



ORDINARY COUNCIL MEETING M I N U T E S Table of Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	DISCLAIMER	4
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
3.1	Passing of Tom Hungerford.....	4
3.2	Public Question Time	4
3.3	Audio Recording of Council meeting	4
4.	ATTENDANCE.....	5
4.1	Apologies	5
4.2	Approved Leave of Absence.....	5
5.	DECLARATION OF INTEREST	5
6.	PUBLIC QUESTION TIME.....	6
6.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	6
6.2	PUBLIC QUESTION TIME : 28.6.2011.....	6
6.2.1	Mr Lindsay Jamieson, Tralee Way, Waterford.....	6
6.2.2	Bill Marchbank, Bill Marchbank Waste Management.....	7
6.2.3	Carol Rowe, Manning Tennis Club	8
6.2.4	June Davis, 123/43 McNabb Loop, Como.....	8
6.2.5	Mike Pennington, Perth Engineering and Maintenance.....	8
6.2.6	Warwick Boardman, 20 Unwin Crescent, Salter Point.....	9
6.2.7	John Stewart, 7 Keaney Place, Waterford.....	10
6.2.8	Mark Brogan, 14 Market Street, Kensington	10
6.2.9	Barrie Drake, 2 Scenic Crescent, South Perth.....	10
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	11
7.1	MINUTES.....	11
7.1.1	Ordinary Council Meeting Held: 24.5.2011	11
7.2	BRIEFINGS.....	11
7.2.1	Agenda Briefing - May Ordinary Council Meeting - Held: 18.5.2011	11
7.2.2	Concept Forum - Capital Projects / Financial Projections Meeting - Held: 18.5.2011.....	11
7.2.3	Concept Forum - Detailed Infrastructure Budget - Meeting Held: 2.6.2011	11
7.2.4	Concept Forum - <i>draft</i> Budget - Meeting Held: 8.6.2011.....	11

8.	PRESENTATIONS.....	12
8.1	PETITIONS - A formal process where members of the community present a written request to the Council	12
8.1.1.	Petition dated 1 June 2011 received from Maria Gherardi, 231 Manning Road, Waterford, together with 35 signatures in relation to the Waterford Triangle Study.....	12
8.1.2.	Petition dated 3 June 2011 received from Stephen and Shirley Dix, 20 Klem Avenue, Salter Point, together with 14 signatures in relation to the Salter Point Underground Power Project.	12
8.1.3	Petition dated 8 June 2011 received from Kerry Davey - Chairman of Trustees - The May Gibbs Trust, together with 210 signatures in relation to the future use of Heritage House.	13
8.2	PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.	13
8.2.2	Bronze Award – Australasian Reporting Awards.....	13
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.....	13
8.3.1	Deputations at Council Agenda Briefing Held: 21.6.2011	13
8.3.2	Request for Deputation – Mr Lindsay Jamieson – Former Councillor.....	14
8.4	COUNCIL DELEGATES REPORTS	15
8.4.1.	Council Delegates’ Report: Perth Airport Municipalities Group (PAMG) Meeting Held: 16 March 2011	15
8.4.2.	Council Delegate: WALGA South-East Metropolitan Zone Meeting Held: 30 March 2011.....	15
8.4.3.	Council Delegate: WALGA South-East Metropolitan Zone Meeting Held: 25 May 2011.....	15
8.5	CONFERENCE DELEGATES REPORTS	16
8.5.1.	Conference Delegate: LGMA National Conference “Best Practice to Next Practice” held in Cairns between 22 – 25 May 2011.....	16
9.	METHOD OF DEALING WITH AGENDA BUSINESS.....	17
10.	REPORTS.....	17
10.0	<i>MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS</i>	17
10.0.1	Proposed Amendment No. 26 to Town Planning Scheme No. 6 to Increase the Density Coding and Maximum Permissible Building Heights for Lot 3298 Murray Street, Como. Report on Submissions. (<i>Item 10.3.4 Council meeting 14 December 2010 refers</i>).....	17
10.0.2	Proposed Amendment No. 27 to Town Planning Scheme No. 6: Rezoning of Kensington Child Health Clinic, Lot 30 (No.14) Collins Street, Kensington to Residential R25 - Report on Submissions (<i>Item 10.3.3 February 2011 Council meeting</i>).....	29
10.1	<i>STRATEGIC DIRECTION 1 : COMMUNITY</i>	35
10.1.1	Community Sport and Recreation Facility Fund (CSRFF) - July Small Grants Round 2011 / 2012.....	35
10.1.2	Tender 07/2011 - Provision of Services Relating to the Collection of Refuse Material	42
10.1.3	Tender 16/2011 and 17/2011 - Collection, Reveal and Processing of Recyclable Material	46
10.2	<i>STRATEGIC DIRECTION 2: ENVIRONMENT</i>	52
10.2.1	Review of Street Verge Policy.....	52

MINUTES : ORDINARY COUNCIL MEETING : 28 JUNE 2011

10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES.....	56
10.3.1	Proposed Change Of Use of Ground Floor Tenancies (from Showroom & Café / Restaurant) to Office. Lot 51 (No. 123) Melville Parade, Como.....	56
10.3.2	Review of a condition of approval for an approved Home Occupation. Lot 222 (No. 30) Kardan Circuit Karawara.	67
10.4	STRATEGIC DIRECTION 4: PLACES.....	75
10.5	STRATEGIC DIRECTION 5: TRANSPORT.....	75
10.6	STRATEGIC DIRECTION 6: GOVERNANCE.....	75
10.6.1	Monthly Financial Management Accounts - May 2011.....	75
10.6.2	Monthly Statement of Funds, Investments and Debtors at 31 May 2011	79
10.6.3	Listing of Payments	84
10.6.4	Use of the Common Seal	86
10.6.5	Applications for Planning Approval Determined Under Delegated Authority.....	88
10.6.6	Disposal of Lots 165 and 602 (No. 15) and Lots 166 and 600) (no. 17) Alston Avenue, Como.....	89
10.7	MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE MEETING.....	96
10.7.1	Audit and Governance Committee Recommendations from Committee Meeting held 11 May 2011	96
11.	APPLICATIONS FOR LEAVE OF ABSENCE.....	106
11.1	Request for Leave of Absence - Mayor Best	106
11.1	Request for Leave of Absence - Councillor Best.....	106
11.1	Request for Leave of Absence - Councillor Lawrance	106
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	107
12.1	Royal Perth Golf Club Parking Richardson Reserve Car Park ...Cr Burrows	107
13.	QUESTIONS FROM MEMBERS.....	111
13.1.	Response to Previous Questions from Members Taken on Notice.....	111
13.2	Questions from Members.....	111
13.2.1	Strategic Financial Plan - Councillor Trent.....	111
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .	111
14.1	Council Dealings with Mr Lindsay Jamieson in relation to the 2007 Report of the Inquiry	111
15.	MEETING CLOSED TO PUBLIC.....	112
15.1	Matters for which the Meeting May be Closed.....	112
15.2	Public Reading of Resolutions that may be made Public.	112
16.	CLOSURE	112
17.	RECORD OF VOTING.....	112



ORDINARY COUNCIL MEETING MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and 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. He then welcomed everyone in attendance, in particular Vicki Lummer as Acting CEO and Ricky Woodman as Acting Minute Secretary.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Passing of Tom Hungerford

The Mayor extended deepest sympathies on behalf of the Council to the family of Tom, Hungerford, who recently passed away aged 96. He then gave a brief history of Mr Hungerford, who was born and raised in South Perth and was an author, best remembered for writing "Stories of Suburban Road".

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 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 P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 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 permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

V Lawrance	Civic Ward
Cr I Hasleby	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
L P Ozsdolay	Manning Ward
T Burrows	Manning Ward (until 10:31 pm)
P Howat	McDougall Ward
Cr C Cala	McDougall Ward
R Grayden	Mill Point Ward (until 10:30 pm)
B Skinner	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Ms V Lummer	Acting Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Finance and Information Services (until 10:05pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 9:50pm)
Mr P McQue	Manager Governance and Administration
Mr M Taylor	Manager City Environment (until 8:47pm)
Ms S Watson	Manager Community, Culture and Recreation (until 8:47pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 9:58)
Ms P Arevalo	Marketing Officer (until 9:58pm)
Ms J Hess	Recreation Development Officer (until 8:47pm)

Mr R Woodman Acting Minute Secretary

Gallery There were approximately 33 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

The Mayor advised that he has a Declaration of Financial Interest in relation to Agenda Item 21.1 Notice of Motion – Royal Perth Golf Club Parking - Richardson Reserve Car Park. He also advised that two Declarations of Interest Affecting Impartiality were received from Councillor Lawrance on Items 10.6.6 and 12.1.

He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declaration would be read out immediately before the Item in question was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 24 May 2011 four (4) written questions submitted by Mr Lindsay Jamieson, 14 Tralee Way, Waterford were 'taken as correspondence'. A written response to those questions was provided by the CEO, by letter dated 27 May 2011.

6.2 PUBLIC QUESTION TIME : 28.6.2011

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that questions are to be in writing and questions received 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 7.07pm.

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 Lindsay Jamieson, Tralee Way, Waterford

(Written Questions submitted prior to the meeting)

Summary of Question

With regard to the matters arising from the alleged failure by all Council member participants in a motion to Council in March 2007 to declare a financial interest:

The CEO now has the Legal advice from Douglas of McLeods in March 2007, advice from Douglas of McLeods from September 2007, Legal advice from Zilkens advising I did nothing wrong and the recent document from the Department of Local Government that was partially tabled at the 03 May 2011 meeting that advises they withdraw the caution issued against me.

At the May 2011 Council I asked: "Does the CEO believe the condition from the report in September 2007 for which he is accountable that states "there is no information to support a conclusion that Cr Jamieson did not act unlawfully" has now been met, and how does this condition correlate with the right to be considered innocent until proven guilty?" to which the CEO replied in a letter "I see no reason to change my view on this topic", which now locks in the CEO's view.

0. In the CEO's response he has failed to indicate why the advice from Zilkens does not meet his criteria to change his view, and he has failed to respond to: "how does this condition correlate with the right to be considered innocent until proven guilty". I number this as question zero because this is carryover from the question that was asked at the previous meeting but not answered. Can the CEO please advise on both matters?

1. Noting that even in a court a person can only be found Not Guilty (as distinct from Innocent), noting that I advised DLG to take the matter to court on multiple occasions but they refused, and noting that the legal advice from Zilkens is clear that I did nothing wrong, can the CEO please advise what is needed to establish that I did not act unlawfully?

2. In March 2007 Douglas of McLeods provided legal advice that all Council members present should have declared a financial interest and in not doing so were in breach of the LGA. Since Douglas had already declared his position, how is it possible for Douglas to be independent in assessing my claim for legal fees in September 2007? As Zilkens said to me "what did they think he would do, change his mind".

3. In the March 2007 meeting on the agenda item for which Douglas of McLeods subsequently advised every Council member present should have declared an interest, prior to the vote did the CEO advise all Council members that they should declare a financial interest?

Summary of Response

The Mayor advised that as this is an ongoing matter and the subject of significant communication between Mr Jamieson and the City in relation to the 2007 Report into the City of South Perth, that the questions are an extension of that process and as such, under section 6.7 of the City's Standing Orders Local Law, cannot be answered at a Council meeting. Mayor Best then ruled that under part (7)(a) these four questions will be treated as correspondence for a response by the Administration.

6.2.2 Bill Marchbank, Bill Marchbank Waste Management

(Written Questions submitted prior to the meeting)

Summary of Question

1. If selected as the City's Waste and Recycling contractor, is it not true that alternative contractors would be contractually bound to perform the services at the rates tendered, irrespective of market vagaries; which Cost Price Index table were used as the basis for any Profit Sharing arrangement; and how the Net Revenue figure were derived by the contractor? The report also explains that the cities of Armadale, Gosnells and South Perth tendered similar works, with some differences therein. While the cities of Armadale and Gosnells provide their own Refuse collections, they retain external contractors for the provision of Recycling Collections. While the Armadale and Gosnells councils continue to operate under this model, i.e. two separate service providers, the City's Council Officers seem to question this approach and use the prospect of "The uncertainty surrounding community acceptance of separate contractors" as grounds for supporting the recommendation, as it stands before you today. Based on our calculations, were everything to go in Council's favour, the City might benefit by an amount approximating \$15,000 over the initial 5-year term of the contract, were they to adopt the recommendation, as it stands. However, as pointed out in the Agenda Report, the City may well be 9%, or \$218,000 worse off over the same term.
2. In considering this item, are Councillors comfortable adopting a recommendation with a risk that such an outcome, as that outlined above, may disadvantage the City to that extent, as outlined in the agenda report?
3. As Councillors considering this item, is this considered fair and reasonable?

Summary of Response

The Manager of Infrastructure Services provided the following answer to all three questions:

Tender assessment involved consultation with the City's of Gosnells and Armadale, a site visit to the PEM North Coogee Materials Recovery Facility, and considerable collaboration between City Officers who made up the Tender Evaluation Panel to arrive at the Officer recommendation.

Panel Members acknowledge that the recommendation is not without risk, that the weighted score is based on the profit share alternative tender offered by TransPacific Cleanaway, and that the Council report does not attempt to disguise the variance in cost should in the unlikely event recyclable material values remain static or fall below the "average value of a basket of recyclables" as at March 2011. However, there is high probability that the value of recyclables will exceed the nominal increase used in the profit share calculation. Hence, any increase on the March 2011 "basket", as indexed by CPI, is a half share to the City.

Panel Members are of the view that the alternative tender offered by Transpacific Cleanaway involving both Collection and Receiving of Recyclables based on a profit share arrangement is the tender bid that provides the best service and value for money to the City.

6.2.3 Carol Rowe, Manning Tennis Club

(Written Questions submitted prior to the meeting)

Summary of Question

Will Councillors and City staff give the benefit of the doubt to my contention that the City's closing date for July CSRFF small grant applications was not made clear to me and other Manning Tennis Club Committee Members by [a] former employee?

Summary of Response

The timeframes and need for the required information was made clear to the Manning Tennis Club on several occasions by more than one of the City's employees starting in March and on a number of occasions, the City asked the Manning Tennis Club to hurry along their application.

6.2.4 June Davis, 123/43 McNabb Loop, Como

(Written Questions submitted prior to the meeting)

Summary of Question

1. Will Council consider formulating a future policy in relation to Community and Social Housing developments in the City of South Perth (pursuant to 5.9.6 of the Town Planning Scheme No. 6 [TPS6]) to complement the policies and definitions in relation to Student Housing & Aged or Dependent Persons Dwellings in TPS6?
2. Clarification sought – Is Student Housing “a permitted use in a Private Institution Zone”, or is it “a Discretionary use” as stated on the website under TPS6?
3. Referring to the proposed Management Plan being recommended for future multiple dwellings on the site, would the National Community Housing Standards Manual (3rd edition May 2010) apply to any Community and Social Housing development (on the site)?

Summary of Response

1. No. There is no restriction on who may occupy Single Houses, Grouped Dwellings or Multiple Dwellings on any suitably zoned land. It would not be appropriate to introduce a Council Policy with the object of preventing certain people from occupying approved dwellings of these kinds.
2. "Student Housing" is a "D" (discretionary) land use in the Private Institutions zone. However, clause 4.8(2) of Town Planning Scheme No. 6 prohibits Student Housing in Multiple Dwellings on the Amendment site.
3. The purpose of the National Community Housing Standards Manual is to offer guidance to "Community Housing" providers. The Council does not administer the National Community Housing Standards. Therefore, any Management Plan that may be required by the Council would not make reference to the Standards or the associated Manual.

Independently of the Council's role, it would be the responsibility of Lifestreams Christian Church to carry out their obligations, if any, under the National Community Housing Standards and any other relevant legislation or regulations.

6.2.5 Mike Pennington, Perth Engineering and Maintenance

(Written Questions submitted prior to the meeting)

Summary of Question

1. It appears that Council Officers are prepared to punt on the likelihood of the value of recyclables increasing at a rate of around 13% per annum, over each year of the contract term, to justify this recommendation. Our calculations indicate that the Council Officer's calculation of the Sales Price for Recyclables assumes that the price would rise between \$14.00 and \$16.50 per tonne to enable an additional profit of \$16.40 per tone, allowing for an amount of \$8.20 to be returned to the City as part of the Profit Share arrangements. Are Councillors confident that a price rise of such magnitude as this will occur each and every year of the contract, such that it ensure that the recommended tender is financially superior to the others?

2. Page 35 of the Agenda Report states that "It is estimated that approximately 5,000 tonnes of recyclable materials per annum are collected from the city of South Perth." Page 36 of the Agenda Report goes on to use a figure of \$41,000 (we assume that this equates to 5,000 multiplied by \$8.20) as the amount of profit share attributable to the City. This suggests that the City will receive a share of \$8.20 per tonne of recyclable material collected, rather than per tonne of recyclable material recovered and sold to the market, at the significantly increased rate, as explained in question 1. Are Councillors confident that the worked examples, as provided in the Agenda Report, along with the information provided as the basis that supports the recommendation, are accurate and will eventuate in the City being better served financially under the recommendation, as put?

3. Having based their recommendations on a significant and sustainable increase in the Sale Price for Recyclables, it then appears that Council officers are prepared to call the future value of the recyclable materials into question as a justification not to select an alternative MRF contractor. In summarising a scenario (other than that recommended) on Page 37 of the Agenda report, Council Officers state "However should the value of recyclables fall to levels present two years ago it may not be possible for the company to continue an arrangement of "cash back" for recyclables. If selected as the City's contractor, is it not true that alternative contractors would be contractually bound to perform the services at the rates tendered, irrespective of market vagaries?"

Summary of Response

The Mayor noted that Mike Pennington was not in the audience and that the questions would therefore not be answered. he then noted that the answer to the questions was similar to those in 6.2.2.

6.2.6 Warwick Boardman, 20 Unwin Crescent, Salter Point

Summary of Question

1. Given the felling of mature pine trees in the Collier Golf Course and given their usefulness to the endangered Carnaby's Cockatoo will the Council see fit to ensure new pines are planted to replace them for future use by cockatoos?
2. If so can the Council be open and transparent about their location?
3. Could the Council consider a long term replacement strategy for pines in the Collier Golf Course.

Summary of Response

Mark Taylor, Manager City Environment, responded that Council adopted the Collier Park Golf Course Master Plan, which entails a reduction in pine trees to make way for theming of the new 9 hole course. He also noted that extensive native planting will occur around the new course to compensate for the loss of the mature pine trees. The Mayor confirmed with Mark Taylor that Mr Boardman may contact the City if he wishes to view the Collier Park Golf Course Master Plan. The Mayor also thanked Mr Boardman for his commitment to the community and environment.

6.2.7 John Stewart, 7 Keaney Place, Waterford

Summary of Question

Is there any information available for public release, pertaining to the City, arising from the meeting of Mayors, CEO's and Minister Castrilli last week? I believe there was a radio item regarding Council numbers but have not heard or seen anything further.

Summary of Response

The Mayor informed Mr Stewart that Mayors and CEO's were invited to a meeting with the Premier and Minister of Local Government to discuss Local Government Reform and a fifty year plan for the future. He then stated that the State Government believe that Perth's population is set to double within the next thirty years, and that Local Governments need to consider maintaining amenity given the increase in density. The Mayor stated that the City's community visioning allows us to identify what we need to protect and enhance within the City moving forward. The only information about the meeting that the Mayor said was available, was that a panel has been established and that the terms of reference were available on Minister Castrilli's website. The Mayor noted that he and the Deputy Mayor have been invited to a meeting with WALGA to identify the impact, if any, of the Minister's decision.

6.2.8 Mark Brogan, 14 Market Street, Kensington

Summary of Question

1. Will the City explain why a survey of 30 households in Kensington is considered sufficient for assessing Kensington community attitudes toward re-zoning of Lot 30 (no. 14) Collins Street?
2. Shouldn't a larger sample size have been used?

Summary of Response

The Mayor notified Mr Brogan that the City's Consultation Policy (P301) had been used to consult neighbours and interested stakeholders. The Acting CEO reiterated the extensive nature of the consultation surrounding planning application. She advised that the application in question was subject to Area 2 consultation, which requires the City to consult within a 150m radius within the subject site.

6.2.9 Barrie Drake, 2 Scenic Crescent, South Perth

(Faxed but not received by officers)

Summary of Question

1. Who is responsible for keeping the City's Records?
2. If an employee or Officer of the City communicates via the email system (with cc records for filing) do these emails form part of the City's records?
3. Is it possible for emails which are a part of the City's records to be lost from the system?
4. How often are the City's computer records backed up?

Summary of Response

Michael Kent, Director and Finance and Information Services, provided the following answers to Mr Drake's questions.

1. The City itself is responsible.
2. Yes, if something is sent to recordsforfiling it will form part of the City's records.
3. Not likely.
4. Every night.

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7:21pm

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: 24.5.2011

COUNCIL DECISION ITEM 7.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 24 May 2011 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "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 - May Ordinary Council Meeting - Held: 18.5.2011

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

7.2.2 Concept Forum - Capital Projects / Financial Projections Meeting - Held: 18.5.2011

The Executive Management Team gave a jointly delivered power point presentation covering Capital Projects as part of the 2011/2012 suggested Budget. During the presentation Members raised questions which were responded to by the officers. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum - Detailed Infrastructure Budget - Meeting Held: 2.6.2011

The Director Infrastructure Services provided a presentation on the proposed 2011/2012 Capital Works Infrastructure Program. During the presentation Members raised questions which were responded to by the officers. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Forum - *draft* Budget - Meeting Held: 8.6.2011

The Director Financial and Information Services provided a presentation on the *draft* Budget. During the presentation Members raised questions which were responded to by the DFIS. Notes from the Concept Briefing are included as **Attachment 7.2.4**.

COUNCIL DECISION ITEM 7.2

Moved Cr Trent, Sec Cr Doherty

That the comments and attached Notes under Items 7.2.1 to 7.2.4 on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (13/0)

8. PRESENTATIONS

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

8.1.1. Petition dated 1 June 2011 received from Maria Gherardi, 231 Manning Road, Waterford, together with 35 signatures in relation to the Waterford Triangle Study.

Text of Petition reads:

“We the undersigned request that the City of South Perth considers an alternative plan to the Waterford Triangle Study that:

- *would not jeopardise the safety of children by having a road go through our beautiful park;*
- *does not include any resumption of land from properties abutting the park; and*
- *does not include a through road connecting with Garvey Street.”*

RECOMMENDATION

That the Petition dated 1 June 2011 received from Maria Gherardi, 231 Manning Road, Waterford, together with 35 signatures in relation to the Waterford Triangle Study be forwarded to the Development and Community Services Directorate for investigation.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Ozsdolay, Sec Cr Best

That the Petition dated 1 June 2011 received from Maria Gherardi, 231 Manning Road, Waterford, together with 35 signatures in relation to the Waterford Triangle Study be forwarded to the Development and Community Services Directorate for investigation.

CARRIED (13/0)

8.1.2. Petition dated 3 June 2011 received from Stephen and Shirley Dix, 20 Klem Avenue, Salter Point, together with 14 signatures in relation to the Salter Point Underground Power Project.

Text of Petition reads:

“We the undersigned are lodging this petition in response to the transformer and switchgear proposed for installation at site 6 in Salter Point. We are deeply concerned about having these boxes so close to adjoining residences based on the following objections:

- *Possible health risks for local residents;*
- *Noise emissions;*
- *Potential radiation from the boxes;*
- *The electrical boxes are large and unsightly;*
- *Local residents will be deterred from continuing to enjoy the use of this space*
- *House values in the vicinity of these boxes may be adversely affected.”*

RECOMMENDATION

That the Petition dated 3 June 2011 received from Stephen and Shirley Dix, 20 Klem Avenue, Salter Point, together with 14 signatures in relation to the Salter Point Underground Power Project be forwarded to the Infrastructure Services Directorate for investigation.

COUNCIL DECISION ITEM 8.1.2

Moved Cr Ozsdolay, Sec Cr Burrows

That the Petition dated 3 June 2011 received from Stephen and Shirley Dix, 20 Klem Avenue, Salter Point, together with 14 signatures in relation to the Salter Point Underground Power Project be forwarded to the Infrastructure Services Directorate for investigation.

CARRIED (13/0)

8.1.3 Petition dated 8 June 2011 received from Kerry Davey - Chairman of Trustees - The May Gibbs Trust, together with 210 signatures in relation to the future use of Heritage House.

