



## ORDINARY COUNCIL MEETING

### Table of Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	5
2.	DISCLAIMER.....	5
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER .....	5
	3.1 Activities Report Mayor Best / Council Representatives .....	5
	3.2 Public Question Time.....	5
	3.3 Audio Recording of Council meeting.....	5
4.	ATTENDANCE.....	6
	4.1 Apologies.....	6
	4.2 Approved Leave of Absence .....	6
5.	DECLARATION OF INTEREST .....	6
6.	PUBLIC QUESTION TIME.....	7
	6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	7
	6.2 PUBLIC QUESTION TIME : 11.10.2011 .....	7
	6.2.1 Mr Paul Ruthven, Charles Street, South Perth.....	7
	6.2.2 Mr Lindsay Jamieson, 14 Tralee Way, Waterford.....	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND .....	
	OTHER MEETINGS UNDER CLAUSE 19.1.....	8
	7.1 MINUTES .....	8
	7.1.1 Ordinary Council Meeting Held: 27.9.2011 .....	8
	7.2 BRIEFINGS .....	8
	7.2.1 Agenda Briefing - September Ordinary Council Meeting Held: 20.9.2011 .....	8
8.	PRESENTATIONS.....	9
	8.1 PETITIONS - A formal process where members of the community present a written request to the Council 9	
	8.1.1 Petition dated 26 September 2011 received from Lex Kingdom, Kingdom Apartments, 3/17 South Perth Esplanade, South Perth together with approximately 84 signatures, in relation to parking restrictions on the South Perth Esplanade.....	9

MINUTES : ORDINARY COUNCIL MEETING: 11 OCTOBER 2011

8.2	PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community. ....	9
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.....	9
8.3.1	Deputations at Council Agenda Briefing Held: 4.10.2011 .....	9
8.4	COUNCIL DELEGATES REPORTS .....	9
8.4.1.	Council Delegates' Report: Perth Airport Municipalities Group Meeting (PAMG) : 15 September 2010.....	9
8.4.2.	Council Delegate: WALGA South East Metropolitan Zone: 28 September 2011.....	10
8.5	CONFERENCE DELEGATES REPORTS .....	10
8.5.1.	Council Delegate: NSW Sustainable Development Conference: 8-9 June 2011 .....	10
9.	METHOD OF DEALING WITH AGENDA BUSINESS.....	11
10.	REPORTS .....	11
10.1	<i>STRATEGIC DIRECTION 1 : COMMUNITY</i> .....	11
10.1.1	Australia Day 2012 .....	11
10.1.2	Community Sport and Recreation Facility Fund (CSRFF) - Forward Planning Funding	17
10.2	<i>STRATEGIC DIRECTION 2: ENVIRONMENT</i> .....	23
10.3	<i>STRATEGIC DIRECTION 3: HOUSING AND LAND USES</i> .....	23
10.3.1	Proposed 2-Storey Mixed Development (Comprising Shop, Café / Restaurant and Dwelling) - Lot 3 (No. 333) Mill Point Road, South Perth <b>WITHDRAWN</b> .....	23
10.4	<i>STRATEGIC DIRECTION 4: PLACES</i> .....	33
10.5	<i>STRATEGIC DIRECTION 5: TRANSPORT</i> .....	34
10.5.1	Roads to Recovery Program - Letter of Support.....	34
10.5.2	Annual Tender 15/2011 - Various Minor Concrete Works.....	35
10.6	<i>STRATEGIC DIRECTION 6: GOVERNANCE</i> .....	38
10.6.1	Constitutional Recognition of Local Government .....	38
11.	APPLICATIONS FOR LEAVE OF ABSENCE .....	41
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	41
13.	QUESTIONS FROM MEMBERS.....	41
13.1.	Response to Previous Questions from Members Taken on Notice .....	41
13.1.1	Terms and Conditions - Old Mill Redevelopment.....Cr Skinner.....	41
13.2	Questions from Members .....	42
13.2.1	South Perth Foreshore Litter ..Cr Hasleby .....	42
13.2.2	Radio Sailing Association Request for Venue..... ..Cr I Hasleby.....	42
13.2.3	Terms and Conditions - Old Mill Redevelopment.....Cr Skinner.....	43
13.2.4	Mosquito Management Waterford .....	44

MINUTES : ORDINARY COUNCIL MEETING: 11 OCTOBER 2011

14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ...	44
15.	MEETING CLOSED TO PUBLIC.....	44
15.1	Matters for which the Meeting May be Closed.....	44
15.2	Public Reading of Resolutions that may be made Public.....	44
16.	CLOSURE .....	44
17.	RECORD OF VOTING.....	45





## **ORDINARY COUNCIL MEETING**

**Minutes of the Ordinary Meeting of the City of South Perth Council  
held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 10 October 2011 at 7.00pm**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

### **2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

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

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

**Note:** Mayor / Council Representatives Activities Report for the month of September 2011 attached to the back of the Agenda.

#### **3.2 Public Question Time**

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. He 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
I Hasleby	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
P Howat	McDougall Ward
Cr C Cala	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Finance and Information Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Governance and Administration Manager
Mr R Bercov	Strategic Urban Planning Adviser
M G Hickson	Acting City Communications Officer
Mrs K Russell	Minute Secretary

Gallery                        There were 15 members of the public and 1 member of the press.

**4.1 Apologies**

Ms V Lummer Director Development and Community Services (annual leave)

**4.2 Approved Leave of Absence**

Nil

**5. DECLARATION OF INTEREST**

*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City’s Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.*

The Mayor reported that no Declarations of Interest had been received.

**6. PUBLIC QUESTION TIME**

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

At the Council meeting held 27 September 2011 there were no questions taken on notice.

**6.2 PUBLIC QUESTION TIME : 11.10.2011**

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 7.05pm.

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

<b>6.2.1 Mr Paul Ruthven, Charles Street, South Perth</b>
-----------------------------------------------------------

*(Written Questions submitted prior to the meeting)*

Summary of Question

As a result of a Council resolution in August 2011, in relation to the South Perth Railway Station Business Plan, a Workshop was held on 30 August involving Councillors and City officers to determine an effective method of obtaining community support or otherwise for the business case. My questions relate to the choice of area for the community consultation, and the use of the term "community group".

Questions

- 1: Is Council prepared to extend the area of consultation to include residents living North of Judd Street on the Peninsula, and perhaps even extend the area as far as the Old Mill?
- 2: Will Council also allow individual residents to participate in the Public Forum?

Summary of Response

The Mayor stated that....

1. The area identified in the September report item takes into account the comprehensive consultation that has already occurred over a long period of time in connection with the Railway Station Precinct consultation process. All residents within the precinct area have been given many opportunities to comment on the proposal and the thought behind setting the new wider area was to give residents in a wider catchment area the opportunity to comment. In any event, residents from any locality are not prevented from making a submission. Extensive promotion of the issue will be evident and residents are encouraged to make a submission.
2. All residents whether within or external to the agreed area will have an opportunity to make a submission on the subject. The reason to limit the number of attendees at a public forum is simply to make it more manageable. There is no discrimination as all residents have the opportunity to comment during the consultation process.

Cr Ozsdolay point of clarification - would like Council to consider response. The CEO stated that the answer provided reflects the agreement reached by Councillors who attended the Workshop held on 30 August 2011 to discuss the consultation process *\*however, ultimately the decision is one for Council.* *\*(Amended Council Resolution 7.1.1 of 22 November 2011 Council Mtg)*

**6.2.2 Mr Lindsay Jamieson, 14 Tralee Way, Waterford**

*(Written Questions 'tabled' at the meeting)*

The Mayor stated in accordance with Council resolution at Item 14.1 of the June 2011 Council Meeting: *“That Council determines that, in accordance with Standing Orders Local Law Clause 6.7 (7) (a) that any questions of Council; and in accordance with 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”* as neither of these actions have been done, the questions cannot be accepted.

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.10pm

**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: 27.9.2011**

**COUNCIL DECISION ITEM 7.1.1**

Moved Cr Trent, Sec Cr Burrows

That the Minutes of the Ordinary Council Meeting held 27 September 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 - September Ordinary Council Meeting Held: 20.9.2011**

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

**COUNCIL DECISION ITEM 7.2.1**

Moved Cr Burrows, Sec Cr Lawrance

That the comments and attached Notes under Item 7.2.1 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 26 September 2011 received from Lex Kingdom, Kingdom Apartments, 3/17 South Perth Esplanade, South Perth together with approximately 84 signatures, in relation to parking restrictions on the South Perth Esplanade.**

**Text of petition reads:** *"We, the undersigned petition to have four hour parking from 9am to 5.30pm Monday to Friday for both sides of Queen Street, South Perth and also on the Swan River side between Nos. 7 to 13 South Perth Esplanade.*

#### RECOMMENDATION

That the Petition dated 26 September 2011 received from Lex Kingdom, Kingdom Apartments, 3/17 South Perth Esplanade, South Perth together with approximately 84 signatures, in relation to parking restrictions on the South Perth Esplanade be received and forwarded to the Infrastructure Services Directorate for investigation.

