

AGENDA

Ordinary Council Meeting

26 March 2013

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Meeting of the City of South Perth Council will be held on 26 March 2013 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00pm



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
22 March 2013

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**
Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.
- **Minutes and Agendas**
As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.
- **Meet Your Council**
The City of South Perth covers an area of around 19.9km² divided into six wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

www.southperth.wa.gov.au/Our-Council/

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

(Attached to Agenda paper)

3.2 PUBLIC QUESTION TIME

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

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.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no questions taken on notice at the last meeting.

6.2 PUBLIC QUESTION TIME: 26 MARCH 2013

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 26 February 2013

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 26 February 2013 be taken as read and confirmed as a true and correct record.

7.1.2 Audit and Governance Committee Meeting 6 March 2013

RECOMMENDATION

That the Minutes of the Audit and Governance Committee meeting held 6 March 2013, at **Attachment 7.1.2**, be taken as read and confirmed as a true and correct record.

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 – February Ordinary Council Meeting 19 February 2013

Officers of the City presented background information and answered questions on items identified from the February 2013 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Briefing – Amendment 34 (The Telstra Site) 5 March 2013

City officers and a consultant presented information on Amendment 34, in relation to the rezoning of Pt. Lot 2 (No. 54) Manning Road Cnr Ley Street, Manning 'Telstra Site'. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing – Local Government Reform 19 February 2013

The Chief Executive Officer presented information on the proposed Local Government Reform, including next steps on the City's submission in response to the Robson Report. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

RECOMMENDATION

That the attached Notes under Items 7.2.1 to 7.2.3 on Council Briefings be noted.

8. PRESENTATIONS

8.1 PETITIONS

A formal process where members of the community present a written request to the Council.

8.1.1 Ernie Strahan, 16 Westland Place, Waterford – Petition regarding the water body at Doneraile Park, received 18 March 2013

A petition was received 18 March 2013 from Ernie Strahan, 16 Westland Place, Waterford together with 79 signatures in relation to the water body at Doneraile Park, Doneraile Crescent, Waterford.

Text of the petition reads:

"We the undersigned petition the Mayor and Councillors to either erect a child proof fence to the standard required for private swimming pools or fill in the water body situated in Doneraile Park, off Doneraile Crescent, Waterford, to prevent a tragedy occurring. Currently the park, children's playground and the water body are not compatible for child safety.

The pond has three places around it which has a vertical drop into the water varying between 60 cm and 70cms deep. It is situated 40 metres from the children's playground.

The present combination creates a serious safety hazard for pre-school children living in the vicinity, including a little girl who is Down Syndrome. She is three years old and just starting to walk. These children are highly likely to wander and have no sense of danger. There has been one near fatality when a pre-schooler fell in and became tangled in

vegetation and was unable to get out. Fortunately his Grandmother saw him and rescued him.

The Council is the governing body, therefore it is responsible to provide a safe environment for the local children whilst in the Park.”

RECOMMENDATION

That the Petition received 18 March 2013 from Ernie Strahan, 16 Westland Place, Waterford, together with 79 signatures be forwarded to the Director of Infrastructure Services for consideration.

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.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: WALGA South East Metropolitan Zone Meeting 27 February 2013

A report from Cr Trent, Mayor Doherty and Phil McQue summarising their attendance at WALGA South East Metropolitan Zone Meeting held 27 February 2013 is at **Attachment 8.4.1**.

8.4.2 Council Delegate: Rivers Regional Council Ordinary General Meeting 21 February 2013

A report from Cr Cala, Cr Trent and Stephen Bell summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 21 February 2013 is at **Attachment 8.4.2**.

8.4.3 Council Delegate: Perth Airport Municipalities Group Meeting 7 March 2013

A report from Cr Hasleby, Cr Skinner and Phil McQue summarising their attendance at the Perth Airport Municipalities Group (PAMG) meeting held 7 March 2013 is at **Attachment 8.4.3**.

RECOMMENDATION

That the Delegate's Reports at **Attachment 8.4.1**, **Attachment 8.4.2**, and **Attachment 8.4.3**, be received.

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment 36 to Town Planning Scheme No. 6 – No. 9 Bradshaw Crescent & No. 8 Conochie Crescent, and Lots 9 and 11 Welwyn Avenue, Manning

| | |
|--------------------|---|
| Location: | No. 9 Bradshaw Crescent & No. 8 Conochie Crescent, and Lots 9 and 11 Welwyn Avenue, Manning |
| Applicant: | City of South Perth |
| Date: | 7 March 2013 |
| Author: | Chris Schooling, Senior Strategic Projects Planner |
| Reporting Officer: | Vicki Lummer, Director Development & Community Services |

Summary

Amendment No. 36 to the City of South Perth Town Planning Scheme No. 6 (TPS6) was initiated for the purpose of introducing two three dimensional building envelopes for 9 Bradshaw Crescent and 8 Conochie Crescent, Manning, and introducing specific Scheme provisions for Lots 9 and 11 Welwyn Avenue, Manning. The draft Amendment proposals have been advertised for community comment and 54 submissions were received. After considering each of the comments made, the recommendation is that Amendment No. 36 proceeds to finalisation with one modification and that this recommendation be forwarded to the Minister for final approval.

Officer Recommendation

That

- (a) Amendment No. 36 to the City of South Perth Town Planning Scheme No. 6 be adopted with the following modification:
 - (i) Reduction of the two three dimensional building envelopes to be consistent with the Current 7.0 metre Building Height Limit for the subject lots, in the City of South Perth Town Planning Scheme No. 2.
- (b) The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:
 - (i) Introducing two three dimensional building envelopes, and specific Scheme provisions, for 9 Bradshaw Crescent, and 8 Conochie Crescent, Manning; and
 - (ii) Introducing specific Scheme provisions for Lots 9 and 11 Welwyn Avenue, Manning.

Background

This report includes the following attachments:

- **Attachment 10.0.1(a):** Report on Submissions.
- **Attachment 10.0.1(b):** Amendment No. 36 document for final adoption.

Amendment No. 36 was initiated at the September 2012 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The subsequent clearance from the EPA allowed community advertising and consultation to proceed.