Text of the Petition reads:

"We the undersigned residents of the City of South Perth petition the Council in accordance with Section 5.28(1) of the Local Government Act to convene a Special Meeting of the Council for the purpose of -

Facilitating community input into the development of options for the future use and preservation of Heritage House as an Historical, Heritage and Exhibition Centre for the community of South Perth".

RECOMMENDATION

That the Petition dated 7 June 2011 received from Kerry Davey, Chairman of Trustees - The May Gibbs Trust, together with the 210 signatures in relation to the future use of Heritage House be received and it be noted that in response to the petition that a Special Electors Meeting will be held on 13 July 2011.

COUNCIL DECISION ITEM 8.1.2

Moved Cr Grayden, Sec Cr Skinner

That the Petition dated 7 June 2011 received from Kerry Davey, Chairman of Trustees - The May Gibbs Trust, together with the 210 signatures in relation to the future use of Heritage House be received and it be noted that in response to the petition that a Special Electors Meeting will be held on 13 July 2011.

CARRIED (13/0)

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

8.2.2 Bronze Award – Australasian Reporting Awards

The Mayor presented an award to the City in recognition of excellence displayed in the City of South Perth Annual Report 2009-2010. The Mayor commended the Administration on such a significant achievement.

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 Held: 21.6.2011

Deputations in relation to Agenda Items 10.0.1, 10.0.2, 10.1.1, 10.2.1, 10.7.1, 10.6.6 and 12.1 were heard at the June Council Agenda Briefing held on 21 June 2011.

8.3.2 Request for Deputation – Mr Lindsay Jamieson – Former Councillor

Request received from Mr Jamieson on 19 June 2011 for a 'Deputation to Address Council', at its meeting on 24 May, on Agenda Item 3.4 of the March 2011 Council Meeting.

MOTION

Moved Cr Ozsdolay, Sec Cr Skinner

That Council hear Mr Jamieson's deputation.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Ozsdolay Opening for the Motion

- Mr Jamieson approached Council at the beginning of the year to seek assistance to provide a response to a claim he made against the City.
- No response has been received.

Councillor Skinner for the Motion

Councillor Skinner agreed with the points raised by Councillor Ozsdolay.

The Mayor referred to concerns in relation to co-ordinating a meeting between the Mayor, CEO and Mr Jamieson and asked that Mr Jamieson provide some clarity in relation to identifying the issues

Councillor Hasleby against the Motion

- Not a clear cut case of hearing the deputation
- No clarification on the specifics of the deputation
- recommended that the deputation not be heard until a report was tabled at a Council meeting and advised that he would be raising this matter as new business of an urgent nature at the appropriate point in the meeting.

FORESHADOWED MOTION

Councillor Hasleby foreshadowed that...

(a) Council determines that, in accordance with Standing Order Local Law clause 6.7 (7) (a) that any questions of Council and in accordance with the 2007 Report of the Inquiry into the City of South Perth shall not be responded to until such time as an Officers Report or Notice of Motion is tabled for consideration at a future Ordinary Council Meeting.

Councillor Ozsdolay closing for the Motion

Councillor Ozsdolay advised that he was no longer happy to wait for the deputation of Mr Jamieson.

The Mayor put the Motion.

COUNCIL DECISION ITEM 8.3.2

Moved Cr Ozsdolay, Sec Cr Skinner

That Council hear Mr Jamieson's deputation.

LOST (4/9)

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegates' Report: Perth Airport Municipalities Group (PAMG) Meeting Held: 16 March 2011

Crs Hasleby and Burrows attended the Perth Airport Municipalities Group Meeting held at the City of Cockburn on 16 March 2011. The Minutes of the meeting are at **Attachment 8.4.1** and are also available on the *iCouncil* website.

RECOMMENDATION

That the Minutes, at **Attachment 8.4.1**, of the Perth Airport Municipalities Group Meeting held 16 March 2011 at the City of Cockburn be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Doherty

That the Minutes, at **Attachment 8.4.1**, of the Perth Airport Municipalities Group Meeting held 16 March 2011 at the City of Cockburn be received.

CARRIED (13/0)

8.4.2. Council Delegate: WALGA South-East Metropolitan Zone Meeting Held: 30 March 2011.

A report from Mayor Best, Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 30 March 2011 at the City of Gosnells is at **Attachment 8.4.2**. The Minutes of the meeting have also been received and are available on the *iCouncil* website.

RECOMMENDATION

COUNCIL DECISION ITEM 8.4.2

Moved Cr Trent, Sec Cr Burrows

That the Delegates' Report at **Attachment 8.4.2** in relation to the WALGA South East Metropolitan Zone meeting held on 30 March 2011 at the City of Gosnells be received.

CARRIED (13/0)

8.4.3. Council Delegate: WALGA South-East Metropolitan Zone Meeting Held: 25 May 2011.

A report from Mayor Best, Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held on 25 May 2011 at the City of South Perth is at **Attachment 8.4.3**. The Minutes of the meeting have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.3** in relation to the WALGA South East Metropolitan Zone meeting held 25 May 2011 at the City of South Perth be received.

COUNCIL DECISION ITEM 8.4.3

Moved Cr Trent, Sec Cr Burrows

That the Delegates' Report at **Attachment 8.4.3** in relation to the WALGA South East Metropolitan Zone meeting held 25 May 2011 at the City of South Perth be received.

CARRIED (13/0)

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Conference Delegate: LGMA National Conference “Best Practice to Next Practice” held in Cairns between 22 – 25 May 2011.

A report from Crs Burrows and Hasleby and CEO, Cliff Frewing summarising their attendance at the LGMA National Conference “*Best Practice to Next Practice*” held in Cairns between 22 and 25 May 2011 is at **Attachment 8.5.1**.

RECOMMENDATION

That the Delegate’s Report in relation to the LGMA National Conference “*Best Practice to Next Practice*” held in Cairns between 22 and 25 May 2011 at **Attachment 8.5.1** be received.

COUNCIL DECISION ITEM 8.5.1

Moved Cr Burrows, Sec Cr Howat

That the Delegate’s Report in relation to the LGMA National Conference “*Best Practice to Next Practice*” held in Cairns between 22 and 25 May 2011 at **Attachment 8.5.1** be received.

CARRIED (13/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn that the remaining reports, including the officer recommendations, would be adopted en bloc, i.e. all together. He then sought confirmation from the Acting Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 21 June 2011.

The Acting Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.1 Amended Motion
- Item 10.0.2 Alternative Motion
- Item 10.1.1 Alternative Motion
- Item 10.2.1 Withdrawn for discussion
- Item 10.6.6 Amended Motion / Alternative Motion
- Item 10.7.1 Alternative Motion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hasleby, Sec Cr Burrows

That with the exception of Items 10.0.1, 10.0.2, 10.1.1, 10.2.1, 10.6.6 and 10.7.1 which are to be considered separately, the remainder of the reports including the officer recommendations in relation to Agenda Items 10.1.2, 10.1.3, 10.2.1 10.3.1, 10.3.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4 and 10.6.5 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 26 to Town Planning Scheme No. 6 to Increase the Density Coding and Maximum Permissible Building Heights for Lot 3298 Murray Street, Como. Report on Submissions. (Item 10.3.4 Council meeting 14 December 2010 refers)

Location: Lot 3298 Murray Street, Como
Applicant: The Planning Group, on behalf of Lifestreams Christian Church
File Ref: LP/209/26
Date: 1 June 2011
Author: Gina Fraser, Senior Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development & Community Services
Rod Bercov, Strategic Urban Planning Adviser

Summary

The purpose of Amendment No. 26 to Town Planning Scheme No. 6 (TPS6) is to increase the density coding for the site referred to above from R30 to R40 and to provide for increased maximum permissible building heights with related performance criteria. The Amendment also provides for approval of reciprocal car parking arrangements for non-residential uses, with residential car parking being excluded from this arrangement. The extent of reciprocity would need to be calculated by means of a Parking Needs Study. The draft Amendment proposals were endorsed by the Council in December 2010 and have been advertised for community comment. The submissions that were received are discussed in this Report and in more detail in the accompanying attachments. The recommendation is that

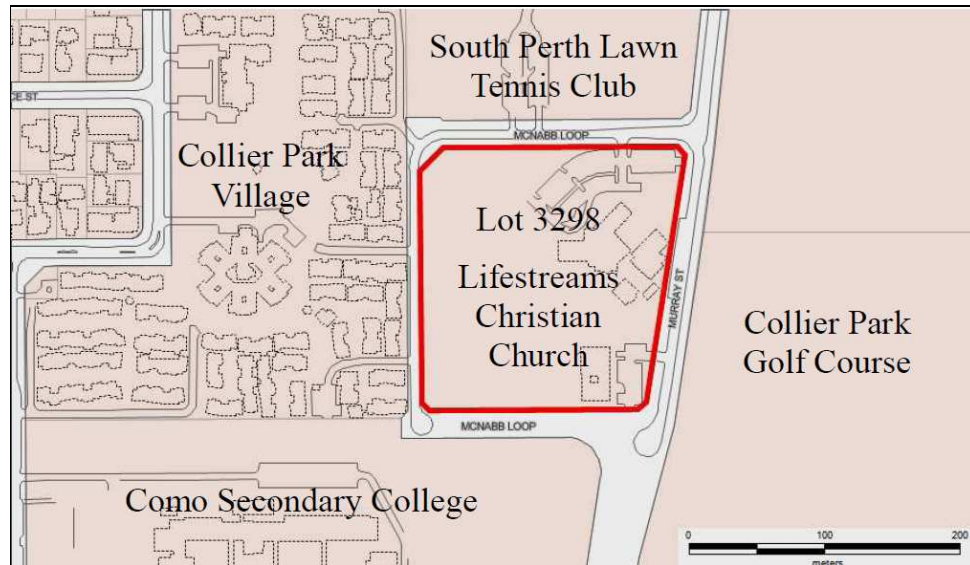
Amendment No. 26 proceed to finalisation **with modification** and that this recommendation be forwarded to the Minister for Planning for final approval.

Background

This report includes the following attachments:

- **Attachment 10.0.1(a):** Report on Submissions (for referral to the Minister)
- **Attachment 10.0.1(b):** Schedule of Submissions
- **Attachment 10.0.1(c):** Modified Amendment No. 26 document for final adoption.

The location of the Amendment site is shown in the plan below:



Prior to this Amendment request, the Council endorsed a Master Plan for the Lifestreams Christian Church development in 2008. At that time, the Master Plan concept complied with TPS6 provisions without the need for a Scheme Amendment. Further planning by the Church has led to the desire for greater building height and residential density, in order to better provide the facilities needed. The Church understands that performance criteria will apply to the additional development entitlements.

Amendment No. 26 was initiated at the December 2010 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 11 January 2011, allowing community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 26 was initiated on 25 January and concluded on 11 March 2011. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in 41 submissions. *The actual submissions are confidential, but are available for Councillor scrutiny in the Council Members' lounge prior to the Council meeting.* However the submissions are discussed in detail in the Report on Submissions at **Attachment 10.0.1(a)** and in the Schedule of Submissions at **Attachment 10.0.1(b)**. The Report and the Schedule contain recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council will need to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. When the Council's recommendations have been

conveyed to the Minister for Planning, he is responsible for the final determination of the proposal.

Consultation

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and Council Policy P301 "Consultation for Planning Proposals", was undertaken as follows:

- a community consultation period of 46 days, the required minimum period being 42 days;
- letters mailed to landowners within 150 metres of the Amendment site;
- *Southern Gazette* newspaper notice in two issues: 'Peninsula Snapshot' column, on 25 January and 8 February 2011;
- notice on the notice-board;
- notices and documents displayed in the Civic Centre customer foyer, Libraries and web site (on the 'Out for Comment' page); and
- placement of three signs in strategic locations on the Amendment site.

During the 46-day advertising period, 41 submissions were received. These are categorised as follows:

- Objection - 39 submissions (29 were from residents of the Collier Park Village, including a petition from 93 signatories).
- Support - 1 submission.
- Neither support nor objection - 1 submission.

The submissions have been assessed according to their subject matter. In many cases, issues were raised by more than one submitter. Every comment has been recorded, but only one response provided by the City in the Schedule of Submissions. The objections covered a wide range of subjects which were investigated by City officers before appropriate recommendations were formulated. The main issues raised by objectors are:

1. Proposed use and occupancy of proposed dwellings
 - Residential use contrary to previous advice
 - Poor access from Lot 3298 to services
 - Inappropriate location for student accommodation
2. Need for management of dwellings in relation to behaviour of occupiers
3. Incompatible character and built form (including residential density, building height and scale)
 - Proposed increase in maximum permissible building height
 - Proposed increase in permissible density
 - Narrow width of McNabb Loop (west) and need for greater building setback
4. Reduced Amenity
 - Value to the locality
 - Construction disturbance
 - Visual pollution
 - Loss of trees
 - Traffic and parking
5. Traffic, car parking congestion, access – general safety and amenity issues
 - Use of McNabb Loop (west) for Lot 3298 uses
 - Need for a traffic study
6. Jackson/Murray/ Henley road link

7. Sustainability
8. Maintenance standard and aesthetics of existing buildings on Lifestreams Christian Church site
9. Effect of residential development on neighbouring Tennis Club
10. Security
11. Process issues
 - Need for a model to assist understanding
 - Predetermined outcome
 - Need for environmental study
 - Wider consultation needed

Many of the submissions raised issues that would inevitably arise as a result of the further development of Lot 3298 with additional church-related facilities, irrespective of the proposed Scheme Amendment. The Amendment is proposing to increase the permissible dwelling density from R30 to R40, and to increase the maximum permissible building height subject to all of the related performance criteria being met. Without Amendment No. 26, a similar form of development would be permissible.

The purpose of advertising the draft Amendment is to test the proposals for acceptance and 'fine-tuning' by the local community who are intimately familiar with the particular circumstances of the area. Several of the submitters' comments have resulted in recommendations to modify and improve the Amendment proposals, or to give early notice to the applicant of matters which will be given specific consideration, among others, at the time of any future development application. All of the submissions have contributed to a more appropriate outcome. However, while raising serious issues, none of the submissions were considered to warrant a recommendation that the Amendment be completely abandoned. The final decision is not made by the Council, but by the Minister for Planning.

Detailed discussion of the submissions is contained in the Report on Submissions and the Schedule of Submissions (**Attachments 10.0.1(a)** and **10.0.1(b)** respectively). These documents will be provided to the Western Australian Planning Commission (WAPC) for further consideration and for recommendation to the Minister for Planning. In anticipation of the Minister's support, the final, modified Amendment document will also be provided to the WAPC and the Minister. This includes the revised Amendment Text.

The actual submissions, in full, will also be provided to the WAPC and the Minister.

Policy and Legislative Implications

When approved, Amendment No. 26 will have the effect of providing for the further development of the Lifestreams Christian Church site, including a range of residential and institutional buildings. The Church intends to retain ownership of all buildings. To achieve development at a higher density and building height than are currently permitted by TPS6, each of the listed performance criteria must be met.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 26 is itemised below, together with the time frame associated with each stage of the process. Those stages which have been completed (including consideration at the June 2011 Council meeting) are shown shaded:

Stage of Amendment Process	Time
Council decision to initiate Amendment No. 26 to TPS6	14 December 2010
Council adoption of draft Scheme Amendment No. 26 proposals for advertising purposes	14 December 2010
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	20 December 2010
Receipt of EPA's response	10 January 2011
Public advertising period of not less than 42 days (the actual consultation period was 46 days)	25 January to 11 March 2011
Council consideration of Report on Submissions on Amendment No. 26	28 June 2011
Referral to the WAPC and Minister for Planning of the following documents: <ul style="list-style-type: none"> • Report on Submissions • Schedule of Submissions • Copy of submissions • Council's recommendations on the proposed Amendment No. 26 • Three signed and sealed copies of the modified Amendment No. 26 documents for final approval 	Early July 2011 (estimated)
Minister's final determination of Amendment No. 26	Unknown
Publication by Department of Planning of the approved Amendment No. 26 notice in <i>Government Gazette</i>	Unknown

Following the Council's decision to recommend to the Minister that Amendment No. 26 proceed with modifications, three copies of the **modified** Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

Scheme Amendment requests attract a City Planning Fee. The fee for Amendment No. 26 was calculated under the City's *Schedule of Fees and Charges 2009/10*, and was based on the estimated time of involvement of City officers and other costs incurred by the City during the processing of the requested Scheme Amendment. Amendment No. 26 was initiated in December 2010, and the City's Planning Fee, estimated at \$15,000, was paid at that time. Any portion of the fee not 'spent' by the City will be refunded to the applicant at the conclusion of the process.

However, due to the number of complex and detailed submissions received, the City has incurred considerably higher costs than expected in the examination, discussion and processing of these submissions. This has resulted in the City's actual costs significantly exceeding the expected costs on which the initial Planning Fee was calculated. Therefore, an additional amount of **\$7,527** should be added to the Planning Fee already paid by the applicant to cover the additional costs. This amount comprises the exact 'over-run' of expenditure incurred to date, plus \$1000 estimated to cover the cost of remaining processing, including officers' time and overheads associated with a range of tasks, including production of advice to all submitters and the applicant following the Council's decision, any additional changes to Amendment documents required by the WAPC, publication of notices of the Minister's final approval in the *Government Gazette* and the *Southern Gazette*, update of Scheme Text and Maps (as required), and updating of the City's website. No further additional fees would be charged to the applicant beyond the currently proposed increase.

Under Regulation 52 of *Planning and Development Regulations 2009*, a local government may refund or waive the whole or part of a Planning Fee for a planning service, at its discretion. Alternatively, if the Council imposes the additional fee, the applicant, under Division 3 of the Regulations, may dispute the Planning Fee through a 'Fees Arbitration Panel'.

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

The proposed Amendment No. 26 will have some impact in terms of sustainability. The Amendment proposes to increase the residential density coding to enable a greater number of affordable housing units to be provided on the site. The project will also contribute benefit to the local community in a number of ways - by providing facilities for the whole community with exceptional building and landscaping design, among others. The further development of the site will cause the removal of historic pine trees which are no longer seen to be environmentally sensitive due to their high water consumption and acidic qualities. In their place, native plants will be required to provide a more sensitive ecology for native birds and other wildlife.

Conclusion

To date, the proposed Amendment No. 26 has been supported by the Council. During the public consultation period, a number of comments were received from submitters expressing concerns and objections to the proposals. Many of these concerns relate to issues that would arise from the further development of the site, irrespective of the proposed Amendment. However, some of these as well as other comments, have caused the City to reconsider and to recommend modification of some elements of the Amendment.

Having regard to all of the submitters' comments and assessment of them by relevant City officers, the proposed **modified** Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed **with modification** be forwarded to the Minister.

OFFICER RECOMMENDATION ITEM 10.0.1

That ...

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submissions 1.1 to 1.39, inclusive, opposing Amendment No. 26, be **UPHELD** to the extent indicated in the Report on Submissions (**Attachment 10.0.1(a)**);
 - (ii) Submission 2.1, neither opposing nor supporting the proposed Amendment No. 26 be **NOTED**;
 - (iii) Submission 3.1 supporting Amendment No. 26 be **NOTED**; and
 - (iv) Amendment No. 26 **proceed with modification** to the extent and in the manner recommended in the Report on Submissions (**Attachment 10.0.1(a)**) and the Schedule of Submissions (**Attachment 10.0.1(b)**);
- (b) Amendment No. 26 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the **modified** Amendment No. 26 document, as required by those Regulations;
- (c) the Report on Submissions at **Attachments 10.0.1(a)**, the Schedule of Submissions at **Attachment 10.0.1(b)**, a copy of the submissions and three executed copies of the **modified** Amendment No. 26 document at **Attachment 10.0.1(c)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;
- (d) the applicants be advised that in addition to other Scheme (Modified Amendment) provisions, owing to the strength of concern expressed by nearby residents and also felt by the Council, any application for planning approval which might be submitted if Amendment No. 26 should reach finality:
 - (i) would need to include a Management Plan including 'house rules' for residents of Lot 3298, to be implemented by the operator in order to protect the amenity of residents on neighbouring land. The Management Plan is to address, in addition to any other matter that the Council or the Church may consider appropriate, management of:
 - (A) the behaviour of residents and guests, including rules relating to social gatherings and appropriate noise control;
 - (B) car parking, to ensure that residents utilise the on-site parking provided for them and refrain from parking in areas designed for users of other facilities on Lot 3298;
 - (C) bicycle parking on Lot 3298 and the use of bicycles in nearby streets; and
 - (D) unauthorised entry to the Collier Park Village; and

- (ii) would be determined by the Council having regard, in addition to any other matter that the Council may consider, to the need for the following measures to be implemented:
 - (A) preventing vehicular access to Lot 3298 from McNabb Loop (west) because of the narrow road pavement and regular use of this portion of the street by residents of the Village, in effect converting this portion of the road into a Village access road only;
 - (B) constructing McNabb Loop (south) as a cul-de-sac extension of Murray Street, not linked to the McNabb Loop (west) cul-de-sac, to service both Lot 3298 and Como Secondary College student drop-off/pick-up; and
 - (C) at the corner of McNabb Loop (north), and McNabb Loop (west), installing a sign facing towards Murray Street, or other traffic management measures, to discourage motorists from driving beyond the corner and to imply that McNabb Loop (west) services only the Collier Park Village;
- (e) the applicants also be advised that owing to the extent of expenditure incurred by the City during the processing of this Amendment, an additional amount of **\$7,527** is now payable as part of the Planning Fee calculated under the City's adopted *Fees and Charges Schedule 2010/11*; and
- (f) the Submitters be advised of the above resolution and be thanked for participating in the process.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.0.1. The officer recommendation Lapsed.

AMENDMENT

Moved Cr Cala, Sec Cr Howat

That the officer recommendation be amended in the following manner:

- (a) A new part (c) is inserted as follows:
“(c) the Council’s comments and recommendations in the Report on Submissions and the Schedule of Submissions be modified in relevant areas, to clarify that under clause 4.8(2) of Town Planning Scheme No. 6, the use ‘Student Housing’ in the form of Multiple Dwellings is currently prohibited on the subject site and on any land throughout the City, other than the land between Kent Street and Walanna Drive in Karawara;
- (b) all of the subsequent parts of the resolution are renumbered accordingly;
- (c) the former part (c) now renumbered as (d) is amended to read as follows:
“(d) the Report on Submissions (**Attachments 10.0.1(a)**), the Schedule of Submissions (**Attachment 10.0.1(b)**), three executed copies of the modified Amendment No. 26 document (**Attachment 10.0.1(c)**), all as modified by this resolution, and a copy of the submissions, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;”;
- (d) the former part (e) now renumbered as (f) is amended to read as follows:
“(f) the applicants also be advised that:
 - (i) with respect to the occupancy of the proposed Multiple Dwellings, the Council is mindful of the need to protect the amenity of the nearby residents. In this regard, the Council is concerned that a concentration of ‘student and social housing’ could have a negative impact on the lifestyle and security of the Collier Park Village residents. Consequently,

the Council expects the Church to select occupants who would be more compatible with the quiet lifestyle currently enjoyed by Village residents; and

- (ii) owing to the extent of expenditure incurred by the City during the processing of this Amendment, an additional amount of \$7,527 is now payable as part of the Planning Fee calculated under the City's adopted Fees and Charges Schedule 2010/11;”.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala for the Motion

- Purpose of consideration is for Council to consider the submission received on this proposed development
- Number of submissions shows depth of concern felt
- The management plan will not discourage people using Collier Park Village as a thoroughfare
- There are foreseeable problems for Village residents with a diverse grouping of resident, including financial implications of moving
- Residents are concerned about the uncertainty of the type of occupants planned for the new development
- Amendment seeks to eliminate dedicated student housing in the form of multiple dwellings - the City should advise Lifestreams of the negative effects of such developments in the past

Councillor Howat for the Motion

- Concentration of Social Housing has the potential to duplication of situation similar to the old Homeswest high density accommodation in Karawara, which leads to higher crime rates
- Social housing needs to be integrated throughout Perth and not in any one residential area
- Residential areas adjoining the proposed development already have a high concentration of social housing, 24% Homeswest in Karawara and 14% Homeswest in Manning
- Curtin University have proposed affordable housing for approximately 15,000 people in their long term plan

Councillor Hasleby against the Motion

- Concerns over the legality of the City mandating the types of occupants the applicant may house
- This type of discrimination is not appropriate
- Perhaps we should put in provisions to address noise, traffic and parking management

Councillor Skinner point of Clarification – How enforceable is the wording “Council expects the Church to select” and does the situation change over time?