### COUNCIL DECISION ITEM 8.1.1

Moved Cr Trent, Sec Cr Skinner

That the Petition dated 26 September 2011 received from Lex Kingdom, Kingdom Apartments, 3/17 South Perth Esplanade, South Perth together with approximately 84 signatures, in relation to parking restrictions on the South Perth Esplanade be received and forwarded to the Infrastructure Services Directorate for investigation.

CARRIED (13/0)

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

Nil

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

#### **8.3.1 Deputations at Council Agenda Briefing Held: 4.10.2011**

Two Deputations in relation to Agenda Item 10.3.1 were heard at the October Council Agenda Briefing held on 4 October 2011.

### 8.4 COUNCIL DELEGATES REPORTS

#### **8.4.1. Council Delegates' Report: Perth Airport Municipalities Group Meeting (PAMG) : 15 September 2010.**

A report from Crs Burrows and Hasleby together with the Chief Executive Officer summarising their attendance at the Perth Airport Municipalities Group Meeting held at the City of Melville on 15 September 2011 is at **Attachment 8.4.1.**

#### RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.1** in relation to the Perth Airport Municipalities Group Meeting held at the City of Melville on 15 September 2011 be received.

**COUNCIL DECISION ITEM 8.4.1**

Moved Cr Howat, Sec Cr Burrows

That the Delegates' Report at **Attachment 8.4.1** in relation to the Perth Airport Municipalities Group Meeting held at the City of Melville on 15 September 2011 be received.

CARRIED (13/0)

**8.4.2. Council Delegate: WALGA South East Metropolitan Zone: 28 September 2011**

A Delegates' report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 28 September 2011 at the City of Armadale is at **Attachment 8.4.2**. The Minutes of the Meeting are available on *iCouncil*.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.2** from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 28 September 2011 at the City of Armadale be received.

**COUNCIL DECISION ITEM 8.4.2**

Moved Cr Trent, Sec Cr Grayden

That the Delegates' Report at **Attachment 8.4.2** from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 28 September 2011 at the City of Armadale be received.

CARRIED (13/0)

**8.5 CONFERENCE DELEGATES REPORTS**

**8.5.1. Council Delegate: NSW Sustainable Development Conference: 8-9 June 2011**

A Delegate's report from Cr P Best summarising his attendance at the NSW Sustainable Development Conference "Improving Environmental Planning in Government" held at Dockside, Sydney on 8 and 9 June 2011 is at **Attachment 8.5.1**.

RECOMMENDATION

That the Delegate's report from Cr P Best at **Attachment 8.5.1** summarising his attendance at the NSW Sustainable Development Conference "Improving Environmental Planning in Government" held at Dockside, Sydney on 8 and 9 June 2011 be received.

**COUNCIL DECISION ITEM 8.5.1**

Moved Cr Doherty, Sec Cr Grayden

That the Delegate's report from Cr P Best at **Attachment 8.5.1** summarising his attendance at the NSW Sustainable Development Conference "Improving Environmental Planning in Government" held at Dockside, Sydney on 8 and 9 June 2011 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 for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 4 October 2011.

The Chief Executive Officer confirmed that this was correct.

**WITHDRAWN ITEM 10.3.1**

The Mayor reported that Item 10.3.1 (*Proposed 2-Storey Mixed Development (Comprising Shop, Café / Restaurant and Dwelling) - Lot 3 (No. 333) Mill Point Road, South Perth*) had been withdrawn from the Agenda at the request of the applicant to allow further time for neighbour consultation.

**Note:** The request from the applicant to withdraw Item 10.3.1 was received Monday 10 October 2011 after the final Agenda had been circulated.

<b>COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION</b>
-------------------------------------------------------

Moved Cr Cala, Sec Cr Skinner

That the officer recommendations in relation to Agenda Items 10.1.1, 10.1.2, 10.5.1, 10.5.2 and 10.6.1 be carried en bloc.

CARRIED (13/0)

**10. REPORTS**

***10.1 STRATEGIC DIRECTION 1 : COMMUNITY***

<b>10.1.1 Australia Day 2012</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	RC/105
Date:	22 September 2011
Author:	Sandra Watson, Manager Community Culture and Recreation
Reporting Officer:	Vicki Lummer, Director Development and Community Services

**Summary**

To outline the plans and strategies to manage the Australia Day celebrations on the South Perth foreshore in 2012 and to approve the parking restrictions and road closures applicable for the event.

**Background**

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to community risk management in an effort to provide a range of opportunities for the community to participate in for the entire day and not just attend the event for the fireworks.

The Strategy focused on the following areas:

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

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

Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded by Lotterywest. In 2010, the City built upon the popularity of the two 'zones' in the previous year to host a hugely successful event on the South Perth Foreshore. This event once again received substantial financial support from Lotterywest and Healthway, with 30,000 visitors enjoying the Family Zone and 10,000 visitors experiencing the Youth Zone.

In 2011 the decision was made to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. This decision was taken to enable families and groups to come together in one area, rather than being separated across two 'zones'. The 'Celebration Zone' was expanded to 100,000m<sup>2</sup>, which was more than double the size of the two previous zones combined. In 2011, the 'Celebration Zone' contained seventy (70) free activities for all ages, a central 'Big Top' with on stage entertainment including a screening of the hit Australian film 'Bran Nue Dae' and a performance from the renowned 'Yabu Band'; free drinking water stations and various healthy food stalls. In addition and given the massive support from visitors at the 2010 event, the zone was once again alcohol and smoke free. From the City's perspective the 2011 event was very successful attracting 50,000 visitors and in addition, surveys conducted showed that 92.6% of visitors to the 'Celebration Zone' rated the area as being excellent, with 91% of those surveyed indicating that they would return in 2012.

#### **Comment**

In 2012 it is planned to build on the success of the 'Celebration Zone' and while key elements of the 2011 event will be retained such as being smoke and alcohol free, the 'Big Top' tent, the screening of an iconic Australian film, the multi-cultural stage performances and the art tent, in addition as it is the national 'Year of Reading' in 2012, it is planned to have a 'Library Tent' for children and families with story telling, board games, a puppet theatre and places to relax and read books. The 'Celebration Zone' will contain sixty (60) free activities for all ages, ample shaded areas, an esky 'cloakroom', free drinking water stations and various healthy food stalls. In 2012 it is therefore proposed that the Safer Australia Day Strategy 2012 will be conducted along the same format and operations as previous years and that the 'Celebration Zone' will be an integral part of the Strategy. Strategies for Australia Day 2012 will consist of the following:

**1. Public Transport**

In 2011, the City trialled a free bus shuttle service from George Burnett Leisure Centre, Karawara to the 'Celebration Zone'. The buses ran every fifteen minutes between the hours of 10.00am and 7.30pm. Given the success and usage levels of this service, in 2012 this will be expanded to operate from 10.00am through to 9.30pm after the conclusion of the fireworks. While this service is targeted towards City of South Perth residents in Manning, Karawara and Salter Point, anyone including non residents are able to utilise this service.

**2. Local Laws**

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

**3. Crowd Control**

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 6.00am on the morning of 26 January 2012. Initially Rangers will focus on illegal parking and large objects being taken to the foreshore. Management of the crowd will also be assisted by exclusion zones on Sir James Mitchell Park, Coode Street car park and Queen Street Jetty area. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA's. In addition, St Johns Ambulance will be providing a primary treatment facility on the South Perth foreshore to administer first aid assistance and to reduce the need for patient transfer to hospital.

**4. Celebration Zone**

Australia Day 2009 heralded the successful launch of the Family and Youth Zones and in 2010 the City extended these areas in response to the excellent feedback and successes of the 2009 event. In 2011 as previously outlined, the two 'zones' were combined into one giant 'Celebration Zone' covering 100,000<sup>2</sup> immediately behind the flagpole area on Sir James Mitchell Park. This secure and managed area will once again in 2012 be transformed into a safe fun zone brimming with activities and entertainment for young children, youth and adults. A very popular aspect of the Family Zone in previous years was the art tent and this will once again return in 2012, coupled with a 'Reading Tent' where visitors can celebrate the National Year of Reading. Other exciting aspects of the 'Celebration Zone' include the return of the very unique 'Silent Disco', as well as a central feature of a 'big top' tent, which was extremely popular in 2011. For the first time in 2011, the traditional Australia Day citizenship ceremony was held inside the 'big top', as well as the breakfast event immediately following the ceremony. This proved to be very popular and as such, will once again follow this format in 2012. Also new in 2012 and as an extension of the screening of the film 'Bran Nue Dae' in 2011, it is planned to have an Australian film festival commencing in the morning under the 'big top' on a big screen.