Comment

At its Ordinary Meeting in September 2012, Council adopted Amendment 36 for the purposes of referral to the EPA and community consultation. The adopted Amendment 36 featured two three dimensional building envelopes, which comprised heights of 14.0

metres, or notionally four storeys. The building height provision, including the roof envelope, was taken from the relevant requirements of Town Planning Scheme No. 6. The two upper levels were to be set back from the public streets, and the central pedestrian street, by 3.0 metres, to reduce bulk when viewed from the public spaces.

Through the community consultation, it has become apparent that there is limited support for a 14.0 metre building height. It is therefore recommended to reduce the height of the three dimensional building envelopes to 7.0 metres, or notionally two storeys. The sites currently have a 7.0 metre building height limit under Town Planning Scheme No. 6, so the three dimensional building envelopes have been reduced to accord with the existing building height limit.

There is no further change to the two three dimensional building envelopes, or any of the planning requirements for Lots 9 and 11 Welwyn Avenue from the original version of Amendment 36. The three dimensional building envelopes ensure that appropriately sized buildings are constructed to enhance the retail, entertainment and residential nature of the Manning Hub. By removing the restrictive requirements currently in Town Planning Scheme No.6, the building envelopes allow freedom of architectural expression and minimise wasted space. Further to the building envelopes, it is important for development on Lots 9 and 11 Welwyn Avenue to provide open and active frontages to the new access-way over Lot 10 Welwyn Avenue. Development on Lots 9 and 11 Welwyn Avenue will contribute to pedestrian comfort and interest through these requirements.

The community consultation in relation to the proposed Amendment 36 is discussed in the Report on Submissions (**Attachment 10.0.1(a)**). The proposal was advertised in the manner described in the 'Consultation' section of this report, resulting in 54 submissions. If the Council supports this recommendation, it will be conveyed in the form of a recommendation to the Minister for Planning, who will make the final determination on the proposal.

Consultation

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

- (i) Method and Extent:
 - Personally addressed notices mailed to 2,048 land owners and property occupiers, government agencies and other interested parties;
 - A sign on the Amendment sites;
 - *Southern Gazette* newspaper notices (two issues);
 - Notices and documents displayed in Civic Centre, Libraries, George Burnett Leisure Centre and web site.
- (ii) Time period:
 - 74 days between 12 November 2012 and 25 January 2013, the required minimum period being 42 days.

The details of the advertising process associated with Amendment No. 36 are contained in the Report on Submissions. This Report, including a Schedule of Submissions, contains discussion and a Council recommendation on each of the comments raised by the submitters. The Report will be provided to the Western Australian Planning Commission (WAPC) for further consideration and for recommendation to the Minister for Planning.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 36 is set out below,

together with an estimate of the likely time frame associated with each stage of the process. Those stages which have been completed are shown shaded:

| Stage of Amendment Process | Estimated Time |
|--|-------------------------------------|
| Council resolution to initiate Amendment No. 36 to TPS6 | 25 September 2012 |
| Council adoption of draft Scheme Amendment No. 36 proposals for advertising purposes | 25 September 2012 |
| Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information | EPA Advice received 22 October 2012 |
| Public advertising period of not less than 42 days | 12 November 2012 – 25 January 2013 |
| Council consideration of Report on Submissions | 26 March 2013 |
| Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 36; • Three signed and sealed copies of Amendment No. 36 documents for final approval | Early April 2013 |
| Minister's final determination of Amendment No. 36 to TPS6 and publication in <i>Government Gazette</i> | Not yet known |

Following Council's recommendation to the Minister that Amendment No. 36 proceed, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council's recommendation.

The acquisition and sale of the sites is guided by the City's Policy P687 Development of Council Owned Land. This policy states that applications involving the rezoning or development of land owned or under the control of the City for commercial purposes is to be assessed independently. However, Policy P687 is not considered relevant to this particular item as Amendment 36 does not propose amending the zoning of the subject land nor does it propose the development and construction of any buildings by the City. The subject land is presently zoned 'Neighbourhood Centre Commercial' and this zoning will remain in place should this Amendment 36 be approved. There is also no development proposed as part of this Scheme Amendment 36 proposal.

Hesters Property Solutions has been working with the City throughout the land acquisition process. Following extensive community consultation that showed positive community support for this proposal, the City made a formal submission to the Department of Regional Development and Lands on 11 August 2011 to acquire a portion of Reserve 24311 from the State Government. This proposal was subsequently advertised state-wide by the Minister for Lands on 28 March 2012 for a thirty day consultation period. The proposal was then tabled in both Houses of Parliament on 26 September until 29 November 2012 with no disallowances received during this period. Due to an administrative error by the Department of Regional Development and Lands, this proposal was only tabled for thirteen days rather than the required fourteen days. The Department will submit the proposal for one further day of tabling when Parliament resumes to conclude the final part of this process.

In terms of the Scheme Amendment process, the Planning and Development Act 2005 was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme, in justified cases. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which "ought to be adopted", the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

Financial Implications

Although the Amendment is proposed by the City the appropriate Planning Fee will apply. Purchase of the land will result in enhancing community facilities.

Indicative funding for the construction of the Manning Community Facility has been allowed for in the City's Long Term Financial Plan, however this funding is contingent on the disposal of certain parcels of City held land, including the Manning commercial land, Ray Street land and Civic Triangle site. These transactions would also need to occur in accordance with the timelines suggested by the cash flow in the Long Term Financial Plan.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 4 – Places “*Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

The proposed Scheme Amendment 36 will provide the ability for built form and land uses, which serve as an extension of the Welwyn Avenue shopping centre and influence the commercial and recreational choice of the Manning community, to be developed in a cohesive and appropriate manner.

The proposed Scheme Amendment provides the mechanism for the development potential of 9 Bradshaw Crescent, and 8 Conochie Crescent, to be increased. In turn, the development which occurs on these sites will provide increased commercial and leisure opportunities for the Manning and wider community, along with further employment opportunities in the locality, and broader housing choice.

The mechanisms proposed in the Scheme Amendment serve to ensure these outcomes are achieved in an imaginative and flexible manner.