Acting Chief Executive Officer – what is recommended here is that the applicants are “advised”, which will still be considered at the time that the application is submitted. However, the wording is not being put into the Scheme Amendment, which means it will not hold any force of law or policy.

Councillor Doherty point of clarification – Where does affordable housing fit within the context of social housing?

Councillor Cala – Social housing includes accommodation for those with disabilities, aged care and affordable housing. The amended motion isn't specifying the type of social housing.

Councillor Ozsdolay against the Motion

- The wording of the amended motion doesn't go too far
- Council is duty bound to protect the residents of Collier Park Village
- We are advising the applicant of these concerns and asking that they take them into account moving forward

Councillor Best against the Motion

- Visited the site with a Collier Park Village resident
- Paraphrased the amended motion as "We don't want any young people around here"
- Deeply concerned with expressing this sentiment from Council

Councillor Cridland against the motion

- Not happy to show support to a motion that refers to types of people
- We're not about exclusion in South Perth

Councillor Grayden

- Have an issue section (f)(i) about compatibility
- No concerns of statement about student housing, as this is already not allowed within the provisions of the State Government policy

AMENDMENT

Councillor Grayden foreshadowed that the Amended Motion be edited at (f) (i) to remove the words, "Consequently, the Council expects the Church to select occupants who would be more compatible with the quiet lifestyle currently enjoyed by Village residents. This amendment became the substantive motion as Councillors Cala and Howat, as mover and seconder supported the amendment.

Councillor Cala closing for the Motion

- Concentrations of students and social housing have created problems in the past
- Responsibility of Council to prevent potential issues and to identify the aspirations of our community potential

COUNCIL DECISION ITEM 10.0.1

The Mayor put the Motion

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
- (i) Submissions 1.1 to 1.39, inclusive, opposing Amendment No. 26, be **UPHELD** to the extent indicated in the Report on Submissions (**Attachment 10.0.1(a)**);
 - (ii) Submission 2.1, neither opposing nor supporting the proposed Amendment No. 26 be **NOTED**;
 - (iii) Submission 3.1 supporting Amendment No. 26 be **NOTED**; and
 - (iv) Amendment No. 26 **proceed with modification** to the extent and in the manner recommended in the Report on Submissions (**Attachment 10.0.1(a)**) and the Schedule of Submissions (**Attachment 10.0.1(b)**);
- (b) Amendment No. 26 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the **modified** Amendment No. 26 document, as required by those Regulations;
- (c) the Council's comments and recommendations in the Report on Submissions and the Schedule of Submissions be modified in relevant areas, to clarify that under clause 4.8(2) of Town Planning Scheme No. 6, the use 'Student Housing' in the form of Multiple Dwellings is currently prohibited on the subject site and on any land throughout the City, other than the land between Kent Street and Walanna Drive in Karawara;
- (d) the Report on Submissions (**Attachments 10.0.1(a)**), the Schedule of Submissions (**Attachment 10.0.1(b)**), three executed copies of the modified Amendment No. 26 document (**Attachment 10.0.1(c)**), all as modified by this resolution, and a copy of the submissions, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;"; and
- (e) the applicants be advised that in addition to other Scheme (Modified Amendment) provisions, owing to the strength of concern expressed by nearby residents and also felt by the Council, any application for planning approval which might be submitted if Amendment No. 26 should reach finality:
- (i) would need to include a Management Plan including 'house rules' for residents of Lot 3298, to be implemented by the operator in order to protect the amenity of residents on neighbouring land. The Management Plan is to address, in addition to any other matter that the Council or the Church may consider appropriate, management of:
 - (A) the behaviour of residents and guests, including rules relating to social gatherings and appropriate noise control;
 - (B) car parking, to ensure that residents utilise the on-site parking provided for them and refrain from parking in areas designed for users of other facilities on Lot 3298;
 - (C) bicycle parking on Lot 3298 and the use of bicycles in nearby streets; and
 - (D) unauthorised entry to the Collier Park Village; and
 - (ii) would be determined by the Council having regard, in addition to any other matter that the Council may consider, to the need for the following measures to be implemented:
 - (A) preventing vehicular access to Lot 3298 from McNabb Loop (west) because of the narrow road pavement and regular use of this portion

- of the street by residents of the Village, in effect converting this portion of the road into a Village access road only;
- (B) constructing McNabb Loop (south) as a cul-de-sac extension of Murray Street, not linked to the McNabb Loop (west) cul-de-sac, to service both Lot 3298 and Como Secondary College student drop-off/pick-up; and
 - (C) at the corner of McNabb Loop (north), and McNabb Loop (west), installing a sign facing towards Murray Street, or other traffic management measures, to discourage motorists from driving beyond the corner and to imply that McNabb Loop (west) services only the Collier Park Village;
- (f) the applicants also be advised that:
- (i) with respect to the occupancy of the proposed Multiple Dwellings, the Council is mindful of the need to protect the amenity of the nearby residents. In this regard, the Council is concerned that a concentration of ‘student and social housing’ could have a negative impact on the lifestyle and security of the Collier Park Village residents; and
 - (ii) owing to the extent of expenditure incurred by the City during the processing of this Amendment, an additional amount of \$7,527 is now payable as part of the Planning Fee calculated under the City’s adopted Fees and Charges Schedule 2010/11;”.
- (g) the Submitters be advised of the above resolution and be thanked for participating in the process.

CARRIED (9/4)

10.0.2 Proposed Amendment No. 27 to Town Planning Scheme No. 6: Rezoning of Kensington Child Health Clinic, Lot 30 (No.14) Collins Street, Kensington to Residential R25 - Report on Submissions *(Item 10.3.3 February 2011 Council meeting)*

Location: Lot 30 (No. 14) Collins Street, Kensington
Applicant: Council
File Ref: LP/209/27
Date: 3 June 2011
Author: Emmet Blackwell, Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of the proposed Amendment No. 27 to Town Planning Scheme No. 6 (TPS6) is to rezone the Amendment site from the 'Public Purposes' reserve to the 'Residential' zone with a density coding of R25. The draft Amendment proposals have been advertised for community comment and five submissions were received. Issues raised by the submitters include objection to the loss of a local community facility and objection in relation to the possible demolition of the existing Art Deco building on the subject site. After considering each of the comments made, the recommendation is that Amendment No. 27 proceed to finalisation without modification and that this recommendation be forwarded to the Minister for final approval.

Background

This report includes the following attachments:

- **Attachment 10.0.2(a):** Report on Submissions.
- **Attachment 10.0.2(b):** Amendment No. 27 document for final adoption.

Amendment No. 27 was initiated at the February 2011 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The subsequent clearance from the EPA allowed community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 27 is discussed in the Report on Submissions (**Attachment 10.0.2(a)**). The proposal was advertised in the manner described in the 'Consultation' section of this report, resulting in five submissions. The submissions have been addressed in the Report on Submissions, concluding that the Amendment should proceed without modification. If the Council supports this recommendation, it will be conveyed in the form of a recommendation to the Minister for Planning, who will make the final determination on the proposal.

Following completion of the rezoning process, the Council will consider future options for the land. If disposal of the land is favoured, this will be the subject of a separate process and report to the Council.

Consultation

The statutory advertising required was undertaken in the manner required by the *Town Planning Regulations* and Council Policy P301 'Consultation for Planning Proposals', as follows:

- (i) Method and Extent:
 - Personally addressed notices mailed to 33 neighbouring land owners, government agencies and other interested parties;
 - *Southern Gazette* newspaper notices (two issues);
 - Notices and documents displayed in Civic Centre, Libraries, web site.
- (ii) Time period:
 - 46 days between 18 April to 3 June 2011, the required minimum period being 42 days.

The details of the advertising process associated with Amendment No. 27 are contained in the Report on Submissions. This Report, including a Schedule of Submissions, contains discussion and a Council recommendation on each of the comments raised by the submitters. The Report will be provided to the Western Australian Planning Commission (WAPC) for further consideration and for recommendation to the Minister for Planning.

Policy and Legislative Implications

When approved, Amendment No. 27 will have the effect of modifying the TPS6 Scheme Map for Precinct 6 'Kensington', by changing the zoning of the land and applying the R25 density coding to the site.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 27 is set out below, together with the time frame associated with each stage of the process. Those stages which have been completed are shown shaded:

Stage of Amendment Process	Time
Council adoption of decision to initiate Amendment No. 27 to TPS6	22 February 2011
Council adoption of draft Scheme Amendment No. 27 proposals for advertising purposes	22 February 2011
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	25 February 2011
Receipt of EPA's response	16 March 2011
Public advertising period of 46 days	18 April to 3 June 2011
Council consideration of Report on Submissions on the proposed Amendment No. 27	28 June 2011
Referral to the WA Planning Commission and Minister for consideration, of: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 27; • Three signed and sealed copies of Amendment No. 27 documents for final approval 	Early July 2011
Minister's final determination of Amendment No. 27 to TPS6 and publication of the approved Amendment in the <i>Government Gazette</i>	Unknown

Following Council's recommendation to the Minister that Amendment No. 27 proceed, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

This issue has limited financial impact to the extent of the cost of advertising in the Southern Gazette newspaper and the Government Gazette upon finalisation. Under the *Planning and Development (Local Government Planning Fees) Regulations* and the City's adopted schedule of fees and charges, the City may recoup costs associated with the Scheme Amendment process where the Amendment has been requested by an external applicant. However, in this case, the Amendment was the City's initiative, so the costs cannot be recovered. Expected proceeds from the future sale of the land are factored into the 2011/2012 proposed budget. Successful delivery of major capital works is contingent upon funds from the sale of this land.

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. 27 provides an opportunity for more effective use of land for the ultimate benefit of the wider community. The amendment will facilitate development that will be entirely compatible with neighbouring residential development. To that extent, the Scheme Amendment will have beneficial sustainability implications.

Conclusion

The draft Amendment No. 27 has been supported by the Council. During the public consultation period, five submissions were received. Three of the objecting submissions raised the same issues and contained almost identical wording. The objections relate to the loss of a local community facility and the possible demolition of the existing Art Deco building with perceived heritage value. It is recommended that the objections be not upheld, on the grounds that the old facilities are being replaced by new ones in the Civic Centre and Manning Hub. Additionally the subject site and building are not listed within the City's Municipal Heritage Inventory, nor on the WA Heritage Council's State Register of Heritage Places. The City is of the view that the existing building on the subject site does not have sufficient heritage value to warrant protection from demolition. Therefore, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed without modification be forwarded to the Minister.

OFFICER RECOMMENDATION ITEM 10.0.2

Moved Cr Hasleby, Sec Cr Ozsdolay

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
- (i) having regard to all of the discussion contained in the Report on Submissions contained in **Attachment 10.0.2(a)**, Submissions 1.1 and 1.2 supporting the proposed Amendment No. 27 be upheld; Submissions 2.1, 2.2 and 2.3 opposing the proposed Amendment No. 27 be noted but not upheld.
- (ii) Amendment No. 27 to the City of South Perth Town Planning Scheme No. 6 proceed without modification.
- (b) The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:
- (i) excising Lot 30 (No. 14) Collins Street from the Public Purposes ('Clinic') Reserve and including the lot within the Residential zone with a density coding of R25; and
- (ii) Amending the Scheme Zoning Map for Precinct 6 'Kensington' accordingly.
- (c) Amendment No. 27 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 27 document, as required by those Regulations;
- (d) the Report on Submissions containing the Schedule of Submissions, **Attachment 10.0.2(a)** and three executed copies of the Amendment No. 27 document contained in **Attachment 10.0.2(b)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;
- (e) the submitters be thanked for participating in the process and be advised of the above resolution.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Hasleby for the Motion

- Acknowledge Art Deco merit
- No alternative use due to lack of usability and maintenance
- Collins Street Hall and Moresby Hall (which is underutilised) are more viable options for community use
- The City's new clinic is more than adequate
- If there was such a significant heritage value the property would have already been registered
- Move to next stage and have WA Planning Commission (WAPC) accept the amendment

Councillor Ozsdolay for the Motion

- The motion is about accepting WAPC amendment, not to sell or heritage list the property
- Heritage issues can continue if the motion is accepted.

Councillor Trent against the Motion

- Kensington clinic serviced a large area of the community
- R25 rezoning is the only zoning appropriate to build a house on this block
- Allow submission to Heritage Council before making a decision

Councillor Lawrance for the Motion

- Visited the building and noted the large amount maintenance involved

- Heritage listing potential seems slim
- We have a duty of care if the building was leased

Councillor Grayden against the Motion

- No investigation for future use has occurred
- This report shows the need for a disposal of land policy for disposing of City-owned land
- The property really belongs to the community
- When the Consultation Policy was reviewed, perhaps Council didn't truly consider the disposal of City-owned land.

Councillor Cala for the Motion

- All of our future capital works projects, such as Manning hub, rely on this disposal to go ahead
- We can't change our mind after forward financial plans have been set

Councillor Doherty against the Motion

- Defer in order for the heritage assessment to occur
- Council should be listening to the community
- The City needs a more objective way to dispose of City assets

Councillor Best point of clarification – Is there a timeframe around the heritage listing?

Acting Chief Executive Officer – The earliest we could hear is early to mid-August, after consideration of pursuing the matter. If a heritage assessment occurs, the timeframe is unknown (possibly months to over a year).

Councillor Skinner against the Motion

- A report for the Audit and Governance Committee has been drafted on disposal of City Assets
- Deferring the item for a month is not a big ask

Councillor Hasleby closing for the Motion

- The heritage listing process will not suit a one month deferral
- This Motion is about an amendment, not demolition
- The disposal of this property is going to be used to provide further community facilities

COUNCIL DECISION ITEM 10.0.2

Moved Cr Hasleby, Sec Cr Ozsdolay

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) having regard to all of the discussion contained in the Report on Submissions contained in **Attachment 10.0.2(a)**, Submissions 1.1 and 1.2 supporting the proposed Amendment No. 27 be upheld; Submissions 2.1, 2.2 and 2.3 opposing the proposed Amendment No. 27 be noted but not upheld.
 - (ii) Amendment No. 27 to the City of South Perth Town Planning Scheme No. 6 proceed without modification.
- (b) The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:
 - (i) excising Lot 30 (No. 14) Collins Street from the Public Purposes ('Clinic') Reserve and including the lot within the Residential zone with a density coding of R25; and

- (ii) Amending the Scheme Zoning Map for Precinct 6 'Kensington' accordingly.
- (c) Amendment No. 27 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 27 document, as required by those Regulations;
- (d) the Report on Submissions containing the Schedule of Submissions, **Attachment 10.0.2(a)** and three executed copies of the Amendment No. 27 document contained in **Attachment 10.0.2(b)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;
- (e) the submitters be thanked for participating in the process and be advised of the above resolution.

CARRIED (8/5)

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - July Small Grants Round 2011 / 2012

Location: City of South Perth
Applicant: Council
File Ref: GS/109 11/12
Date: 8 June 2011
Author: Sandra Watson, Manager Community, Culture and Recreation
Reporting Officer: Vicki Lummer, Acting Chief Executive Officer

Summary

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

Background

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

Small grants will be awarded to projects involving a basic level of planning. The total project cost for small grants must not exceed \$150,000.00. Grants given in this category must be claimed by 15 June in the relevant financial year, being 2011/12 for this report.

Examples of projects which may be considered for funding include:

- Upgrades and additions to existing facilities where they will lead to an increase in physical activity or a more rational use of facilities;
- Safety fences for sport and recreation facilities, i.e. motor sports;
- Construction of or upgrade to shade shelters;
- Various planning studies to a maximum grant amount of \$15,000;
- Construction of new facilities to meet sport and active recreation needs;
- Floodlighting projects; and
- New, resurfacing or replacement of synthetic surfaces or courts.

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

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

As stated in the CSRFF guidelines and in accordance with the City's funding guidelines, grants for this round of applications must be claimed in the next financial year, in this case 2011/2012. It is also important to note that the City's inclusion of funds for consideration on the 2011/2012 budget does not guarantee funds should the club be successful in its application to the Department of Sport and Recreation.

Comment

Two (2) applications for funding were received for the July small grants round by City of South Perth based sporting clubs. Details are as follows:

Hensman Park Tennis Club (HPTC)

CSRFF Grant Sought	\$12,070
City's Contribution	\$12,070
Club's Contribution	\$12,070
Estimated Total Project Cost	\$36,211 (exc GST)

Manning Tennis Club (MTC)

CSRFF Grant Sought	\$45,000
City's Contribution	\$45,000
Club's Contribution	\$45,000
Estimated Total Project Cost	\$135,000 (exc GST)

Assessment

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

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

These results are summarised below.

Applicant	Project	Ranking	Rating	City's Contribution	Total project Cost
Hensman Park Tennis Club (HPTC)	Remove existing dilapidated perimeter fence and supply and install new perimeter barrier fencing	1	A	\$12,070 (exc GST)	\$36,211 (exc GST)
Manning Tennis Club (MTC)	Install two (2) new synthetic courts with floodlights on site in vacant playing area	2	D	\$45,000 (exc GST).	\$135,000 (exc GST)

Hensman Park Tennis Club (HPTC)

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

- The upgrade will assist continued and possible broader community usage throughout the year by giving a perception of a quality and well-maintained facility;
- The upgrade project benefits the club by potentially impacting on sustainability, growth and attractiveness of the club including social play due to the attraction of new members;
- The precinct will present at a high standard of maintenance, safety and with a suitable facility barrier; and
- The proposed upgrade is consistent with the Council adopted City of South Perth "Active Futures Physical Activity Plan 2009 - 2014" including strategic theme 1.8 - namely by providing support to local sporting clubs to ensure their viability and strategic theme 3.1 - to ensure that City and community buildings and facilities embrace CPTED principles (Crime Prevention through Environmental Design), and encourage a healthy lifestyle.

The Hensman Tennis Club is situated on Reserve Lot 46, R3617, (No.24) Anstey Street, South Perth. This is a small scale project that entails the removal of the existing dilapidated perimeter fencing and the supply and installation of new barrier fencing with top and bottom rails. The new fence is planned to be consistent with other parts of the fence that were upgraded when the most recent hard courts and lighting were installed in the 2006/2007 financial year, also under the CSRFF funding program.

The primary purpose of the project is to ensure the facility is attractive and welcoming to existing and new members, as well as to act as a safety measure with regard to projectiles, crime prevention and as a facility barrier. Given that the club is positioned in a high profile and high density residential area, aesthetics are also important and with the current fence looking unkempt it could give the impression that the club, City and governing bodies do not consider the facility a valuable asset.

The Hensman Park Tennis Club is affiliated with Tennis West and is one of Perth's most vibrant and successful clubs. This project, to replace and upgrade the dilapidated perimeter fencing is warranted and consistent with other recently upgraded areas of the facility. Tennis West, fully support the Hensman Tennis Club's application for this project and from the City of South Perth's perspective, this minor upgrade project is well overdue and will benefit the community in terms of place making and physical activity opportunities.

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

Should the project proceed, strict conditions would apply, as is standard for all projects involving the upgrade of buildings and built facilities within the City. These conditions include the applicant's requirement to:

- Submit further detailed specifications of the project to the City and obtain appropriate approvals;
- Liaise with the City at all stages of the project and to ensure that the works do not impact on other regular or casual users; and
- The applicant (HPTC) to bear all pre-site requirements, installation and operating costs.

Manning Tennis Club (MTC)

This project has been rated 'D - *needed by the applicant, more planning required*' and in making this assessment the panel noted:

- It is the panel's opinion that additional tennis courts are not required in the City of South Perth as there are currently more than forty (40) courts available in the City and three tennis clubs, with none of the clubs being at full capacity in terms of membership;
- The 'Active Futures 2009-2014 Physical Activity Plan detailed that there has been a national decline in participation numbers in tennis between 2001-2007. This data was taken from the Exercise, Recreation and Sport Survey 2007 (ERASS), which is a national survey that collects information on the frequency, duration, nature and type of activities of persons aged 15 years and over for exercise, recreation and sport during the 12 months prior to the interview; and
- The application submitted by the Manning Tennis Club was incomplete and lacked sufficient detail on the medium to long term benefits of adding additional courts and in addition, there was no letter of support for the project from the governing body, Tennis West.

The Manning Tennis Club is situated on Freehold Lot 300, PO456743 (No.300) Challenger Avenue, Manning. The proposed project incorporates the construction of two new tennis courts including fencing and floodlights. It must be noted that additional floodlights were installed at the facility via CSRFF funding in 2008/09 and two courts were also resurfaced via CSRFF funding in the 2005/06 financial year.

The primary purpose of the project is to construct two new courts as the current ten courts are in use fairly constantly, meaning players can be turned away plus the club has reached its limit of ten junior pennant teams. The MTC has advised that due to courts being decommissioned at private schools including Aquinas, they would like to fill that gap for Aquinas College students and others.

The Manning Tennis Club is affiliated with Tennis West, however no information has been included in the application as to how this project fits Tennis West objectives and strategies in the area.

It is recommended that the City rate the application for funding from MTC as a low priority, however it is advisable for the City to allocate supporting funds accordingly. If the Department of Sport and Recreation support the application, the City will be in a position to the extent of funding 1/3 of the cost of the project, with the Department of Sport and Recreation to fund 1/3 and the HPTC to fund the remaining 1/3.

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

- submit further detailed specifications to the City;
- obtain appropriate approvals;
- liaise with the City at all stages of the project;
- forward a letter to all residents in streets adjacent (Elderfield Road) to areas affected by the proposed lighting advising that as a part of the on-going development of the reserve, further floodlighting towers would be installed and that the towers would be positioned so that there is no light spillage on adjacent properties; and
- bear all pre-site requirements, installation, maintenance and operating costs with no cost to the City.

Comments from the City Environment Department

The HPTC project will yield demonstrated benefits and is supported, given attention to the following areas:

- The upgrade, given that the Hensman Tennis Club is positioned in a high profile and high density residential area, will support aesthetics and assist community usage;
- The project will act as a safety measure with regard to projectiles, crime prevention and as a facility barrier; and
- Under the current lease agreement, the City has a partial responsibility to support upkeep and maintenance on the facility structures and as such is in support of this application.

The MTC project may not be required within the City of South Perth, given attention to the following areas:

- The concern that there seems to be an over supply of tennis courts within the City given the fact that there are three (3) tennis clubs, none of which are at or nearing maximum capacity;
- The Club is to liaise with the City on an ongoing basis with periodic reporting, to ensure the future financial and operational sustainability of the facility; and
- The Club and City to strengthen relationships to assist and support financial and committee development into the future.

Consultation

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

For the HPTC, there will be no impact upon the wider community in terms of disturbance and as such no consultation with the community was undertaken for that project. Should the MTC project proceed, strict conditions and consultation programming must be applied to ensure directly impacted community members are notified of the proposal and have an opportunity to comment accordingly.

Policy and Legislative Implications

This report relates to Policy P110 - Support of Community and Sporting Groups.

Financial Implications

A provisional amount of funds is incorporated into the annual budgeting process to support CSRFF applications including the amount of \$57,071 (exc. GST) for the proposed projects.

Strategic Implications

This report is complimentary to Strategic Directions:

1. **Community -Create opportunities for a safe, active and connected community**
 - 1.3 *Encourage the community to increase their social and economic activity in the local community.*
 - 1.4 *Develop, prioritise and review facilities and relevant activities, taking advantage of Federal and State Government funding.*

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

Sustainability Implications

The projects will allow the continued and increased use of tennis courts within the City and enhance the social and physical benefits that are a by-product of increased active involvement by the community in sport and leisure pursuits.

OFFICER RECOMMENDATION ITEM 10.1.1

Moved Cr Doherty, Sec Cr Best

That the applications for funding for the Community Sport and Recreation Facility Funding (CSRFF) be submitted to the Department of Sport and Recreation together with the officer comments, supporting information and the following assessment:

Applicant	Ranking	Rating
Hensman Park Tennis Club	1	A
Manning Tennis Club	2	D

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Doherty opening for the Motion

- Club President presented at Agenda Briefing
- Treasurer also attempted to support the deputation by providing a completed application
- It is an unfair request of the officers to reassess the application in a short timeframe
- There is another opportunity for the Manning Tennis Club to submit an application in the next round of funding
- The application received a D rating because it was incomplete.