**5. Road Closures (Access Restricted Area)**

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

The City may declare general no parking zones, in accordance with the City's Parking Local Law 2011, section 7.4 which states as follows:

**General No Parking Zones**

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

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

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

On Australia Day 2012 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will be available into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Water to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used predominantly for disabled parking, as well as parking for the Police, State Emergency Services and St John Ambulance. In 2012 the Police compound will once again be located in the Coode Street car park area. Additional parking for disabled visitors will be made available on the verge surrounding the Celebration Zone, near the main entrance to the 'Zone' opposite Forrest Street. The City will employ the services of traffic management officers to secure the road closures as previously outlined in this report. Indicative costs for this service have been included in the 2011/2012 Australia Day budget.

The City is also in the process of making a new Parking Local Law 2011. At the time of writing, Gazettal of the local law was underway and assuming there are no issues, will be in place by Australia Day 2012. The provisions in relation to the General 'No Parking' zone are contained in clause 4.4 of the proposed new local law, which are identical in effect to those in the current local law. To ensure that the restriction is properly imposed, or in the event that the new local law is not made for whatever reason, a reference to clause 4.4 is also made in the recommendation to Council below.'

#### **6. Traffic Management (Parking Restricted Area)**

The proposed parking restricted area during Australia Day 2012 will extend from the access restricted area (as per item 5 of this report) to South Terrace, to Canning Highway and to Ellam Street and be effective from 8.00 am to 9.00 pm. In 2011 the City successfully trialled a reduction in the amount of parking restricted streets in the area between South Terrace, Canning Highway and Ellam Street and as such, the lighter restrictions will remain for 2012.

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

#### **7. Waste Management**

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

#### **8. Media and Communications**

The Safer Australia Day Strategy 2012 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. As in previous years, a targeted media and communications campaign is key. In that regard, the City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

### **Consultation**

In reviewing and developing the Safer Australia Day Strategy 2012, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Total Road Services (TRS) - traffic management company
- Public Transport Authority
- Lotterywest
- Healthway
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

In September 2011, the City ran its inaugural 'Sponsors and Partners' function. This function was designed to acknowledge and thank supporters of the Australia Day event in South Perth, as well as being an opportunity to showcase the event to potential sponsors and supporters. The event was well attended and it is the intention to run a similar function on an annual basis to also encompass Fiesta.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Funding has been allocated in the 2011/2012 budget for the implementation of this strategy, plus grant funding applications have been submitted as follows:

- Lotterywest \$350,000 (awaiting notification – for the Celebration Zone)
- WALGA Road Safety Program - \$1000 (confirmed)
- Healthway – \$70,000 (awaiting notification)
- Local Drug Action Group - \$3000 (to be submitted)

### **Strategic Implications**

The Safer Australia Day Strategy 2012 is complimentary to Strategic Directions - Community. *Create opportunities for a safe, active and connected community.*

### **Sustainability Implications**

The Safer Australia Day Strategy 2012 will embrace and implement the City's Sustainability Strategy in the areas of waste management in particular.



**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.1.1**

That...

- (a) Council adopts the Safer Australia Day Strategy 2012 as detailed in report Item 10.1.1 of the October 2011 Council Agenda;
- (b) the General 'No Parking' clause in section 7.4, schedule 4 of the City's Parking Local Law 2003 (as amended) (or the corresponding clause 4.4 of the City's proposed Parking Local Law 2011 if promulgated by Australia Day 2012), be approved for:
  - (i) the temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 8.00am to 9.00pm on 26 January 2012; and
  - (ii) the parking restrictions, bounded from Labouchere Road, corner of Angelo Street to South Terrace to Canning Highway to Ellam Street as outlined.

CARRIED EN BLOC RESOLUTION

**10.1.2 Community Sport and Recreation Facility Fund (CSRFF) - Forward Planning Funding**

Location: City of South Perth  
 Applicant: Council  
 File Ref: GS/109  
 Date: 20 September 2011  
 Author: Jenni Hess, Recreation Development Coordinator  
 Reporting Officer: Sandra Watson, Manager Community, Culture and Recreation

**Summary**

To consider applications for the 2012/2013 Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning grants. The application is for the City of South Perth's Bill Grayden Pavilion Upgrade.

**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. Priority is given to projects that lead to facility sharing and rationalisation. The State Government has allocated \$20M for the 2012/2013 funding round.

The Fund has three categories, which are listed in the table below.

Table 1 CSRFF Grant Categories

Grant category	Total Project Cost Range	Standard DSR Contribution	Frequency
Small grants	\$7,500 - \$150,000	\$2,500 - \$50,000	Bi-annual
Annual Grants	\$150,001 - \$500,000	\$50,001 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$4 million	Annual

The maximum grant awarded by DSR will be no greater than one-third of the total cost of the project up to a maximum of \$4 million. 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.

As stated in the CSRFF guidelines, forward planning grants for this round of applications may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium. It is proposed, for this application, that this project will be staged over two years and therefore must be claimed in two stages, in this case by 15 June, 2013 (50% completion) and 15 June, 2014 (100% completion).

**Comment**

One project is proposed by the City for the 2012/2013 CSRFF annual and forward planning grants:

**City of South Perth - Bill Grayden Pavilion Upgrade**

- CSRFF Grant sought \$ 270,667 (ex GST)
- City’s contribution \$ 491,329 (ex GST)
- Club’s contribution \$ 50,004 (ex GST)
- **Estimated Total Project Cost \$ \$812,000 (ex GST)**

Assessment

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

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

These results are summarised below.

Applicant	Project	Ranking	Rating	City’s Contribution	Total project Cost
City of South Perth	Improvement and upgrade of existing facilities at Bill Grayden Pavilion	1	A	\$491,329 (ex. GST).	\$812,000(ex GST)

**City of South Perth - Bill Grayden Pavilion Upgrade**

In line with its strategic planning processes, the City has developed a long-term plan to improve and upgrade its community recreational facilities. The Bill Grayden Pavilion on Bill Grayden Reserve, Como was identified in the City’s Future Directions and Needs Study for Sporting and Recreational Clubs (2006) as in need of an upgrade/redevelopment and as the next priority facility.

The study identified the following points in relation to Bill Grayden Pavilion:

- The Bill Grayden Pavilion building presents well, although its functionality needs some improvement.
- The existing change rooms are too small and there is a need for two additional change rooms.
- The kitchen is also too small, limiting the extent of club catering activities.
- The building is poorly insulated, resulting in the function room being very hot in summer and extremely cold in winter.

There is a lack of storage for sporting equipment.

As a result of the identified points, the study recommended the following actions be undertaken:

- The addition of two extra change rooms and extensions to the two existing change rooms (for a total of four).
- Extension and upgrading of the kitchen to enable expanded catering capabilities.
- Improved insulation of the building.
- Installation of reverse cycle air-conditioning in the function room.
- Increased storage facilities for sports equipment.
- Improved building security.

A feasibility study for the project was completed by Jill Powell & Associates in July 2011. This was a requirement from DSR for any project with a total cost exceeding \$500,000. This study developed a concept plan, recommending the redevelopment of the Pavilion to include the following:

- Provision of adequate accessibility and facilities for people with a disability
- Provision of women's/multipurpose changeroom and toilet facilities
- Renovation and upgrade of men's/multipurpose change room and toilet facilities
- Increased internal storage areas for sporting and training equipment
- Renovation and upgrading of the kitchen to a standard suitable for enhanced catering activities.

The project proposes to upgrade the original purpose built Bill Grayden Pavilion, which is approximately 20 years old and with significant maintenance and access issues. The upgrade will ensure the facility continues to be well used by existing sporting groups, with the potential to attract new clubs and community users and to ensure equitable access for both men and women. Built facilities, such as the Bill Grayden Pavilion have a finite life and as a consequence, there is an ongoing necessity to rebuild, or modify facilities to keep them safe and relevant to today's standards.

This upgrade aims to improve and increase use by:

- Improving access inside and outside the pavilion.
- Improving energy efficiency through a range of measures including: installing energy saving lighting, temperature controlled taps for showers, sensor controlled switching, insulation of walls to increase thermal qualities and the possibility of water harvesting for toilets.
- Improving the kitchen facilities to increase catering provisions.
- Improving key areas such as installation of home and away change rooms that will allow for greater participation in physical activity by men, women and children. This is in line with the regional standard proposed by the Department of Sport & Recreation and as outlined in the above mentioned study.

The inclusion of additional changeroom facilities is specifically targeted to further attract females and children to participate in sport, who currently feel excluded from the changerooms which is concurrently used by male adults. The existing changerooms will also be upgraded to change the format of the open showers to enable privacy for unisex use.

