canning Rivers Management Act 2006;
- Completion of detailed design work on the project;
- Development of a working brief, short-listing and selection of an artist to complete the interpretive panels;
- Development of tender documents;
- Work not yet completed included the art design and consultation.

The project was advertised for tender (4/2010) on 7 August 2010 and closed on 27 August 2010.

At the September 2010 meeting Council resolved in reference to the Sir James Mitchell Park Ceremonial Flagpole site that:

- (a) *none of the tenders submitted for the redevelopment of the site (Tender 4/2010) be accepted;*
- (b) *the project be deferred to allow the City sufficient time to investigate external funding opportunities to supplement the project budget;*
- (c) *the project be referred to a Councillor briefing session for further workshopping before any more resources are spent on the project; and*
- (d) *a funding model for completing some or all of the project be the subject of a report at a future meeting of Council and within the Swan River Trust two year approval period.*

In response to the resolution, a Councillor briefing session was held on 20 October 2010 to discuss the future of the project. At the briefing four possible scenarios for the project were discussed. They were:

1. Abandon the project;
2. Complete the project in stages initially using remaining funding;
3. Place the project on hold awaiting further funding opportunities;
4. Explore a different concept design option.

Comment

The Councillors, present at the briefing held on 22 October, expressed a desire to continue with the existing project concept, which effectively ruled out options 1 and 4. Options 2 and 3 were then analysed in more detail.

After considerable discussion and deliberation, it was agreed that if suitable construction phasing was possible and an appropriate funding model developed then Option 2 was preferred. Councillors were keen to progress the project to a stage where its basic structure was evident, with as little additional funding required to be sourced during the current financial year as possible. They also expressed a desire to retain the Infrastructure Australia grant (\$78k) for this project, if possible. Officers were therefore tasked with developing a construction program and funding model that met these objectives.

Officers have liaised with the Landscape Consultant and have developed a construction program in three discrete sections or 'phases'. Phases one and two are effectively the 'separable portion one' of the original tender and phase three is 'separable portion two' - refer **Attachment 10.0.3(a)**.

The Landscape Consultant has subsequently amended the construction program. This will now ensure that at the completion of phase one the basic structure of the site will be visible, including the platform, the four flagpoles and part of the lighting. However the high quality finishes and artworks will not be implemented as part of phase one. Completion of phase two will include the high quality surfaces, the fins (angled behind each flagpole), the bulk of the lighting and the artworks. Phase three includes the landscape mound and blade walls.

The City will be able to utilise existing term contracts for much of the work required to complete phase one, if it chooses. The benefit of this approach is that it provides the City with greater flexibility and pricing surety. The flag poles will need to be sourced by public tender, potentially under officer delegation. Subject to funding being made available in a future annual budget, phases two and three of the project will be constructed under competitive tender(s).

In regard to establishing a timetable for construction, it is now considered too late to commence construction and have phase one of the project completed in time for Australia Day 2011. The reasons for this are as follows:

- Revision of drawings and documents to accommodate construction by the new separable components (phases one, two and three);
- Swan River Trust legislative and regulatory requirements - These include:
 - provision of 14 day's prior notice of intention to commence work;
 - development and approval of a construction management plan; and
 - potential dewatering and acid sulphate soils (ASS) management issues.
- Availability of term contractors - The City has not yet approached the relevant term contractors about their potential availability over what is often a busy lead up time prior to Christmas;
- Christmas and New Year shutdown - It is normal practice for most contractors to shut down operations the week prior to Christmas and not commence work again until mid January;
- The need to carry out significant site restoration in time for Australia Day 2011. This will include turf restoration and reticulation reinstatement. As a result it will require regular day watering. This is not considered appropriate during summer when there are water restrictions in place;
- General contingency, such as adverse weather conditions (i.e. extreme heat will affect concrete pours, wet weather will make site access difficult and affect the construction timeline);
- School holidays and the lead up to Christmas, resulting in large numbers of people frequenting the Park.

A more suitable construction period would be to commence after 12 March 2011 following completion of the City's Fiesta program in SJMP. Works could then potentially flow on relatively seamlessly from phase one to phase two, if Council resolves to make additional funding available for that purpose in the 2011/2012 budget.

Consultation

A series of concept designs were initially prepared for Councillors to review and they were 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.

A 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.***

The concept design for this project was adopted by Council at the March 2010 meeting. Public tenders were then advertised in accordance with the provisions of the *Local Government Act (1995)*.

At the September 2010 meeting Council resolved to not accept any tenders for this project. Following this, on 20 October 2010, a Councillor briefing session was held to discuss options for the project following the resolution not to proceed with tenders.

Policy and Legislative Implications

The Sir James Mitchell Park Ceremonial Project and Flag-poles project has received development approval from the Swan River Trust (SRT 2921) under Part 5 of the Swan and Canning Rivers Management Act 2006. The approval is conditional and will expire in two years from the Minister's signing (28 August 2010), if the project is not completed or substantially commenced.

Financial Implications

The remaining budget allocation for this project is \$226,000. This includes an Infrastructure Australia grant of \$78,000. The Infrastructure Australia grant is currently conditional on the project being completed by the end of 2010, however this deadline has been subject to change in the past and may again in the future. Officers will be in a better position to negotiate with Infrastructure Australia, following Council's resolution on this project.

Preliminary estimates have been prepared for each construction phase. They are:

- Phase one - 361,986.90
- Phase two - 377,003.55
- Phase three - 315,008.43

Please note that the above preliminary estimates have not been tested by tender or quotation and hence the final construction amount could be more or less.

Additional budget to complete phase one will be sourced by revising and/or delaying other project(s) currently listed in the 2010/2011 Capital Works program. This will be determined at the second quarter budget review, when an outcome of the Infrastructure Australia funding review will be known.

Strategic Implications

This project compliments the City's Strategic Plan 2010 – 2015 and in particular Direction 2 'Environment' - *Nature and develop natural spaces and reduce impacts on the environment.*

and Direction 4 'Places' - *Plan and develop safe vibrant and amenable places.*

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.0.3

That in reference to the Sir James Mitchell Park Ceremonial Flagpole project, the Council:

- (a) approves of the revised construction program and timetable for the project at **Attachment 10.0.3(b)** which will result in work on phase one commencing after 12 March 2011 (conclusion of the Fiesta event) with completion prior to 30 June 2011;
- (b) allocates additional funding for phase one of the project following a review of the Infrastructure Services Capital Works Program, with a budget adjustment to be made at the Second Quarter Budget Review; and
- (c) considers additional funding in the 2011/2012 Annual Budget to complete phases two and three of the project.

MOTION

Cr Burrows Moved the officer recommendation. Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Burrows Opening for the Motion

- a lot of discussion at recent briefing on this matter
- what is currently at the site in SJMP is a disgrace
- acknowledge there are those who believe it is a lot of money for this project
- believe cost is small in comparison to other projects in the City
- it is an iconic location and will be there for the long term therefore it should be something we are proud of
- ask Members support the project

Cr Ozsdolay for the Motion

- support Cr Burrow's comments
- unfortunate we refer to proposal as a 'flag pole project' – it is considerably more than this
- proposed project will be making a statement and will be a State asset
- acknowledge we have to do something at this site – unfortunate 'Plan A' funding arrangements did not work out
- project not just about flag poles – project should proceed
- support the Motion

Cr Hasleby Against the Motion

- agree not just about flag poles
- talking about the allocation of in excess of one million dollars
- original project had budget allocation of \$226,000 with an Infrastructure Australia grant of \$78,000
- cost of project/construction/design etc now is over one million dollars
- cannot support something that costs that amount of money
- understand structure needs to be iconic – to stand out
- if project is to be iconic do not see why City of South Perth should be funding it totally believe the State Government should be chipping in
- to move in haste to secure the \$78,000 government grant is making a decision where we should not be spending this amount of money
- balance of funding is proposed to be allocated in 2011/2012 Budget where the ‘make-up’ of this Council could change as well as the financial climate
- over one million dollars for a project of this nature is extreme–total plan needs to be reviewed
- do not support ‘staging’ the project – Stages 2/3 may never happen
- believe we are rushing ahead to keep Infrastructure Australia money
- proposed Old Mill project ‘concepts’ could be replicated at flag pole site
- urge Councillors not to support this project.

Cr Grayden for Motion

For the purpose of debate - Cr Grayden indicated his right to speak For the Motion

Cr Cridland Against the Motion

- last time this matter came before Council I believed the \$306,000 Budget was ‘over the top’
- to now propose spending over one million for this project is ridiculous
- on Australia Day we have 5 – 10 minutes where the flag pole is used
- acknowledge old limestone surrounding existing flag pole could be upgraded
- why are we proposing this project - to Celebrate 50 years
- if we worry about building monuments of ourselves we should be thinking of something else
- proposal is for something iconic – then why should City of South Perth fund it
- should not rush project just to retain Federal funding of \$78,000
- we have a flag pole that works – do not believe it would be any better to have 4 flag poles – not a wise expenditure on behalf of our ratepayers
- against the Motion

FORESHADOWED MOTION

Cr Best Foreshadowed that if the current Motion is Lost that he would be moving to defer the proposed flag pole project to be re-considered at a later time.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.3**

The Mayor Put the Motion'

That in reference to the Sir James Mitchell Park Ceremonial Flagpole project, the Council:

- (a) approves of the revised construction program and timetable for the project at **Attachment 10.0.3(b)** which will result in work on phase one commencing after 12 March 2011 (conclusion of the Fiesta event) with completion prior to 30 June 2011;
- (b) allocates additional funding for phase one of the project following a review of the Infrastructure Services Capital Works Program, with a budget adjustment to be made at the Second Quarter Budget Review; and
- (c) considers additional funding in the 2011/2012 Annual Budget to complete phases two and three of the project.