Councillor Best for the Motion

- Involved in grant application process in the past
- The City’s process is a strong and open application process
- Inappropriate for Council to second guess competent staff involved

Councillor Grayden left the Chamber at 8:30pm

Councillor Ozsdolay against the Motion

- Not questioning the assessment panel
- The only change to the recommendation is the rating for Manning Tennis Club
- New information at hand gives an opportunity for Council to make a decision

- The A ranking proposed for the Manning Tennis Club because the club is at capacity and requires the new courts proposed in the new application provided, which is supported by Tennis West
- Propose that the City reassess the application

Councillor Grayden re-entered the Chamber at 8:33pm

Councillor Cridland against the Motion

- It is the responsibility of the Manning Tennis Club's that the application wasn't complete
- It would be capricious for Council not to take the new information into account
- Clubs are run by volunteers who contribute to the community
- Disappointing that Manning Tennis Club didn't submit the application on time

Mayor Best for the Motion

- Disappointing that Manning Tennis Club didn't submit the application on time
- A good system of governance is the only way to avoid situations such as this
- Suggest that Manning Tennis Club review their system of governance and be more prepared next time
- The money from the CSRFF fund is public money

Councillor Doherty closing for the Motion

- Not up to Council to change the rating of an application
- The panel who assessed the application are professional officers, with a combined experience of up to 80 years in assessing and interpreting project such as this

The Mayor Put the Motion

LOST (4/9)

MOTION

Moved Cr Ozsdolay, Sec Cr Burrows

That the applications for funding for the Community Sport and Recreation facility Funding (CSRFF) be submitted to the Department of Sport and Recreation together with the officer comments, council comments included in this alternative motion, supporting information and the following assessment:

Applicant	Ranking	Rating
Hensman Tennis Club	1	A
Manning Tennis Club	2	A

COUNCIL DECISION ITEM 10.1.1

The Mayor put the Motion

That the applications for funding for the Community Sport and Recreation facility Funding (CSRFF) be submitted to the Department of Sport and Recreation together with the officer comments, council comments included in this alternative motion, supporting information and the following assessment:

Applicant	Ranking	Rating
Hensman Tennis Club	1	A
Manning Tennis Club	2	A

CARRIED (12/1)

10.1.2 Tender 07/2011 - Provision of Services Relating to the Collection of Refuse Material

Location: City of South Perth
 Applicant: Council
 File Ref: Tender 07/2011
 Date: 31 May 2011
 Author: Mickey Danilov, Waste and Fleet Coordinator
 Les Croxford, Manager Engineering Infrastructure
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

This report outlines the tender and assessment process for the submissions received for Tender 07/2011 - *Provision of Services relating to the Collection of Refuse Material* . It will be a recommendation to the Council that the tender submitted by Transpacific Cleanaway be accepted for a five (5) year period, commencing 1 July 2011. Subject to satisfactory performance over the five (5) year period there is an option to extend the Contract by a further two (2) years.

Background

The *Local Government Act 1995* (as amended) requires tenders to be called for all works and services having a value in excess of \$100,000. Council has delegated to the Chief Executive Officer authority to accept tenders for the annual supply of certain goods and services up to a maximum value of \$200,000.

Tender 07/2011 - *Provision of Services relating to the Collection of Refuse Material* was publicly advertised on Saturday 13 March 2011, closing on Friday 15 April 2011. The Tender was advertised in the West Australian newspaper.

The City's current Waste Management Tender for refuse collection is delivered by TransPacific Cleanaway (under Contract). The Contract allows for a weekly collection of refuse material within the City's jurisdiction. The current Contract, which was for a seven (7) year period, expires on 30 June 2011.

The City's waste and recycling collection service, together with the processing of the recyclable material, has been undertaken by TransPacific Cleanaway. Over this period of time, the service provided by TransPacific Cleanaway has consistently been rated highly by the City's residents as evidenced by the Catalyse Community Perceptions Surveys in 2010.

Documentation for this tender was developed by City Officers with assistance from Watts and Woodhouse Solicitors.

Comment

Conforming Tender submissions were received from four (4) registered companies. The companies are listed in Table 1 below (in no apparent order).

Table 1 - Tender Submissions

	Company
1	TransPacific Cleanaway
2	SITA
3	Perth Waste
4	SOLO Resource Recovery

In addition to the receipt of four conforming Tenders from companies noted in Table 1 above, an Alternative Tender was received from SITA based on the City agreeing to minor legal changes to the documentation.

The tender submissions were required to provide rates for collection of a range of different bin sizes from 120L to 1100L and for transport to various landfill or secondary waste processing facilities within 3 different travel zones (20kms, 40kms and 60+kms).

The annual contract value includes the weekly collection of 20,000 x 240L bins, 565 x 1100L bins, 1492 public bins and the purchase and delivery of 300 new bins per year.

The schedule of tendered prices based on transport within Zone 1 (as the current disposal point is located in Welshpool) is listed at Table 2 below.

Table 2 - Schedule of Tendered Prices

	TransPacific Cleanaway (\$/Bin Lift)	SITA (\$/Bin Lift)	SITA (Alternative Tender) (\$/Bin Lift)	Perth Waste (\$/Bin Lift)	SOLO Resource Recovery (\$/Bin Lift)
Refuse Bin (240L)	\$0.74	\$0.82	\$0.80	\$0.95	\$0.92
Refuse Bin (1100L)	\$8.25	\$8.60	\$8.50	\$8.00	\$25.00
Public Bins	\$2.894	\$3.85	\$3.80	\$3.20	\$2.50
Additional Bins (240L)	\$70.40	\$74.50	\$74.50	\$53.00	\$48.00
Total Annual Contract Value	\$1,257,633	\$1,426,516	\$1,398,899	\$1,487,209	\$1,899,660

A comparison of the submissions based on the anticipated Total Annual Contract Value as developed from the tendered unit rates is included in Table 3 below. The tender submissions were evaluated against the following selection criteria as outlined in the tender documentation:

- The Tenderer's demonstrated capacity to carry out the services referred to in the agreement.
- The Tenderer's relevant past experience, corporate structure and personnel.
- The rates of payment tendered.

Table 3 - Tender Evaluation

Tenderer	Weighted Score
Cleanaway TransPacific (conforming)	10.0
Sita (Alternative)	9.2
Sita (Conforming)	9.1
Perth Waste (Conforming)	8.7
Solo Resource Recovery (Conforming)	5.7

In summary, the tender submitted by TransPacific Cleanaway provides the best value for money and service, and meets the requirements of the Tender documentation and selection criteria. In view of the prices submitted and scores received during the evaluation of Tenders, it is recommended to Council that the Tender submitted by TransPacific Cleanaway be accepted. The initial Contract term will be a period of five (5) years, with option to extend the Contract by a further two (2) years subject to satisfactory performance.

Key Provisions of Tender 7/2011

The following are the key provisions of the proposed agreement relating to tender 7/2011:

- Weekly collection of waste from residential and commercial properties;
- Weekly collection of all public bins (street, parks and reserves);
- Transport of waste to a disposal site (currently WA Landfill Services);
- Provision of new or replacement bins and repair of damaged bins;
- Provision of special services where a resident is unable to place the bin out for collection due to a disability;
- Provision for collection of waste bins from functions or other events.;
- Provision to change the disposal location for the disposal of solid waste with nominated tendered rates provided;
- Provision for general CPI adjustment on an annual basis; and
- Provision for dealing with customer issues with a direct telephone line contact between the City and the Contractor.

Consultation

Tenders were advertised in accordance with the *Local Government Act (1995)*.

The tender was advertised in the West Australian on Saturday 12 March 2011 and closed on 15 April 2011. At the close of the tender period on Friday 15 April 2011, four (4) conforming and one alternative tenders were received.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* (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 value of this tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

Policy P605 - *Purchasing and Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

Collection of refuse is an essential service and the Schedule of Rates and anticipated Annual Contract Value for the service is in line with the budget allocation.

Subject to TransPacific Cleanaway being awarded the Tender for the collection of refuse material, the annual cost to the City is \$1,257,633, which would be indexed by CPI for each year the Contract term.

Strategic Implications

The calling of tenders compliments the City's Strategic Plan 2010-2015, in particular: Direction 1.1 "Community" - *Develop, prioritise and review services and delivery models to meet changing community needs and priorities.*

Sustainability Implications

This Tender will ensure that the City is provided with the best available services to complete the operational requirements of the Annual Budget. By selecting an external provider the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services to its community.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.2
--

That...

- (a) the Tender submitted by TransPacific Cleanaway for the Provision of Services relating to the Collection of Refuse Material (Tender 7/2011) be accepted for a five (5) year period, commencing 1 July 2011; and
- (b) subject to satisfactory performance over the five year duration of the Contract, there is an option to extend the Contract by a further two (2) years.

CARRIED EN BLOC RESOLUTION

10.1.3 Tender 16/2011 and 17/2011 - Collection, Receival and Processing of Recyclable Material

Location: City of South Perth
Applicant: Council
File Ref: 7/2011
Date: 3 June 2011
Author: Mickey Danilov, Waste and Fleet Coordinator
Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

This report outlines the tender and assessment process for the submissions received for Tender 16/2011 - *Provision of Services relating to the Collection of Recyclable Material* and Tender 17/2011 - *Provision of Services relating to the Receival and Processing of Recyclable Material*.

It will be a recommendation to the Council that the alternative tenders submitted by Transpacific Cleanaway be accepted for a five (5) year period, commencing 1 July 2011, with two one year options subject to satisfactory performance.

Background

The *Local Government Act 1995* (as amended) requires tenders to be called for all works and services having a value in excess of \$100,000. Council has delegated to the Chief Executive Officer authority to accept tenders for the annual supply of certain goods and services up to a maximum value of \$200,000.

Tender 16/2011 - *Provision of Services relating to the Collection of Recyclable Material* and Tender 17/2011 - *Provision of Services relating to the Receival and Processing of Recyclable Material* were publicly advertised on Saturday 13 March 2011, closing on Friday 15 April 2011. The Tenders were advertised in the West Australian newspaper.

The City's current Waste Management Tender for recycling collection and the receival and processing of recyclable material is provided by TransPacific Cleanaway (under Contract). The Contract allows for a fortnightly collection and processing of recyclable material within the City's jurisdiction. The current Contract, which was for a seven (7) year period, expires on 30 June 2011.

Comment

(1) Tender 16/2011

Provision of Services relating to the Collection of Recyclable Material

Conforming Tender submissions were received from five (5) registered companies. The companies are listed in Table 1 below (in no apparent order).

Table 1 - Tender Submissions

	Company
1.	TransPacific Cleanaway
2.	SITA
3.	Perth Waste
4.	SOLO Resource Recovery
5.	Avon Waste

In addition to the receipt of five conforming Tenders from companies noted in Table 1 above, Alternative Tenders were received from Transpacific Cleanaway and SITA respectively. The Alternative Tenders are summarised in Table 2 below.

Table 2 - Alternative Tender from SITA and Transpacific Cleanaway

Company	Alternative Tender
SITA	The City agrees to minor legal changes to the documentation; and The City awards Tenders 16/2011 and Tender 17/2011 to SITA.
Transpacific Cleanaway	The City awards Tenders 16/2011 and Tender 17/2011 to Transpacific Cleanaway; Collection vehicles are not limited to a maximum compaction rate of 150 kilograms per cubic metre (m ³); and Transpacific Cleanaway offers the City a share in the profit from the processing of recyclables through the Maddington Material Recovery Facility (MRF). The offer is for a 50:50 share in the increase in net revenue obtained from recovered commodities, where this increase is greater than CPI. If commodity prices fall below prices at the time of tender, this would be solely at Cleanaway's cost. It is a profit sharing arrangement rather than a profit/loss sharing arrangement.

The schedule of tendered prices is listed at Table 3 below.

Table 3 - Schedule of Tendered Prices

	Cleanaway (\$/Bin Lift)	Cleanaway Alternative Tender (\$/Bin Lift)	SITA (\$/Bin Lift)	SITA Alternative Tender (\$/Bin Lift)	SOLO (\$/Bin Lift)	Perth Waste (\$/Bin Lift)	AVON Waste (\$/Bin Lift)
Recycling Bin (240L)	\$0.913	\$0.8216	\$0.99	\$0.80	\$1.18	\$0.95	\$0.86
Additional Bins (240L)	\$70.40	\$70.40	\$81.10	\$74.50	\$48.00	\$53.00	\$65.00
Total Annual Contract Value	\$488,840	\$441.312	\$531,020	\$430.900	\$623,200	\$504.600	\$460,200

The tender submissions were evaluated against the following selection criteria as outlined in the tender documentation:

- The Tenderer's demonstrated capacity to carry out the services referred to in the agreement;
- The Tenderer's relevant past experience, corporate structure and personnel;
- The rates of payment tendered.

A copy of the evaluation against the Selection Criteria is provided at Table 4 below:

Table 4 - Tender Evaluation

Tenderer	Weighted Score
Cleanaway Transpacific (Alternative Tender)	10.0
Cleanaway Transpacific (Conforming Tender)	9.3
Avon (Conforming Tender)	9.3
Perth Waste (Conforming Tender)	9.0
SITA (Conforming Tender)	8.6
Solo Resource Recovery (Conforming Tender)	6.4

The tender submissions were required to provide rates for collection of 120L & 240L recycling bins including transport of the recyclable material to a Material Recovery Facility (MRF). The Annual Contract Value includes fortnightly collection of 20000 (households) x 240L recycling bins and 200 new recycling bins per year.

Key Provisions of Tender 16/2011

The following are the key provisions of the proposed agreement relating to Tender 16/2011:

- Fortnightly collection of recyclable material from residential and commercial properties;
- Transport of recyclable material to a Material Recovery Facility (MRF);
- Provision of new or replacement bins and repair of damaged bins;
- Provision of special services where a resident is unable to place the bin out for collection due to a disability;
- Provision for dealing with customer issues with a direct telephone line contact between the City and the Contractor; and
- Provision for collection of recycling bins from functions or other events.

(2) 17/2011

Provision of Services Relating to the Reveal and Processing of Recyclable Material

Conforming Tender submissions were received from five (5) registered companies. The companies are listed in Table 5 below (in no apparent order).

Table 5 - Tender Submissions

	Company
1.	TransPacific Cleanaway
2.	Perth Engineering & Maintenance
3.	Perth Waste
4.	SOLO Resource Recovery
5.	Poly Trade Recycling

In addition to receipt of five conforming Tenders from companies noted in Table 5 above, an Alternative Tender was received from Transpacific Cleanaway based on the requirements noted at Table 2.

The Tender submissions have been evaluated against the selection criteria provided to the Tenderer's. The selection criteria for this Tender 17/2011 is identical to Tender 16/2011.

The Tender submissions were required to provide a rate per tonne of recyclable material delivered to a Material Recovery Facility (MRF) by or on behalf of the City of South Perth. It is estimated that approximately 5000 tonnes of recyclable material per annum are collected from the City of South Perth.

The tendered prices are as follows:

Table 6 - Receival and Processing of Recyclable Material (Rates - Excl GST)

Tender	Perth Engineering and Maintenance	Cleanaway Alternative	Cleanaway	Poly Trade Recycling	SOLO	Perth Waste
Rate per tonne	Will pay the City (\$2.50)	\$10.00	\$15.00	\$15.00	\$15.00	\$40.00
Annual Contract Value	-\$12,500	\$50,000	\$75,000	\$75,000	\$75,000	\$200,00

The current rate is \$27.91 per tonne for the receival and processing of the City's recyclables.

Key Provisions of the Tender 17/2011

The following are the key provisions of the proposed agreement relating to Tender 17/2011:

- Receival of all recyclable material delivered to the Materials Recovery Facility (MRF);
- Weighing and maintaining records of all recyclable materials received at the MRF;
- Providing records of all processed material transported from the site for disposal to landfill or otherwise than by way of sale;
- The rejection of hazardous and/or offensive waste that has entered the recyclables and to dispose in a safe and lawful manner;
- Arrange for the disposal of unsaleable recyclables by lawful means; and
- Permit access to the MRF for educational purposes.

Summary

TransPacific Cleanaway submitted an alternative tender for both Tender 16/2011 and Tender 17/2011 and along with Avon Waste (Tender 16/2011) and Perth Engineering and Maintenance (Tender 17/2011) represents the most favourable tenders received. Three collection and disposal combinations can be identified from 16/2011 and 17/2011 respectively:

- Cleanaway (Conforming Tender) Collection and Transport, Perth Engineering and Maintenance (Conforming) Receival and Processing for an annual contract value of \$476,340 (\$488,840 less \$12,500);
- Cleanaway (Alternative Tender) Collection and Transport, Cleanaway (Alternative) Receival and Processing for an annual contract value of \$450,312 (\$441,312 plus \$50,000 minus \$41,000 profit share); or
- Avon Waste (Conforming Tender) Collection and Transport, Perth Engineering and Maintenance (Conforming) Receival and Processing for an annual contract value of \$447,700 (\$460,200 less \$12,500).

The above combinations were assessed against the Selection Criteria detailed in the documentation. Table 7 below lists the weighted score for each.

Table 7 - Tender Evaluation

Tenderer	Weighted Score
Cleanaway Transpacific including profit share	9.96
Cleanaway Transpacific excluding profit share	9.32
Avon/ Perth Engineering and Maintenance	9.55
Cleanaway Transpacific/PME	9.15

The strength of the TransPacific Cleanaway alternative tender is two fold:

- the profit share arrangement whereby the City would enjoy the benefit of any increase in the average value of a sample of recyclables. In assessing the annual contract, the estimated profit share was calculated at \$8.20 per tonne payable at the end of the year; and
- proven and reliable service provider, committed to furthering the recycling education with Officers engaged in that role, and familiarity with City processes that ensures a seamless transition into the “new contract”.

The downside to the TransPacific Cleanaway tender is uncertainty in the value of recyclables over the life of the Contract. In the unlikely event that recyclable returns remain constant as at the March 2011 rates the TransPacific Cleanaway offer over the life of the five year contract could be \$218,000 (or 9%) greater than the Avon / PEM combination.

The Avon Waste / Perth Engineering and Maintenance (PEM) combination is the lowest tendered combination unless the value of recyclables exceeds all expectations. The weighted score of the Avon Waste / PEM combination is only marginally better than the TransPacific Cleanaway offer not realising on the profit share. However should the value of recyclables fall to levels present two years ago it may not be possible for the company to continue an arrangement of “cash back” for recyclables.

Avon Waste has no current contracts within the Perth metropolitan area, but will use the PEM North Coogee site as its overnight depot and provide a Perth based contract supervisor/support person. Minor modifications will be required to the City’s phone system. Acceptance of the Avon / PEM combination would result in two separate contractors servicing the same property each fortnight, one to collect the “green lid” household refuse MGB and the other to collect the “yellow lid” recyclables MGB. Homeowners may have some initial confusion separating the two contractors when a missed service has to be reported. While the transition from the current contract to the new contract will be seamless with TransPacific Cleanaway there is likely to be some adjustment issues with any new contractor.

The uncertainty surrounding community acceptance of separate contractors, the potential for increased demands on the City’s administration staff from a non local contractor and the overall proven performance of the existing contractor (TransPacific Cleanaway) outweighs any uncertainty in the recyclable market. Further, the profit share expectations that underpins the Tender provides sound basis to retain the status quo and utilise TransPacific Cleanaway for all three (3) contracts.

The City of Gosnells has recently accepted the Tender submitted by TransPacific Cleanaway (their current contractor) over the least cost tender combination for reasons not unlike the comment above.

Consultation

Tenders were advertised in accordance with the *Local Government Act (1995)*.

The Tender were advertised in the West Australian on Saturday 12 March 2011 and closed on 15 April 2011. At the close of the tender period on Friday 15 April 2011, five (5) conforming and a number of alternative tenders were received.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* (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 value of this tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

Collection and disposal of recyclables is an essential service and the Schedule of Rates and anticipated Annual Contract Value for the service is in line with the budget allocation.

Subject to TransPacific Cleanaway being awarded the Tender for the collection and disposal of recyclables, the annual cost to the City is \$450,312, which would be indexed by a factor (based on CPI and diesel fuel price fluctuations) for each year of the Contract term.

Strategic Implications

The calling of tenders compliments the City's Strategic Plan 2010-2015, in particular: Direction 1.1 "Community" *Develop, prioritise and review services and delivery models to meet changing community needs and priorities*.

Sustainability Implications

Tenders 16/2011 and 17/2011 respectively will ensure that the City is provided with the best available services to complete the operational requirements of the Annual Budget. By selecting an external provider the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services to the community.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.3

That.....

- (a) the Alternative Tender submitted by Transpacific Cleanaway Pty Ltd for the Provision of Services relating to the Collection of Recyclable Material (Tender 16/2011) be accepted for a five year period commencing 1 July 2011, with two one year options subject to satisfactory performance; and
- (b) the Alternative Tender (incorporating the profit share arrangement) submitted by Transpacific Cleanaway Pty Ltd for the Provision of Services relating to the Receival and Processing of Recyclable Material (Tender 17/2011) be accepted for a five year period commencing 1 July 2011, with two one year options subject to satisfactory performance.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Review of Street Verge Policy

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	13 June 2011
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

The City's Street Verge Policy P504 has been requested to be reconsidered by Council in light of increasing resident non-compliance. In response, a new *draft* Policy P210 and draft Street Verge Guidelines have been developed for Council consideration and adoption.

Background

The City of South Perth has long been renowned for its leafy green streets. This is due in part to the many street trees, however street verges also contribute. The street verge can be defined as the area of land located between a street kerb and boundary of an adjacent property.

Technically, the street verge is part of the road reserve and as such it is public land. Traditionally, responsibility for the management of street verges has resided with the adjacent resident, however because it is public land, the relevant local authority exercises control over what is permitted on the street verge.

The City has a Street Verge Policy (P504) in place. The policy was originally created for the following reasons:

- To provide clarity to City residents about the types of treatments permissible on the street verge (e.g. planted lawn, verge gardens, brick paving etc);
- To retain vegetation on streetscapes consistent with the City's adopted Green Plan and Street Tree Management Plan;
- To retain some form of greenery in the City's streetscapes.

The policy permits natural lawn on the street verge, but requires prior permission from the City for other treatments such as paving or a verge garden. The policy currently does not permit the use of synthetic turf on street verges. To provide clarity for the policy a set of guidelines was produced and made available to the community via a brochure (*Caring for Your Verge*).

The Perth metropolitan area has experienced a particularly dry summer and if climate change predictions are to be believed, this type of climate could be more common in future years. The State government has responded with stronger water restrictions, which have impacted adversely on suburban gardens.

The water restrictions and the long dry summer have seen a reduction in the standard of many street verges in the City. In addition, the City has a relatively large number of absentee landlords, which in many cases has resulted in a lower standard of maintenance of street verges.

Following an officer audit in November 2010, forty two (42) street verges in the City were found to have laid synthetic turf on the adjacent street verge without the knowledge or approval of the City. In addition, many other verges have been paved without prior permission. The City's initial response was to request residents to remove the synthetic turf because it was a non-approved verge treatment, however following some backlash from residents this action has been deferred pending Council reconsideration of the street verge policy.

Comment

It is obvious that many residents have been seeking low water use and easy maintenance alternatives and a number of verges in the City have been either brick paved or laid with synthetic turf. Synthetic turf has been heavily publicised as a responsible and environmentally friendly alternative to grass and it does have some benefits, particularly the fact that it does not require watering or mowing. It does however have a number of drawbacks such as:

- High energy use in production (carbon);
- Does not absorb CO₂;
- It is hot compared to grass – can contribute to the urban heat island effect;
- It has to be replaced between 8 and 20 years (depending on the type and quality);
- It is difficult to recycle;
- It allows for little or no water infiltration to aquifer plus the potential for high run off into the drainage system;
- It is difficult to access a synthetic verge for maintenance issues – electricity, phone and water mains are under street verges;
- The potential damage to street trees – compaction, heat and roots.

Despite these concerns, residents are viewing synthetic turf as a viable alternative to natural grass and the City needs to respond with a policy position. This has resulted in Council requesting the City review the verge policy and guidelines.

The first stage of the review was to find out what other local authorities are doing. The City surveyed other Perth metropolitan local government authorities (LGA's) regarding their policies on street verges and specifically the use of synthetic turf. It became evident, from the responses received, that most of the other LGA's have not yet formed a policy position on how to respond to synthetic turf and are looking for someone to take the lead.