The addition of two new changerooms positions the facility between two playing fields and allows for additional users and the co-booking of both ovals by different sport codes. Any conflict of use currently experienced will be avoided by the placement of additional changerooms. The additional changerooms can also be used independent of the function room so more than one user can use the facility at one time without interfering with each other.

The existing kitchen is small and creates problems for food preparation and serving such as ventilation. Upgrading the kitchen will enable improved preparation of food and catering facilities which will continue to attract state and national tournaments, as well as cater to the existing community activities satisfactorily.

The proposed upgrade of facilities to the Bill Grayden Pavilion, in addition to recent floodlighting installation and dual use paths around the Bill Grayden precinct, will enable the City to continue to provide community facilities that meet the physical activity needs of our growing and developing community. This includes the provision of facilities for both formal and informal physical activity, active recreation, organised sport, and supportive community programs such as children's activities. Community facilities such as sporting and recreation pavilions add to the quality of life in the City and to the amenity of the area that makes it an attractive place to live.

The City of South Perth will be the primary contributing organisation and will manage the proposed project.

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

- The Bill Grayden Pavilion is an important sporting facility for the City.
- The upgrade project benefits the three user clubs being Trinity Aquinas Amateur Football Club, South Perth Baseball Club and Wesley College with additional potential flow on effects for non sporting community groups.
- Comprehensive consultation has been undertaken with the current clubs to ascertain and prioritise needs for future club development.
- The proposed upgrade is consistent with the City's Community Facilities Needs Study (2004), Future Directions and Needs Study for Sporting and Recreational Clubs (2006), and Active Futures Physical Activity Plan 2009 - 2014 which outlines key recommendations for upgrades, redevelopments and community capacity building.

### **Consultation**

Initial consultation was undertaken with internal stakeholders including the Manager, Community Culture and Recreation, Recreation Development Coordinator, Manager, City Environment, Club Development Officer and Buildings Coordinator.

Specific to this proposed project, communication was established with the three key facility users of the pavilion being Trinity Aquinas Amateur Football Club, South Perth Baseball Club and Wesley College. The users were able to provide input and feedback into the proposed upgrades in line with user requirements and needs. All three stakeholders have advised the City in writing of their proposed contributions to the project and these are as follows:

Trinity Aquinas Amateur Football Club

- A cash contribution of \$10,000 subject to the club successfully obtaining a capital works grant from the WA Football Commission (WAFC). Approval of this grant will be assessed by WAFC later this year, but initial discussions have been positive with regards to eligibility.
- In kind contributions to the value of a further \$10,000 on project areas mutually agreed, sourced from a vast network of skilled tradespeople within the club.
- Total contribution to this project = \$20,000.

South Perth Baseball Club -

- A cash contribution of \$10,000 subject to a low interest loan from the City of South Perth with a quarterly payment plan over 10 years.
- In kind contribution to the value of \$5,000 toward the kitchen only.
- Total contribution to this project = \$15,000.

Wesley College

- A cash contribution of \$20,000 to the upgrade of Bill Grayden Pavilion.

In addition the club has agreed to contribute two further amounts totalling \$30,000 to related projects but which are not directly related to this project as follows:

- A cash contribution of \$20,000 to remove the existing Wesley building.
- A cash contribution of \$10,000 to build a replacement storage shed for the scrum machine and other equipment.

- Provision of the funds from Wesley College is subject to the extension of the College's lease of Collins Oval.
- Total contribution to this project = \$20,000.

Further consultation was also conducted with external stakeholders including the Department of Sport and Recreation, along with relevant state sporting associations including Baseball WA and WA Amateur Football League for feedback on the proposed upgrades. All internal and external stakeholders are fully supportive of the project.

It is important to note that further negotiation will take place between the City and the three stakeholders concerning final conditions and terms for their contributions.

**Policy and Legislative Implications**

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

**Financial Implications**

The estimated total project cost = \$812,000  
made up as follows:

Amount requested from DSR	= \$270,667
Clubs contribution	= \$ 55,000
Councils contribution	= <u>\$486,333</u>

The funding application sought from DSR is for a forward planning grant. This is for large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium.

It is proposed that the project is staged as follows:

Year 1 (2012/2013)

Construction of new changerooms and storage. This will allow users to continue to use the existing changerooms and storage while construction occurs.

Year 2 (2013/2014)

Upgrade of existing changerooms and kitchen.

The application will request funding from DSR over the two financial year periods of 2012/2013 and 2013/2014. It is therefore recommended that the City also finance the project over the same 2 financial year periods as follows:

Year 1 (2012/2013) = \$243,166

Year 2 (2013/2014) = \$243,167

Total Council contribution = \$486,333

**Strategic Implications**

This report is supported by the following corporate strategic documents.

Initiative 1.4.2 of the City of South Perth Corporate Plan 2011/2012 :

*'Prepare the design for the redevelopment of the Bill Grayden Pavilion'*

Strategic Plan 2010-2015:

Direction 1. Community: *Create opportunities for a safe, active and connected community*

Goal 1.3 *Encourage the community to increase their social and economic activity in the local community.*

Goal 1.4 *Develop, prioritise and review facilities and relevant activities, taking advantage of Federal and State Government funding.*

Direction 4. Places: *Plan and develop safe, vibrant and amenable places*

Goal 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 redevelopment of the facility will aim to present an innovative, sustainable, affordable building that meets building regulations and the future needs of clubs, groups, local community and the City.

The City encourages shared use of its facilities to maximise rational use for minimal cost. This will be achieved in the redevelopment of Bill Grayden Pavilion by providing a district facility for at least three regular clubs and other community groups, enabling co-bookings of the facility to operate simultaneously.

The construction brief will aim to incorporate:

- Improving energy efficiency through a range of measures including: installing energy saving lighting, temperature controlled taps for showers, sensor controlled switching, insulation of walls to increase thermal qualities and the possibility of water harvesting for toilets.

- Natural lighting and air flow
- Principles of Crime Prevention through Environmental Design (CPTED)

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.2</b>
--------------------------------------------------------------------

That...

- (a) the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) be submitted to the Department of Sport and Recreation together with the comments from the officer report and the following ranking and ratings:

Applicant	Ranking	Rating
City of South Perth	1	A

- (b) an amount of \$243,166 as the City's contribution (Stage 1) for the CSRFF Grants, subject to this application being successful with the Department of Sport and Recreation, be included for consideration on the 2012/2013 *draft* Budget; and
- (c) an amount of \$243,167 as the City's contribution (Stage 2) for the CSRFF Grants, subject to this application being successful with the Department of Sport and Recreation, be included for consideration on the 2013/2014 *draft* Budget.

CARRIED EN BLOC RESOLUTION

**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**

Nil

**10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES**

<b>10.3.1 Proposed 2-Storey Mixed Development (Comprising Shop, Café / Restaurant and Dwelling) - Lot 3 (No. 333) Mill Point Road, South Perth</b>
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Location: Lot 3 (No. 333) Mill Point Road, South Perth  
 Applicant: Sandra Bransby - Planning & Construction Consultant  
 Lodgement Date: 12 August 2011  
 File Ref: 11.2011.347.1 MI3/333  
 Date: 21 September 2011  
 Author: Cameron Howell, Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

**Summary**

To consider an application for planning approval for a 2-storey Mixed Development (comprising a Shop, a Café / Restaurant and a dwelling) on Lot 3 (No. 333) Mill Point Road, South Perth.

In May 2010, Council conditionally approved a change of use from "Shop and Single House" to "Shop and Café / Restaurant" and associated additions and alterations within the existing single storey building. In addition to the previously approved "Shop and Café / Restaurant" uses, this application proposes an additional dwelling on the subject site. 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)
Plot ratio	TPS6 Clause 7.8(1)
Land use	TPS6 Table 1

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Local Commercial
<b>Density coding</b>	R15
<b>Lot area</b>	562 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling and / or specific non-residential land uses such as Café, Shop
<b>Plot ratio limit</b>	0.50

This report includes the following attachments:

- |                                          |                                |
|------------------------------------------|--------------------------------|
| <b>Confidential Attachment 10.3.1(a)</b> | Plans of the proposal.         |
| <b>Attachment 10.3.1(b)</b>              | Site photographs.              |
| <b>Attachment 10.3.1(c)</b>              | Applicant’s supporting report. |

The location of the development site is shown below:



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

1. **Specified uses**  
 (h) *Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.*
4. **Applications previously considered by Council**  
*Matters previously considered by Council where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*
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.*

Concerns raised by neighbouring property owners, along with officers’ comments, have been covered under the “Comments” section. Officers consider that, subject to compliance with the recommended conditions of approval, the development should have an acceptable amenity impact.