LOST (4/8)

Note: Following discussion on 'procedures' and the 'intent' of Cr Best's Foreshadowed Motion (to defer to allow more time to consider the late report) the Foreshadowed Motion was not progressed as Council were of the view the project should not proceed.

The CEO confirmed the intent of the Council was for work on the flag pole project to cease at this time but that other 'approved' works for SJMP proceed.

Note: Manager Development Services and Senior Strategic Planning Officer retired from the meeting at 7.55pm

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Australia Day 2011

Location: City of South Perth
Applicant: Council
File Ref: RC/105
Date: 4 October 2010
Author: Sandra Watson, Acting Director Development & Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

To outline the plans and strategies to manage the Australia Day celebrations in Sir James Mitchell Park on the South Perth foreshore in 2011 and to approve the parking restrictions and road closures applicable for the event.

Background

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to community risk management in an effort to provide a range of opportunities for the community to participate

in for the entire day and not just attend the event for the fireworks.

The Strategy focused on the following areas:

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

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the amount of anti-social behaviour in Sir James Mitchell Park. Following the Australia Day celebrations in January 2005, the City conducted a community consultation survey to determine what effect the Strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and this was further built upon in 2006 through to 2008 with successful events conducted.

Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded by Lotterywest. In 2010, the City built upon the popularity of the two 'zones' in the previous year to host a hugely successful event in Sir James Mitchell Park. This event once again received substantial financial support from Lotterywest and Healthway, with 30,000 visitors enjoying the Family Zone and 10,000 visitors experiencing the Youth Zone. While the 2010 event attracted a substantial amount of negative publicity due to the enforcement of drinking restrictions and attendances were lower than in previous years, from the City's perspective the event was very successful and in fact visitor surveys conducted showed that 96% of visitors to the Family Zone rated the area as excellent or good, with 98% of those surveyed indicating that they would return in 2011. Similarly for the Youth Zone, 93% of visitors rated the initiative as excellent.

Comment

In 2011 it is planned to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. The 'Celebration Zone' will be expanded to 100,000m², which is more than double the size of the two previous zones combined. This strategy has been taken due to the overwhelming success and response to the 'zones' since the City first introduced them in 2009. In 2011, the 'Celebration Zone' will contain seventy (70) free activities for all ages, a central 'Big Top' with on stage entertainment, free drinking water stations and various healthy food stalls. In addition and given the massive support from visitors at the 2010 event, the zone will once again be alcohol and smoke free. Apart from the change to the 'zones' it is proposed that the Safer Australia Day Strategy 2011 will be conducted along the same format and operations as previous years and that the 'Celebration Zone' will be an integral part of the Strategy. Strategies for Australia Day 2011 will consist of the following:

1. Public Transport

Residents in Manning, Como, Karawara and Waterford have in previous years been offered free public transport to and from Sir James Mitchell Park. This service was provided to middle aged and elderly residents who would not usually drive to the foreshore to enjoy the Australia Day festivities. However in 2011 due to low uptake in previous years, it has been decided to utilise the buses to instead transport senior citizens from various locations around the City including the two senior citizen centres and Collier Park Village to Sir James Mitchell Park to enjoy an entertainment program in the 'Big Top' between the times of 10.00am and 12 noon on Australia Day. Consultation has shown that generally seniors do not attend the fireworks, however surveys carried out have indicated that seniors would be happy to view an Australian themed film and other entertainment during the day.

2. Local Laws

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

3. Crowd Control

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park from approximately 6.00am on the morning of 26 January 2011. Initially Rangers will focus on illegal parking and large objects being taken to Sir James Mitchell Park. Management of the crowd will also be assisted by exclusion zones on Sir James Mitchell Park, Coode Street car park and Queen Street jetty area. This will provide access for the various emergency services and hazard management agencies (HMA’s) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA’s. In addition, St Johns Ambulance will be providing a primary treatment facility in Sir James Mitchell Park to administer first aid assistance and to reduce the need for patient transfer to hospital.

4. Celebration Zone

Australia Day 2009 heralded the successful launch of the Family and Youth Zones and in 2010 the City extended these areas in response to the excellent feedback and successes of the 2009 event. In 2011 as previously outlined, it is planned to combine the two zones into one giant ‘Celebration Zone’ covering 100,000² immediately behind the flagpole area on Sir James Mitchell Park. This secure and managed area will be transformed into a safe fun zone brimming with activities and entertainment for young children, youth and adults. A very popular aspect of the Family Zone in previous years was the art tent and this will once again return in 2011 with a unique twist as visitors will be encouraged to decorate a paper parasol. Other unique aspects of the ‘Celebration Zone’ include the return of the very unique ‘Silent Disco’, as well as a central feature of a ‘big top’ tent. It is planned to conduct the traditional Australia Day Citizenship Ceremony inside the ‘big top’, as well as the breakfast event immediately following the ceremony. The City also intends to offer a new program of events for senior citizens and others during the morning from 10.00am to 12 noon inside the ‘big top’. This program of activities is likely to include the screening of an Australian themed film and morning tea.

5. Road Closures (Access Restricted Area)

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

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

General No Parking Zones

- (a) General no parking zones are established as prescribed in Schedule 4;
- (b) Where the City establishes a general no parking zone, the City must erect a sign at entry points to the general no parking zone indicating;
 - (i) The area that is a general no parking zone, and
 - (ii) The dates and times during which the area is a general no parking zone.
- (c) Where the City establishes a general no parking zone and erects signs at each entry point to the general no parking zone then it is an offence to park on any road or nature strip within the general no parking zone.
- (d) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.
- (e) A driver commits an offence under this clause notwithstanding the fact that there are no signs in the immediate vicinity of the area in which the driver parked the vehicle indicating that the area in which the driver parked the vehicle is a general no parking zone.

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

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

On Australia Day 2011 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will be available into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Water to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used predominantly for disabled parking, as well as parking for the Police, State Emergency Services and St John Ambulance. In 2011 the Police compound is relocating to the Coode Street car park area and because of this, additional parking for disabled visitors will be made available in the eastern section of the Coode Street car park, adjacent to the Boatshed Restaurant. The City will employ the services of traffic management officers to secure the road closures as previously outlined in this report. Indicative costs for this service have been included in the 2010/2011 Australia Day budget.

6. Traffic Management (Parking Restricted Area)

The proposed parking restricted area during Australia Day 2011 will extend from the access restricted area (as per Item 5 of this report) to South Terrace, to Canning Highway and to Ellam Street and be effective from 8.00 am to 9.00 pm. In previous years the entire area between South Terrace, Canning Highway and Ellam Street was parking restricted from 8.00am to 9.00pm, however a review of the need for this showed that given lower attendance numbers and a higher uptake of public transport by visitors to the event it has been decided to trial a limit on the number of streets which are parking restricted. This decision has been taken to lessen the impact on local residents during Australia Day and will be reviewed after the 2011 event.

City officers are continuing discussions with WA Police to determine the streets in the restricted area that will still have parking restrictions. The three key factors in this decision-making process are the width of the street, the accessibility of emergency vehicles and accessibility by public transport vehicles. Street signage, advertising in the community newspaper and a pamphlet drop will publicise these restrictions to residents.

7. Waste Management

Event organisers (City of Perth and City of South Perth) will provide sufficient separate mini-skips for rubbish and recycling, which will be located at regular intervals in Sir James Mitchell Park. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd to contain rubbish/recyclables and for ease of the post event cleanup.

8. Media and Communications

The Safer Australia Day Strategy 2011 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. As in previous years, a targeted media and communications campaign is key. In that regard, the City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

Consultation

In reviewing and developing the Safer Australia Day Strategy 2011, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads Western Australia
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Total Road Services (TRS) - traffic management company
- Public Transport Authority

- Lotterywest
- Healthway
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

Policy and Legislative Implications

Nil

Financial Implications

Funding has been allocated in the 2010/2011 budget for the implementation of this strategy, plus grant funding applications have been submitted as follows:

- Lotterywest \$350,000 (awaiting notification – for the Celebration Zone)
- WALGA Road Safety Program - \$1500 (confirmed)
- Healthway – \$100,000 (awaiting notification)
- Local Drug Action Group - \$5000 (awaiting notification)

Strategic Implications

The Safer Australia Day Strategy 2011 is complimentary to the Strategic Plan Direction 1 ‘Community’ - *Create opportunities for a safe, active and connected community.*

Sustainability Implications

The Safer Australia Day Strategy 2011 will embrace and implement the City’s Sustainability Strategy in the areas of waste management in particular.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1
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Moved Cr Trent, Sec Cr Cridland

That...