Without a clear direction from other LGA's, the next best thing to do is to ascertain what makes the City of South Perth a location of choice. What is the City renowned for being? Among other things, the answer is a 'leafy natural' suburb. Does artificial turf or paving on street verges meet this criterion?

An example of what could happen if the City allowed the widespread use of synthetic turf is the Forrest Street verge of the St Columba's precinct. The City became aware of a plan to replace the grass verges with synthetic turf on a large scale and work had commenced. The City requested that work cease until the review of the street verge policy is completed and St Columba's has thankfully complied.

This verge provides a good example of why synthetic turf cannot be considered an alternative to natural turf, more an alternative to brick paving. In order to lay the synthetic turf the ground must be firm and level. To achieve this requires a layer of compacted road base. The result will dramatically change the way this verge behaves. For example, it will be much hotter during summer and in winter the amount of run off to the drainage system will increase. This will in turn reduce the amount of water that is filtered back into the aquifer as the drainage system will take the stormwater directly to the river.

In isolation, one could argue that it is insignificant. On a much larger City-wide scale, as a result of unrestricted use of synthetic turf or brick paving, the effect could be dramatic.

Another concern is that of maintenance of underground services. The street verge has been created in part as an area where services, such as power, telephone and water can be laid and maintained relatively easily. A grass verge or garden can be dug up and replaced relatively easily. A synthetic turf or brick paved verge is not so easily or cheaply reinstated.

Despite these concerns it was considered that some lessening of the policy is required, particularly on smaller verges, which are more inefficient to maintain and where the impact of 'harder' treatments is reduced.

With these points in mind, the City has produced a *draft* new Street Verge Policy at **Attachment 10.2.1(a)** and a *draft* new Street Verge Landscape Guidelines at **Attachment 10.2.1(b)**. The changes to the policy are as follows:

- Permission is no longer required for establishment of a verge garden as long as the guidelines are followed;
- The City now permits the use of synthetic turf as a street verge treatment, under certain circumstances; and
- The City accepts no responsibility on the part of the City or utility service providers to reinstate verge paving or synthetic turf affected by routine maintenance of services or projects.

The draft landscape guidelines make it clear that the City's preference for street verge treatments is either a planted lawn or a street garden. A mulched verge is also permitted.

The use of brick paving and synthetic turf is permitted in the following circumstances and after formal application to the City:

- On street verges of less than 1.5 metres wide, not including the width of the footpath; where it is not practical to maintain a natural lawn or garden;
- On street verges greater than 1.5 metres wide, but the verge cannot contain more than 50% of hardstand area. This includes driveway crossovers plus footpaths plus all hardstand materials including concrete, asphalt, paving, and synthetic turf.

While this is not a dramatic change to the existing policy, the City believes it will allow for smaller more difficult to maintain street verges to be either paved or laid with synthetic turf. Larger verges should either be grassed or street gardens, in keeping with the City's leafy reputation.

In order to support a reasonable standard of street verges, the City plans to support the creation of a number of street verge 'demonstration' gardens and increase the amount of information and support available for best practice management of turf.

The *draft* revised Street Verges policy P210 and the *draft* Street Verge Landscape Guidelines at **Attachments 10.2.1(a)** and **10.2.1(b)** are recommended to be adopted by Council.

Should Council adopt the new policy and guidelines, the question arises about what to do with street verges that don't comply. The following position is proposed:

- Street verges that contain a non-approved treatment, and laid after 30 November 2010 (the date the City first publicised its opposition to synthetic turf) will be requested to be removed;
- Non-approved street verge treatments laid prior to 30 November 2010 will be permitted to remain until the end of their useful life, however the City will not permit their re-laying;
- Street verge treatments that do not meet the standards (poorly laid or potentially dangerous) will be requested to be removed.

Consultation

This matter was the subject of a special briefing of Council on Tuesday 8 March 2011.

Policy and Legislative Implications

Policy P504 - Street Verges is recommended to be amended and re-numbered as Policy P210. The reason for the re-numbering is that it is a better 'fit' under Strategic Direction 2 'Environment' - against Strategic Direction 5 'Transport'.

Financial Implications

Nil

Strategic Implications

This matter relates to Strategic Direction 2 "Environment" identified within Council's Strategic Plan (2010 - 2015) which is expressed in the following terms: *Nurture and develop natural spaces and reduce impacts on the environment*

Sustainability Implications

A sustainable City requires water efficiency however also the maintenance and enhancement of biodiversity, a healthy living environment and good street amenity. The City has attempted to find a balance between these factors with the draft Street Verge Policy and Landscape Guidelines.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1

Moved Cr Best, Sec Cr Ozsdolay

That Policy P210 "Street Verges" at **Attachment 10.2.1(a)** and the Street Verge Landscape Guidelines at **Attachment 10.2.1(b)** be adopted.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Best opening for the Motion

- Community Consultation and discussion on this matter since November 2010
- The developed document recognises the diverse possibilities and uses of street verges

Councillor Ozsdolay for the Motion

- Asked for withdrawal to make note of the changes to the guidelines of the policy
- Community interest of policy over the consultation period
- I support the changes and urge Council to support the recommendation

The Mayor put the Motion.

CARRIED (12/1)

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Change Of Use of Ground Floor Tenancies (from Showroom & Café / Restaurant) to Office. Lot 51 (No. 123) Melville Parade, Como.

Location: Lot 51 (No. 123) Melville Parade, Como
 Applicant: Dart & Garner Enterprises Pty Ltd
 Lodgement Date: 05 April 2011
 File Ref: 11.2011.150 ME3/123
 Date: 14 June 2011
 Author: Matt Stuart, Coordinator Statutory Planning, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Change of Use from Showroom and Café / Restaurant to Office on Lot 51 (No. 123) Melville Parade, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)

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

Background

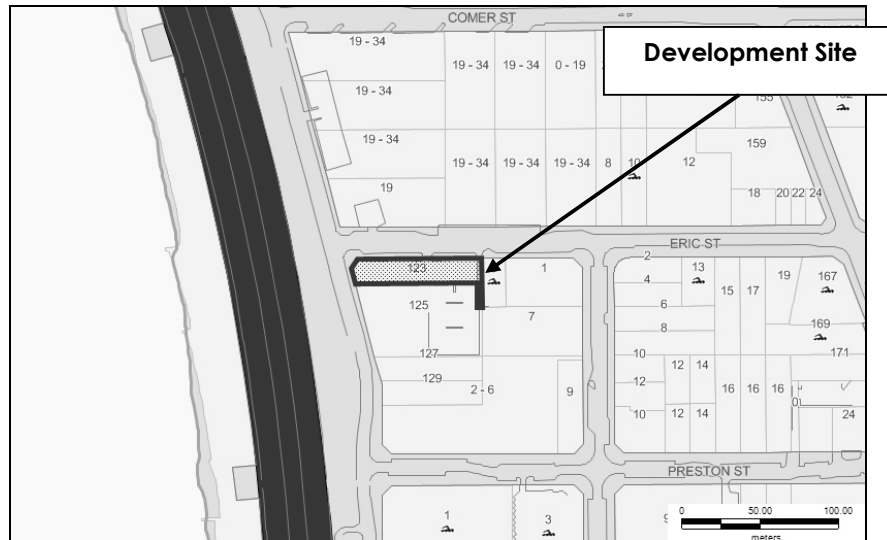
The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Lot area	1,340 sq. metres
Development potential	Various residential and non-residential land uses as per Table 1 of the Scheme

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 car parking survey
- **Attachment 10.3.1(d)** Infrastructure Services comments

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:

3. The exercise of a discretionary power

(b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.

6. Amenity impact

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

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

Comment

(a) Background

In September 2007, the City received an application for proposed Change of Use (from 'Showroom' and 'Single House') to 'Office' on Lot 51 (No. 123) Melville Parade, Como (the **Site**). The Site is commonly known as the 'Como Furniture Mart'. Although this matter was presented to Council at a Major Development Briefing, the application was withdrawn by the Applicant in March 2008.

In April 2009, the City received an application for the proposed additional land uses of 'Office' and 'Café / Restaurant' on the ground floors of the Site (but not affecting the Showroom on the first floor level). This application was approved by Council at the June 2009 ordinary meeting.

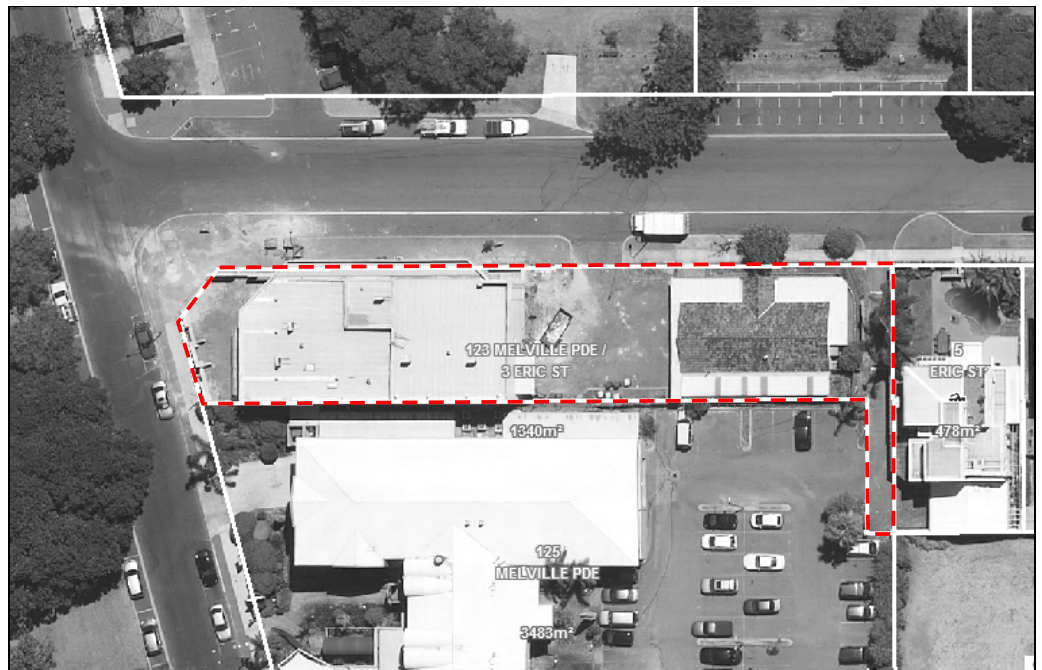
(b) Existing Development on the Subject Site

The existing development on the Site currently features the land uses of 'Showroom' and 'Café / Restaurant' on the ground floor of the main building, which is the subject of this application for a change to 'Office' use.

In addition but not subject to this application, the site also features approved land uses of 'Office' on the upper floor of the main building, 'Office' in the smaller building to the east of the site and 26 car parking bays (13 bays onsite and 13 within the road reserve), as seen in the plans of **Confidential Attachment 10.3.1(a)**.

(c) Description of the Surrounding Locality

The Site has frontages to Melville Parade to the west and Eric Street to the north, whilst located adjacent to a Single House to the east and an Office block to the south, as seen in **Figure 1** below.



(d) Description of the Proposal

The proposal involves a Change of Use (from Showroom and Café / Restaurant) to Office on the ground floor of the main building on the Site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.1(b)**.

The proposed development complies with the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and relevant Council policies, with the exception of requirements in relation to car parking. The non-complying aspect, along with other significant matters, have been discussed below.

(e) Land Use

The proposed land use of Office is classified as a 'D' (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary use, it is observed that the Site adjoins a mix of residential and non-residential land uses, in a location with a mixed-use streetscape. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

(f) **Car Parking**

(i) Previous Council Decision

In June 2009, the Council considered a development on the Site for a change of use, resulting in an approval with 26 bays (13 on-site bays and 13 bays within the road reserve in lieu of the required 44 bays. The net result was a shortfall of 18 bays (41 percent). The following information has been extracted from the earlier report to the June 2009 Council meeting and is observed to be relevant to this context.

“In assessing the shortfall of car parking bays, there are two considerations:

- Cash-in-lieu of bays (“deficit bays”); and/or*
- Discretion to permit variations from the required number of bays.*

(i) Cash-in-Lieu of Car Parking Bays

... Clause 6.3(5)(b) of TPS6 contains the provisions relating to cash payment in lieu of car bays:

‘...where the required minimum number of car parking bays... is not provided on the development site, the Council may accept a cash payment in lieu of the provision of some or all of those bays, subject to the following requirements:

(i) The Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of granting planning approval. Such proposals may include one or more conditions. This proposal includes the following:

(A) the provision of additional public parking bays in the vicinity of the development site;

...the amount of money paid under the “cash-in lieu” provision of TPS6 is calculated on the value of land on the development site that would otherwise be used for parking bays, as well as the City’s construction cost for bays on City land. Therefore the amount payable for the parking shortfall would be significantly higher than the construction cost of additional parking bays in the street reserve. Under these circumstances, clause 6.3(5)(b) cannot be invoked.

(ii) Discretion to Permit Variations

Notwithstanding the required number of car parking bays, the Council may approval a variation from the requirement as clause 7.8(1) of TPS6 enables the Council to grant approval to a proposal which does not comply with the Scheme with respect to a number of site requirements, including car parking. The relevant provisions of clause 7.8(1)(a) read as follows (emphasis added):

*“... if a development ... does not comply with site requirements prescribed by the Scheme with respect to ... (v) car parking; ... and (vii) related matters ... the Council may, notwithstanding that non-compliance, approve the application unconditionally or **subject to such conditions as the Council thinks fit**”.*

This situation is safeguarded by paragraph (b) of clause 7.8(1), which reads (emphasis added):

*“The power conferred by this sub-clause may **only be exercised if the Council is satisfied that:***

- (i) approval of the proposed development would be **consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;***
- (ii) the non-compliance **will not have any adverse effect upon the occupiers or users of the development or inhabitants of the precinct or upon the likely future development** of the precinct; and*
- (iii) the proposed development **meets the objectives for the City and for the precinct** in which the land is situated as specified in the Precinct Plan for that precinct.”*

(iii) Evaluation of parking options:

As an alternative to invoking clause 6.3(5) of TPS6 (“cash-in-lieu” provisions), with a view to supporting a car parking concession (of some magnitude) subject to appropriate conditions, consideration has now been given to invoking the more general discretionary clause of TPS6, being clause 7.8. Consideration has been given to the extent to which the Applicant might reasonably be required to make a cash payment in order to contribute to improved parking facilities in the general vicinity, in return for the granting of a car parking concession on the development site. In this regard, the following comments are provided:

Council has previously required ‘cash-in-lieu’ payments in relation to a parking deficit on three other development sites in the near vicinity of the site currently under consideration. The other sites are those occupied by the Broadwater Pagoda at 112 Melville Parade (Parade (parking deficit of 11 bays), and an office building - Troika House at 129 Melville Parade (parking deficit of 10 bays). In a location more distant from the subject development site, a cash-in lieu payment was also provided in relation to the Broadwater Resort at 137 Melville Parade. In considering the granting of a car parking concession under clause 7.8 of TPS6, it would be appropriate to again require a cash payment towards the improvement of parking facilities in the general vicinity of the development site. As the cash-in-lieu clause [clause 6.3(5)] is not being invoked in this instance, the Council is able to determine the amount of the cash payment without being constrained by the “formula” prescribed in that clause. Council does have plans to expand the supply of public parking bays in the general vicinity of the development site..., noting that if the proposed development is approved with parking bays less than the required amount, the proposed development could potentially place increased stress on existing parking facilities. The previous ‘cash-in-lieu’ payments contributed to the City’s construction of the following works:

- The construction of 45 bays in Comer reserve, accessed from Melville Parade;*
- The resurfacing and remarking of those parking bays adjacent the Broadwater Pagoda located on Comer Street;*
- The formalization of parking bays located in Eric Street; and*
- The widening of Melville Parade to accommodate on-street parking, resulting in a net increase of 10 bays.”*

In examining the previously granted 18 bay (41 percent) variation, it is noted that the current application has similarities to the previous application, albeit a larger variation in percentage, as discussed below.

(ii) Car Parking Requirements

Based upon the previous planning approval, and in accordance with the requirements of Table 6 of TPS6, the approved Showroom land use required 4 bays and the approved Café / Restaurant land use required 7.4 bays on the Site, a total of 11.4 car parking bays. The proposed removal of these uses will create a surplus of a total of 11.4 bay, for use by the proposed office use.

In accordance with the requirements of Table 6 of TPS6, the required number of car bays for the proposed office use is 20.2. With 11.4 bays already assigned for this use, there is an additional shortfall of 8.8 bays rounded off to 9 bays (44 percent), as per the table below.

Industry - Service, Office, Shop (by Zoning; TPS6)							
Land Use	GFA (sq.m)	Rate	Required	Proposed	Shortfall		Complies?
N-Centre Comm	404.0	0.050	20.20	11.4	9	43.6%	No

Therefore the proposed development does not comply with the car parking requirement in Table 6 of TPS6.

(iii) Discretionary Provisions- cl. 6.3.4

Council has discretionary power under clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved subject to conditions, as the Applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the **peak parking demand** for different uses on the development site.

In support of this application, the Applicant has provided a car parking survey, as seen in **Attachment 10.3.1(c)**. In summary:

- The survey was recently carried-out over 2 days (mid-week and non-school holidays);
- Three surveys were completed per day (during normal working hours);
- 140 car parking bays were identified in the study area; and
- On average, 97 bays were vacant (69 percent).

This survey was referred to the Manager of Infrastructure Services, who supported the results provided by the survey, subject to a condition relating to developer contributions for car parking [refer to Consultation section and **Attachment 10.3.1(d)**].

(iii) Discretionary Provisions- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved subject to conditions, as the Applicant has satisfied the City in relation to the following requirements of that clause:

(a) Orderly and proper planning and amenity of the locality

In terms of amenity, the corner of Melville Parade and Eric Street is predominantly non-residential land uses, which are less sensitive to the level of activity than the proposed land use of Office.

(b) Adverse effect upon occupiers/users of the development/precinct

It is considered that this application is unique situation in terms of the effect upon occupiers or users of the development and precinct, for the following reasons. The Site:

- (i) Is on a street corner,
- (ii) Is opposite two parks and a freeway; and
- (iii) Is not vulnerable to ‘retail creep’ (i.e. the gradual spread of intensive land uses) like Preston Street for example; and
- (iv) The car parking in the road reservations around these parks are likely to be used outside of office working hours and therefore become available during the hours of operation for the proposed land use. In addition, this situation is permanent as the park and freeway reserves cannot be developed.

(c) Objectives of the Scheme

For the objectives of the Scheme, please refer to section Scheme Objectives, which are considered to have been satisfied.

In relation to community feedback, Council granted a car parking variation of 41 percent in 2009. Since that time, the City has constructed 13 car bays in the road reservation (at the expense of the Applicant); and the City has not received any complaints relating to car parking, congestion or otherwise (see Consultation section).

In order to assist the Council in making this decision, the table below provides background information by listing previous variations that have been granted by Council.

Recent car parking variations granted by Council							
	2003	2009			2010		2011
	No. 1 Preston St, Como	No. 3 Barker Av, Como	No. 5 Barker Av, Como	No. 123 Melville Pde, Como	The Metro Hotel, No. 61 Canning Hwy, South Perth	16 Bradshaw Crs, Manning	Proposed No. 123 Melville Pde, Como
Permissible	241	33	33	44	145	56	20
Proposed	155	28	23	26	115	44	11.4
Variation (bays)	86	5	10	18	30	12	9
Variation (percentage)	36%	15%	30%	41%	21%	21%	44%

(iv) Conclusion & Supporting Recommendation

The Site was previously granted an approval for a mix of land uses with an 18 bay (41 percent) variation. Once additional car parking bays were constructed (at the developer’s expense), no complaints have been received by the City.

The currently proposed land use results in an additional shortfall of 9 bays, and hence does not comply with the car parking requirements prescribed by Table 6 of the Scheme.

The Applicant has now provided a car parking survey which suggests that there is an oversupply of car parking bays in the immediate vicinity of the Site. The City's Manager of Infrastructure Services agrees in-principle with the survey and general situation in the locality, and recommends that a 'cap' on the number of bays to be paid at the land plus construction cost could be applied. The balance of bays would be at the lesser on-street rehabilitation / construction cost. Accordingly, Infrastructure Services recommends that the cost to construct / rehabilitate a street bay without the provision for land would be in the order of \$3,400 per bay; and the cost of land and construction would be about \$18,000 per bay.

As a result of the earlier development application approval in June 2009, 13 bays within the road reserve were utilised to account for the car parking shortfall for the existing development on the subject site. The survey provided by the applicant indicates that vacant bays are still available within the road reserve for use by various developments in the neighbourhood. A proportion of these vacant bays could be assigned to the subject development. Officers recommend that 2 additional bays in the road reserve could be counted in favour of the subject development, and the cost to construct / rehabilitate the remaining 7 parking bays at the rate of \$3400 per bay, which equates to \$23,800 should be paid by the applicant / owner.

It is also important to note that the location of this proposed development is unique, being in close proximity of vacant bays available within the road reserve. Every application is considered by the Council on its merits. It would not be appropriate for developers to use the outcome or decision of this application as a precedent for other developments in the City.

(j) Scheme Objectives: Clause 1.6 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 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

- (a) Maintain the City's predominantly residential character and amenity;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community; and*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:
 - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) the preservation of the amenity of the locality.**

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

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

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

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at No. 5 and Lot 50 Eric Street, No. 125 Melville Parade and Nos 1 & 7 Mary Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 13 consultation notices were sent and nil submissions were received. In addition, the City has not received any complaints regarding this site prior to this planning application.

(b) Internal Administration

Comments were invited from Engineering Infrastructure Services of the City's administration.

The Manager, Engineering Infrastructure section was invited to comment on car parking and traffic issues generated from the proposal, which is found in **Attachment 10.3.1(d)**. This section raises no objections subject to conditions and has provided the following comments in summation:

"It should be noted that in the absence of any "economies of scale" the estimated cost to construct a single parallel parking bay (with half aisle provision) excluding any land component would be about \$3,000 / bay. Allowing conservatively for the land value to be \$500 / square metre the overall cost of land and bay would be about \$18,000.

The Scheme enables the City to accept payment in lieu of parking on site for the construction of parking in the near vicinity. In view of the very generous concession given for the earlier development (I believe the “contribution” was approximately \$43,000 plus landscaping for 13 bays), an amount more closely resembling the actual cost should be applied in this instance.”

Arguably, rather than discourage redevelopment a ‘cap’ on the number of bays to be paid at the land plus construction cost could be applied while the balance would be at the lesser on-street rehabilitation / construction cost.”

Accordingly, and in light of the concluding comments provided in the section on car parking, planning conditions and important notes have been recommended.

Council Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This 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

The proposed Office is observed to be a land use that is compatible to the existing developments within the neighbourhood. It is also considered that the development enhances sustainability by providing opportunities for local businesses and employment.

Conclusion

A significant variation is being sought in relation to the shortfall of car parking bays required for this development. There are numerous vacant bays available in the immediate vicinity, and as discussed in the report, a proportion of these vacant bays could be assigned to the subject development. Officers recommend that in addition to the 13 bays accounted for in the road reserve under the previous application, additional 2 bays in the road reserve could be counted in favour of the subject development, and the cost to construct / rehabilitate the remaining 7 parking bays at the rate of \$3400 per bay, which equate to \$23,800 should be paid by the applicant / owner..

It is considered that the proposal meets all other relevant Scheme, R-Codes and Council Policy objectives and provisions, and it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that conditions are applied as recommended, 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 Change of Use (from Café / Restaurant and Showroom) to Office on Lot 51 (No. 123) Melville Parade, Como, **be approved** subject to:

(a) Standard Conditions

661 expiry of approval

(b) Specific Conditions

(i) Having regard to Clause 7.8 (1) and Clause 6.3 (5) of Town Planning Scheme No. 6, the Applicant shall pay to the Council a cash payment of \$23,800.00 towards the estimated cost of constructing and rehabilitating parking bays within the road reserve.

(c) Standard Advice Notes

700A building licence required	790	minor variations- seek approval
700B signs licence required	795B	appeal rights- council decision
706 applicant to resolve issues		

(d) Specific Advice Notes

Nil.