7. *Neighbour comments*

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

**Comment**

(a) **Background**

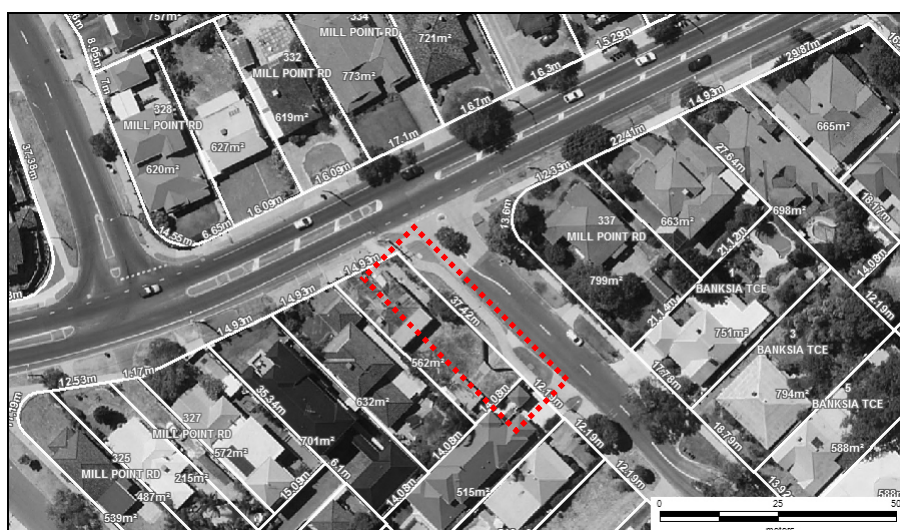
The Council conditionally approved a change of use from “Shop and Single House” to “Shop and Café / Restaurant” and associated ground floor additions and alterations within the existing single storey building in May 2010 on Lot 3 (No. 333) Mill Point Road, South Perth (the site). In August 2011, the City received an application for a Mixed Development in a 2-storey building on the subject site. This application proposes a residence on the upper floor and a Shop and Café / Restaurant on the ground floor.

(b) **Existing development on the subject site**

The existing development on the site is a single storey building that currently features land uses of “Shop” and “Single House”, as depicted in the site photographs at **Attachment 10.3.1(b)**.

(c) **Description of the surrounding locality**

The site has a frontage to Mill Point Road to the north and Banksia Terrace to the east, located adjacent to Single Houses to the south and west. The surrounding locality predominately consists of Single Houses, with some Grouped Dwelling and Multiple Dwelling developments:



(d) **Description of the proposal**

The proposal involves the construction of ground and upper floor additions to the existing single storey building, and a change of use on the site to become a 2-storey Mixed Development (comprising Shop, Café / Restaurant and dwelling), as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. The site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.1(b)**. The applicant’s letter, **Attachment 10.3.1(c)**, describes the proposal in more detail.

The proposal complies with the Scheme, the R-Codes and relevant Council policies with the exception of the remaining non-complying aspects, and other significant matters, all discussed below.

(e) **Compliant aspects**

The following aspects of the proposed development are compliant with the Scheme requirements:

- Residential density;
- Buildings setback from the street - Mill Point Road and Banksia Terrace;
- Buildings setback from the boundary - South West and South East;
- Landscaping;
- Bicycle parking;
- Minimum and maximum finished ground and floor levels;
- Fencing;
- Building height;
- Visual privacy; and
- Solar access to adjoining properties.

(f) **Land use**

The proposed land use of Mixed Development and Shop are classified as a “D” (Discretionary) and Café / Restaurant as a “DC” (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. The residential component is classified as a Use Not Listed (dwelling) and does not fully fit the definition of Multiple Dwelling, since only one dwelling is proposed. In considering the discretionary uses and the approval previously granted by Council, it is observed that the site adjoins residential land uses and is in a location with a residential streetscape. Accordingly, the uses are regarded as complying with Table 1 of the Scheme.

(g) **Car parking**

The required number of car bays is 15 and the proposed number of car bays on-site is 10, a shortfall of 5 bays (33%), as indicated in the table below. Therefore the proposed development does not comply with the car parking requirement of the Scheme.

Land Use	Bays Required	Bays Provided	Variation
Shop	2	0	-2 (100%)
Café / Restaurant	11	9	-2 (18%)
Dwelling	2	1	-1 (50%)
<b>Total</b>	<b>15</b>	<b>10</b>	<b>-5 (33%)</b>

At the May 2010 Council meeting, a variation of 2 bays was approved for the Shop, as 2 existing street car parking bays are currently situated within the road reserve of Mill Point Road in front of the Shop. This variation for the Shop is still supported by City officers.

The Council did not support any variation to car parking for the Café / Restaurant in the previous application. Accordingly, a condition restricting the dining area to 50.0 sq. metres was imposed to ensure that all 10 car parking bays, required in accordance with Table 6 of TPS6, were provided on-site. This decision was taken in light of the lack of space within the Banksia Terrace road reserve to provide additional car parking; and concerns expressed by the community about potential parking issues within the residential neighbourhood.

As a part of this application, the applicant is applying for a variation of 3 car parking bays.

One bay variation is sought for the dwelling as it is intended that the owner / proprietor of the Café / Restaurant will occupy the subject dwelling on the site, hence would use one of the bays assigned to the Café in a reciprocal parking arrangement. City officers are of the view that the dwelling should comply with the requirement of 2 car parking bays, as any single house or a grouped dwelling is required to. Reciprocal parking is not considered to be a feasible option between the two uses because the Café / Restaurant is proposed to operate for long hours, 7:00am to 9:00pm. In addition, it is not definite that for the life of the building, the ground and upper floors of the building will be retained in the same ownership or that a resident of the dwelling will be employed at the Café / Restaurant.

Similarly, a shortfall of 2 on-site car parking bays is proposed for the Café / Restaurant use.

As was previously explained in the May 2010 report to Council, street parking is not supported by City officers as any modifications to the current street design will result in a conflict between the passing traffic and parked vehicles. This is likely to impact upon the amenity of neighbouring residences. Adjoining residents have also expressed concerns with regards to street parking. Additionally, Clause 6.3(5)(b) cash-in-lieu of car parking bays cannot be utilised in this instance. In order to seek the cash payment, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, and it does not have such proposals.

For the above reasons, officers consider that discretion should not be exercised in relation to the shortfall of on-site car parking bays for the Café / Restaurant and the dwelling. Accordingly, to achieve compliance with the car parking requirements, the conditions of approval have been recommended that require reduction to the dining area of the Café / Restaurant to a maximum of 40.0 sq. metres, which will result in the requirement for 8 parking bays; and the remaining 2 on-site parking bays to be allocated for the use by the dwelling.

The assessing officer sought comments from the applicant with regards to limiting the dining area to 40.0 sq. metres. After speaking with the owners, the applicant stated in writing that *“they have no issue in receiving an approval for 40.0 sq. metres at this stage”*, and that *“the small area to the front of the dining area (currently a porch) will be used for their coffee machine, therefore no dining is intended”*.

**(h) Plot ratio**

The maximum permissible plot ratio is 0.50 (281 sq. metres), and the proposed plot ratio is 0.505 (284 sq. metres). The plot ratio variation is considered to be minor, has no detrimental impact on the site or the adjoining properties, and is therefore supported by the City.

**(i) Significant views**

Council’s Planning Policy P350.09 “Significant Views” aims at giving a balanced consideration to the reasonable expectations with respect to a significant view of both, the existing residents as well as the applicants proposing a new development.

The neighbouring properties to the south-east of the subject site currently enjoy limited views of the Perth City skyline, and have lodged written objection to the loss of those views. The proposed building is compliant with the 7.0 metre building height limit prescribed by TPS6; as well as the acceptable development setbacks from the south-western, south-eastern and north-eastern (Banksia Terrace) boundaries prescribed by Table 3 of TPS6 and the R-Codes. The proposed setback from Banksia Terrace is seen to be in visual harmony with the streetscape, as required by Clause 7.5(n) of TPS6. The proposed building is not seen to exceed the normal development entitlements of the site, and therefore it is considered that the proposed development complies with the Council policy.

**(j) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, 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 Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and "sense of community" both at a City and precinct level, and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (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;*
- (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 these matters, subject to compliance with the recommended conditions.

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

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development, including but not limited to height, bulk, orientation, construction materials and general appearance;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by disabled persons;*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved; and*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

### **Consultation**

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

The application was not referred to the Design Advisory Consultants as City officers considered the design of the proposed building to be compatible with the neighbouring residential development.