- (a) the ‘Safer Australia Day Strategy 2011’ as detailed in report Item 10.1.1 of the October 2010 Council Agenda be adopted;
- (b) the General ‘No Parking’ clause in section 7.4, schedule 4 of the City’s Parking Local Law 2003 (as amended) be approved for:
 - (i) the temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 8.00am to 9.00pm on 26 January 2011; and
 - (ii) parking restrictions, bounded from Labouchere Road, corner of Angelo Street to South Terrace to Canning Highway to Ellam Street as outlined.

CARRIED (11/1)

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Four Multiple Dwellings in a Four Storey Building (plus Loft and Basement). Lot 88 (No. 27) South Perth Esplanade South Perth.

Location: Lot 88 (No. 27) South Perth Esplanade South Perth
 Applicant: TPG Town Planning and Urban Design
 Lodgement Date: 12 August 2010
 File Ref: 11.2010.437 SO1/27
 Date: 26 October 2010
 Author: Chris Schooling, Senior Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for multiple dwellings on Lot 88 (No. 27) South Perth Esplanade South Perth.

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

Element on which discretion is sought	Source of discretionary power
Minimum ground/floor levels	TPS clause 6.9
Visual privacy	R-Codes element 6.8.1 P1
Setbacks	R-Codes element 6.3.1 P1

It is recommended that the proposal be approved subject to conditions.

Background

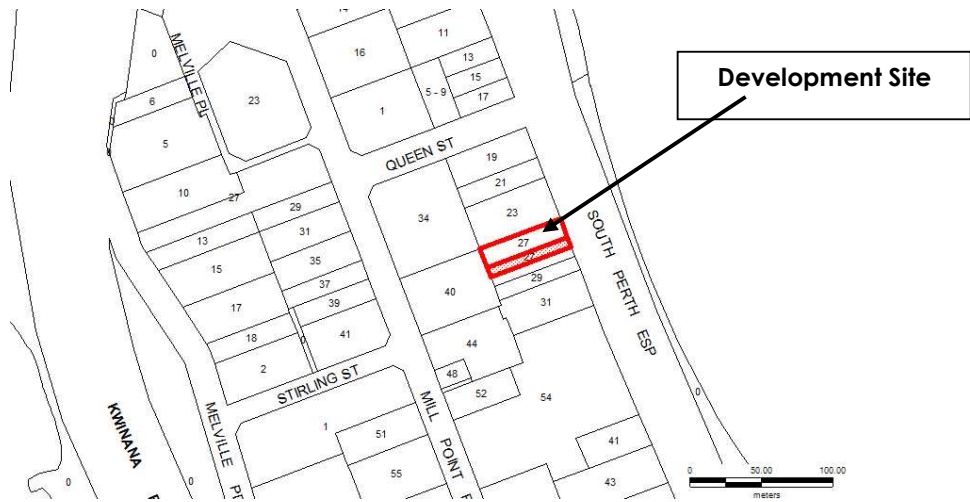
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1287 sq. metres
Building height limit	13 metres
Development potential	10 Multiple Dwellings
Plot ratio limit	1.0

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Plans of the proposal
- **Attachment 10.3.1(b)** Site photographs
- **Attachment 10.3.1(c)** Applicant's supporting report
- **Attachment 10.3.1(d)** Swan River Trust letter 29 September 2010

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:

Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

Comment

(a) Background

In March 2007, the City received an application for four multiple dwellings in a four storey building (plus loft and basement) at Lot 88 (No. 27) South Perth Esplanade South Perth (**Site**).

The application was referred to the December 2007 Council Meeting where it was approved subject to a number of standard and specific conditions. Development did not substantially commence at the Site within the 24 month validity period stipulated within Condition 23. The December 2007 Approval to Commence Development has now lapsed, and as a result the subject application has been submitted for determination.

(b) Description of the Surrounding Locality

The subject Site has a frontage to South Perth Esplanade to the north-east. The development adjoins an existing multiple dwelling development at 23 South Perth Esplanade to the north-west, an existing grouped dwelling development at 40 Mill Point Road to the south-west, and an existing single house at 29 South Perth Esplanade to the south-east, as seen in **Figure 1** below:



(c) **Existing Development on the Subject Site**

The Site is currently vacant, with piles of building rubble and vegetation in various locations, as depicted in the Site photographs at **Attachment 10.3.1(b)**.

(d) **Description of the Proposal**

The proposal involves the construction of four multiple dwellings in a four storey building (plus loft and basement) at Lot 88 (No. 27) South Perth Esplanade South Perth (Site), as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. The following information provides a brief summary of the proposed development:

- **Undercroft** Storerooms for each of the 4 dwellings, 12 car parking bays, communal open space, communal amenities and an entrance foyer;
- **First to Fourth Floors** One dwelling per level; and
- **Loft** An enclosed room with adjoining balcony, accessible from (and for the sole use of) Unit 4.

Furthermore, the Site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.1(b)**.

The Applicant's report, **Attachment 10.3.1(c)**, describes the proposal in more detail.

The proposal complies with the Scheme, the R-Codes and relevant Council Policies, with other significant matters, all discussed below.

(e) **Building Height, Plot Ratio, Solar Access for Adjoining Sites, Open Space**

The proposal complies with the TPS6 requirements for building height, plot ratio, solar access to adjoining sites and open space.

(f) **Finished Ground and Floor Levels- minimum**

The required *minimum* finished *ground* level permitted is 1.7 metres above the Australian Height Datum (AHD). The finished ground level is 1.7 metres AHD, which is compliant with clause 6.9(1) of TPS6.

The required *minimum* finished *non-habitable rooms and car parking* floor level permitted is 1.75 metres above AHD. The car parking area and storerooms have a proposed finished floor level (FFL) of 0.1 metres above AHD, and the foyer and common facilities located within the undercroft level have a proposed FFL of 0.5 metres AHD. Therefore, the proposed development does not comply with clause 6.9(2) “Minimum Ground and Floor Levels” of TPS6.

The required *minimum* finished *habitable room floor* permitted is 2.3 metres above AHD. The finished floor level of the Gymnasium and Common Room is 0.05 metres AHD. Therefore, the proposed development does not comply with clause 6.9(2) “Minimum Ground and Floor Levels” of TPS6.

Council discretion- cl. 6.9(3)

Council has discretionary power under clause 6.9(3) of TPS6 to approve the proposed ground / floor levels, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed undercroft floor levels be approved, as the applicant has satisfied the Council in relation to the following requirements of that clause:

- (a) Protection against subsoil water seepage;
- (b) Provision of engineer’s certification in relation to water-proofing; and
- (c) Council satisfaction in relation to the applicable 100 year flood level.

The engineer’s certification will be assessed at Building Licence stage.

As a response to the above sub-clause, the Applicant submits the opinion that the undercroft is proposed to be constructed in a manner that will prevent water ingress through the walls and floor (due to a waterproof membrane), and from the vehicle and pedestrian entrances. The undercroft is designed as a dry concrete tub, the top of which is located above 1.7m AHD.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

(g) Finished Ground and Floor Levels- maximum

The *maximum* finished *ground* level permitted is 0.86 metres above AHD; whereas the proposed finished ground level is 1.7 metres AHD. Clause 6.10.3(3) “Maximum Ground and Floor Levels” of TPS6 provides Council with the discretion to consider variations to the finished floor levels, where necessary to comply with the following:

- (a) The site shall not be filled to a level which, in the Council’s opinion, would unreasonable adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.
- (b) Portions of the site beyond the external; walls of the building shall be filled to a level which, in the Council’s opinion, is necessary to maintain visual privacy for the occupiers of any adjoining lot, consistent with the provisions of any planning policy.

It is considered that the proposal complies with clause 6.10.3(3) of TPS6 in the above regard. Compliance with the visual privacy provisions of the R-Codes is explained in more detail further in this report.

The *maximum* finished *floor* level permitted is 0.96 metres above AHD; whereas the proposed finished floor level is 0.05 metres ADH. Therefore, the proposed development complies with clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

(h) Street Setback- east facing, 1st, 2nd, 3rd and 4th floors

The permissible minimum street setback for the site, as stipulated in Table 5 of TPS6, is 12 metres. The proposed building setback is 12 metres; therefore, the proposed development complies with Table 1 of the R-Codes.

In addition, clause 4.3 “Special Application of Residential Design Codes - Variations” of TPS6 permits cantilevered balconies or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment. The proposed development complies with this requirement, due to a 10 metre front setback of the balconies.

(i) Boundary Walls- ground floor, north, west, south

Boundary walls are proposed to the north, west and south boundaries at the undercroft level to the rear of the Site.

(A) Northern boundary wall

The northern boundary wall is proposed at a height of 1.65 metres above the adjoining property ground level, for a length of 25.8 metres. As a standard boundary fence generally has a height of 1.8 metres, the wall is considered to have a minimal impact on the adjoining property.

(B) Western boundary wall

The western boundary wall is proposed at a height of 1.85 metres above the adjoining property ground level, for the full length of the boundary. As a standard boundary fence generally has a height of 1.8 metres, the wall is considered to have a minimal impact on the adjoining property.