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

CARRIED EN BLOC RESOLUTION

10.3.2 Review of a condition of approval for an approved Home Occupation. Lot 222 (No. 30) Kardan Circuit Karawara.
--

Location: Lot 222 (No. 30) Kardan Circuit Karawara
 Applicant: Mr C K Chum
 Lodgement Date: 24 March 2011
 File Ref: 11.2010.294 KA2/30
 Date: 2 June 2011
 Author: Mr Adrian Ortega, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider a request from the applicant / owner of the Single House on Lot 222 (No. 30) Kardan Circuit Karawara, for a review of a condition of planning approval, granted under delegated authority, that restricts the number of client visits relating to a Home Occupation (Chinese medicine) granted on 6 July 2010. The condition states as follows:

- (1) *The number of client visits to the premises shall not exceed two (2) per day, or ten (10) per week.*

The owner has requested permission for the number of client visits to be increased to 6 per day. Based upon comments received from neighbours during consultation, and associated information provided in the report, the officers recommend that client numbers not be increased, and maintained as previously approved.

Element on which discretion is sought	Source of discretionary power
Decision to delete or amend the condition of planning approval; or revoke the approval	Subclause (6) of Clause 7.9 "Determination of Applications for Planning Approval" of TPS6

Background

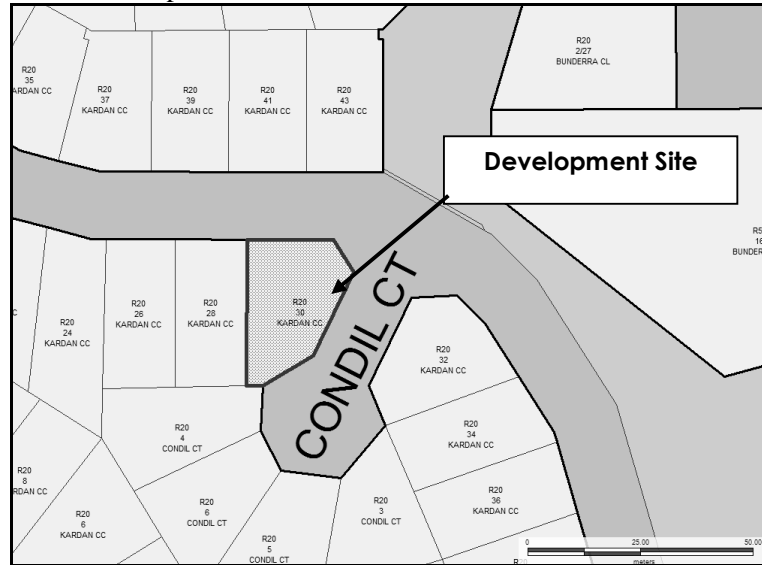
Details of the subject site are as follows:

Zoning	Residential
Density coding	R20
Lot area	571 sq. metres
Building height limit	7.0 metres

This report includes the following attachments:

- **Attachment 10.3.2(a)** Photographs of the subject site and surrounds
- **Attachment 10.3.2(b)** Applicant's email dated 4 July 2010, prior to the grant of approval
- **Attachment 10.3.2(c)** Planning Approval and the site plan
- **Attachment 10.3.2(d)** Applicant's letter dated 21 March 2011 requesting the review of condition, and a petition in support of the application
- **Attachment 10.3.2(e)** A petition lodged by neighbours against the application

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:

1. Neighbour comments

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

2. Amenity impact

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

In view of the comments received from the adjoining property owners during the consultation period and opposing comments from the property owner, City Officers are of the view that the associated condition should not be amended and the restriction on the number of client visits per week should be maintained as approved.

Comment

(a) Background

Following complaints from adjoining property owners, which were pursued by the City's Compliance Officer, the property owner lodged an application with the City in June 2010, for a retrospective Home Occupation on Lot 222 (No. 30) Kardan Circuit Karawara. Following neighbour consultation and an assessment of the application, a conditional approval was granted on 6 July 2010. **Attachment 10.3.2(c)** is the associated planning approval. Conditions that are observed to be relevant to this report and consideration by the Council are identified below:

- “(1) The number of client visits to the premises shall not exceed two (2) per day or ten (10) per week.*
- (2) The hours of operation being limited to 10:00am – 3:00pm from Monday to Saturday.*

- (3) *Attention is drawn to clause 7.9 (6)(a) of Town Planning Scheme No. 6, which states that if Council is of the opinion that the Home Occupation is causing a nuisance or annoyance to neighbours or is otherwise having an adverse effect on the residents or amenities of other properties in the neighbourhood, Council may revoke the Planning Approval and thereafter the business activities must cease.*
- (5) *All car parking is to be on site, no on-street car parking for clients is permitted. The designated car parking area labelled 'front driveway A' on the approved plan shall be permanently retained on-site in accordance with the requirements of clause 6.3 (11) of Town Planning Scheme No. 6."*

The following important note was also placed which refers to the written confirmation and agreement by the owner to adhere to the limit on client visits, referred to as **Attachment 10.3.2(b)**:

"(1) Attention is drawn to previous email correspondence between the applicant and assessing planning officer, in which the applicant indicated that if conditional planning approval was granted, the requirements of condition number 1 would be met and complied with."

In February 2011, after seven months of approval, the City started receiving complaints in relation to the breach of conditions relating to the operating hours and number of client visits to the Home Occupation. Subsequently, on 24 March 2011, the property owner lodged a request with the City for a review of Condition 1 of the Planning Approval and removal of the restriction to number of client visits.

(b) The Subject Site and its surrounds:

The subject site currently features a Single House, which has an approval to operate a Home Occupation. **Attachment 10.3.2(a)** is photographs of the existing development. The dwelling has its frontage to Kardan Circuit to its north, and has secondary street access from Condil Court to its east, as seen in **Attachment 10.3.2(a)**. The neighbourhood comprises single residential development.

(c) Description of the Proposal and associated TPS6 provisions:

The proposal requests increasing the number of client visits per day from 2 to 6, which will result in 36 client visits over the week, instead of the approved 10 visits. The Applicant's letter, Attachment 10.3.2(d), provides details in this regard.

The City's Town Planning Scheme No. 6 (TPS6) provides the definition for a Home Occupation.

Only the portions of the definition that are relevant to this report have been stated below:

"Home Occupation : means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;***
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a Single House or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 1 tonne tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;***

The comments received from the adjoining property owners during the consultation period, which are covered under the Consultation section below, provide an indication of the adverse amenity impact of the home occupation on the neighbourhood. City Officers are of the view that an amendment to the approved restriction on the number of client visits per week will be detrimental for the neighbourhood. In essence, Home Occupations are businesses which are intended to generate low levels of traffic within a residential neighbourhood, thus blending with the residential amenity. It is suitable for larger businesses of a similar kind to operate as 'Consulting Rooms' as listed in TPS6, which is a discretionary use with consultation within Residential zone, and a permitted use in commercial zones. It is considered that allowing 6 patients per day will result in a similar scale operation to Consulting Rooms. Having a dwelling in addition to a use of similar scale to Consulting Rooms on the same lot is unusual. Therefore, the proposal is observed to conflict with **TPS6** provisions for a Home Occupation.

Additionally, subclause 6 of Clause 7.9 of TPS6, set out as follows, permits amending or revoking the planning approval:

- “(a) If, at any time after the granting of planning approval for a Home Occupation or for an application for Student Housing, the Council is of the opinion that the development:*
- (i) has not been, or is not being, carried out in accordance with -*
 - (A) the planning approval;*
 - (B) a condition of planning approval; or*
 - (C) this Scheme;*
 - (ii) is causing, or has caused, a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood; or*
 - (iii) is having, or has had, an adverse effect on the residents or amenity of other property in the neighbourhood,*
- the Council may give to the owner or occupier of the premises a notice in writing requiring the owner or occupier, or both, within the period specified in the notice, to take or refrain from taking the action set out in the notice.*
- (b) If the notice referred to in paragraph (a) is not complied with within the period specified in the notice, the Council may, without further notice to the owner or occupier, amend or revoke the planning approval.”*

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

In considering the application, the Council is required to have due regard to matters listed in Clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are relevant to the current application and require careful consideration:

- (a) Maintain the City's predominantly residential character and amenity; and*
- (g) Protect residential areas from the encroachment of inappropriate uses.*

Officers are of the view that the proposed amendment will conflict with the above-stated matters.

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

In considering the application, the Council is required to have due regard to 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;*
- (i) the preservation of the amenity of the locality;*
- (p) any social issues that have an effect on the amenity of the locality;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4.*

The proposed amendment to the approval is observed to conflict with all of these matters.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 37, 39, 41, 43, 28 and 32 Kardan Circuit; 8 Brockmill Avenue and 3, 4, 5 and 6 Condil Court were invited to inspect the proposal and to submit comments during a 14-day period.

During the advertising period, a total of 11 consultation notices were sent and 8 submissions were received, 0 in favour and 8 against the proposal. In addition to the comments received during consultation, two petitions were submitted, one by the owner in support of the request [Attachment 10.3.2(d)], and the other submitted by residents against the request [Attachment 10.3.2(e)]. These petitions indicated 3 people in favour and 17 people against the proposal.

The comments of the submitters, the owner / applicant, together with officer responses are summarised below.

Submitters' Comments	Applicant's Comments	Officer's Responses
<p>Amenity related</p> <p>The neighbours are concerned that increased traffic in the neighbourhood due to increased client visits, and strangers frequently visiting the subject property will endanger kids who play in the quiet cul-de-sac on a regular basis.</p>	<p>Neighbours, specifically, the one at No. 6 Condil Circuit, go enter and exit the street 8 to 10 times per day. The proposal will create lesser the traffic than already exists. Clients' cars do not enter the cul-de-sac (Condil Court) which is a public road. There are 2 parks across Kardan Circuit for kids and their parents to play.</p>	<p>The additional client visits may increase traffic movement in Condil Circuit, in addition to traffic generated by the residents. Adding more traffic will not assist.</p> <p>Children should be supervised when they play in the streets which are designed for cars. TPS6 defines Home Occupation as a use that does not result in an increase in traffic volume, than normally expected in a residential development. All comments are noted.</p>
<p>The home occupation has resulted in anti-social behaviour in the street and has had a detrimental impact on the amenity of the neighbourhood. Multiple neighbours have witnessed such incidents.</p>	<p>Anti-social behaviour is being generated by neighbours. The young man (the client) reacted angrily to the neighbours, as the angry neighbours approached him in the first instance.</p>	<p>Condition 3 of the Planning Approval states that if the Home Occupation is causing a nuisance, or is negatively impacting the amenity of the neighbourhood then Council can revoke the Planning</p>
<p>Residents are concerned that medicine and cash kept on the premises might invite criminal activity into the area.</p>	<p>There are no signs on the property to indicate this is a Chinese Medicine home occupation. There is very little cash payment involved, most payments are made online.</p>	<p>The applicant's comments are upheld.</p>
<p>Clients to the subject premises have previously parked on neighbours' properties, used their water taps and allowed their pets to use the neighbours' lawn as a toilet.</p>	<p>Such an incident has happened once, and the client was apologetic for the mistake.</p>	<p>It appears that the incident may have occurred due to lack of parking space on the street whereby one of the clients decided to use the neighbour's driveway for parking vehicle.</p>
<p>Neighbours are concerned about surveillance cameras directed at their properties and public open space, particularly with children playing in these areas.</p>	<p>The police have examined the recordings three times to assist them in some cases when locals are fighting. The cameras were initially installed because building materials were stolen when we were building this house.</p>	<p>This is not relevant to the proposal.</p>

Parking related		
<p>The increased traffic will disturb the peace in the neighbourhood and take away the limited street parking available to residents of the cul-de-sac. Clients to the home occupation tend to park in the street, and in some cases, block access to Condil Court. Parking on the verges will damage the lawns and reticulation.</p>	<p>My clients do not park on the street. They park on my driveway accessed from Kardan Circuit, and not Condil Court. Neighbours and their visitors are sometimes observed to park on my lawn and cause the damage.</p>	<p>The on-site parking bay, approved for use for the home occupation, is off Kardan Circuit. Kardan Circuit being a busier street than Condil Circuit, it appears that when this on-site parking bay is occupied, the clients for the next scheduled appointment prefer to parks on the verge along Condil Court. Both parties are blaming one another in relation to damage occurring from such parking. Approving an increase in the number of clients will result in such matters arising on a more frequent basis. Submitter's and applicant's comments are noted.</p>
<p>The residents have experienced obstruction to their driveways and crossovers as a result of irresponsible parking by clients to the home occupation.</p>	<p>My clients have not obstructed Condil Court over the past 11 months. This has only happened on a few occasions, where the clients have been apologetic.</p>	<p>It is foreseeable that 6 client visits per day within a 5 hours period will result in clients having to wait while the previous appointment finishes. Additionally, Condil Court is a small cul-de-sac street serving 6 dwellings, with little space for street parking. The applicant admits that there have been problems in the past. Increasing the number of visitors may exacerbate the amenity impact. Submitters' comments are upheld.</p>
<p>The owner of the subject property has not been operating in accordance with the conditions of planning approval, and has been attending to more than 2 clients per day.</p>	<p>The neighbours have a misunderstanding of the number of clients / patients who are treated each day. Many of them are very ill and are accompanied by carers or family members for assistance, hence the perceived increase in number.</p>	<p>In light of the several concerns about the number of client visits to these premises, and the level of care required for some very ill clients, it appears that such an occupation would be more suitable for location in a non-residential area. Submitter's and applicant's comments are noted.</p>

Council Policy and Legislative Implications

Comments in relation to the applicable TPS6 provisions have been provided elsewhere in this report.

Financial Implications

This determination has no financial implications for the City.

Strategic Implications

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

Sustainability implications

The initial approval granted for the subject home occupation endeavoured to achieve a balance between the social needs of the residents in the neighbourhood, and financial needs of the subject property owner, who was thinking of semi-retirement [refer to Attachment 10.3.2(a)]. Further, the owner was satisfied with the condition restricting the number of client visits. However, the officers observe that the requested increase in the number of client visits has a potential to affect the amenity of the neighbourhood.

Conclusion

Based upon the information discussed in the report, which provides an indication of the adverse amenity impact of the home occupation on the neighbourhood, City Officers are of the view that an increase in the number of client visits per week will conflict with the intent of **TPS6** provisions for a Home Occupation, and has a potential to have a detrimental impact on adjoining residential neighbourhood. Accordingly, the officers recommend that the request for a review of the condition to allow 6 client visits per day be refused by Council.

OFFICER RECOMMENDATION ITEM AND COUNCIL DECISION 10.3.2

That, with respect to the applicant's request for an amendment to the condition of approval to permit an increase in the number of client visits to the premises from a maximum of 2 per day to 6 per day, and maximum of 10 per week to 36 per week on Lot 222 (No. 30) Kardan Circuit, Karawara, the applicant be advised that Council is not prepared to approve the amendment, for the following reasons:

- (a) having regard to the intent of the Home Occupation definition in TPS6 which requires that this use does not result in an increase in traffic volume to the neighbourhood, the proposed increase will result in a significant increase in traffic volume in the neighbourhood; and
- (b) the applicant previously agreed to limit the number of clients to 2 per day and no more than 10 per week. This was a pivotal reason why approval for the home occupation was granted under delegated authority. Approving the increase in client visits will adversely impact upon the amenity of the neighbourhood.

CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - May 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 13 June 2011
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 31 May 2011 is \$41.23M which represents 101% of the \$40.98M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is in line with budget expectations but infringements revenue lag budget by 9%. Interest revenues remain slightly ahead of budget expectations - with earnings from both Municipal and Reserve funds contributing to the favourable variance. Interim rates revenue is now very close to budget. Property enquiry revenue remains below budget expectations due to a reduced amount of property sale activity in the area.

Despite an earlier downwards budget adjustment, Planning and Building revenues are now some 4% below budget expectations after a very quiet period since January. The planning area shows a favourable monthly variance due to the receipt of the fee for TPS Amendment No 28. Collier Park Village revenue is slightly ahead of budget expectations whilst the Collier Park Hostel revenue remains significantly favourable even after an upwards revision to budget expectations - although a modest downwards adjustment is anticipated following an external review of the commonwealth subsidies. Golf Course revenue is now 2% below budget target - after the budget figure was revised downwards in the last Budget Review. Infrastructure Services revenue is largely on budget in most areas. Transfer station entry fees are now ahead of budget. Additional contributions to Engineering Infrastructure from MRD for drainage / gross pollutant trap cleaning are offset by higher costs for the same activity. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 May 2011 is \$36.22M which represents 99% of the year to date budget. Operating Expenditure is 3% under budget in the Administration area, 1% over budget in the Infrastructure Services area and 3% under budget for the golf course. Operating expenses in most administration areas are close to budget other than salary savings from staff vacancies and favourable (non cash) timing differences on depreciation for the new building which will reverse out when final project costs are capitalised in June. A number of earlier timing differences reversed out in May with the YTD costs back in line with budget expectations.

Management interventions associated with the parks maintenance and streetscapes areas appear to have resulted in actual costs falling closely in line with budget expectations. Plant use recoveries will require further adjustment in June. Timing differences on drainage maintenance and street sweeping have now reversed. Waste management costs are close to budget expectations as is Golf Course expenditure - with only minor timing differences being evident.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 2.3% 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 \$3.10M at 31 May against a year to date budget of \$2.80M. The major factor contributing to this variance is some unbudgeted environmental works grant funding revenue that can only be claimed back after the works are completed. This will necessarily have to be carried forward into 2011/2012. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 May 2011 is \$15.38M representing 88% of the (revised) year to date budget and 83.3% of the full year revised budget (after the inclusion of \$4.0M of carry forward works). The major elements of the capital program delivered to date are \$6.73M for progress claims on the Library & Community Facility project and \$6.56M on various infrastructure projects.

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

Table 1 - Capital Expenditure by Directorate

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	160,000	40,802	26%	190,000
*Library & Community Facility	6,287,000	6,280,330	99%	6,287,000
Financial & Information Services *	1,037,000	1,045,341	101%	1,152,000
Planning & Community Services	1,019,660	593,034	42%	1,051,100
Infrastructure Services	7,688,961	6,257,317	81%	8,053,961
Waste Management	240,000	317,694	132%	245,000
Golf Course	672,000	679,308	101%	687,000
UGP	380,000	170,628	55%	800,000
Total	17,484,621	15,384,454	88%	18,466,061

* Financial and Information Services is responsible for the Library and Community Facility 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

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 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 addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, 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 31 May 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 12 June 2011
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial and Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$36.63M (\$37.97M last month) compare favourably to \$35.67M at the equivalent stage of last year. Reserve funds are \$4.00M higher than the level they were at for the same time last year - reflecting \$3.1M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Future Building Projects Reserve is \$1.3M more than at May 2010 as funds have been applied to the Library & Community facility project but new funds are now being accumulated towards the Manning Hub project. The UGP Reserve is \$0.3M higher. The Sustainability and Information Technology Reserves are each \$0.3M

higher whilst the River Wall Reserve is \$0.2M higher. Other Reserve balances are also modestly higher when compared to last year. The Future Municipal Works Reserve is \$0.5M lower and Waste Management Reserve is \$0.7M lower. The CPGC Reserve is also \$0.4M lower as funds are applied to the Island Nine project.

Municipal funds are \$3.04M lower which reflects higher cash outflows on the Library & Community Facility project and major infrastructure projects. Collections from rates this year have remained strong and are actually ahead of 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 \$5.57M (compared to \$5.89M last month) It was \$8.60M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$35.09M compared to \$35.25M at the same time last year. This is due to the higher holdings of Reserve Funds as investments (but less as Municipal Funds) as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 98.6% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Total interest revenues (received and accrued) for the year to date total \$2.14M - well up from \$1.67M at the same time last year. This result is attributable to the higher interest rates available during the year and higher levels of cash holdings - particularly Reserves.

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 5.64% with the anticipated weighted average yield on investments yet to mature now sitting at 5.66% (compared with 5.71% last month). This is as a result of some longer term maturities being finalised and reinvested for shorter terms to meet cash management needs. At-call cash deposits used to balance daily operational cash needs still provide a modest return of only 4.50% - unchanged since the November 2010 Reserve Bank decision on interest rates.

(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 May 2011 (after the due date for the final instalment) represent 97.0% of rates levied compared to 96.9% at the equivalent stage of the previous year.

This provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 Annual Budget and 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) these have provided strong encouragement for ratepayers - as evidenced by the strong collections to date.

This good collection result has been supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained. This was reflected in the City reaching its KPI of 95% rates collected some 3 months before year end - and bettering last year's overall collection result before year end.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$2.14M at month end (\$1.67M last year) (\$1.06M last month). The major changes in the composition of the outstanding debtors' balances are the GST Receivable (\$0.15M higher), sundry and balance date debtors (\$0.40M higher) and outstanding parking infringements (\$0.10M lower). Grant funding invoiced to Swan River Trust and Main Roads for environmental projects (yet to be undertaken) accounts for almost all of the \$0.40M increase in sundry debtors.

Excluded from these figures is the Pension Rebate recoverable amount which can not be collected from the Office of State Revenue until eligible pensioners qualify for their entitlement by making a payment of the non rebated amount.

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.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$6.18M was collected by 31 May with approximately 81.5% of those in the affected area electing to pay in full and a further 17.8% opting to pay by instalments. The remaining 0.7% (15 properties) represents properties that are disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings were instituted in relation to three outstanding debts (Jan & Feb 2011 hearings - two have since been settled). Two other paid in full, 8 have commenced a payment plan and 2 others are yet to reach a satisfactory arrangement and may be escalated to further action.

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 recognise 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 collectability 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 31 May 2011 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:	10 June 2011
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 May 2011 and 31 May 2011 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 ITEM AND COUNCIL DECISION 10.6.3
--

That the Listing of Payments for the month of May 2011 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 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 8 June 2011
 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.

May 2011

Nature of Document	Parties	Date Seal Affixed
Surrender of Lease CPV	CoSP and Gregory George Buchanan	5 May 2011
Deed of agreement to lease CPV	CoSP and Patricia Ann Kelly	5 May 2011
Lease CPV	CoSP and Patricia Ann Kelly	5 May 2011
Deed of agreement to lease CPV	CoSP and Martha Teresa Edwards	13 May 2011
Lease CPV	CoSP and Martha Teresa Edwards	13 May 2011
Resident Agreement (Collier Park Hostel)	CoSP and Mrs Evelyn Lillian Hamilton	16 May 2011
Resident Agreement (Collier Park Hostel)	CoSP and Mrs Galina Martyn	16 May 2011
Resident Agreement (Collier Park Hostel)	CoSP and Mrs Norma Allanson	19 May 2011
Lease CPV	CoSP and Betty Joyce Hillier	30 May 2011
Lease / deed of Lease CPV	CoSP and Edward Paul Cogan	31 May 2011

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 10.6.4

That the report on the use of the Common Seal for the month of May 2011 be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 June 2011
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of May 2011.

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 May 2011, forty-four (44) development applications were determined under delegated authority, as listed in the **Attachment 10.6.5**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5

That the report and **Attachment 10.6.5** relating to delegated determination of planning applications during the month of May 2011, be received.

CARRIED EN BLOC RESOLUTION

10.6.6	Disposal of Lots 165 and 602 (No. 15) and Lots 166 and 600 (no. 17) Alston Avenue, Como.
---------------	---

Location: City of South Perth
Applicant: Council
File Ref: LP/209/22
Date: 10 June 2011
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Vicki Lummer, Acting Chief Executive Officer

This report recommends that the Council resolve to dispose of surplus Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como by private treaty or auction, with the Council delegating authority to the Chief Executive Officer to negotiate the sale and execute the relevant transfer of land documentation, subject to the sale value not being less than the licensed market valuation.