#### **(b) 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. 1, 2, 3 and 4 Banksia Terrace and Nos. 328, 330, 331, 331A, 332, 334, 336 and 337 Mill Point Road, were invited to inspect the plans and submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 14 consultation notices were sent and 4 submissions were received; none in favour and 4 against the proposal. The submissions have been summarised and responses provided to all comments below:

<b>Submitters' Comments</b>	<b>#</b>	<b>Officer Response</b>
Operating hours and deliveries - Opposition to the opening at night, alcohol consumption	4	The recommended opening hours are as previously approved by Council. A previously approved condition will permit a review of these hours after 12 months of operation if any complaints are received. The comment is NOTED.
Car parking provision - Opposition to the shortfall which will result in congestion, noise and unsafe environment in the street	3	A revised drawing condition is recommended so that consistent with the previous approval, no variation to car parking is granted. The comment is UPHELD.
Number of patrons and resultant noise related issues	3	A condition and important note has been recommended to address potential noise issues. The comment is NOTED.
Building design, setbacks - Concern that it is incompatible with the existing buildings in the street	3	Officers observe that the proposed building demonstrates built form compatibility with the design of the neighbouring residential buildings. The comment is NOT UPHELD.
Insufficient reversing space for cars parked in Bays 5 and 6 - Non-compliant with Australian Standards	2	The applicant has been advised to consider revising the parking layout. At the same time, the car parking meets the minimum dimensions for car bays and access ways required by the Scheme. The comment is NOTED.
Delicatessen services should be retained	2	The Shop land use allows the existing delicatessen services to be retained. It is the operator's decision whether these services will be provided. The comment is NOTED.
Location of rubbish bins - Smell, noise, proximity to neighbouring outdoor living area	1	City's Environmental Health Services have advised that the bin store enclosure is required to be compliant with the City of South Perth Local Laws 2002. With regards to its location, the department has raised no objection. The comment is NOTED.
Drawings are not updated to reflect compliance with issues that were addressed through specific conditions of the previous approval - Over-height fence; barrier to the car parking area.	1	The specific conditions of approval from the previous application have been carried over to form part of the officer's recommendation to Council for this application. The comment is UPHELD.
Overshadowing is non-compliant	1	The total overshadow cast is 25%, which is compliant with the acceptable development provisions of the R-Codes. The comment is NOT UPHELD.
Concern regarding the residential land use	1	Noting that the site is located within a residential area, the provision of a residence is supported. The comment is NOT UPHELD.
Loss of views of the City due to the proposed 2-storey development and proposed setback from Banksia Terrace	1	While noting that views are desirable and sought, they are not a property right in Western Australia, and not to be used as a means to stop other landowners utilise their entitlements within the prescribed building height and setbacks. The comment is NOT UPHELD.

Submitters' Comments	#	Officer Response
Overlooking from the proposed south-east facing balcony	1	The balcony and other major openings of the development have the necessary minimum setbacks from its lot boundaries in order to comply with the acceptable development provisions of the R-Codes for visual privacy. The comment is NOT UPHELD.
Landscaping details of vegetation to be provided - Would prefer landscaping on the south-eastern boundary to provide screening (e.g. medium trees or shrubs, low leaf shedding; conifer or similar)	1	The comments have been forwarded to the applicant for consideration. A standard condition of approval requiring a landscaping plan to be submitted along with the building licence application has been recommended. The comment is NOTED.

**# - Total number of submissions received.**

**(c) Engineering Infrastructure Services**

This application was not referred to the Manager, Engineering Infrastructure, as comments had been provided for the previous application approved in May 2010. Accordingly, planning conditions and important notes are recommended to deal with the planning matters.

**(d) Environmental Health Services**

Environmental Health Services provided comments with respect to floor waste, grease traps, hand basins, exhaust canopies, noise, bin store location and construction, the Food Act 2008, sanitary and laundry conveniences and mechanical ventilation. Environmental Health have not raised any objections to the proposal, subject to compliance with the applicable legislation and regulations.

Accordingly, planning conditions and / or important notes are recommended to respond to the associated comments.

**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**

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. In addition, the Mixed Development is observed to provide a diversity of dwellings and commercial uses in the locality and provide active surveillance of the street during various times of the day and night, promoting a sense of safety and security amongst the community. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal demonstrates compliance with the relevant objectives and provisions of the Scheme, R-Codes and Council policies. Therefore, officers recommend that the application should be conditionally approved.

### OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a 2-storey Mixed Development (comprising Shop, Café / Restaurant and Dwelling) on Lot 3 (No. 333) Mill Point Road, South Perth, **be approved** subject to:

#### (a) Standard Conditions

210	Screening - Permanent	630	Sightlines for drivers - Street corner
508	Landscaping approved and completed	515	Lighting to communal areas
427	Colours and materials - Details	470	Retaining walls (If required)
377	Screening - Clothes drying	471	Retaining walls - Timing
352	Car bays - Marked and visible	455	Dividing fences - Standards
353	Visitor bays - Marked and visible	456	Dividing fences - Timing
354	Car bays - Maintained	550	Plumbing hidden
390	Crossover - Standards	445	Stormwater infrastructure
393	Verge and kerbing works	660	Expiry of approval - Construction
625	Sightlines for drivers - Driveway	661	Expiry of approval - Use

#### (b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (A) The dining area, including the proposed alfresco seating of the proposed Café / Restaurant, shall not exceed 40.0 sq. metres in order to comply with the car parking requirements of TPS6. Floor plan of the Cafe / Restaurant, showing the layout of tables and chairs along with passageways, is to be submitted for approval at the building licence stage.
- (ii) The maximum opening hours of the Café / Restaurant and the delivery hours shall be strictly limited 7:00am to 9:00pm, 7 days a week. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid and if so, will impose an earlier closing time or other requirements to address the complaints.
- (iii) In order to minimize the noise related amenity impact upon the adjoining residential property at No. 331A Mill Point Road, the owner of the proposed development is required to provide a 2.2 metre high fence on the common south-western boundary extending from the rear of the existing boundary wall of the Café to the rear lot boundary. The fence is to be constructed of either rendered and painted brickwork or alternative masonry materials as sourced by the neighbour. The cost of the fence and its installation is to be borne by the owner of the proposed development.
- (iv) A barrier shall be installed to block access to on-site parking after the approved closing time of the Café. The barrier shall be constructed of safe and impenetrable materials with secure fastenings. A chain across the driveway is not an acceptable form of barrier.



- (v) The car parking bays shall be allocated to occupancies in the following manner on the approved strata plan and on-site:
  - (A) Residential dwelling - 2 bays; and
  - (B) Non-residential tenancies - 8 bays.
- (vi) End of trip facilities for cyclists shall be provided for the use of staff. The design and location of these facilities shall be incorporated in the drawings in accordance with Clause 6.4 of TPS6. The facilities shall be provided at the following ratios:
  - (A) Number of secure clothes lockers - 3.
- (vii) The following aspects of the development are expressly not part of this planning approval:
  - (A) Any signage on-site for the non-residential uses.

**(c) Standard Advice Notes**

700A	Building licence required	762	Landscaping - Plan required
705	Revised drawings required	766	Landscaping - General standards
706	Applicant to resolve issues	717	Liaise - Landscaping plan
716	Fences note - Comply with that Act	790	Minor variations - Seek approval
709	Masonry fences require BA	795B	Appeal rights - Council decision

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) The applicant / owner are advised of the need to liaise with the City's Environmental Health Services in order to comply with all relevant health requirements.
- (ii) The applicant / owner are advised of the need to liaise with the City's Engineering Infrastructure Services in order to comply with all relevant infrastructure requirements.
- (iii) All activities conducted on the premises will need to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
- (iv) It is the owner's responsibility to manage patron behaviour to minimise disturbance to the neighbours.

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

**COUNCIL DECISION ITEM 10.3.1**

**Note:** At the written request of the applicant (received 10 October 2011) this application is withdrawn from consideration at the October Council Meeting to allow for more neighbour consultation.

**10.4 STRATEGIC DIRECTION 4: PLACES**  
Nil

**10.5 STRATEGIC DIRECTION 5: TRANSPORT**

<b>10.5.1 Roads to Recovery Program - Letter of Support</b>
-------------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	RO/401
Date:	26 September 2011
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer.

**Summary**

The purpose of this report is to seek the Council's support of a submission to be forwarded to the Commonwealth Government regarding the urgent need to continue the AusLink Roads to Recovery Program beyond 30 June 2014.

**Background**

The City has received a letter from the Australian Local Government Association (ALGA) asking for a letter of support for the Roads to Recovery Program to be sent to the Prime Minister, Minister for Infrastructure and Transport, Leader of the Opposition and Opposition Transport Spokesman. The City's submission is at **Attachment 10.5.1**.

**Comment**

The AusLink Roads to Recovery Program operates uniformly across Australia. Under current arrangements, each Local Government is guaranteed a share of the total available funding. Under simple administrative procedures whereby spending decisions are made locally and reported to the Commonwealth Government each year, funding is paid directly from the Commonwealth to each Local Government authority.