(C) Southern boundary wall

The southern boundary wall has a maximum height of 2.35 metres above the adjoining property ground level, for a length of 26.8 metres. The existing single house on the adjoining property is located forward of the proposed boundary wall, with two existing brick and iron sheds behind. The boundary wall falls within the vicinity of these sheds.

As the boundary wall is largely adjacent to existing outbuildings to the rear of the existing house, it is not considered to have an adverse impact on the amenity of the adjoining development.

Under Council Policy P350.2, the permitted height of residential boundary walls (parapets), adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour’s ground level, subject to demonstrating compliance with the amenity factors. The proposed wall height is 1.85 metres along the western boundary, and therefore the proposed development complies with this element of the policy.

In addition, the permitted setback for boundary walls is 6.0 metres, whereas the proposed wall setback is 33.6 metres and 35.4 metres from the front boundary, for the north and south walls respectively. Therefore, the proposed development complies with this element of the policy.

Finally, the walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the policy:

- No effect on the existing streetscape character;
- No outlook from the front of the adjoining dwellings or gardens if forward of the proposed parapet wall;
- No overshadowing of adjoining habitable room windows or Outdoor Living Areas;
- No impact of bulk on adjoining Outdoor Living Areas; and
- No comments from adjoining neighbours (see section neighbour consultation).

In this instance, it is considered that the proposed boundary walls comply with the policy, and is therefore supported by the City.

(j) **Wall Setback- north, west and south facing 1st, 2nd, 3rd and 4th floors**

The proposed wall setbacks generally comply with Tables 2a and 2b of the R-Codes, however the applicant proposes variations to some wall setbacks on the north and south boundaries, as identified below:

(i) Northern boundary

- Stairwell and equipment room – Level 4: setback 5.965 metres in lieu of 6.3 metres; and
- Drying court, ensuite and bedroom 1 – Levels 2, 3 and 4: setback 1.805 metres in lieu of 1.9 metres, 3.0 metres and 3.5 metres respectively.

(ii) Southern boundary

- Living area – Level 4: setback 3.4 metres in lieu of 3.5 metres; and
- Bedroom 3 and dining – Level 4: 5.36 metres and 5.8 metres in lieu of 6.3 metres.

The Applicant has satisfied all of the Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed structure provides adequate ventilation and sun to the subject Site;
- The proposed structure provides adequate sun and ventilation to the neighbouring property;
- The setback variation will be negligible when viewed from the street or the adjoining development;
- Visual privacy is not an issue; and
- No comments from adjoining neighbours (see section neighbour consultation).

The reduced setbacks to the northern boundary do not result in any overlooking or excessive shading of the adjoining property. Furthermore the ensuite and bedroom 1 walls are adjacent to similar walls on the adjoining development.

The reduced setbacks to the southern boundary are minor in nature and serve to articulate the built form in a location where it is largely visible from the public realm. Due to the existing development to the south being an older style two storey dwelling, this elevation is mostly visible from the street and river foreshore. The staggering of setbacks to the south elevation, combined with a varied colour and material palette, reduce the building bulk of the southern walls and provide visual interest to this elevation. Additionally, as the reduced setbacks are confined to the fourth floor, the variations will largely appear negligible from street level.

In this instance, it is considered that the proposal complies with the Performance Criteria, and is therefore supported by the City.

(k) Visual Privacy Setback- east facing balconies, 1st, 2nd, 3rd and 4th floors

The required minimum visual privacy setbacks for the balconies fronting South Perth Esplanade is 7.5 metres, whereas the proposed visual setback is 4.4 metres to the north boundary and 5.0 metres to the south boundary. The proposed development does not comply with the visual privacy element of the R-Codes.

Council discretion- cl. 6.8.1 P1

The Applicant has satisfied the visual privacy Performance Criteria 6.8.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The visual privacy variations are confined to the entrance and front setback area of the adjoining development to the north, and the roof surface and front setback area of the adjoining development to the south;
- The cones of vision from the northern side of the balconies do not intrude into the balconies of the development on the adjoining site to the north;
- No major openings or outdoor active habitable spaces are overlooked;
- Effective screening is proposed to the spa and barbeque areas along the northern side of the balcony; and
- No comments from adjoining neighbours (see neighbour consultation).

In this instance, it is considered that the proposal complies with the Performance Criteria, and is therefore supported by the City.

(l) Significant Views

Council Planning Policy P350.9 (Significant Views) at times requires the consideration for the loss of significant view from neighbouring properties.

The neighbouring properties to the north, south and west of the subject Site currently enjoy views of the Perth City skyline and Swan River (significant views). Additionally the proposed development complies with the prescribed height limit and setback variations are considered minor for a development of this scale. Furthermore written objection to the potential loss of any views has not been lodged with the City. Therefore it is considered that the proposed development complies with the policy.

(m) Car Parking

The required number of car bays is 8; whereas the proposed number of car bays is 12, a surplus of 4 bays (50 percent). Therefore the proposed development complies with the car parking requirement of the R-Codes.

The parking bay numbered 1 and allocated to Apartment 2 has a reduced length of 5.0 metres in lieu of 5.5 metres. This parking bay has been designated for small cars. It is considered that there is sufficient scope to provide a car parking bay with a length of 5.5 metres. A condition is recommended to rectify this matter by either increasing the bay depth to 5.5 metres, or removing the bay from the proposal altogether as sufficient number of car bays for the development has already been provided.

(n) Vehicle Movements

The proposed garage is more than 15 metres from the front boundary line, necessitating structures to be arranged to allow vehicles to exit the property in forward gear, in accordance with element 6.5.4 A4.1 of the R-Codes.

In addition, Council policy P350.3 subclause 5(b) requires that where vehicles are required to enter the street in forward gear, then the Applicant is to demonstrate vehicle movements in accordance with Australian Standard AS 2890.1, with no more than two turning movements. The undercroft car park has been designed with car accessway widths in compliance with Schedule 5 of TPS6. The proposed development therefore complies with TPS6, the R-Codes and Council's policy P350.3.

(o) Driveway Grade

Due to the location of the car park entrance to the rear of the Site, and the level of the car park in relation to the street, a significant grade is proposed for the driveway.

The standard permissible grade is no greater than 1:12 for the first 3.6 metres, then no greater than 1:8, whereas the proposed grade is 0 for the first 3.6 metres, then 1:8, 1:6, 1:8 and 1:9. Therefore, the proposed development does not comply with clause 6.10(2) of TPS6.

However, the policy provides for grades not steeper than 1:6, if the Applicant supplies a letter to acknowledge full responsibility for the issue, which has not been provided to the City. Therefore, the driveway grade does not comply with clause 7(b) "Formed Driveway Gradient" of Policy P350.3; however a condition is recommended to demonstrate compliance and thereby rectify this matter.

(p) Visually Permeable Fencing

Fencing in the front setback area of a residential development is required to be visually permeable above 1.2 metres in height, in accordance with clause 5 of Council policy P350.7, due to reasons of (p. 1):

- Streetscape;
- Traffic safety;
- Personal security;
- Visual privacy; and the
- Impact of building bulk.

The proposed front fence features marble panels attached to a solid masonry wall, to a maximum height of 1.2 metres. A gatehouse enabling secure access to the development is proposed at the south-east corner of the site. The gatehouse features solid walls and a glass canopy, as well as an entrance gate. Specific details regarding the materials and permeability of the entrance gate have not been provided.

In this instance, it is considered that the proposal does not comply with the Performance Criteria due to the presence of solid walls greater than 1.2 metres high within the front setback area. This variation is considered to be minor when viewed across the entire frontage of the site, and therefore a condition is recommended to ensure the entrance gate remains visually permeable.

(q) Sustainable Design

City Policy P350.1 (Sustainable Design) strongly encourages all proposed development to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. It is acknowledged that Policy P350.1 does not override other TPS6, R-Codes and Policy requirements via clause 5(h). As a consequence of the development complying in all other respects (see relevant sections of this report), it is considered that the proposal complies with the policy.