10.1 STRATEGIC DIRECTION I : COMMUNITY

10.1.1 City of South Perth Draft Aboriginal Engagement Strategy Public Consultation

Location: City of South Perth
Date: 6 March 2013
Author: Danielle Cattalini, Grants and Consultation Officer
Reporting Officer: Sandra Watson, Manager Community, Culture and Recreation

Summary

Following the *Visioning* process the City has been committed to improving engagement methods with Aboriginal people within the local community. For the past two years, the City has been working with the Aboriginal Engagement Strategy Working Group (AESWG) on the draft Aboriginal Engagement Strategy.

The purpose of this report is to present to Council the details of the findings of the public consultation process of the Draft Aboriginal Engagement Strategy, as per Council resolution from the 22 May 2012 meeting:

That

(a) Council endorse the City of South Perth AESWG draft Aboriginal Engagement Strategy, its findings and recommendations for the purposes of undertaking further public consultation; and

(b) Officers to present a report to the earliest available Council meeting detailing the findings of the public consultation along with a revised draft Aboriginal Engagement Strategy for endorsement by Council that incorporates the findings of the consultation, where appropriate.

Officer Recommendation

That

- (a) Council endorses the final Aboriginal Engagement Strategy and incorporated amendments as a result of the consultation process and recommendations of the Aboriginal Engagement Strategy Working Group, and that officers implement the Strategy.
- (b) The Aboriginal Engagement Strategy Working Group continues to operate as a 'reference' group for the life of the Aboriginal Engagement Strategy.

Background

During the 2009 'Visioning' process the community of the City of South Perth identified the area of Aboriginal engagement, communication and reconciliation as a priority. As a direct result, the City of South Perth Aboriginal Engagement Strategy Working Group was established in March 2011 and subsequently developed a draft Aboriginal Engagement Strategy which was presented to Council in May 2012.

The final Aboriginal Engagement Strategy (AES) contains a number of actions and objectives which are categorised into four guiding principles:

- *Connection/Inclusiveness*

Definition as per AES – Connecting people and places; working on supporting and building relationships; inclusion of all; bringing together; creating community.

Some of the proposed actions include – Acknowledgement and/or Welcome to Country at selected City of South Perth city and community events, such as citizenship ceremonies and Fiesta events; and encourage local schools to fly the Aboriginal flag.

- *Advancement*

Definition as per AES – Moving forward.

Some of the proposed actions include – Promote cultural exchange and provision of opportunities to headline, promote and include Noongar/Bibbulmun culture into City of South Perth events and activities where possible. Ensure that the City of South Perth community grant information is distributed and promoted to Aboriginal community groups, schools and other relevant bodies.

- *Relationships*

Definition as per AES – A connection; association; involvement.

Some of the proposed actions include – Consult relevant Noongar/Bibbulmun community members on matters relating to land use where relevant. Respect and acknowledge dates significant to Aboriginal and Torres Strait Islanders.

- *Visibility*

Definition as per AES- The act or fact of being visible.

Some of the proposed actions include – Include Noongar/Bibbulmun history on the history page of the City's website. Include Noongar/Bibbulmun cultural information in existing City of South Perth maps, brochures and local flora and fauna guides.

Comment

The public consultation process was conducted by City officers and members of the CoSP Aboriginal Engagement Strategy Working Group from 1 July 2012 to 30 September 2012.

A number of techniques, methods of engagement, and consultation and feedback opportunities were utilised in the public consultation process for the Aboriginal Engagement Strategy. These are listed in the table below:

| | |
|----------------------------------|---|
| DL Brochure | <p>The Draft City of South Perth Aboriginal Engagement Strategy was summarised into a DL brochure under the main headings of:</p> <ul style="list-style-type: none"> • Connection/Inclusiveness • Advancement • Relationships • Visibility <p>Information on the brochure included advice on how to make comment, directed people to the website and outlined ways in which further information could be obtained and how to make submissions.</p> <p>These were distributed via Moordijit Keila Aboriginal Community Group, South Perth library, Manning library and to various service providers within the City.</p> |
| Website | <p>The draft Aboriginal Engagement Strategy was placed on the City of South Perth website in the 'Out for comment' section and in the 'What's new?' sections with public feedback/comment sought from 1 July – 30 September 2012. Submissions were taken directly online, by post or by submitting directly to the City</p> |
| Public displays | <p>Public displays were placed at the South Perth and Manning Libraries with hardcopies of the Draft Aboriginal Engagement Strategy available, along with information about the consultation process and information forms for feedback/comment</p> <p>Display at the George Burnett Leisure Centre with information about the strategy, where to get further information on the strategy and requesting comment and feedback</p> |
| Manned shopping centre display | <p>Manned display at the Waterford Plaza Shopping Centre, Karawara on Saturday 1 September 2012 from 8.30am – 5pm with members of the Aboriginal Engagement Strategy Working Group present to assist with questions, receive feedback and promote the strategy and consultation</p> |
| Direct mail out | <p>354 letters were sent to Aboriginal groups or community/sporting/interest groups who work directly with Aboriginal people in the City with a brochure outlining the strategy and consultation process and requesting those interested submit a comment</p> |
| Aboriginal Elders Morning Tea | <p>Aboriginal Elder morning tea held at the City of South Perth Reception Room on Monday 27 August 2012</p> |
| Aboriginal Community Morning Tea | <p>Aboriginal community morning tea held at the City of South Perth Reception Room on Wednesday 29 August 2012</p> |
| Radio talkback | <p>Discussion on Perth's Noongar Radio Station about the strategy and consultation process</p> |
| Media releases | <p>Releases prepared by the City's Communication Team</p> |