Background

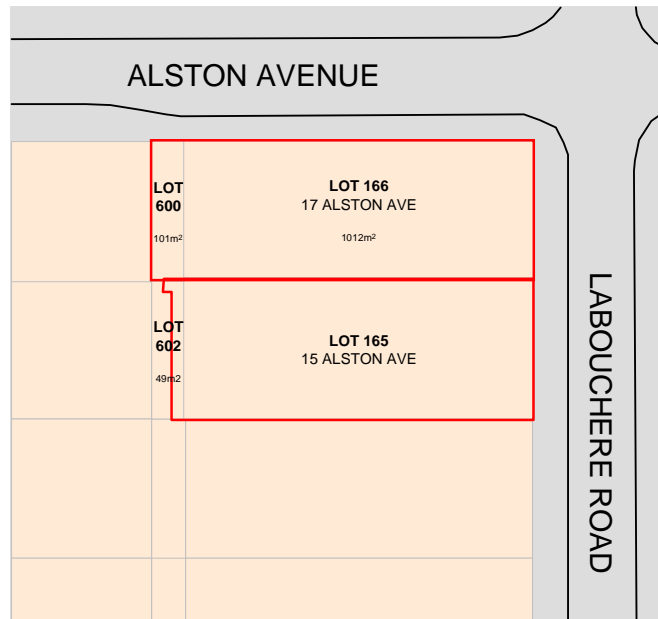
The City owns the following lots freehold:

- Lots 165 and 602 (No.15) Alston Avenue Como
 - Lot 165 on Plan 3352 Volume 2229 Folio 429
 - Lot 602 on Diagram 98490 Volume 2171 Folio 68 (adjoining closed right of way)

- Lots 166 and 600 (No.17) Alston Avenue Como
 - Lot 166 on Plan 3352 Volume 647 Folio 58
 - Lot 600 on Diagram 98490 Volume 2171 Folio 66 (adjoining closed right of way)

Lot 166 (No. 17) is occupied by the building formerly used as a Child Health Clinic and presently used by the South Perth Historical Society on a short term lease for meeting and storage purposes. Lot 165 is presently used by the Como Kindergarten until approximately August 2011, at which time it will relocate to the Como Primary School in line with Department of Education policy.

These parcels of land are no longer used for their specified purpose and are considered surplus to the City's operational and strategic requirements. In line with the City's Strategic Plan 2010-2015 and Corporate Plan 2010/2011, the City is proposing to dispose of these parcels of land with the proceeds proposed to be used to fund other strategic priority community facilities and services. It was previously determined that the City would maximise the sale proceeds from the proposed disposition by disposing of the parcels of land as residential zoned land, and therefore a scheme amendment process was commenced in 2010.



The Council resolved in July 2010 to initiate Amendment No. 22 to the Town Planning Scheme No. 6 excising Lots 165 (No.15) and 166 (No.17) Alston Avenue Como from the Public Purposes ('Kindergarten' and 'Clinic') Reserve and including these two lots in the residential zone with a density coding of R20/30. Following consideration of submissions received during the Scheme Amendment statutory consultation process, the Council resolved to adopt the proposed Scheme Amendment in December 2010.

TPS6 Amendment zoning and density coding	Residential R20/30
Lot areas	Lot 165: 1012 sq. m, plus an additional 52 sq. m allocated to this lot following the closure of Right-of-Way No. 78 in 1999. Lot 166: 1012 sq. m, plus an additional 101 sq. m allocated to this lot following the closure of Right-of-Way No. 78 in 1999.
Building Height Limit	7.0 metres
Description	Lot 165: Kindergarten Lot 166: Disused Child Health Clinic (currently used for storage)
Development potential	R20 density: 2 Single Houses or Grouped Dwellings on each lot R30 density: 3 Single Houses or Grouped Dwellings on each lot

The Minister for Planning on 8 March 2011 gazetted Amendment No. 22 to the City of South Perth Town Planning Scheme No. 6, excising Lots 165 (No.15) and 166 (No.17) Alston Avenue, Como from the Public Purposes ('Kindergarten' and 'Clinic') Reserve including these lots in the residential zone with a density coding of R20/30.

Comment

The proposed disposition of Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como is in alignment with the City's Strategic Plan 2010-2015 and Corporate Plans 2010-2011 and 2011-2012. Initiative 3.1.3 of the Corporate Plan is: "Amendment No. 22 Town Planning Scheme No. 6 – rezoning Como Community Kindergarten and Child Health Clinic for residential development" with a view to disposition.

In accordance with statutory requirements, the City obtained a licensed market valuation in April 2011 from local valuer Garmony Property Consultants. This confidential market valuation assesses the parcels of land on an "as is" inclusive of the rights of way and

indicates that the parcels of land are very marketable 'residential' lots that will attract considerable interest and significant returns for the Council despite the existing property market conditions. The City also sourced market valuations on the parcels of land from three local real estate agents, all of which are consistent with the licensed market valuation. Given the complexities and response times required in land transactions, it is recommended that the Council delegate the Chief Executive Officer authority to negotiate the sale of the land, with the market valuation to be used as a minimum basis for any proposed sale.

The City has sourced a number of submissions and appraisals from local real estate agents with the Chief Executive Officer proposing to engage and authorise a real estate agent under delegated authority to act and auction land on behalf of the City. The submissions all recommend that the City would maximise the sale price and outcome through an intensive four week marketing campaign followed by a public auction with both parcels of land sold individually.

Consultation

The Scheme Amendment for Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como was the subject of Council reports in July 2010 and December 2010.

There has also been significant community consultation in respect to the Scheme Amendment and Business Plan for the proposed disposition of Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como. The Scheme Amendment statutory consultation process occurred from 5 October 2010 to 19 November 2010.

In accordance with Section 3.59 of the Local Government Act 1995, the City prepared a Business Plan at Attachment 10.6.6 and gave state-wide public notice via The West Australian newspaper (16 April 2011) and local public notice via the Southern Gazette newspaper (19 April 2011) and placed notices on the City's website advising of the major land transaction and inviting public submissions for a period of six weeks, 16 April 2011 through to 30 May 2011.

There was limited community interest during the consultation period, with only 2 submissions received after the closing of submissions on 30 May 2011 (registered on 31 May 2011). Both submissions recommended that the land should be maintained for some form of commercial child care service given the limited provision of services presently within the City. The points raised in the submissions are discussed in the table of submissions which is attachment 10.6.6 (b).

The City has previously recognised that there are a limited number of child care service operators within the City and significant community demand for further child care operators and the comments in the submissions and deputations have confirmed this. Cognisant of the increasing younger child demographic within the City, the City is of the view that it could alleviate some of the community demand by utilising excess funds over the current budgetary demands from the proposed land sales for the development of more affordable Council land for a future child care centre (refer financial implications for further detail).

Policy and Legislative Implications

The City is proposing to dispose of the parcels of land by private treaty or auction, with a real estate agent to act on behalf of the City of South Perth. Section 3.58 of the *Local Government Act 1995* details the process and requirements for disposing of property:

- (a) to the highest bidder at public auction; or
- (b) to the person who at the public tender called by the City, makes what is, in the opinion of the City, the most acceptable tender, whether or not it is the highest tender; or
- (c) by private treaty, as long as before agreeing to dispose of the property by private treaty, it gives local public notice of the proposed disposition.

Section 3.59 of the *Local Government Act 1995* details the process governing 'commercial enterprises by local governments', including 'Major Land Transactions' worth more than \$1,000,000, where a business plan is required to be prepared for public consultation. The City has prepared and widely advertised a Business Plan incorporating the following statutory requirements:

- Expected effect on the provision of services and facilities by the City;
- Expected effect on other persons providing services and facilities in the district;
- Expected financial effect on the City;
- Expected effect on the City's Plan for the Future; and
- the ability of the City to manage the undertaking.

In accordance with the City's procurement procedures, four local real estate agents were requested to submit an appraisal and quotation for the disposal of No. 15 and No.17 Alston Avenue, Como. Acton, Esze Berryman and Soco Realty all provided submissions to the City with the fourth not providing a submission.

Based on Garmony Property Consultant's confidential market valuation, Esze Berryman (inclusive of commission and marketing) provided the lowest and most comprehensive quotation. Esze Berryman is a very reputable and renowned real estate agency with Tom Esze presently the state's number one auctioneer. Given Esze Berryman's quotation and their outstanding reputation, it is proposed that Esze Berryman be engaged to conduct the auctions on behalf of the City.

Financial Implications

The City has an obligation to maintain its asset base efficiently whilst also ensuring that it appropriately and efficiently funds service delivery to the community. The City's long term Financial Strategic Plan and 2011/2012 Budget provides for projected revenue of \$2M from the sale of the two parcels of land. The City's objective in disposing of the parcels of land is to rationalise its assets whilst obtaining the maximum financial return for the land with the proceeds to be used to fund capital works. In particular, the 2011/2012 budget designated an amount of \$2M from the proposed land sale for to fund the Manning Hub development.

The City has received licensed valuation advice that the land in question is very marketable and the City would maximise sale proceeds within the \$2M to \$3M range by disposing of the parcels of land as residential. The placing of a caveat on any proposed sale restricting the usage to a child care centre would significantly reduce the sales revenue.

As previously mentioned, the City recognises that there is a need for further child care centres services within the City. The City is proposing that any sale proceeds in excess of \$2M be quarantined in a Reserve to fund the installation of aqua cells on an identified drainage sump site within the City which could be converted to a satisfactory land parcel that could be made available for the purposes of child care facility. The City would then decide on an appropriate method of leasing or selling the land for the exclusive use of a child care centre.

The costs associated with the proposed disposition will total approximately \$50,000, including real estate agent fees, marketing fees, legal fees, and any associated statutory fees.

Strategic Implications

The recommendation to dispose of is Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como is consistent with the 2010-2015 Strategic Plan - Direction 6.4 – Governance *“develop and sustain appropriate human, financial, asset and technological resource capacity to deliver the priorities set out in the Strategic Plan”*.

Sustainability Implications

The proposal to dispose of Lots 165 and 602 (No.15) and Lots 166 and 600 (No.17) Alston Avenue, Como will strengthen the financial viability of the City of South Perth.

OFFICER RECOMMENDATION ITEM 10.6.6

That Council....

- (a) resolves to dispose of:
- (i) Lot 165 (No. 15) Alston Avenue and the adjoining Lot 602 by auction or private treaty;
 - (ii) Lot 166 (No.17) Alston Avenue and the adjoining Lot 600 by auction or private treaty; and
- (b) resolves to delegate authority to the Chief Executive Office to:
- (i) authorise Esze Berryman to auction land on behalf of the City;
 - (ii) negotiate the sale of the land, subject to the offer not being less than the licensed market valuation; and
 - (iii) delegate authority to the Chief Executive Officer to execute the relevant documentation associated with the sale of land.

DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Mayor Best advised that a Declaration of Interest Affecting Impartiality had been received from Councillor Lawrance, which read:

“In accordance with the Local Government (Rules of Conduct) 2007, I declare an interest affecting impartiality as my husband is employed as a part time sales agent for one of the unsuccessful bidding real estate agents, Soco Realty. This will not preclude me from participating in debate and voting on this matter as it is not a financial interest.”

MOTION

Moved Cr Ozsdolay, Sec Cr Cala

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Ozsdolay opening for the Motion

- Important part of the City’s long term planning (since 2004)
- The City needs more day care facilities
- The asset is surplus to the City’s needs and is underutilised
- Not disposing of the property will be detrimental to the City’s finance.

Councillor Cala for the Motion

- Site was rezoned for disposal a year ago
- The Department of Local Government will not look favourably upon a change of mind

AMENDED MOTION

Moved Cr Best, Sec Cr Doherty

That the officer recommendation be amended to include the following Part (c):

(c) With the proceeds of this sale, allocate not less than \$500,000 to be made available for the development of other alienated, unused or underused land, such as sumps and other open spaces, so as to gain additional Day Care in South Perth. Remaining funds from the land sale are to be allocated for Manning Hub redevelopment.

Councillor Best opening for the Motion

- This disposal will allow facilitation of more child care
- The City will gain value from underutilised land
- Funds will be switched between assets to allow a starting point

Councillor Doherty for the Motion

- This disposal allows a win-win situation for Manning Hub and service provision to families and children
- We won't provide childcare, but instead facilitate it
- The value of the would be less than if it were sold for purposes other than residential

Grayden against the Motion

- The City has not explored the alternatives to disposal
- The City has not explored alternative uses for the site
- Alternative would be to defer for more investigation
- Manning Hub won't be jeopardised by not disposing this land
- Foreshadowed alternative motion if lost

Councillor Lawrance point of clarification – If the amendment goes through, what impact will this have on the Strategic Financial Plan and Balanced Budget?

Director Finance and Information Services – Councillor Best's amendment is similar to the recommendation. The forward projection in the 2011/2012 budget indicates a requirement for \$2M to the Manning Hub Project. If the land isn't disposed, there will be a \$2M hole in the budget. This is not impossible to fix but Council would have

Mayor Best point of clarification – Where was the money from the proposed Kindergarten going to go?

Director Finance and Information Services – The \$600,000 transferred into Building Reserves for future enhancement of George Burnett Leisure Centre.

Councillor Ozsdolay point of clarification – As Chief Financial Officer are you comfortable with the amendment.

Director Finance and Information Services – I would be happy to make that change.

Councillor Skinner point of clarification – Given that the money from the land disposal would go into an Asset Enhancement Reserve, will there be an immediate use of the money?

Director Finance and Information Services – There is a timeline for the Manning Hub Project. Lead consultants will be appointed within a matter of weeks. Other costs include road closures, undergrounding of power, land acquisition, community consultation and design work.

Councillor Cala Against the Motion

- Officer's report for both issues will be submitted at a later time
- The amendment, while innovative, doesn't need to form part of this item and recommendations
- Disposal of property is a discussion for another time

Councillor Hasleby against the Motion

- Linking the sale of this land with the provision of child care isn't appropriate
- The used of unused land can be addressed as a matter of course as a Public / Private Partnership in the future
- more focus needs to be put on the eastern side of Canning Highway and Manning Hub

Councillor Best closing for the Motion

- A family day care was approved last month, the demand is there
- Public / Private Partnership not allowed in the Act at the moment

- The amended motion allows the City to go forward with Manning Hub and plan for facilitation of child care

Councillor Ozsdolay closing for the Substantive Motion

- It is important to follow through on business planning
- This is the best result for the City

The Mayor put the Amended Motion

CARRIED (10/3)

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6

That Council...

- (a) resolves to dispose of:
 - (i) Lot 165 (No. 15) Alston Avenue and the adjoining Lot 602 by auction or private treaty;
 - (ii) Lot 166 (No.17) Alston Avenue and the adjoining Lot 600 by auction or private treaty; and
- (b) resolves to delegate authority to the Chief Executive Office to:
 - (i) authorise Esze Berryman to auction land on behalf of the City;
 - (ii) negotiate the sale of the land, subject to the offer not being less than the licensed market valuation; and
 - (iii) delegate authority to the Chief Executive Officer to execute the relevant documentation associated with the sale of land.
- (c) With the proceeds of this sale, allocate not less than \$500,000 to be made available for the development of other alienated, unused or underused land, such as sumps and other open spaces, so as to gain additional Day Care in South Perth. Remaining funds from the land sale are to be allocated for Manning Hub redevelopment.

CARRIED ABSOLUTE MAJORITY

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE MEETING

10.7.1 Audit and Governance Committee Recommendations from Committee Meeting held 11 May 2011

Location: City of South Perth
Applicant: Council
File Ref: GO/108
Date: 6 June 2011
Author: Kay Russell, Executive Support Officer
Reporting Officer: Phil McQue, Governance and Administration Manager

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held on 11 May 2011.

Background

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

The Minutes of the Committee meeting held on 11 May 2011 are at **Attachment 10.7.1**. The background to the Committee's recommendations, which incorporate the officer reports, are set out in the Minutes.

The following items, considered by the Committee, require a Council decision:

- (a) Proposed Public Places and City Property Local Law 2011
- (b) Proposed Parking Local Law 2011
- (c) Proposed Dog Local Law 2011
- (d) Provision of Mayoral Vehicle

Comment

- (a) **Proposed Public Places and City Property Local Law 2011** (*Item 5.1 Audit & Governance Committee*)

Committee Recommendation

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) it proposes to make a Public Places and City Property Local Law 2011, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law (*as amended*) may be inspected at the City's offices;
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given; and
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

Comment

The proposed local law was 'workshopped' at a Council Briefing held on 12 April 2011 where the *draft* local law was reviewed and modified to better reflect the City's requirements. The proposed local law will replace eight local laws, simplifying the administration of a number of issues that the City deals with.

The Audit and Governance Committee having reviewed the proposed local law agreed to the following minor amendments, following which the Committee recommends that Council now give state-wide public notice it proposes to make a Public Places and City Property Local Law.

Public Places Local Law

3.1 (i) (page 13)

- (i) conduct ~~a function~~ **an entertainment event** on City property;

5.14(b) (page 22)

- (b) the facilities must not be used for the purpose of laundering **of clothing** or washing ~~any clothing or~~ **of** other articles;

(b) Proposed Parking Local Law 2011 (*Item 5.2 Audit & Governance Committee*)

Committee Recommendation

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) it proposes to make a Parking Local Law, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law may be inspected at the City's offices; and
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

Comment

The City's Parking Local Law has been the subject of review as part of the process to review and update the entire City's Local Laws. The proposed Parking Local Law 2011 is based on the Western Australian Local Government Association (WALGA) model local law and modified where appropriate to suit the City's requirements.

The proposed local law and related parking issues were considered in detail at a number of internal workshops and a Council Briefing on 12 April 2011.

The Audit and Governance Committee having now reviewed the proposed local law recommends that Council give state-wide public notice it proposes to make a Parking Local Law.

(c) **Proposed Dog Local Law** (*Item 5.4 Audit & Governance Committee*)

Committee Recommendation

That the Council...

- (a) in accordance with s3.12 of the *Local Government Act 1995*, adopt the Dog Local Law 2011, subject to:
 - (i) deletion of text boxes and notes in the version to be officially Gazetted; and
 - (ii) various other amendments as 'marked up' on the attachment to the officer report;
- (b) after Gazetted, and in accordance with s3.12(6) give local public notice:
 - (i) stating the title of the local law;
 - (ii) summarizing the purpose and effect of the local law (as amended - specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City Administration office; and
- (c) following Gazetted send a copy of the Dog Local Law 2011 and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Comment

The originally proposed Dog Local Law was adopted by the Council for public consultation in August 2010 followed by an extended consultation period and a further report to Council in November 2010. Given the considerable community interest in the proposed local law, Council resolved in December 2010 to hold a public forum in March 2011 to seek further community feedback. The proposed Dog Local Law 2011 has been amended following community feedback.

The Audit and Governance Committee having reviewed the Dog Local Law endorsed the following further Amendment and now recommends that Council adopt the local law.

Amendment That the Dog Local Law be amended at Clause 4.2 'Places which are dog exercise areas' and in particular section (2)(b) to read: (*additions in bold italics*)

- (2) Subclause (1) (*dog exercise areas*) does not apply to:
 - (b) any area ***within 5 metres of the edge of playing fields*** being used for ***organised*** sporting or other activities, as permitted by the local government, during the times of such use;

(d) Provision of Mayoral Vehicle (*Item 5.5 Audit & Governance Committee*)

Officer/Committee Recommendation

That....

- (a) revised Policy P667 “Member Entitlements” - without reference to the Member Vehicle - contained at Attachment 5.5(a) and Policy P649 “Mayoral Vehicle” at Attachment 5.5(b) be adopted; and
- (b) with effect from 1 July 2011 the Mayor’s Allowance be increased to the maximum figure of \$60,000 which takes into account an allowance for reimbursement of private mileage and normal CPI increase that has occurred during the past 12 months; and
- (c) the Department of Local Government be advised that the City is disappointed that proper consultation has not occurred with respect to this amendment and that in the Councils’ view there are far more important legislative changes that warrant priority.

Comment

The *Local Government Act Administration Regulations* have recently been amended in relation to the provision of the Mayoral Vehicle and as a consequence the Council’s policy needs to be changed to reflect the new Legislative requirements which requires reimbursement of private mileage.

The Audit and Governance Committee having reviewed the policy recommends that Council...

- adopts *revised* Policy P667 “Member Entitlements” (without reference to the Mayoral Vehicle) and new Policy P649 “Mayoral Vehicle”; and
- increases the Mayor’s Allowance to the maximum figure of \$60,000 which takes into account an allowance for reimbursement of private mileage.

Consultation

Section 3.12(3) of the *Local Government Act 1995* requires the local government to give State-wide public notice stating that the local government proposes to make a local law the purpose and effect of which is summarised in the notice.

If adopted by Council, State wide and local public notice will be given seeking public comment for a period of at least 6 weeks and copies made available to interested persons to inspect. The City will also advertise via its website, noticeboards and local newspaper.

A copy of the proposed local law must also be provided to the Minister for Local Government.

The submissions will be brought back to Council for consideration, after which it may make the local law. If as a result of public comments, there are significant amendments to the proposed local law, then the advertising process must re-commence.

Policy and Legislative Implications

The report accurately records the policy and legislative implications of the matters contained therein. The process required to be used when adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995*.

Financial Implications

There will be some minor administrative expenses in involved in the initial implementation of the proposed new local law.

Strategic Implications

This matter relates to Strategic Direction 6.1 identified within Council's Strategic Plan 2010-2015, which is expressed in the following terms: *Implement management frameworks, performance management and reporting systems to drive and improve organisational performance.*

Sustainability Implications

This report is aligned to the City's sustainability strategy and policies.

OFFICER AND COMMITTEE RECOMMENDATION ITEM 10.7.1

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 11 May 2011:

That....

(A) Public Places and City Property Local Law 2011

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) it proposes to make a Public Places and City Property Local Law 2011, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law (*as amended*) at **Attachment 10.7.1(A)** may be inspected at the City's offices;
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given; and
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

(B) Proposed Parking Local Law 2011

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) It proposes to make a Parking Local Law, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law at **Attachment 10.7.1(B)** may be inspected at the City's offices; and
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

(C) Proposed Dog Local Law 2011

That Council....

- (a) in accordance with s3.12 of the *Local Government Act 1995*, adopt the Dog Local Law 2011 at **Attachment 10.7.1(C)**, subject to:
 - (i) deletion of text boxes and notes in the version to be officially Gazetted; and
 - (ii) various other amendments as 'marked up' on the attachment to the officer report;
- (b) after Gazetted, and in accordance with s3.12(6) give local public notice:
 - (i) stating the title of the local law;

- (ii) summarizing the purpose and effect of the local law (as amended - specifying the day on which it comes into operation); and
- (iii) advising that copies of the local law may be inspected or obtained from the City Administration office; and
- (c) following Gazettal send a copy of the Dog Local Law 2011 and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

(D) Provision of Mayoral Vehicle

That....

- (a) revised Policy P667 “Member Entitlements” - without reference to the Member Vehicle - contained at **Attachment 10.7.1(D)(1)** and Policy P649 “Mayoral Vehicle” at **Attachment 10.7.1(D)(2)** be adopted; and
- (b) with effect from 1 July 2011 the Mayor’s Allowance be increased to the maximum figure of \$60,000 which takes into account an allowance for reimbursement of private mileage and normal CPI increase that has occurred during the past 12 months.
- (c) the Department of Local Government be advised that the City is disappointed that proper consultation has not occurred with respect to this amendment and that in the Councils’ view there are far more important legislative changes that warrant priority.

PURPOSE AND EFFECT OF PROPOSED LOCAL LAW ITEM 10.7.1

As required, the Mayor read aloud the purpose and effect of the Public Places and City Property Local Law:

The objective of this local law is to regulate the care, control and management of property of and under the care, control and management of the City including thoroughfares. Some City property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on City property.

As required, the Mayor read aloud the purpose and effect of the Proposed Parking Local Law:

the objective of this local law is to regulate the parking of vehicles within the district; and provide for the management and operation of parking facilities under the City’s care, control and management. A person parking a vehicle within the parking region is to comply with the provisions of the Parking Local Law. he Proposed Parking Local Law.

MOTION TO SPLIT THE RECOMMENDATION

Moved Cr Trent, Sec Cr Doherty

The Mayor moved a motion to split the officer’s recommendation into four individual motions. CARRIED (13/0)

**OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL DECISION
ITEM 10.7.1 (A)**

Moved Cr Skinner, Sec Cr Grayden

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 11 May 2011:

That....

(A) Public Places and City Property Local Law 2011

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) it proposes to make a Public Places and City Property Local Law 2011, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law (*as amended*) at **Attachment 10.7.1(A)** may be inspected at the City's offices;
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given; and
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

CARRIED (13/0)

**OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL DECISION
ITEM 10.7.1 (B)**

Moved Cr Doherty, Sec Cr Skinner

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 11 May 2011:

That....

(B) Proposed Parking Local Law 2011

That....

- (a) in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995*, the Council gives State wide and local public notice stating that:
 - (i) It proposes to make a Parking Local Law, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law at **Attachment 10.7.1(B)** may be inspected at the City's offices; and
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- (b) the submissions from the statutory consultation period be presented to Council for consideration.