(r) 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;*
- (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;*

(s) 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;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;*
- (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;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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 September 2010. The proposal was favourably received by the Consultants, who noted the proposed built form was generally compatible with the existing streetscape character. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
<p>The proposed levels of the under-croft floor, which contains the entrance foyer, car parking bays, storerooms and communal areas are below those prescribed by Clause 6.9 of Town Planning Scheme No. 6. The Architects expressed concerns that in case of flooding, there would be no alternative route available to the occupiers to evacuate the building.</p>	<p>Without compromising the floor to floor heights of the apartments it is not possible to achieve this within the height restrictions. The architects wish to note that the undercroft has been designed as a dry concrete tub. The rim of the tub is above the required 1.7M AHD level and therefore above the height of the deemed maximum flood plain. Ramps and steps into the foyer go over the top of the rim. The basement 'tub' is a concrete structure in two layers, with a high specification waterproof membrane to the underside of the tub. The structural system has been designed by Structural engineers BPA. Further, a system of drainage channels and dual pumps have been included in the design to remove any water arising from car washdown etc.</p>	<p>The Applicant has provided details of how the location and construction of the car park will not result in water ingress in the event of flooding. With the 'rim' of the car park above 1.7m AHD – the minimum level required for car parking areas under TPS6 – it is considered that while possible, it would not be likely for the car park to become flooded.</p> <p>Noting that any increase in the floor levels of the car park will require significant modifications to the building, and possibly the reduction in yield, it is considered that the level of the car park is a satisfactory outcome.</p> <p>The comment is NOTED</p>
<p>Noting that the information provided on the drawings in relation to compliance with the building height limit, the Architects observed that there is a possibility to raise the entire building, thus raising the under-croft floor levels while maintaining compliance with the height restrictions.</p>	<p>This option was explored by the architects and was determined to be unfeasible without either removing the loft level, or compromising the floor to floor heights of the apartments.</p>	<p>Reducing the floor to floor heights of the building, whilst remaining within the 13.0 metre building height limit, would result in a minimal increase in the undercroft floor levels. Although raising the undercroft levels would generally result in a better outcome with regards to water ingress, it is considered that the reduction in amenity arising from reduced floor to floor heights would be more significant.</p> <p>The comment is NOTED</p>

DAC Comments	Applicant's Responses	Officer's Comments
<p>It was noted that the location of some of the areas within the dwellings could be re-considered in view of achieving a sustainable built outcome. Some of the areas identified were: south-west facing clothes drying-out area; south and west facing large terraces; guest bedrooms not having direct access to toilets; and small loft and observation deck on level 5.</p>	<p>The Level 1 terrace has been designed to screen the car park below and contributes to R Codes open space requirements for the development. The clothes drying decks on Levels 2 to 4 are not envisaged as recreational spaces; the architects note that the large north-east facing front balconies to each apartment are the primary outdoor living areas, taking advantage of the river/city views and excellent solar orientation. In response to the comments regarding guest bedroom toilets and the Level 5 loft, the architects note that the spaces have been designed to suit the requirements of the individual apartment owners.</p>	<p>Further clarification was received from the Applicant with regards to the intent of the rear drying areas, and the inclusion of a large amount of landscaping to provide a pleasant aspect from the adjoining ensuites. It is considered that these spaces will have minimal use compared to the eastern balconies.</p> <p>The internal arrangement of bedrooms and bathrooms has been positioned to reflect the requirements of the dwelling owners, thereby ensuring a sustainable outcome in terms of their day to day use.</p> <p>The comment is NOTED</p>

(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'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 23, and 29 South Perth Esplanade and No 40 Mill Point Road were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 24 consultation notices were sent and no submissions were received.

(c) External Agencies

Comments were also invited from the Swan River Trust.

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.

A condition and two specific advice notes have been recommended to ensure compliance with the Trust's advice at **Attachment 10.3.1(d)**.

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 no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within 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

Noting the orientation of the lot and the extent of adjoining development to the north, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions; and it will not have a detrimental impact on adjoining residential neighbours. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION 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 a multiple dwelling(s) on Lot 88 (No. 27 South Perth Esplanade South Perth **be approved** subject to:

- (a) **Standard Conditions**

377	screening- clothes drying	470	retraining walls- if required
390	crossover- standards	471	Retaining walls- timing
358	crossover- gradient (letter required)	455	dividing fences- standards
393	verge & kerbing works	456	dividing fences- timing
625	sightlines for drivers	340B	parapet walls- finish of surface
352	car bays- marked and visible	508	landscaping approved & completed
465	geotechnical report	550	plumbing hidden
427	colours & materials- details	664	inspection (final) required
445	Drainage contained on site	660	expiry of approval
446	subsoil water seepage		

- (b) **Specific Conditions**
 - (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) Details of the materials and visual permeability proposed for the entrance gate to the gatehouse off South Perth Esplanade; and
 - (B) Car parking bay number 1 being increased in length to 5.5 metres. Alternatively, removing the bay from the proposal as sufficient number of car bays for the development has been provided.
 - (ii) The applicant shall prepare and submit a Dewatering Management Plan at Building Licence stage for review by the City, which shall then be implemented at the commencement of construction. [Refer to Specific Advice Note (d)(ii)]

Recommendation Item 10.3.1 (cont'd)

(c) **Standard Advice Notes**

648	building licence required	646	landscaping- general standards
647	Revised drawings required	646A	masonry fences require BA
651	appeal rights- council	649A	minor variations- seek approval

(d) **Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant health related requirements.
- (ii) The Dewatering Management Plan is to address all items specified by the Swan River Trust in their letter dated 29 September 2010.
- (iii) The applicant is required to satisfactorily address all other requirements of the Swan River Trust's letter dated 29 September 2010 at Building Licence stage.

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

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 Annual Tender 14/2010- Various Minor Concrete Works.
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Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 14/2010
Date:	11 October 2010
Author:	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 14/2010 for 'Various Minor Concrete Works'.

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

Background

A Request for Tender was recently called for 'Various Minor Concrete Works'. Tender 14/2010 was advertised in the West Australian on Saturday 29 June 2010. At the close of the Tender advertising period two (2) submissions from registered companies had been received.

The contract documentation nominated 2,000 square metres as being the likely quantity of new paths to be constructed in the twelve month period of supply. The nominated quantities are indicative only and the City is not bound to provide all of the works within the prescribed time period.

The Contract is based on a Schedule of Rates. Schedule 1 of the tender documents nominates the activities that the City expects the Contractor to undertake for the nominated bid. The exception however is where the Tenderer elects to complete Schedule 2 of the tender documents which specifically addresses aspects of the works which may not be present in all instances.

Dowsing Concrete elected to complete both Schedule 1 and 2 of the Tender documents. Based on the details contained in the Schedule 1 and 2, the anticipated annual contract value of the Various Minor Concrete Works including new path construction is listed below.

Tenderer	Estimated Annual Contract Value (GST Exclusive)
Dowsing Concrete	\$ 234,674
Resource Engineering & Design	\$326,885

The various minor concrete works are essential to facilitate the completion of the 2010/2011 capital works and maintenance program. This tender forms part of the City's annual supply tenders and is for a period of supply expiring on 30 June 2011.

Comment

Tenders were invited as a Schedule of Rates Contract. Schedule 1 includes the construction of 2,000 square metres of new path as well as various numbers of access ramps of different widths, crossings (crossovers), and reinstatement works. The estimated annual contract value was determined by multiplying the nominated rate with the anticipated quantity for each of the prescribed activities. The quantities as nominated are indicative only with no obligation on the City should the quantities be less.

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

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform to perform tasks as set out in the specifications	20%
2. Referees	10%
3. Price	70%
Total	100%

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

TABLE B - Weighted Score and Estimated Tender Prices

Tenderer	Estimated Annual Contract Value (GST Exclusive)	Weighted Score
Dowsing Concrete	\$ 234,674	9.7
Resource Engineering & Design	\$326,885	6.8

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

The tender submitted by Dowsing Concrete was the lowest of all Tenders received and recorded the highest score of 9.7 in the evaluation matrix. The recommended tenderer has previously undertaken similar work for the City and their performance to date has been satisfactory.

The recommended tenderer has previously undertaken similar work for the City of Belmont, City of Subiaco, City of Wanneroo, City of Melville and the City of South Perth. From the responses received from other local government authorities, Dowsing Concrete has demonstrated an ability to undertake all of the prescribed works, including those of a more complex nature. In addition, Dowsing Concrete has completed the concrete works to a high quality and in a timely manner at a very competitive price.

Based on the assessment of all tenders received for Tender 14/2010, this report recommends to the Council that the tender from Dowsing Concrete be accepted for the period of supply up to 30 June 2011 in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B.

Consultation

Tender 14/2010 Various Minor Concrete Works was advertised in the West Australian on Saturday 29 June 2010. In total two (2) tenders were received and these complied with the Request for Tender.

The tender period is less than 12 months and will expire on June 30th 2011. The tender period has been set so as to align all tenders into the future to the Financial year.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

Financial Implications

The full cost of the works is reflected in the 2010/2011 capital works and maintenance budgets and will be taken into account during formulation of the 2011/2012 annual budget.

Strategic Implications

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Contractor to undertake various new concrete works including the provision of new paths, this enables Strategic Plan objectives detailed at:

Direction 1 "Community" - Strategy 1.1: *Develop, prioritise and review services and delivery models to meet changing community needs and priorities*

Direction 2 "Environment" - Strategy 2.2: *Improve streetscape amenity whilst maximising environmental benefit;* and

Direction 5 "Transport" - Strategy 5.2: *ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network* and 5.4: *Ensure the City provides appropriate levels of pedestrian amenity* to be realised.

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete the works identified in the 2010/2011 annual budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable maintenance of the City's infrastructure.

The service will strengthen the City's Infrastructure Services directorate by ensuring that it has access to a wide range of quality minor concrete works at highly competitive rates.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.5.1**

That Council accepts the Tender submitted by Dowsing Concrete to undertake Various Minor Concrete Works in accordance with Tender Number 14/2010 for the period of supply up to and including 30 June 2011.