Consultation

The following table lists the submissions received during the public consultation phase:

| | |
|---|--|
| Formal written submissions (brochure forms, online and letters) | <ul style="list-style-type: none"> Eight formal written submission were received from members of the public (please refer to Attachment 10.1.1(a)) during the public consultation period |
| Elders morning tea | <ul style="list-style-type: none"> Nine people of Aboriginal descent, including four Elders attended the morning tea Discussions held at the Elders morning tea with the strategy presented and Elders raising points such as names, importance of education and employment development for Aboriginal people (especially the youth). Elder Dorothy Winmar thanked the City for the initiative stating that it was an important step and must continue to improve the lives of Aboriginal people. |
| Direct verbal feedback comments- Waterford Plaza Shopping Centre display and others | <ul style="list-style-type: none"> Direct feedback from the community at the Waterford Plaza Shopping Centre manned display with awareness raising of the Strategy and general interest in the objectives and process Verbal feedback from community members who did not have a direct comment on the Strategy but wanted to express their support for the document and its implementation within the City of South Perth |
| Informal written and telephone responses | <ul style="list-style-type: none"> Two emails were received and five telephone conversations with members of the public and City officers took place. All congratulated the City on the Strategy |

All the feedback and comments received were presented to the Aboriginal Engagement Strategy Working Group (AESWG) and discussed at a special meeting. Using this information, further amendments to the draft Aboriginal Engagement Strategy and acceptance of these changes were made and voted on by the AESWG.

Accordingly the following changes/corrections/additions have been made to the Draft Aboriginal Engagement Strategy:

| Amendment/Recommendation: | Action |
|---|-------------------|
| Minor changes and corrections including: correction of spelling errors, names, numbering of actions for consideration and allocation of actions. | Done |
| Addition of key recommendations to ensure the sustainability of the Aboriginal Engagement Strategy including: <ul style="list-style-type: none"> Acceptance, implementation and commitment by the City of South Perth; Acceptance and support of the strategy by the Aboriginal and non-Aboriginal community; Continuation of the AESWG as an appropriate forum to guide actions and act as a reference group for the CoSP Aboriginal Engagement Plan; Annual review of the CoSP Aboriginal Engagement Strategy . | Done |
| Addition of Bibbulmun / Wadjuk people as part of the reference name for Aboriginal people and descendants, as well as Noongar – to represent both male and female – Note: Noongar generally means ‘man’ | Done |
| Inclusion of Kevin Rudd’s apology speech – incorporated into the introduction of the Strategy document | Done |
| The City of South Perth to run a NAIDOC week event. (Note: in 2012 | Already completed |

| | |
|---|--|
| the City had its first flag raising ceremony and morning tea at the Civic Centre as part of the NAIDOC week celebrations). | & to be included in the event calendar |
| Addition of a reference in the Strategy document to the review of internal City of South Perth documents and policies to include representation and consideration of Aboriginal people. | Done |
| Addition to the Strategy document of further details in relation to employment creation | Done |
| Addition of acknowledgement of past injustices in the Strategy document | Done |
| Addition of recording and greater inclusion of Aboriginal history in the City (Note: oral history grant received and recording of local Elder Dorothy Winmar completed in January 2013) | Done |
| Inclusion of a map in the Strategy document outlining the Aboriginal Groups within the south west of Western Australia | Done |

A copy of the final *Aboriginal Engagement Strategy* can be found at **Attachment 10.1.1(b)**.

Policy and Legislative Implications

Nil.

Financial Implications

Costs associated with the public consultation process were covered within the departmental operational budget.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 1 – Community “*Create opportunities for a safe, active and connected community*”

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). In addition, the AES document includes the following key requirements to ensure the sustainability of the Aboriginal Engagement Strategy going forward:

- Acceptance, implementation and commitment by the City of South Perth;
- Acceptance and support of the strategy by the Aboriginal and non-Aboriginal community;
- Continuation of the Aboriginal Engagement Strategy Working Group in an appropriate form to guide actions and act as a reference group for the CoSP Aboriginal Engagement Strategy; and
- Review of the CoSP Aboriginal Engagement Strategy annually.

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

Location: City of South Perth
 Applicant: Council
 Date: 7 March 2013
 Author: Jenni Hess, Recreation Development Coordinator
 Reporting Officer: Sandra Watson, Manager Community, Culture and Recreation

Summary

To consider applications for the 2013/2014 Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Program (Winter Round). This round of funding has 2 applications.

Officer Recommendation

That

- (a) the applications 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 |
|------------------------------------|---------|--------|
| Hensman Park Tennis Club | 1 | A |
| Wesley South Perth Hockey Club Inc | 2 | B |

- (b) an amount of \$26,253.33 (ex GST) as the City's contribution for the CSRFF Small Grants be included for consideration on the 2013/2014 Draft Budget, subject to this application being successful with Department of Sport and Recreation.

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 2013/2014 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 |

Small Grants program

The small grants program has 2 funding rounds, one in winter (opens February) and one in summer (opens July). 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 \$150,000. The CSRFF grant must be at least matched by the applicant's 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, small grants for this round of applications in this category must be claimed in the financial year following the date of approval. Therefore projects in this round must be claimed and acquitted by 15 June 2014.

Comment

Two applications have been received by the City for the 2013/2014 CSRFF small grants (winter round):

(i) Wesley South Perth Hockey Club Inc (Feasibility Study - Synthetic hockey pitch)

| | |
|-------------------------------------|--------------------------|
| CSRFF Grant sought | \$ 11,500 (ex GST) |
| City's contribution | \$ 11,500 (ex GST) |
| Club's contribution | \$ 11,500 (ex GST) |
| Estimated Total Project Cost | \$34,500 (ex GST) |

(ii) Hensman Park Tennis Club (Fence replacement)

| | |
|-------------------------------------|--------------------------|
| CSRFF Grant sought | \$ 14,753 (ex GST) |
| City's contribution | \$ 14,753 (ex GST) |
| Club's contribution | \$ 14,753 (ex GST) |
| Estimated Total Project Cost | \$44,260 (ex GST) |

Assessment

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

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

These results are summarised below.

| Applicant | Project | Ranking | Rating | City's Contribution | Total project Cost |
|--------------------------------|--|---------|--------|----------------------|--------------------|
| Hensman Park Tennis Club | Fence replacement to perimeter of tennis club grounds | 1 | A | \$14,753.33 (ex GST) | \$44,260 (ex GST) |
| Wesley South Perth Hockey Club | Feasibility Study, needs assessment for synthetic hockey pitch | 2 | B | \$11,500 (ex. GST). | \$34,500 (ex GST) |

Hensman Park Tennis Club (HPTC)

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

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

The Hensman Park Tennis Club is situated on Reserve Lot 46, R3617, (No.24) Anstey Street, South Perth. This is a small scale project that entails the removal of the existing dilapidated perimeter fencing and the supply and installation of new barrier fencing with top and bottom rails. The new fence is planned to be consistent with other parts of the fence that were upgraded when the most recent hard courts and lighting were installed in the 2006/2007 financial year, also under the CSRFF funding program. The club unsuccessfully applied for the grant in 2012.