Funding provided under the Roads to Recovery Program is not intended to replace Local Government spending on roads or State and Territory Government assistance to Local Government for road construction or maintenance. The funding is provided as a tied grant, unlike the financial assistance grants currently paid to Local Government. It is also a requirement that Local Government maintains its expenditure on local roads, provide a schedule of the proposed works and display signage at works funded from the new Program.

The distribution of AusLink Roads to Recovery funds between states is based on a calculation using road length and population. The allocation of funds to Local Government is based on the current allocation of the identified local road component of the financial assistance grants. The annual allocations are fixed for the life of the program. In the case of the City of South Perth, from 2009/2010 to 2013/2014 a total of \$971,500 (or \$194,300 per annum) is allocated for use on local roads.

**Consultation**

There has been no consultation for this report.

**Policy and Legislative Implications**

Currently there are no specific policies relating to prioritising Capital Works projects.

**Financial Implications**

The Roads to Recovery Life of Program Allocation for 2009-10 to 2013-14 for the City is \$971,500. This money allocated for the 2011/12 financial year is 194,300, which will be used to supplement the City's spending on local road construction and maintenance.

The City has received \$816,287 in Roads to Recovery funding to date since the program's inception in 2000. A further amount of \$219,000 will be funded for upcoming projects (ie. Karoo and Lockhart Streets).

#### **Strategic Implications**

The report aligns to "Strategic Direction 6.3" within the Council's Strategic Plan 2010-2015. Strategic Direction 6.3 is expressed in the following terms: This report relates to - *"Develop a stakeholder and advocacy strategy (including partnerships with neighbouring local governments, State and Commonwealth governments) to identify funding and resource sharing opportunities so that the City can deliver the priorities set out in the Strategic Plan."*

#### **Sustainability Implications**

Funding from the Roads to Recovery Program assists to supplement the City's annual spending on local road construction and maintenance. The program is based on the strategic principle of prioritising maintenance, operational and rehabilitation activities over new construction activities and assists to alleviate the funding burden on City ratepayers.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION TEM 10.5.1</b>
-------------------------------------------------------------------

That the City of South Perth sends the submission at **Attachment 10.5.1**, calling on the Commonwealth Government to:

- (a) recognise the importance and successful delivery of the Roads to Recovery Program to Local Government since the programs inception in 2000;
- (b) continue to fund the Roads to Recovery Program on a permanent basis to assist Local Government meet its responsibilities of providing vital infrastructure construction and maintenance to its communities;
- (c) continue to fund the Roads to Recovery Program within the current administrative arrangements; and
- (d) provide an increased level of funding under the future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

CARRIED EN BLOC RESOLUTION

<b>10.5.2 Annual Tender 15/2011 - Various Minor Concrete Works</b>
--------------------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 15/2011
Date:	22 September 2011
Author:	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

#### **Summary**

This report considers submissions received from the advertising of Tender 15/2011 for 'Various Minor Concrete Works'.

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

**Background**

A Request for Tender was recently called for ‘Various Minor Concrete Works’. Tender 15/2011 was advertised in the West Australian on Saturday 25 June 2011. At the close of the Tender advertising period four (4) submissions from registered companies had been received.

The contract documentation nominated 2,000 square metres as being the likely quantity of new paths to be constructed in the twelve month period of supply. The nominated quantities are indicative only and the City is not obligated to provide all of the works within the prescribed 12 month time period.

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

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

Tenderer	Estimated Annual Contract Value (GST Exclusive)
Dowsing Concrete	\$ 240,136
Downer EDI Works	\$269,345
MMM (WA) Pty Ltd	\$292,677
CPD Group	\$648,550

The various minor concrete works are essential to facilitate the completion of the 2011/2012 capital works and maintenance program. This tender forms part of the City’s annual supply tenders and is for a period of supply expiring on 30 June 2012.

**Comment**

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

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

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
Demonstrated ability to perform to perform tasks as set out in the specifications	15%
Works & records experience	15%
Referees	10%
Price	60%
<b>Total</b>	<b>100%</b>

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

TABLE B - Weighted Score and Estimated Tender Prices

Tenderer	Estimated Annual Contract Value (GST Exclusive)	Weighted Score
Dowsing Concrete	\$ 240,136	9.38
Downer EDI Works	\$269,345	8.88
MMM (WA) Pty Ltd	\$292,677	7.96
CPD Group	\$648,550	-1.34

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

The tender submitted by Dowsing Concrete was the lowest of all Tenders received and recorded the highest score of 9.38 in the evaluation matrix. The recommended tenderer has previously undertaken similar work for the City and their performance to date has been satisfactory.

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

Based on the assessment of all tenders received for Tender 15/2011, this report recommends to the Council that the tender from Dowsing Concrete be accepted for the period of supply up to 30 June 2012 in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B.

### **Consultation**

Tender 15/2011 Various Minor Concrete Works was advertised in the West Australian on Saturday 25 June 2011. In total of four (4) tenders were received and these complied with the Request for Tender.

The tender period is less than 12 months and will expire on June 30<sup>th</sup> 2012. The tender period has been set so as to align all tenders into the future to the financial year.

### **Policy and Legislative Implications**

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

The following Council Policies also apply:

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

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

**Financial Implications**

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

**Strategic Implications**

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

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

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

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

**Sustainability Implications**

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

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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</b>
--------------------------------------------------------------------

That Council accepts the Tender submitted by Dowsing Concrete to undertake *Various Minor Concrete Works* in accordance with Tender Number 15/2011 for the period of supply up to and including 30 June 2012.

CARRIED EN BLOC RESOLUTION

**10.6 STRATEGIC DIRECTION 6: GOVERNANCE**

<b>10.6.1 Constitutional Recognition of Local Government</b>
--------------------------------------------------------------

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/205
Date:	30 September 2011
Author:	Ricky Woodman, Corporate Projects Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The absence of formal recognition of local government in the Australian Constitution is a significant omission. The achievement of formal recognition remains one of the main objectives of the Australian Local Government Association (ALGA). Having local government recognised in the Constitution has been at the forefront of debate in successive National General Assemblies of Local Government.

As a result of the Rudd Government's promise to conduct a referendum on the issue, ALGA has developed a strategic process for engaging with local government across the country and has prepared resource materials to inform the discussion of those issues which are likely to arise from the referendum proposal.

ALGA has written to all local governments in the State urging each to make a submission on the discussion paper issued by the Expert Panel on the Constitutional Recognition of Local Government. The period for submissions close on 4 November 2011. ALGA will also be working with state and territory local government associations to make a comprehensive submission to this important process.

### **Background**

In December 2008 ALGA convened a National Constitutional Forum to establish an agreed local government approach. WALGA in turn wrote to all local governments in the State urging each to consider its position on the question of constitutional recognition and the form that recognition may take. To this end Council considered this matter at its June 2008 meeting and resolved at Item 10.5.3 as follows:

*That:*

- (a) *Council resolves to support the process of engagement and consultation established by the ALGA in the drive for recognition of local government in the Constitution and supports the ALGA in seeking to advance the objectives of financial certainty and stability for local government; and*
- (b) *give further consideration to this subject following any motions adopted by WALGA at the Local Government Convention.*

At the March 2011 meeting (Item 10.6.7), Council also resolved the following.

*The City of South Perth declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*

ALGA considers that recognition in the Australian Constitution is one of the most important challenges facing local government today. It is an issue that the ALGA considers needs to be managed properly if local government is to maximise the opportunity to succeed in this challenge.

The push to achieve constitutional recognition of local government has now been given new impetus. Following the 2010 Federal Election Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election.

The discussion paper at **Attachment 10.6.1** (*electronic copy available <http://localgovrecognition.gov.au/sites/localgovrecognition.gov.au/files/discussionpaper>*) issued by the Expert Panel on the Constitutional Recognition of Local Government seeks to gauge public support for recognition in general and for one or more of four specific options for change:

- Symbolic recognition of local government by including it in a new Preamble or Statement of Values;
- Financial recognition of local government, which would allow the Commonwealth to directly fund local government;
- Democratic recognition of local government, which would require states to establish and maintain local government; and
- Recognition through federal cooperation, which would seek to encourage cooperation between the levels of government, including local government.

ALGA's submission will emphasise a preference for financial recognition of local government and outline the comprehensive process undertaken by ALGA in reaching that view, including an assessment of broad public support and support by councils.

#### **Comment**

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. It is obviously in the best interest of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. A change to the Constitution would allow direct funding to Local Government to continue as the capacity of the Commonwealth to directly fund Local Government is in doubt as a result of the Pape High Court case. The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by WALGA and all other state and territory local government associations.

ALGA has now written to all councils asking them to pass a resolution endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution (if one is proposed).

The position adopted by ALGA is consistent with the past resolutions of Council

#### **Consultation**

ALGA has been actively seeking local government support and campaigning for this concept since 2001 when a petition was presented to the House of Representatives to support Constitutional recognition of local government in Australia.