CARRIED EN BLOC RESOLUTION

10.5.2 Annual Tender 9/2010- Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths.

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 9/2010
Date:	12 October 2010
Author:	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 9/2010 for the 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths'.

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

Background

A Request for Tenders was recently called for the '*Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths*'. Tender 9/2010 was advertised in the West Australian on Saturday 5 June 2010.

At the close of the Tender advertising period four (4) submissions from registered companies had been received. Tenders were invited as a Schedule of Rates Contract with 9,000 square metres being nominated as the notional quantity of path to be replaced annually. The quantity of pathway is an estimate only and the City does not guarantee that this amount of path will be replaced in any given year. The tender documents comprises two tender schedules. Schedule 1 lists all of the activities required to be undertaken as part of the Contract. Unless specifically referenced elsewhere in the response, the tendered rate in Schedule 1 is the base rate to be applied to the works.

Schedule 2 allows for provision of certain activities which may not be present in all circumstances e.g. the removal and realignment of verge reticulation, the removal and disposal of poorly aligned concrete crossings etc. Therefore, the list of variations from Schedule 2 needs to be included into the base rate from Schedule 1 to determine the adjusted annual value of the path replacement program.

While the Schedule 1 rates submitted by Dowsing Concrete was the second lowest of the four tenders received, the variations nominated under Schedule 2 (considered by the other bidders as core activities) once added back to the base rate significantly affected the order of the estimated annual contract value. In determining the estimated annual contract value the assumed quantities of each of the variations have been conservatively selected and as a result may distort the actual annual contract value of path replacement.

The estimated annual contract value for the replacement of existing concrete slab footpaths with poured insitu paths as determined from the schedules received are listed below:

TABLE A - Estimated Annual Contract Value

Tenderer	Estimated Annual Contract Value (GST Exclusive)
WA Reinstatements	\$ 399,508
Dowsing Concrete	\$ 494,388
Nextside P/L	\$ 447,400
Cobblestone	\$479,400

The replacement of existing concrete slab footpaths with in-situ concrete footpaths is essential to facilitate the completion of the 2010/2011 and 2011/2012 capital works and maintenance program. This tender forms part of the City's annual supply tenders and is for a period of supply of about nineteen (19) months, expiring on 30 June 2012. The 19 month Contract will enable the setting of Annual Contracts in the future to be directly aligned to the Financial Year (i.e. 30 June annually).

Finally, the Contract pricing is fixed for the first twelve (12) months period of supply between 1 December 2010 and 30 November 2011, thereafter subject to "Rise and Fall" but not exceeding the changes in CPI (for Perth) as published by the Australian Bureau of statistics.

Comment

Tenders were invited as a Schedule of Rates Contract. The estimated contract value was determined using 9,000 square metres of path as the notional quantity of path to be replaced on an annual basis (the quantity of pathway is an estimate only and the City does not guarantee that this amount of path will be replaced during the contract period). The quantity of path to be replaced on an annual basis as an extension of the 2010/11 Capital Program is more likely to be 5,000 square metres.

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

TABLE B - Qualitative Criteria

Qualitative Criteria		Weighting %
1.	Demonstrated ability to do the service on time	20%
2.	Conformity with tender specification	10%
3.	Referees	10%
4.	Price	60%
TOTAL		100%

Table A above represents the estimated annual contract value based on the replacement of 9,000 square metres. However the more realistic replacement quantity of 5,000 square metres per annum is the basis of the weighted score and estimated annual contract value of each tender received and listed in Table C below.

TABLE C - Weighted Score and Estimated Annual Contract Value

Tenderer	Estimated Annual Contract Value (GST Exclusive)	Weighted Score
Nextside Pty Ltd	\$ 271,400	9.0
Dowsing Concrete	\$ 305,715	8.8
WA Reinstatements	\$ 272,653	8.6
Cobblestone	\$ 289,400	8.6

Of the four companies that submitted a tender:

- Two have been well established in the metropolitan area for nearly two decades providing quality services to local government and the wider community. Both companies have held contracts with the City over this period of time with one electing to relinquish the works. The other contractor has held the contract for concrete works on many occasions over this time period and has maintained a quality service;
- One company, with the same principal, has recommenced operation under a new company name. The former company had been active with metropolitan local governments with the supply and laying of concrete paths and had at one stage been a contractor to the City. The new company has resumed an active involvement with local government; and
- The remaining company was unknown to local government at the time of the submission with a client base that required reinstatement and minor works. The company is small with minimal resources and has recently acquired two local government programs.

In considering the qualitative criteria:

- One company, although renamed and no longer a contractor to the City, was rated less favourably due to issues from past experiences that involved quality, timeliness and customer service; and
- One company having minimal exposure to local government works and with limited resources also rated less favourably.

With the qualitative criteria representing 40% of the weighted score, the two established and highly commended companies (one being the current contractor) were rated sufficiently high enough to minimise the impact of the price variation in the estimated annual contract value but not sufficient to negate the difference. The expected outcome of assessing tenders by the Weighted Score method is to reveal the contractor that will:

- provide the best value service (not necessarily the cheapest service) to the community, and
- provide service that is of a high class, and delivered by company representatives that are responsive to the customers needs and require minimal superintendence.

Dowsing Concrete is the incumbent contractor and is very familiar with the Cities Quality and Occupational Standards. However the uncertainty in the quantities and subsequent value of the variations listed in Schedule 2 of the their tender does mean that, at best, the annual contract value is about 12.5% greater than Nextside Pty Ltd. The Principal of Nextside having held contracts with the City in the past (while trading as Westside Concrete) is similarly very familiar with the City's standards and should have no difficulty delivering the service required. The issues that may have been present in earlier contracted work have largely been resolved by changes in personnel and the reduced scope of works.

The tender received from Nextside Pty Ltd contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Request for Tender. The tender submitted by Nextside Pty Ltd recorded the highest score of 9.0 in the evaluation matrix.

Based on the assessment of all tenders received for Tender 9/2010, this report recommends to the Council that the tender from Nextside Pty Ltd be accepted for the period of supply up to 30 June 2012 in accordance with the Schedule of Rates and Estimated Annual Contract value (GST Exclusive) as noted in Table C.

Consultation

Tender 9/2010 Replacement Of Existing Concrete Slab Footpaths With Poured In-Situ Concrete Footpaths was advertised in the West Australian on Saturday 5 June 2010. In total four (4) tenders were received.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

Financial Implications

The full cost of the works is reflected in the 2010/2011 capital works and maintenance budgets and will be taken into account during formulation of the 2011/2012 annual budget.

Strategic Implications

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Contractor to deliver the annual slab path network program, will enable Strategic Plan objectives detailed at:

Direction 1 "Community" - Strategy 1.1: *Develop, prioritise and review services and delivery models to meet changing community needs and priorities*

Direction 2 "Environment" - Strategy 2.2: *Improve streetscape amenity whilst maximising environmental benefit;* and

Direction 5 "Transport" - Strategy 5.2: *ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network* and 5.4: *Ensure the City provides appropriate levels of pedestrian amenity* to be realised.

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete the works identified in the 2010/2011 and 2011/2012 annual budgets. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable maintenance of the City's slab path network.

The service will strengthen the City's Infrastructure Services directorate by ensuring that it has access to a wide range of quality concreting services at highly competitive rates.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2
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That Council accepts the Tender submitted by Nextside Pty Ltd for the replacement of existing concrete slab footpaths with poured in-situ concrete footpaths in accordance with Tender Number 9/2010 for the period of supply up to 30 June 2012.

CARRIED EN BLOC RESOLUTION

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - September 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	08 October 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 a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

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 from September onwards. This schedule reflects a reconciliation of movements between the 2010/2011 Adopted Budget and the 2010/2011 Amended Budget including the introduction of the capital expenditure items carried forward from 2009/2010 (after September 2010).

A monthly Statement of Financial Position 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 this statement 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:

- Statement of Financial Position - **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 30 September 2010 is \$31.39M which represents 101% of the \$31.04M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is comfortably ahead of budget expectations although infringements are now significantly behind budget - possibly reflecting a positive behavioural change. Interest revenues are very close to budget expectations - with Reserve interest slightly ahead of budget but Municipal Fund interest very slightly under budget expectations.

Planning and building revenues are both comfortably ahead of budget due to higher volumes of applications and the impact of several larger developments. This area has been adjusted in the Q1 Budget Review. Collier Park Village revenue is very close to budget expectations whilst the Hostel revenue is now significantly favourable due to a number of adjustments to commonwealth subsidies. Golf Course revenue is very close to budget targets thanks to strong attendances during the unseasonal good weather conditions early in the year - but it was quieter during the later part of September - possibly due to the AFL grand final. Infrastructure Services revenue is largely on budget in most areas other than a couple of favourable timing differences noted in the variance schedule. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 30 September 2010 is \$9.58M which represents 99% of the year to date budget. Operating Expenditure to date is 2% under budget in the Administration area, on budget in the Infrastructure Services area and 1% under budget for the golf course. There currently are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. As various administration programs are initiated, there are several small timing differences between anticipated budget phasing and actual billing activities. Adjustments are also proposed in the Q1 Budget Review to (non cash) depreciation expense in several areas.