The primary purpose of the project is to ensure the facility is safe for the community and club members. The existing fence is a potential hazard due to its sharp, rusty and broken parts. Balls also slip through the broken fence and onto the relatively busy Coode Street and into surrounding residential homes. In addition, with the current fence looking unkempt it is unsightly and could convey the impression that the club, the City and governing bodies do not consider the facility a valuable asset.

The Hensman Park Tennis Club is affiliated with Tennis West and is one of Perth's most vibrant and successful clubs. This project, to replace and upgrade the dilapidated perimeter fencing is warranted and consistent with other recently upgraded areas of the facility. Tennis West, fully support the Hensman Tennis Club's application for this project and from

the City of South Perth's perspective, this minor upgrade project is well overdue and will benefit the community in terms of place making and physical activity opportunities.

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

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

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

Wesley South Perth Hockey Club Inc (Feasibility Study for synthetic hockey pitch)

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

- That based on advice from DSR, the club should explore options to include broader, regional stakeholders such as Town of Victoria Park and associated clubs, schools and community groups in the planning and future use of such a facility;
- The City of South Perth is a key stakeholder and must be consulted during the process of the study;
- A district/regional approach is required;
- The need for the City to encourage and support clubs to follow a strategic planning process, which includes needs assessment and feasibility studies;
- The City recognises that a feasibility study and needs assessment is a compulsory step toward planning any future facilities;
- That the scope of the study is expanded to incorporate potential suitable sites outside of the City that meet needs at a district/regional level.
- Synthetic playing surfaces are emerging as a trend for the future, in respect to climate change and maintenance minimisation; and
- The City is not currently making any commitment to the construction (and financing) of a synthetic hockey pitch.

The Wesley South Perth Hockey Club Inc (WASPs) in partnership with Curtin Trinity Pirates Hockey Club and Wesley College are proposing to contract GHD Pty Ltd to undertake a needs assessment and feasibility study for the construction of a synthetic hockey pitch in the City of South Perth.

The Club unsuccessfully applied for the grant in 2012. In reapplying, and based on advice from the Department of Sport and Recreation, the club has sought to expand the scope of the study. This will incorporate potential sites adjacent to the City of South Perth and potential partners including Town of Victoria Park and associated hockey clubs. Due to the relative exclusive nature of a synthetic hockey pitch, a district/regional approach is required to justify the expenditure on such a facility.

In addition, the club has worked closely with Hockey WA and Hames Sharely, who have submitted a preliminary 'Catchment Assessment of Synthetic Hockey Pitch Facilities in the

South Perth area'. Primarily this document demonstrates there are currently ten (10) synthetic turfs in Perth and Mandurah as at January 2013, of which three pitches belonging to Aquinas College, Hale School and Perth Hockey Stadium are either for exclusive use of schools or high performance teams, leaving seven (7) turfs available for club use in the Perth metropolitan area.

The feasibility study will explore:

- Current and future trends for hockey;
- A review of existing provision;
- Community consultation (including DSR, City of South Perth, Hockey WA, DSR, Town of Victoria park & associated clubs);
- Analysis of social indicators;
- A review of Hockey WA Strategic Facilities Plan;
- Local Government Authority plans;
- Identification of gaps and duplications in the southern suburbs; and
- Identification of potential sites within, adjacent and/or nearby the City of South Perth.

The aim for the club is to assess possible locations within close proximity to the City of South Perth, and identify optimal solutions regarding the location, size and potential use of such a hockey facility. The study will also identify the operational requirements for the facility including life cycle costs and capital costs.

According to the club, hockey is now almost exclusively played on artificial turf at an elite and competitive level, and approximately 50/50 artificial turf/grass at junior, veteran and social levels. The club asserts that continued existence of the major hockey clubs in the City of South Perth relies on having extensive access to artificial turf pitches for games and training. The Hockey WA facilities at Curtin University have increasingly come under heavy demand in recent years, including extensive use by national and international teams. The club's need for access to artificial turf has not been met in recent years, and will continue to not be met in the foreseeable future, by the existing Hockey WA facilities.

In line with its strategic planning processes, the City has not identified the need for a synthetic hockey pitch as a high priority. Hockey WA's Strategic Facilities Plan does not give priority for more synthetic hockey pitches within the City of South Perth region, given the proximity to Perth Hockey Stadium (Curtin University), Shenton Turf Hockey (Shenton Park) and Morris Buzacott Reserve (Melville). Despite this, Hockey WA has advised it fully supports and endorses the project.

The provision of a synthetic hockey pitch is perceived as a facility, providing for elite and high competition level participation, which is not historically the responsibility or role of local government. Local government plays a role in the provision of grass roots, club level facilities to support clubs to grow thereby increasing participation in physical activity. However, as part of this role, local government supports clubs by providing tools and access to resources and processes to improve their sport and become self-sustaining. This includes supporting clubs to engage in needs assessment and feasibility studies for future growth of its club and its sport.

The City is therefore supportive of the Wesley South Perth Hockey Club Inc (WASPs) engaging in this process to enable them to establish whether there is a need for the facility within the City of South Perth or its surrounds. It is important to note, that by the City supporting this application for a feasibility study, the City is not:

- supporting the need for a synthetic hockey pitch;
- consenting to its construction; and

- consenting to any financial contribution to any future construction of such a facility.

Consultation

Initial consultation was undertaken with the City via the Recreation Development Coordinator. The City advertised the funding round by direct mail out to clubs, and email notification.