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

Any legislative and policy implications of matters arising are discussed in the report.

#### **Financial Implications**

Nil

#### **Strategic Implications**

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

#### **Sustainability Implications**

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



<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1</b>
--------------------------------------------------------------------

That

- (a) the City of South Perth....
- (i) reaffirms its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly; and
  - (ii) supports the inclusion of local government in any new 'Preamble' to the Constitution and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition; and
- (b) this position be conveyed to the Expert Panel on "Constitutional Recognition of Local Government".

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Nil

**13. QUESTIONS FROM MEMBERS**

**13.1. Response to Previous Questions from Members Taken on Notice**

<b>13.1.1 Terms and Conditions - Old Mill Redevelopment....Cr Skinner</b>
---------------------------------------------------------------------------

Summary of Question

Following on from Cr Burrow's question on the Old Mill Precinct Redevelopment Plan, could the CEO advise on the contractual arrangements ie terms and conditions in relation to Garry Lawrence.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 October 2011, a summary of which is as follows:

Garry Lawrence has been engaged as the Project Manager / Architect to progress the Old Mill Precinct Plan because of his long association with the project and his specialised knowledge and expertise in relation to the area. In particular, Garry has been engaged to progress Council's resolution of 3 May 2011 which involves:

- Upgrade the concept plan following community (and DAC) consultation;
- Prepare a detailed financial budget for Millers Pool and the "Tram" house;
- In assessing the costs of the "Tram" house it will be necessary to research integration issues with the proposed Gallery / Museum; and
- Engaging appropriate consultants to provide an accurate assessment of the costs involved.

## 13.2 Questions from Members

### 13.2.1 South Perth Foreshore Litter ..Cr Hasleby

#### Summary of Question

The important CHOGM meeting and accompanying sport, entertainment and Commonwealth Festival later this month (20- 28 October 2011) will attract thousands of international dignitaries, their accompanying staff and journalists representing the world's substantial print and electronic media. As the City of South Perth will become a main focus and destination to the many thousands of visitors to CHOGM and accompanying events, I ask:

1. Is the Swan River Trust planning a clean-up of the rubbish and debris that presently litters the South Perth river foreshore area between the Narrows Bridge and the Causeway?
2. If such a clean-up of the South Perth river foreshore is not planned, will the City approach to the SRT to undertake the task of cleaning the discarded packaging, plastic bottles, carry bags and other rubbish along that stretch of shoreline, prior to the start of CHOGM and the associated activities?"

#### Summary of Response

The Mayor responded that the City is proposing to conduct a cleanup of the South Perth foreshore to ensure that all rubbish and debris is removed ahead of CHOGM. As a section of the foreshore is within the jurisdiction of the Town of Victoria Park, the City is proposing to liaise with this authority to ensure that a coordinated approach to the clean-up occurs. In addition to the removal of rubbish and debris, the City is proposing that Sir James Mitchell Park be appropriately mowed to present a favourable impression to visitors.

Regarding involvement with the Swan River Trust, the City will approach this authority for funding and resource assistance, given Perth water is under their immediate control.

### 13.2.2 Radio Sailing Association Request for Venue..... ..Cr I Hasleby

#### Summary of Question

The Radio Sailing Association of Western Australia has been liaising with the City of South Perth since April this year on a proposal by the Association for the development of an international standard radio sailing venue in Sir James Mitchell Park.

Scale size radio sailing is a passive recreational facility for people of all ages and presents very low environmental impact that is not a threat to birds or wildlife as there are no motors or fuels used, no damage is caused to lake linings or banks, no noise emissions, no waste rubbish and the course buoys that are positioned for competition by members are removed after sailing. All RC yachting clubs in WA are affiliated with the Association which administers public liability insurances for members, safety standards, management of state and national sailing events. The yachting clubs sail at different locations in metropolitan Perth and WA country areas, including Burswood, Woodlands and the South Perth foreshore that have attracted families and spectators on the grass areas around the lakes to watch the sailing.

The RSAWA is seeking a permanent home base that provides water depth over one metre, a sailing area of approximately 150 metres by 100 metres, a small landing to launch and retrieve the boats and possibly a small lock-up storage building. Association Secretary Mr Rodney Popham has proposed using the eastern lake at the end of Hurlingham Road that would require dredging in some locations and removal of rubbish from the lake bottom.

The City of South Perth has responded to the Radio Sailing Association proposal in part stating: *“the City has long term proposals for the eastern lake at the end of Hurlingham Road. These potentially include the development of a black swan habitat and redevelopment of the existing toilet facilities into a visitor/coffee shop/restaurant.”*

As well the City agrees that radio sailing is a low impact passive activity and could blend in quite well with the other proposals. However the Association was advised of some concerns by the City including Swan River Trust requirements and approvals, environmental compliance, community acceptance and who is paying for the works required?

**Question**

I ask that the proposal to establish a radio sailing facility in the area be considered for inclusion in the City’s Master-plan development for Sir James Mitchell Park and that further discussions are conducted with the Radio Sailing Association of Western Australia with the aim of trying to achieve the project proposal.

**Summary of Response**

The Mayor responded that the City has long term proposals for the eastern lake at the end of Hurlingham Road. These potentially include the development of a Black Swan habitat and the redevelopment of the existing toilet facilities into a visitor centre / coffee shop / restaurant. There is no funding currently allocated or projected by the City, for any of these activities.

The City agrees that radio sailing is a low impact passive activity and could blend in quite well with the other proposals. The City does however have some concerns and there are (as always) a number of steps to take before this proposal can be appropriately considered. These include:

- Swan River Trust requirements and approvals;
- Environmental compliance;
- Community acceptance, and most importantly;
- Who is paying for the works required?

In regard to the last point, any excavation on this section of the river foreshore will be expensive. The reasons for this are because it is an old rubbish tip site, and the high probability of acid sulphate soils being present, which will require treatment.

The City is commencing the development of a Master-plan for Sir James Mitchell Park this financial year, which will guide the future development and management of the Park. As a result, the City believes the radio sailing proposal should be considered in the broader context of the Master-plan.

**13.2.3 Terms and Conditions - Old Mill Redevelopment....Cr Skinner**

**Summary of Question**

In relation to the question at Item 13.1.1 which was ‘taken on notice’ at the September Council Meeting, the response does not adequately cover the question raised - *Could the CEO advise on the contractual arrangements ie terms and conditions in relation to Garry Lawrence?*

**Summary of Response**

The CEO stated that he was satisfied that the response provided had answered the question.

**13.2.4 Mosquito Management Waterford .....Cr Burrows**

Summary of Question

Can the Officers please advise us of the status of engaging the Consultant for the mosquito issues in Waterford?

Summary of Response

The Mayor responded that the City has appointed Darryl McGinn from Mosquito Consulting Services Pty Ltd to conduct the review of the City's Mosquito Management Plan. Mosquito Consulting Services Pty Ltd is a Queensland based firm with very impressive credentials in mosquito management. The review will commence in early November.

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

**15. MEETING CLOSED TO PUBLIC**

**15.1 Matters for which the Meeting May be Closed.**

Nil

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

Nil

STATEMENT BY THE MAYOR - END OF HIS TERM

The Mayor said that as this was his last Council Meeting he wished to thank each and every one of the Councillors for the time and effort they put in over the past 4 years and the amount of engagement with the members of the community and the various community groups. He said without that support and passion this Council would not play such an important role in shaping the future of the City. He then thanked all the officers for their work in maintaining the many areas of the City in a wide variety of professions. He extended best wishes to those Councillors continuing and wished the Councillors up for re-election good luck.

Cr Cala, on behalf of the Councillors extended his gratitude to the Mayor on his leadership and commitment over the past 4 years and wished him well for the future.

**16. CLOSURE**

The Mayor thanked everyone for their attendance and closed the meeting at 7.33pm

**DISCLAIMER**

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

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

**These Minutes were confirmed at a meeting on 22 November 2011**

Signed \_\_\_\_\_

**Chairperson at the meeting at which the Minutes were confirmed.**

**17. RECORD OF VOTING**

11/10/2011 7:08:48 PM

**Motion 7.1.1 Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote

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11/10/2011 7:09:18 PM

**Motion 7.2.1 Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote

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11/10/2011 7:10:52 PM

**Motion 8.1.1 Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote

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11/10/2011 7:11:26 PM

**Motion 8.4.1 Passed 12/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Cr Betty Skinner, Casting Vote

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11/10/2011 7:12:04 PM

**Motion 8.4.2 Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote

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11/10/2011 7:12:45 PM

**Motion 8.5.1 Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote

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11/10/2011 7:14:11 PM

**Motion 9.0 En Bloc Passed 13/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala  
No: Absent: Casting Vote