The Infrastructure Services area reflects some timing variances as programs for various maintenance activities are implemented. The accounts reflects an under-recovery of overheads - as a lesser level of direct labour has been used (direct labour drives the overhead recovery from jobs). An adjustment will be required to provide for a larger (non cash) allocation for depreciation as a consequence of the revaluation of all buildings and infrastructure assets at 30 June. New street lighting tariffs are have flagged the need to increase the funding allocation for this area by around 15% in the Q1 Budget Review. Waste management costs are very close to budget expectations with the exception of our contribution to the Rivers Regional Council which has come in as \$15,000 less than was expected. Golf Course expenditure is very close to budget at this time.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 7.6% under the budget allocation for the 223.2 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

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

Capital Revenue is disclosed as \$1.27M at 30 September against a year to date budget of \$0.97M. The major factors contributing to this significant favourable variance are a favourable timing difference on the lease premium and refurbishment levy attributable to an additional re-leased units at the Collier Park Village, a small unbudgeted roads grant and an unanticipated grant allocation from SRT for river wall works (which is addressed in the Q1 Budget Review - along with the related expenditure item). Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 September 2010 is \$4.08M representing 87% of the year to date budget and 20.8% of the full year budget (after the inclusion of \$4.0M of carry forward works). The major element of the capital program is a \$2.82M progress claim on the Library & Community Facility project (which brings the project within 10% of budgeted cash flow expectations).

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	0	710	0%	105,000
Library & Community Facility	3,170,000	2,856,721	90%	6,230,000
Financial & Information Services *	205,500	202,832	99%	1,533,500
Planning & Community Services	184,380	138,642	75%	1,514,500
Infrastructure Services	1,073,100	868,243	81%	9,675,785
Golf Course	30,000	11,559	49%	537,000
Total	4,662,980	4,078,707	87%	19,595,785

* Financial & Information Services is also responsible for the Library & Community Facility building project.

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 identified in the City’s Strategic Plan - *‘To ensure that the City’s governance enables it to respond to the community’s vision and deliver on its promises in a sustainable manner’*.

Sustainability Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.1**

That ...

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

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 October 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 \$48.48M compare very favourably to \$43.44M at the equivalent stage of last year. Reserve funds are \$2.50M higher than the level they were at for the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV and CPH (\$3.0M higher) but \$2.0M less in the Future Building Works Reserve as monies are applied to the new Library and Community Facility project. The UGP Reserve is \$1.0M higher whilst the Waste Management and Plant Replacement Reserves are both \$0.2M higher whilst several other Reserve balances are modestly changed when compared to last year.

Municipal funds are \$2.5M higher although much of this relates to additional carry forward works when compared to last year. Collections from rates this year have been extremely strong with a further improvement over last year's excellent performance.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have again proven very effective in having a positive effect on 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 \$19.67M (compared to \$19.95M last month) It was \$17.12M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$47.70M compared to \$42.53M at the same time last year. This is due to the higher holdings of Municipal and Reserve Funds as investments as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 96.8% 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)**.

Total interest revenues (received and accrued) for the year to date total \$0.52M - well up from \$0.35M at the same time last year. This result is attributable to the slightly higher interest rates available early in the year and higher levels of cash holdings. 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 5.61% with the anticipated weighted average yield on investments yet to mature now sitting at 5.69 (compared with 5.65% last month). Investment results to date reflect 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 4.25%.

(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 September 2010 (after the due date for the first instalment) represent 66.7% of rates levied compared to 66.2% at the equivalent stage of the previous year.

Feedback from the community suggests a good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 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 provided strong encouragement for ratepayers - as evidenced by the strong early collections. Of the payments received by the due date at the end of August, 74% were received by 3rd party (agency) payment means (not requiring staff intervention) (24% by BPay, 32% by Post

Billpay and 18% by Internet). The remaining 26% were paid by cash style transactions. Maximising the number of agency payments frees up our staff for value-adding customer services rather than simply processing payment transactions.

The good initial collection result will be supported administratively throughout the remainder of the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors stand at \$1.86M at month end (\$1.99M last year) excluding UGP debtors and \$2.26M last month. Major changes in the composition of the outstanding debtors balances relate to a lesser amount of outstanding parking infringements, grant funding and GST Receivable. The majority of the outstanding amounts are government and semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default. Excluded from these figures is the Pension Rebate recoverable amount which can not be collected until eligible pensioners qualify for their entitlement by making a payment of the non rebated amount.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$5.90M was collected by 30 September with approximately 77.9% of those in the affected area electing to pay in full and a further 21.3% opting to pay by instalments. The remaining 0.8% (18 properties) represent properties that are disputed billing amounts- and final notices have been issued. These amounts are now being debt collected by external agencies as they have not been satisfactorily addressed in a timely manner despite attempts by the City to achieve an amicable settlement. Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

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 identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 30 September 2010 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 October 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 September 2010 and 30 September 2010 is presented to Council for information.

Background

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

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

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

Comment

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

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.3**

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

CARRIED EN BLOC RESOLUTION

10.6.4 Budget Review for Quarter ended 30 September 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 October 2010
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2010/2011 Adopted Budget for the period to 30 September 2010 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Background

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

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

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

The results of the Half Yearly (Q2) Budget Review were forwarded to the Department of Local Government for their review after they were endorsed by Council. This requirement allowed the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter - and the attached review incorporates all known variances up to 30 September 2010 including a comprehensive review of the capital program jointly undertaken by Financial Services & Infrastructure Services.

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

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review
Attachment 10.6.4(1)

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

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 13 July 2010.

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$82,250) to the projected 2010/2011 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government’s guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds. It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The adopted budget at 13 July showed a Closing Position of \$149,265. The changes of (\$82,250) recommended in the Q1 Budget Review will result in the estimated 2010/2011 Closing Position being adjusted to \$223,191 - after also allowing for required adjustments of \$156,175 to the estimated opening position, accrual movements and reserve transfers. This balance is up from the estimated Closing Position of \$149,265 at Budget adoption date.

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

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2009/2010 year end accounts.

TABLE 1: (Q1 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	60,500	(116,500)	(56,000)
Financial and Information Services	67,000	(97,600)	(30,600)
Development and Community Services	98,250	(58,625)	39,625
Infrastructure Services	394,375	(430,010)	(35,275)
Opening Position	206,175	0	206,175
Accrual Movements & Reserve Transfers	0	(50,000)	(50,000)
Total	\$826,660	(\$752,735)	\$73,925

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

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

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2010/2011 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	60,500	(116,500)	(56,000)
Financial and Information Services	67,000	(97,600)	(30,600)
Planning and Community Services	98,250	(58,625)	39,625
Infrastructure Services	394,375	(430,010)	(35,275)
Opening Position	206,175	0	206,175
Accrual Movements & Reserve Transfers	0	(50,000)	(50,000)
Total change in Adopted Budget	\$826,660	(\$752,735)	\$73,925

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall budget closing position has only moved from the \$149,265 as determined by Council when the budget was adopted in July 2010 to \$223,191 after including all budget movements to date.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4
--

That following the detailed review of financial performance for the period ending 30 September 2010, the budget estimates for Revenue and Expenditure for the 2010/2011 Financial Year, (adopted by Council on 13 July 2010 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the October 2010 Council Agenda:

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

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.6.5	Use of the Common Seal
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	6 September 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.

September 2010

Nature of Document	Parties
Deed of Agreement to Lease–Collier Park Village	Jadwiga Poulson and City of South Perth
Lease – Collier Park Village	Jadwiga Poulson and City of South Perth
Deed of Variation – Collier Park Village	Jadwiga Poulson and City of South Perth
Deed of Agreement – City of South Perth	Perth Electric Tramway Society & CoSP Historical Society

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 AND COUNCIL DECISION ITEM 10.6.5
--

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

CARRIED EN BLOC RESOLUTION

10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 11 October 2010
Author: Matt Stuart, Acting 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 September 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 September 2010, seventy-eight (78) development applications were determined under delegated authority at **Attachment 10.6.6**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6
--

That the report and **Attachment 10.6.6** relating to delegated determination of applications for planning approval during the month of September 2010, be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Council Meeting Schedule 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/2
Date:	5 October 2010
Author:	Kay Russell, Executive Support Officer
Reporting Officer: :	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to adopt the Council Meeting / Agenda Briefing Schedule for the 2011 year.