Specific to these proposed projects:

- Wesley South Perth Hockey club has provided letters of support from Curtin Trinity Pirates Hockey Club, Wesley College, Hockey WA, and John McGrath MLA. The club has also advised in its application that contact has been made with the Department of Sport and Recreation about the proposed study. It is recommended that with the City's assistance, the Club initiate contact with the Town of Victoria Park and associated clubs to incorporate them into the planning and potential decision making.
- Hensman Park Tennis Club has provided letters of support from Tennis West and has advised that they have made contact with the Department of Sport and Recreation.

Policy and Legislative Implications

This report relates to Policy PI 10 - Support of Community & Sporting Groups.

Financial Implications

| | |
|--|---------------|
| The estimated total project cost (both projects) | = \$78,760 |
| Amount requested from DSR | = \$26,253.33 |
| Clubs contribution | = \$26,253.33 |
| City contribution | = \$26,253.33 |

The funding application sought from the City and DSR is for a small grant. This is for small scale projects where the total project cost is a maximum of \$150,000 and can be completed in one year. Grants in this category must be claimed in the financial year following the date of approval.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 1 – Community “*Create opportunities for a safe, active and connected community*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Through this fund, the City encourages clubs to be self-sufficient and less reliant on Council. Both of these applications support clubs to be proactive in their decision making and financial spending. This sustains their long term viability and success as a club and the provision of sport and recreation activities for the community.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Unauthorised Street Verge Treatment, St Columba's Parish, Forrest Street, South Perth

Location: St Columba's Parish Forrest Street Verge, South Perth
Applicant: St Columba's Parish
Date: 7 March 2013
Author: Mark Taylor, Manager City Environment
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

In January 2011 the City stopped the completion of an unauthorised verge treatment on the St Columba's Parish Forrest Street verge in South Perth. This report outlines the interaction between the Parish and the City since that date, which has led to an impasse as to which treatment should be allowed on this verge. The City seeks direction from Council about enforcing Policy P210, Street Verges and the associated Landscape Guidelines.

Officer Recommendation

That Council endorse the following actions in respect to the unauthorised verge treatment on the Forrest Street verge of the St Columba's Parish:

- (a) Inform the Parish they are to remove the non-complying verge treatment in accordance with Section 6.4 (Permissible Verge Treatments) of the Public Places and Local Government Property Local Law 2011, Policy P210, Street Verges and the associated Landscape Guidelines; and
- (b) Inform the Parish they are to reinstate the verge to the state it was in before the removal in accordance with Section 10.2 (Damage to Local Government Property) of the Public Places and Local Government Property Local Law 2011.

Background

At the June 2011 meeting, Council adopted a new Street Verge Policy P210 and Landscape Guidelines. The Policy and Landscape Guidelines make it clear that the City's preference for street verge treatments is either a planted lawn or a water wise verge garden. A mulched verge is also permitted.

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

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

The report also discussed a position to take by the City on existing street verges that do not comply with the Policy and Landscape Guidelines. The following position was agreed:

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

With this resolution and transition arrangements in mind, in January 2011, it had come to the City's attention that an unauthorised treatment was being installed on the Forrest Street verge of the St Columba's Parish in South Perth. City officers attended the site and instructed the contractor and the Parish to stop work as it contravened the previously adopted Public Property Local Law and Street Verge Policy (P404). The site had been cleared of grass and irrigation, and road base had been laid, but synthetic turf had not been installed. The City subsequently wrote to the Parish on 18 January advising them that they did not have permission to install such a treatment and they should reinstate the verge to its original irrigated grass state.

No satisfactory response to the City's request was received from the Parish and 6 months had passed. As a result, then Mayor James Best and the Manager City Environment arranged to meet with members of the Parish Council on 8 August 2011 in an attempt to resolve the matter. The Parish Council indicated that they did not want to return to a grass verge and considered synthetic turf to be a much more suitable alternative. Mayor Best advised that this treatment did not meet the previous Street Verge Policy (P404) or the new Policy and Guidelines recently adopted. The Parish indicated that they disagreed with the Policy and considered synthetic turf to be a suitable alternative.

In an attempt to break the impasse, the City offered to complete a verge garden landscape plan for the street verge, in lieu of irrigated grass, for the Parish's consideration. This was completed and sent to the Parish in May 2012, requesting a response to the landscape plan. No response was received from the Parish, so the City wrote again on 16 August requesting a response. No response was received to that letter, so the City wrote again on 12 October requesting a response by 26 October. The City received an email from the Parish on 26 October requesting further information, which was supplied by the City. No further response was received, so the City wrote its fifth letter to the Parish on 21 November requesting a solution to the matter by 7 December.

A response was received from the Parish dated 30 November. The Parish explained its reasons why it wanted to install synthetic turf. The Parish also offered to meet again with the City, to provide a further opportunity to present their case. The City responded on 24 December countering the claims by the Parish, but taking up the offer to meet.

A meeting was held on 19 February 2013 with members of the Parish Council and attended by the Chief Executive Officer and the Manager City Environment. An agreement was not able to be reached at this meeting, with the Parish stating that they wanted either synthetic turf, or failing that, brick paving installed on the verge. The Parish did, however, offer to remove the gravel base course and replace it with sand by way of a compromise to reinstate the verge.

The Manager City Environment subsequently sent an email to the Parish recapping the key points of the meeting and requesting the Parish write to the City formally advising of their request. A letter was received from the Parish, dated 22 February, which reiterated their preference for brick paving, but now wanting it to be installed at the City's expense.

Copies of correspondence between St Columba's Parish and the City of South Perth can be viewed at **Attachment 10.2.1(a)** and the landscape plan prepared by the City for the Parish is at **Attachment 10.2.1(b)**.

Comment

The City has been very clear in its extensive communication (five letters, several emails, and two meetings) with the St Columba's Parish, who have chosen to disagree and ignore the City's advice and direction. Officers consider the City now has no other option than to order the removal of the unauthorised verge treatment and reinstatement of the pre-existing irrigated grass verge. Failing that, the City could undertake the work itself and

then seek cost recovery from the Parish. This is a last resort action, which the City would prefer not to take, however officers believe that due to the lack of cooperation from the Parish, there is no other option.