CARRIED (13/0)

**OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL DECISION
ITEM 10.7.1 (C)**

Moved Cr Lawrance, Sec Cr Skinner

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 11 May 2011:

That....

(C) Proposed Dog Local Law 2011

That Council....

- (a) in accordance with s3.12 of the *Local Government Act 1995*, adopt the Dog Local Law 2011 at **Attachment 10.7.1(C)**, subject to:
 - (i) deletion of text boxes and notes in the version to be officially Gazetted; and
 - (ii) various other amendments as 'marked up' on the attachment to the officer report;
- (b) after Gazetted, and in accordance with s3.12(6) give local public notice:
 - (i) stating the title of the local law;

CARRIED ABSOLUTE MAJORITY

OFFICER AND COMMITTEE RECOMMENDATION ITEM 10.7.1 (D)

Moved Cr Grayden, Sec Cr Lawrance

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 11 May 2011:

That....

(D) Provision of Mayoral Vehicle

That....

- (a) revised Policy P667 "Member Entitlements" - without reference to the Member Vehicle - contained at **Attachment 10.7.1(D)(1)** and Policy P649 "Mayoral Vehicle" at **Attachment 10.7.1(D)(2)** be adopted; and
- (b) with effect from 1 July 2011 the Mayor's Allowance be increased to the maximum figure of \$60,000 which takes into account an allowance for reimbursement of private mileage and normal CPI increase that has occurred during the past 12 months.
- (c) the Department of Local Government be advised that the City is disappointed that proper consultation has not occurred with respect to this amendment and that in the Councils' view there are far more important legislative changes that warrant priority.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Grayden opening for the Motion

- Simple recommendation to provide the Mayor with compensation of vehicle expenses
- No hesitation in proposing that Council this recommendation be supported
- No additional benefit

Councillor Hasleby point of clarification – As the item affects the Mayor, should the Mayor be participating in the discussion?

Mayor Best – There is a specific provision in the *Local Government Act Regulations* that allow all elected members to discuss remuneration and benefits.

Phil McQue – That is correct.

Councillor Ozsdolay against the Motion

- There has been a change in the rules and there will be a cost to the Mayor
- Cost is undetermined, but in the order of petrol and a small contribution towards servicing
- Strongly suggested that Council stick by the rate of allowance set 12 years ago, which was resolved to be reviewed after two years based on CPI increase

Councillor Cala for the Motion

- Demeaning for a Mayor to keep a log book
- Administration of this activity will cost the City

Mayor Best for the Motion

- Don't mind keeping a log book
- The amount of administrative work required to comply with Department of Local Government (DLG) regulations hasn't been thought through
- Issue is Mayor's salary is \$60,000 (allowed in the *Local Government Act*) but the City has chosen to pay the current Mayor \$50,000 plus a car allowance.
- Amount paid to Mayor's position is grossly underpaid, which makes it hard to attract the right people in the future

Councillor Hasleby against the Motion

- If DLG make prescriptions, it's not the City's place to buck the system
- CPI increase shouldn't form part of the officer recommendation
- Not so demeaning to keep a log book

FORESHADOWED MOTION

Councillor Hasleby Foreshadowed that he would move an Alternative Motion.

Councillor Ozsdolay point of clarification – How long would it take to up a 12 week period from log book entries?

Director of Finance and Information Services – Onus is on the Mayor to record the log book entries for the twelve month period. I don't think my answer would contribute any value to the debate.

Councillor Grayden closing for the Motion

- Issue is the intent to reimburse the Mayor
- Trivial issue in the scheme of things
- Councillors should vote based on the issues involved

The Mayor Put the Motion

LOST (3/10)

ALTERNATIVE MOTION

Moved Cr Hasleby, Sec Cr Burrows

That...

- (a) revised Policy P667 "Member Entitlements" - without reference to the Member Vehicle - contained at Attachment 10.7.1(D)(1) and Policy P649 "Mayoral Vehicle" at Attachment 10.7.1(D)(2) be adopted; and

(b) An agreement reflecting the principles of Policy P649 - Mayoral Vehicle between the City and the Mayor be executed within 14 days of adoption of the policy.

(c) Consistent with ATO principles relating to FBT legislation, a logbook be maintained for a period of 12 weeks to establish the respective proportions of private and business use of the mayoral vehicle .

(d) At the conclusion of the 2011/2012 year (and subsequent years), the mayor reimburse the City for the private use component on the mayoral vehicle - and the mayoral allowance be immediately indexed by an amount equal to the private use reimbursement on the vehicle (providing that the aggregate of the base allowance and indexed amount remains less than the statutory maximum mayoral allowance.)

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Hasleby opening for the Motion

- Don't see keeping a log book as an issue
- The Alternative Motion is quite reasonable and removes several elements from the recommendation

Councillor Burrows for the Motion

- Log book means proper reporting procedures

AMENDMENT

Moved Mayor Best, Sec Cr Grayden

Mayor Best proposed that the Alternative Motion contain the following part (e):

- (e) the Department of Local Government be advised that the City is disappointed that proper consultation has not occurred with respect to this amendment and that in the Councils' view there are far more important legislative changes that warrant priority.

Mayor Best opening for the Motion

- If DLG didn't consult on such a small issue, what will happen when Local Government reform begins
- What other regulations are there that they haven't told us about?

Councillor Grayden for the Motion

- Advising DLG of the City's disappointment was agreed to at the Audit and Governance Committee meeting

Councillor Hasleby closing for the Motion

- The issues raised have been well enunciated
- Seeking support for the Alternative Motion

The Mayor put the Amendment

CARRIED (8/5)

COUNCIL DECISION ITEM 10.7.1 (D)

That...

- (a) revised Policy P667 “Member Entitlements” - without reference to the Member Vehicle - contained at Attachment 10.7.1(D)(1) and Policy P649 “Mayoral Vehicle” at Attachment 10.7.1(D)(2) be adopted; and
- (b) An agreement reflecting the principles of Policy P649 - Mayoral Vehicle between the City and the Mayor be executed within 14 days of adoption of the policy.
- (c) Consistent with ATO principles relating to FBT legislation, a logbook be maintained for a period of 12 weeks to establish the respective proportions of private and business use of the mayoral vehicle .
- (d) At the conclusion of the 2011/2012 year (and subsequent years), the mayor reimburse the City for the private use component on the mayoral vehicle - and the mayoral allowance be immediately indexed by an amount equal to the private use reimbursement on the vehicle (providing that the aggregate of the base allowance and indexed amount remains less than the statutory maximum mayoral allowance.)

CARRIED (12/1)

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Mayor Best

I hereby apply for Leave of Absence from all Council Meetings for the period 7 – 15 July 2011 inclusive.

11.1 Request for Leave of Absence - Councillor Best

I hereby apply for Leave of Absence from all Council Meetings for the period 12–19 July 2011 inclusive.

11.1 Request for Leave of Absence - Councillor Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 8–12 September 2011 inclusive.

COUNCIL DECISION ITEM 10.7.1 (D)

Moved Cr Burrows, Sec Cr Ozsdolay

That Leave of Absence be granted to:

- Mayor James Best for the period 7 – 15 July 2011 inclusive
- Councillor Best for the period 12 – 19 July 2011 inclusive
- Councillor Lawrance for the period 8 – 12 September 2011 inclusive

CARRIED (13/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Royal Perth Golf Club Parking Richardson Reserve Car Park ...Cr Burrows

MOTION

That, on a trial basis for 12 months (not during school and public holidays) Royal Perth Golf Club members be allowed to use the Richardson Reserve car park on Tuesdays, Wednesdays and Thursdays as long as the member displays a valid 'Member Parking Pass'.

MEMBER COMMENT

Many of the members of Royal Perth Golf Club are ratepayers of the City who have been using the Richardson Reserve Car park for years. Given that the car park is generally empty during the times above I believe it reasonable that members be able to use the car park as they have done in the past for the three mornings. I believe we should be considering the positive impact clubs such as RPGC has on the community from health benefits to a sense of belonging. Council should, I believe, be promoting community involvement - something RPGC has been very good at doing – such as the fund raising they have done over many years in providing such things such as community buses, etc. Over the last 10 years, the 2 Charity days hosted by the Club have raised \$600,000.

In addition, the Club is involved in assisting fellow West Australians and Australians in recent times with donations being made to the Victorian and Toodyay Bush Fire Appeals, Queensland, Victorian and Carnarvon Flood Appeals. The Club takes pride in supporting and being involved the community at all levels.

CEO COMMENT

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Acting Chief Executive Officer comments as follows:

It is not recommended that the club members be given free use of the carpark, taking into account the following considerations:

The Royal Perth Golf Club (RPGC) has a long term lease with the City. The lease of land involves an area in excess of 30 hectares of prime river front property. The Club currently pays a notional amount of \$10,000 in rent to the City pa. In addition to operating largely rent free, the Club also enjoys very low rates. Rates are not payable on the value of the land. Currently the RPGC only pays rates of \$18,500 which is related to the clubhouse. Other local governments such as Melville (Melville Glades) and Fremantle (Royal Fremantle) all have considerably higher leasing fees than South Perth have with Royal Perth, even though Royal Perth is more prestigious and internationally recognised, with international tournaments etc.

The City has recently conducted a community wide survey of parking in the area. A comprehensive briefing on the review was conducted December 2010 through to January 2011 and a report (Item 10.0.3) was submitted to the Council in February 2011. Council resolved to retain the status quo in regard to car parking in the locality. In their submission in the survey RPGC requested an additional 50 bays (from the Richardson Street Car Park) for regular additional free parking. The Council however, was satisfied with existing arrangements and resolved to maintain the status quo.

The City has generously made available all land in Amherst Street for 'sports club parking' at no cost - without payment of rent, rates or fees. A total of 125 parking bays are available for this purpose. In addition, the Club has its own parking area which has a capacity of 39 parking cars - resulting in a total capacity of 164 bays. There is also a recent approval to extend the club's car park which should be implemented shortly. It is known that the cricket and hockey clubs do not use the bays in the mornings when the golfers use the car park. The car bays are available for golf club purposes.

If 25 members take advantage of the free parking for 3 days each week from 8.00am till 1.00pm for 50 weeks each year this amounts to an annual concession of \$28,125 to Club members of the Golf

Club which approximates the value of the donations made to local community groups by the golf club . Effectively the Council will be making the donation but the Golf Club would receive the credit.

Parking charges apply from 8.00am at Richardson Street Car Park. The City has already agreed, in May 2009, that no infringements will be issued prior to 9.00am in this area. This arrangement was entered into to benefit the (very) early morning golfers and those who attend breakfast functions at the Club. It is considered that the small parking fee of \$1.50 per hour (after 9.00am) will not deter members from participating in the club's activities.

The City has recently entered into a MOU with the RPGC which details parking arrangements over a five year period. The need for permanent parking bays for three days a week was never mentioned by the Club. What the Operational Agreement does say is that when there is an approved competition, the City agrees to provide additional parking at no cost to the Club. This is because many of these competitions are 'charity days' and funds raised are largely distributed to South Perth charities.

If a free parking arrangement is entered into it will create a precedent for other sports clubs to make similar requests. There may be similar claims for concessions from members of the South Perth Bowling Club who may want to park in nearby City car parks free of charge where bays might be available. Such a precedent could also be regarded as favouritism or bias by the general public.

DECLARATION OF INTERESTS

Mayor Best advised that a Declaration of Interest Affecting Impartiality had been received from Councillor Lawrance, which read:

“In accordance with the *Local Government (Rules of Conduct) Regulations 2007* I declare an interest affecting impartiality as I am the Chairman and Transition Coordinator for South Perth Learning Centre, an association which is the recipient of a one-off donation from the Royal Perth Golf Club. This will not preclude me from participating in debate and voting on this matter as it is not a financial interest.

He then also advised that

Councillor Trent advised that he is a committee member of the South Perth Learning centre and therefore would need to Declare an Interest Affecting Impartiality. Mayor Best asked that the Acting Minute Secretary forward a Declaration of Interest Affecting Impartiality memorandum to Councillor Trent for signing to that effect.

Councillor Ozsdolay advised that he is a board member of Southcare who has been the recipient of funding from Royal Perth Golf Club and therefore would need to Declare an Interest Affecting Impartiality. Mayor Best asked that the Acting Minute Secretary forward a Declaration of Interest Affecting Impartiality memorandum to Councillor Ozsdolay for signing to that effect.

Councillor Doherty advised that he is a board member of Southcare who has been the recipient of funding from Royal Perth Golf Club and therefore would need to Declare an Interest Affecting Impartiality. Mayor Best asked that the Acting Minute Secretary forward a Declaration of Interest Affecting Impartiality memorandum to Councillor Doherty for signing to that effect.

Councillor Trent advised that he is a board member of Southcare who has been the recipient of funding from Royal Perth Golf Club and therefore would need to Declare an Interest Affecting Impartiality. Mayor Best asked that the Acting Minute Secretary forward a Declaration of Interest Affecting Impartiality memorandum to Councillor Trent for signing to that effect.

Mayor Best then read aloud a Declaration of Financial Interest from himself:

“In accordance with the *Local Government (Rules of Conduct) Regulations 2007* I declare a ‘Proximity Interest’ in Agenda Item 12.1 “Royal Perth Golf Club Parking – Richardson Reserve Car Park” on the Agenda for the Ordinary Council meeting to be held 28 June 2011 as I am an Honorary Member of the Royal Perth Golf Club. As I have an interest in the Royal Perth Golf Club I believe the issue of subsidised parking to members provides the perception that I may not be impartial and provides a legitimate basis for me to leave the Council Chamber during the discussion/debate on this item at the Council Meeting on 28 June 2011”

MOTION TO SUSPEND STANDING ORDERS

Moved Cr Trent, Sec Cr Best

The Mayor called a motion for a five minute meeting recess at 9:58pm.

CARRIED UNANIMOUSLY

Mayor Best left the chambers in accordance with his Declaration of Interest.

MOTION TO RECONVENE STANDING ORDERS

Moved Cr Trent, Sec Cr Ozsdolay

Deputy Mayor Doherty called for a motion to resume the meeting at 10:05pm.

CARRIED (12/0)

MOTION

Moved Cr Burrows, Sec Cr Ozsdolay

That on a trial basis for 12 months (not during school or public holidays) Royal Perth Golf Club members be allowed to use the Richardson Reserve car park on Tuesdays, Wednesdays and Thursdays as long as the member displays a valid ‘Member Parking Pass’.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Burrows of the Motion

- Adverse affect of previous Council decision to deter commuters in the peninsula
- Approximately 700 of 1400 members reside in the City
- In response to CEO comment, member fees are much higher than golf club Melville
- No financial impact considering the car park empty early in the morning and for most of the week
- Royal Perth Golf Club is an active member of our community, having maintained the reserve and raised money for charity
- Issues with parking is deterring members from playing
- Female members have expressed safety concerns of parking far away from the club

Councillor Ozsdolay

- Club is an outstanding community member
- The City isn’t forgoing any revenue
- After 12 month trial, we will know the issues

Councillor Best against the Motion

- Shortage of free parking, not parking on the peninsula
- This is a direct benefit to members
- This decision may set a precedent that we can do without
- What about the other sporting clubs in the area?
- Council must maintain our integrity and trust of our residents

Councillor Cala for the Motion

- Paid parking was to stop commuters, not as a revenue raising exercise
- Parking should be provided for people partaking in activities within the City

Councillor Skinner for the Motion

- The City currently receives 8% of the potential revenue
- The car park should be put to use – it is a community facility
- Car park is often empty, which is a waste

Councillor Lawrance point of clarification – Who will look after the trial and how many permits will be issued?

Councillor Burrows – 6000 tickets are printed for daily use by non-members. The club already keep a register of numbered tickets, so rangers could keep an eye on it.

Acting Chief Executive Officer – There will be some amount of work by the Administration involved in measuring the trial. The motion doesn't propose any of the logistics of the trial.

Councillor Burrows – Abuse of the trial will be obvious to see, given that that not many people park in the car park.

Councillor Lawrance point of clarification – Has the club put together a commitment to measure the trial?

Councillor Burrows - The club will encourage the car park only be used as an overflow.

Councillor Trent for the Motion

- Car park is unused
- No issues offering the car park to other community groups in the peninsula

Deputy Mayor Doherty point of clarification – Where do the Perth Zoo docents park?

Manager Governance and Administration – Docents park at the Eastern end of the zoo by the top of the hill.

Deputy Mayor Doherty point of clarification – Is there any parking arrangement with the Bowling Club?

Manager Governance and Administration – taken on notice.

Councillor Grayden for the Motion

- Cricket Club and Hockey Club use the car park during free parking periods
- Number of club members parking aren't thousands – the car park won't be full

Councillor Skinner point of clarification – While Western Australian Planning Commission are building the approved extra car parking allocation adjacent to the golf course, will the City need to provide parking to the Club anyway?

Acting Chief Executive Officer – There has been an approval, but the implications would be the responsibility of the Golf Club.

The Deputy Mayor put the Motion.

CARRIED (10/2)

The Mayor re-entered the chamber at 10:29pm. Councillor Grayden retired from the meeting at 10:30pm. Councillors Burrows and Cridland retired from the meeting at 10:31pm.

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

13.2.1 Strategic Financial Plan - Councillor Trent

Was the Strategic Financial Plan put out to the public for comment, and if so, how many comments were received?

In the absence of the Director Finance, the question was taken on notice.

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

COUNCIL DECISION – NEW BUSINESS OF AN URGENT NATURE ITEM 14

Moved Cr Trent, Sec Cr Best

That Council accept the item of New Business

CARRIED (10/0)

14.1 Council Dealings with Mr Lindsay Jamieson in relation to the 2007 Report of the Inquiry

I hereby give notice that I intend to move the following Motion of "New Business of an Urgent Nature" at the Council Meeting held on 28 June 2011.

MOTION

That Council determines that, in accordance with Standing Orders Local Law Clause 6.7 (7) (a) that any questions of Council and in accordance Standing Order Local Law Clause 6.9 (2) (b) requests for deputation associated with the 2007 Report of the Inquiry into the City of South Perth shall not be responded to until such time as an Officers Report or Notice of Motion is tabled for consideration at a future Ordinary Council Meeting.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

- Resolution process has been proposed between Mr Jamieson, Mayor and Chief Executive Officer, which should hopefully bring about closure
- Deputy Chief Executive Officer and Acting Chief Executive Officer rejected by Mr Jamieson for the meeting
- Council is unaware of the settlement between the Mr Jamieson and the Department of Local Government

Councillor Doherty for the Motion

- Good faith needs to prevail
- Understand Mr Jamieson's frustration
- Mr Jamieson should have his say, but there are no key issues
- The meeting between Mr Jamieson, the Mayor and Chief Executive Officer needs to occur first
- Council is flying blind without knowing the Department of Local Government decision

Mayor Best for the Motion

- Meeting arrangement has been frustrating
- This Council does want to meet with Mr Jamieson
- Council needs to have a discussion about the key issues
- 2007 was a particularly difficult time for Council
- Not cutting opportunity to talk to Council

The Mayor put the Motion

CARRIED (9/1)

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The meeting was closed 10:40pm.

17. RECORD OF VOTING



Mayors Activity Report - May 2011

Date	Activity
Tuesday, 31 May	<p>Kensington Community Engagement Focus Group - + Deputy Mayor Cr Sue Doherty + Crs Ian Hasleby, Pete Best, Travis Burrows, Les Ozsdolay, Peter Howat, Kevin Trent.</p> <p>Attend workshop: Inside Innovation and Making Innovation Happen @ Institute of Public Administration</p>
Monday, 30 May	<p>Attend Zoo Board meeting</p> <p>Mayor/CEO weekly meeting</p>
Friday, 27 May	<p>Swan Canning River Policy meeting with Melville Mayor, Russell Aubrey & CEO Shane Silcox</p> <p>Meeting on Sustaining Community Visioning with Helen Doran-Wu</p> <p>Thanksgiving Community Leaders Breakfast with South Perth Christian Churches Network + Deputy Mayor, Cr Sue Doherty + Crs Betty Skinner, Kevin Trent, Pete Best</p>
Thursday, 26 May	<p>Meeting on LG commercial ventures + Deputy Mayor, Cr Sue Doherty + CEO and Ray Davy, Conway Davy Pty Ltd</p>
Wednesday, 25 May	<p>Attend South East Metro Zone meeting of WALGA + Cr Kevin Trent</p>
Tuesday, 24 May	<p>Chair May Council meeting</p> <p>Mayor/Acting CEO weekly meeting</p>
Monday, 23 May	<p>Interview on Climate Commission "The Critical Decade" with Beatrice Thomas - The West Australian</p>
Friday, 20 May	<p>Present flowers for 100th birthday Mrs Joanne Heath @ McDougall Park Aged Care</p> <p>Attend WA Budget Briefing @ Institute of Public Administration WA + Deputy Mayor, Cr Sue Doherty</p>
Thursday, 19 May	<p>Attend John Curtin Leadership Academy presentation by Julie Bishop keynote address</p> <p>Interview and photo with Southern Gazette re tree restoration program</p> <p>Attend Clontarf Aboriginal College Opening of new BER facility</p>
Wednesday, 18 May	<p>Chair briefing: Capital Projects Program/Rates Modelling/Financial Projections</p> <p>Host workshop: Cities as Water Supply Catchments Info Session @ WALGA</p>

MINUTES : ORDINARY COUNCIL MEETING : 28 JUNE 2011

	Mayor/CEO weekly meeting
Tuesday, 17 May	Chair May Agenda briefing Attend workshop: Actionable Evaluation for Real World Decision Makers @ Institute of Public Administration WA
Monday, 16 May	Attend Pearse Ward's funeral on behalf of Council. Speech "what does the future of South Perth hold?" at Combined Como Probus Club RPGC Charity Golf Day Discussion + Deputy Mayor, Cr Sue Doherty and representatives Wilf Sontag & Peter Currall - RPGC
Saturday, 14 May	Attend Amanda Young Meningococcal Foundation Charity Ball
Thursday, 12 May	Attend Whole of LG Forum :LG in WA - Planning for Change + CEO
Wednesday, 11 May	Attend Audit & Governance Committee Meeting Meeting on Old Mill concept meeting with Government architect + Deputy Mayor Cr Sue Doherty + CEO Chair JCLA Board meeting Mayor/CEO weekly meeting + Deputy Mayor, Cr Sue Doherty
Monday 9 - Tuesday 10 May	Attend Population WA Forum at Australian Institute of Urban Studies + CEO
Monday 9 May	Attend Indigenous River Trails Launch of Report and DVD @ Aboriginal Land and Sea Council
Friday, 6 May	Attend Cedric Wyatt MP presentation at Rob Riley Memorial Lecture 2011 @ Curtin University
Wednesday, 4 May	Presentation on Swan Canning Policy Forum to Regional Development Australia, Perth Advisory Committee
Tuesday, 3 May	Chair April Council meeting.
Monday 2 May	Conduct Citizenship Ceremony + Cr Kevin Trent
Monday 2 - Friday 6 May	Attend Australian Institute of Company Directors Course

**Council Representatives' Activity Report -
May 2011**

December 2010	Activity
Monday, 30 May	Attend USA Memorial Day Service - Cr Kevin Trent
Thursday, 26 May	Open Arlington Community Engagement Focus Group - Deputy Mayor, Cr Sue Doherty + Cr Peter Howat
Monday 23 - Wednesday 25	Attend Local Government Managers Australia National Congress - Cairns - Crs Travis Burrows, Ian Hasleby + CEO
Wednesday, 25 May	Open Seniors' Safety Session @ CoSP - Deputy Mayor, Cr Sue Doherty
Sunday, 22 May	Attend 7th Annual Symphony of Peace Prayers - Deputy Mayor, Cr Sue Doherty
Wednesday, 18 May	Open Simply Busting Conference - Deputy Mayor, Cr Sue Doherty
Monday, 16 May	Attend Planning and Climate Change - Cr Pete Best
Wednesday, 4 May	Chair Briefing - Land Development & related issues & Ward Boundary Review.
Wednesday, 4 May	Attend CEDA: Demographics & Social Change - Cr Pete Best (Committee for Economic Development of Australia)
Sunday, 1 May	Open Australian Doctors for Africa <i>Little Feet Walk</i> - Cr Pete Best
1 - 5 May	Attend Mainstreet Conference - Adelaide - Deputy Mayor, Cr Sue Doherty