Background

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

Exceptions to the above for 2011 are:

- during **January** when the Council is in recess any urgent matters that may arise, that the Chief Executive Officer does not have authority to deal with, will be the subject of a Special Meeting of Council. Clause 3.1 of the Standing Orders Local Law 2007 '*Calling and Convening Meetings*' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government as he is empowered to do in accordance with the *Local Government Act*.
- in April when the Anzac Day public holiday falls on the fourth Tuesday of the month which is also immediately following the Easter Monday public holiday. In view of this and following a discussion at the October Council Agenda Briefing where several Members indicated they would be absent due to school holidays also commencing at this time, it was agreed it would be more appropriate to defer the April meeting by 1 week. It is therefore suggested the April 2011 Council meeting be held on Tuesday 3 May. Deferring the April meeting by 1 week still allows three weeks between the April and May meetings.
- in **October** when it is an election year, which is the case in 2011. Given that the third Saturday in October (15 October) the scheduled election day is three days before the scheduled Council Agenda Briefing date (18 October) and nine days before the scheduled Council meeting date (25 October) it is considered appropriate, (as was approved in 2009) to bring forward the October Meeting by 2 weeks to 11 October which is only two weeks following the September Council meeting. Bringing forward the October meeting date by 2 weeks would mean that there would be fewer items on the October Agenda because the meeting has been brought forward. This enables the current Council to have its last meeting on the Tuesday prior to the elections and then enables the new Council to be sworn in on Tuesday 18 October allowing a full month for Councillor induction programs to be conducted before the next scheduled Council meeting on Tuesday 22 November
- in **December** when the ordinary scheduled Council meeting date is usually brought forward by one week to accommodate the Christmas period. In 2011 this would mean the December meeting would be held on 20 December, three days before Christmas Eve on the Saturday which would allow very little time for the preparation of the Council Minutes and the implementation / 'action' of Council resolutions. It is more appropriate that the December Council Meeting be brought forward by 2 weeks (the December 2010 Meeting has been brought forward by 2 weeks) to 13 December. Bringing forward the December meeting by 2 weeks still allows three weeks between the November and December meetings.

Comment

A resolution is required to adopt the Council Meeting / Agenda Briefing Schedule for the year 2011. The dates of all of these meetings, open to the public, are known well in advance and can therefore be advertised early in the new year. The ‘standard’ meeting schedule for 2011 is as follows:

Council Agenda Briefings 2011		Ord. Council Meetings 2011	
January	Recess	January	Recess
February	15.2.2011	February	22.2.2011
March	15.3.2011	March	22.3.2011
April	19.4.2011	April	03.5.2011
May	17.5.2011	May	24.5.2011
June	21.6.2011	June	28.6.2011
July	19.7.2011	July	26.7.2011
August	16.8.2011	August	23.8.2011
September	20.9.2011	September	27.9.2011
October	04.10.2011	October	11.10.2011
November	15.11.2011	November	22.11.2011
December	6.12.2011	December	13.12.2011

The changes proposed for January and December have been custom and practice at the City of South Perth for many years. This report is proposing continuation of this practice, albeit that for 2011 the October and December meetings have been brought forward by two weeks instead of the customary one week to accommodate the 2011 election and the timing of the Christmas break and the April meeting moved on one week to accommodate the Anzac Day public holiday. There is minimal public impact expected by the proposed changes.

Special Council Meetings

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

Consultation

It is proposed to advertise the Council Meeting / Agenda Briefing Schedule for the year 2011 in the Southern Gazette newspaper and to update the internet ‘Schedule of Meetings’ accordingly. In accordance with normal practice the contents of Agendas for all meetings are included on the internet under ‘Minutes / Agendas’ and displayed on the Noticeboards in the Libraries, at Heritage House and outside the Civic Centre Administration Offices.

Policy Implications

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

Financial Implications

N/A

Strategic Implications

In line with Strategic Direction 6 “Governance” of the City’s Strategic Plan which states: *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 on the Council / Briefing meeting schedule for 2011 contributes to the City’s sustainability by promoting effective communication.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.7**

That the Council Meeting Schedule for 2011, as detailed in Item 10.6.6 of the October 2010 Council Agenda be adopted and advertised for public interest.

CARRIED EN BLOC RESOLUTION

10.6.8 Annual Report 2009/2010

Location:	City of South Perth
Applicant:	Council
File Ref:	KM/302
Date:	8 October 2010
Author:	Kay Russell
Reporting Officer	Phil McQue, Governance & Administration Manager

Summary

The purpose of this report is to present for adoption, the Annual Financial Statements as at 30 June 2010 and the Annual Report for the City of South Perth for the year ended 30 June 2010 and to set the date for the Annual Electors’ Meeting.

Background

Section 5.53 of the *Local Government Act* requires that a local government prepare an annual report for each financial year that is adopted by Council. The Auditors report has been received and is an ‘unqualified report’. The Interim Audit Management Letter relating to the 2009/10 Financial Statements is yet to be forwarded from the auditors.

Comment

The Annual Report incorporating the Financial Statements is at **Attachment 10.6.8**. Following adoption at the Council meeting, Public Notice is required to be given that the document is available for inspection. An Annual Meeting of Electors is also required to be held within 56 days after receiving the Annual Report.

The 2009/2010 Annual Report incorporating the financial statements for the year, contains all of the necessary statutory requirements and has been designed with commercial principles in mind, ie it contains the full set of financial statements. Copies of the Annual Report will be produced and will be made available prior to the Annual Electors Meeting.

The audit for the 2009/2010 financial year has been completed and the Auditors' Statement is contained in the report in compliance with the Legislation. The associated management letter (which has not been received at the time of preparing this report) will be considered at the next Audit and Governance Committee Meeting to be held in the near future.

It is proposed that the Annual Meeting of Electors be held on Tuesday 30 November 2010. The date set will allow time for the Annual Report to be printed and to be available for inspection during the statutory advertising period (minimum 14 days) but within 56 days of the Council Meeting to be held on 26 October 2010.

Consultation

A Public Notice will be placed in the Peninsula Snapshot column featured in the Southern Gazette newspaper advising of the availability of the Annual Report for public inspection together with details of the proposed Annual Electors Meeting. A suitable notice will also be placed on the City Noticeboard and will be displayed at the City Libraries as well as appearing on the City website.

Policy and Legislative Implications

Adoption of the Annual Report and holding of Annual Electors' Meeting required by the *Local Government Act 1995*.

Financial Implications

Nil

Strategic Implications

Action required in accordance with the *Local Government Act*. The recommendation of this report is consistent with Strategic Direction 6.1 of the Council's Strategic Plan. ***Implement management frameworks, performance management and reporting systems to drive and improve organisational performance.***

Sustainability Implications

Reporting of the adoption of the Annual Report and scheduling an Annual Electors Meeting contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.8
--

That....

- (a) the City of South Perth Annual Report incorporating the Financial Statements for the year ended 30 June 2010 be * adopted; and
- (b) the Annual Meeting of Electors be held on 30 November 2010..

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr Trent

I hereby apply for Leave of Absence from all Council Meetings for the period 16 to 20 November 2010 inclusive.

COUNCIL DECISION ITEM 11.1

Moved Cr Hasleby, Sec Cr Trent

That Leave of Absence from all Council Meetings be granted to Cr Trent for the period 16 – 20 November 2010 inclusive.

CARRIED (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

13.2.1 Selection Process for Civic FunctionsCr Burrows

Summary of Question-

In recent months there have been several functions hosted by the City. Can you please advise the selection process for attendance at such functions – in particular the CEDA function on 15 September?

Summary of Response

The Mayor advised that invitations to civic functions are sent to Members from the Mayor's Office and it is up to individuals to accept or decline such invitations. In relation to the CEDA function, because numbers were limited the invitation was issued to the Deputy Mayor and Cr Best only because of their involvement in associated committees.

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

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

15.1.1 City of South Perth Volunteer of the Year Awards *CONFIDENTIAL*

Location: City of South Perth
Applicant: Council
File Ref: CR/109
Date: 1 October 2010
Author: Natasha Hughes, Community Development Officer
Reporting Officer: Sandra Watson, Manager Community Culture and Recreation

Confidential

This report is declared ***Confidential*** under Section 5.23 (h) of the *Local Government Act* as it relates to the selection of a community member as the recipient of an Award to be announced and presented at the Thank a Volunteer Day Ceremony to be held on Saturday 4 December 2010.

Note: *Report circulated separately*

COUNCIL DECISION ITEM 15.1.1

Moved Cr Cala, Sec Cr Ozsdolay

That, following consideration of the nominations received for the 2010 City of South Perth Volunteer of the Year Awards, the nominees recommended for awards in *Confidential* Report Item 15.1.1 of the 26 October 2010 Council Agenda, be approved.

CARRIED (12/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the public gallery the Minute Secretary read aloud the Council decision at Item 15.1.1

16. CLOSURE

The Mayor closed the meeting at 8.15pm and thanked everyone for their attendance.

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 23 November 2010

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

17. RECORD OF VOTING

26/10/2010 7:19:03 PM

Item 7.1.1 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:19:32 PM

Item 7.1.2 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:19:58 PM

Item 7.2.1 – t.2.3 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:21:00 PM

Item 8.4.1 and 8.4.2 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:21:35 PM

Item 8.5.1 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:24:17 PM

Item 9.0 En Bloc Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:30:59 PM

Item 10.0.2 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 7:44:03 PM

Item 10.0.3 Motion LOST 4/8

Yes: Mayor James Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty

No: Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

Absent: , Casting Vote

26/10/2010 8:11:19 PM

Item 10.1.1 Motion Passed 11/1

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

No: Cr Rob Grayden

Absent: , Casting Vote

26/10/2010 8:12:01 PM

Item 11.1 Motion Passed 12/0

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

No: Absent: , Casting Vote

26/10/2010 8:15:13 PM

Item 15.1.1 Motion Passed 12/0

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

No: Absent: , Casting Vote