The implications of not doing anything are potentially serious. The City would be sending a message to the community that it is not prepared to enforce its Street Verge Policy and therefore if members of the community are prepared to “tough it out” the City will eventually back away and they will get what they want. One could then argue, what is the point of having the Policy and Guidelines if there is no enforcement of non-compliance? A clear message needs to be sent to the community.

A similar issue was the subject of a report to Council at the June 2012 meeting concerning an unauthorised verge treatment at 73 Roberts Street Como, which was installed despite the resident being advised that it did not meet the Policy. Unfortunately, Council did not provide clear direction on its support for the Policy, which has made the officer’s task in dealing with these matters since that time much more difficult.

Officers believe Council has two options in respect to this matter. Council should either choose to:

1. Support the current Street Verge Policy and Landscape Guidelines in respect to what constitutes an unauthorised verge treatment and therefore support the officer recommendation, or
2. Provide clear direction to officers about the changes Council believes are required to the Policy and Guidelines.

Please note there is considerable local community interest in this matter. A number of residents living in the vicinity of the Parish have contacted the City, requesting the Policy and Guidelines be upheld. They have also been in contact with the Parish and the Catholic Church about their apparent disregard of City policy. The St Columba’s Parish is a key part of the South Perth community having been in that location for many years. The City is naturally disappointed with the Parish’s dismissive attitude towards the Council, the wider community and public policy.

Consultation

There has been extensive communication and consultation with the St Columba’s Parish over this matter dating back to January 2011 (five letters, several emails, and two meetings).

Policy and Legislative Implications

The installation of an unauthorised treatment on the Forrest Street verge of the St Columba’s Parish contravenes the City’s adopted Policy P210 “Street Verges” and Street Verge Landscape Guidelines and Section 6.4 Permissible Verge Treatments of the Public Places and Local Government Property Local Law 2011.

An order to remove the unauthorised verge treatment and reinstate the verge to its pre-existing state (irrigated lawn) can be made in accordance with Section 10.2.(a) (Damage to Local Government Property) of the Public Places and Local Government Property Local Law 2011. The City could choose to undertake the removal and reinstatement itself and recover costs from the Parish (Section 10.2.(c)).

Financial Implications

The St Columba’s Parish has advised in its last communication with the City that it wants the City to pay for the installation of brick paving on its Forrest Street verge. The estimated cost for this work based on the current contract rate for brick paving is \$24,000. The City currently has no budget provision to undertake this work.

If Council resolved to enforce the Street Verge Policy then under the Public Places and Local Government Property Local Law 201, the Parish would be liable for the costs to reinstate the street verge.

Strategic Implications

This report is consistent with the Strategic Community Plan 2013–2023, Direction 2 Environment “Enhance and develop public open spaces and manage impacts on the City’s built and natural environment” and specifically 2.4 “Improve the amenity of our streetscapes and public open spaces while maximising their environmental benefits”.

Sustainability Implications

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

10.2.2 Water Sensitive Urban Design Policy

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| Date: | 8 March 2013 |
| Author: | Stephen Bell, Director Infrastructure Services |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The City is concerned about the quantity and quality of runoff being discharged from stormwater drainage systems into receiving waters such as the Swan and Canning Rivers. Stormwater from urbanised catchments carries sediments and pollutants such as nutrients and heavy metals from impervious surfaces (e.g. roads, paving, roofs). A mechanism to address the quantity and quality of stormwater runoff from developed areas is through the application of best practice Water Sensitive Urban Design (WSUD).

The City is committed to providing leadership in managing water sustainably and responsibly. In this regard, it is recommended that Council adopt a Policy pursuant to Clause 9.6 of the Town Planning Scheme No. 6 to assist the City to realise the above water management objectives.

Officer Recommendation

That Policy 211 Water Sensitive Urban Design at **Attachment 10.2.2** be advertised for comment for a period of no less than 21 days and that following the consultation period a further report be brought back to Council for consideration.

Background

At its meeting held on 26 June 2012 (refer Item 10.2.1), the Council resolved the following:

That

- (a) the principles of Water Sensitive Urban Design (WSUD) be endorsed by Council; and*
- (b) a WSUD policy and guidelines be developed for adoption by Council at a future meeting.*

A draft Policy for WSUD has now been prepared and it will be a recommendation to the Council that the draft Policy be advertised for a period of no less than 21 days and that following the consultation period a further report be brought back to the Council for consideration.

Comment

In the past, urban stormwater drainage systems have been designed primarily to prevent flooding with the view that rainwater should be conveyed as quickly as possible to the nearest drainage system or waterway. Unfortunately, stormwater conveys a range of pollutants including litter, sediment, sewer overflows, grease and oils, garden fertilizers, animal faeces, and vegetation to the various street drainage systems. Because the stormwater is polluted, this places great strain on the ability of the receiving waters to cope resulting in algal blooms, ecosystem breakdown, and polluted rivers and beaches such as has been the case in recent history of the Swan and Canning Rivers. In addition, a vast quantity of potentially usable water is simply “flushed down the drain”.

In simplistic terms, WSUD is an approach to urban planning and design that integrates the management of the total water cycle into the urban landscape. It is the integrated management of groundwater, surface runoff (including stormwater), potable water (drinking water) and wastewater to protect water related environmental, recreational and cultural values.

The key principles of WSUD generally include:

- Protect and enhance natural systems and ecological processes;
- Protect water quality of surface and ground waters;
- Migrate peak flows to natural background rates;
- Integrate stormwater treatment into the landscape;
- Reduce potable water demand;
- Minimise wastewater generation;
- Protect the built environment from flooding & water logging; and
- Retain use and infiltrate stormwater at source.

WSUD will provide the mechanism to put into effect measures that will significantly improve the health of the Swan and Canning River systems. By embracing the treatment train approach, treating stormwater at its source, and seeking opportunities to reuse (or harvest) stormwater, this will ensure that the City manages water sustainably and responsibly into the future.

The new Policy and accompanying WSUD guidelines will require all new residential and commercial developments and the City's operations to comply with the City's WSUD objectives.

If the draft Policy is adopted by Council for the purpose of consultation, it is proposed to advertise the Policy for a period of no less than 21 days. Following the consultation period, a further report will be brought back to Council for consideration. A copy of the Guidelines will be made available in the Councillors' Lounge.

Consultation

Elected Member briefings were held on WSUD principles in February 2010 and 5 June 2012 respectively.

Policy and Legislative Implications

There is currently no Policy relating to WSUD.

Financial Implications

The City will incur costs in regard to retrofitting drainage systems within roads and parks to implement best practice WSUD measures. These costs will be factored into future annual budgets and works programs.

All developers will be required to appropriately plan, design and construct their developments to accord with WSUD principles. Accordingly, depending on the scale, type, and complexity of developments, there may be costs associated with builders/developers needing to engage consultants to assist with developing innovative water management measures for developments.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 2 – Environment “*Enhance and develop public open spaces and manage impacts on the City's built and natural environment*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). A Policy and Guidelines on Water Sensitive Urban Design will provide the mechanism to put into effect measures that can significantly improve the health of both the Swan and Canning River systems. By embracing the treatment train approach, treating stormwater at its source, and seeking opportunities to reuse (or harvest) stormwater, this will ensure that the City manages water sustainably and responsibly into the future.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Use Not Listed (Dog Day Care) Addition to Single House - Lot 105 (No. 234) Canning Highway, South Perth

Location: Lot 105 (No. 234) Canning Highway, South Perth
Applicant: Ms L Vitas
Lodgement Date: 20 February 2013
File Ref: 11.2012.230.2 CA6/234 SAT Matter No: DR 4 of 2013
Date: 8 March 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To reconsider an application for planning approval for a Use Not Listed (Dog Day Care) Addition to Single House on Lot 105 (No. 234) Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|--------------------------------|
| Land use | TPS6 Clauses 3.3(6)-(7) |
| Car parking provision | TPS6 Clauses 6.3(2) and 7.8(1) |

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

Officer Recommendation

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 Use Not Listed (Dog Day Care) Addition to Single House on Lot 105 (No. 234) Canning Highway, South Perth be **approved** subject to:

(a) Standard Conditions

661 Expiry of approval.

(b) Specific Conditions

- (i) The hours of operation of the Dog Day Care are limited to Monday to Friday - 7:30am to 6:00pm.
- (ii) No more than 5 dogs shall attend the Dog Day Care or be kept on the premises on any day.
- (iii) No staff, other than the applicant/landowner, shall be employed to attend to the Dog Day Care.
- (iv) The dogs shall only occupy Room 1 or Room 2 of the Sound Proof building, being areas marked for "Business Use" on the site plan drawing. The dogs shall not use or occupy the rear garden, outdoor living area or any other open space on the subject lot.
- (v) The double glazed doors to Room 1 on the southern western side of the building shall be replaced by windows, to prevent the dogs accessing the rear garden when the Dog Day Care is in operation.
- (vi) The windows shall be kept closed when the Dog Day Care is in operation to comply with the *Environmental Protection (Noise) Regulations 1997*. The windows can be opened to allow ventilation to the building when the Dog Day Care is not in operation.

Recommendation continued

- (vii) The landowner/applicant shall collect and drop off the client's dog(s) from/to the client's property, other than dogs that are walked between the client's property and the development site by the client or the applicant/landowner. The clients shall not drive their vehicles to the development site.
- (viii) The landowner/applicant is to ensure that relevant skills and qualifications are maintained to meet with legislative requirements associated with operating the Dog Day Care centre.
- (ix) The landowner is to submit a letter to the City acknowledging that the proposed sign is located inside an area designated for the future road widening of Canning Highway, the Dog Day Care centre is located on a lot partially designated for the future road widening of Canning Highway, and that the sign and costs from the closure or relocation of the Dog Day Care centre business shall not be taken into consideration in determining any land acquisition costs or compensation that may be payable by Council and / or the Western Australian Planning Commission. Furthermore, the landowner is also to agree to remove the sign at their own expense.
- (x) The proposed signage shall not be self-illuminated or reflective.

(c) Standard Advice Notes

- | | | | |
|------|-----------------------------------|------|-----------------------------------|
| 700A | Building permit required. | 795B | Appeal rights - Council decision. |
| 790 | Minor variations - Seek approval. | | |

(d) Specific Advice Notes

- (i) Pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*, the Council was invited by the State Administrative Tribunal to reconsider its decision having regard to the applicant's further submissions, which included amendments to the proposal that was refused by Council on 11 December 2012 (ID No. 11.2012.230.1).
- (ii) It is the responsibility of the landowner/applicant to minimise any potential amenity impacts to the adjoining properties from the operation of the Dog Day Care centre.
- (iii) It is the responsibility of the landowner/applicant to liaise with the City's Environmental Health Services and Ranger Services to ensure satisfaction of all of the relevant requirements, including the *Environmental Protection Act, 1986*, *Environmental Protection (Noise) Regulations 1997*, *City of South Perth Health Local Laws 2002*, *Dog Act 1976* and *City of South Perth Dog Local Law 2011*, and obtain formal approval prior to commencing operation of the Dog Day Care. For further information, please find attached to this Notice of Determination the memorandums dated 25 February, 27 February and 11 March 2013.
- (iv) The City's Environmental Health Services and Ranger Services may need to inspect the development site to ensure compliance with associated legislation.
- (v) The Department of Planning was invited to comment on this application. The Department's response did not provide comment on the proposal.
- (vi) Main Roads WA was invited to comment on this application. Main Roads advise that they have no objection to the proposal.

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

Background

The development site details are as follows:

| | |
|------------------------------|--|
| Zoning | Residential and Primary Regional Roads reservation (Metropolitan Region Scheme) |
| Density coding | R15 |
| Lot area | 470 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 1 dwelling |
| Plot ratio limit | Not applicable (Minimum 50% open space for a single house) |

This report includes the following attachments:

- Attachment 10.3.1(a)** Plans of the proposal.
- Attachment 10.3.1(b)** Site photographs.
- Attachment 10.3.1(c)** Applicant's supporting report.

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.
- 3. The exercise of a discretionary power**
 - (b) Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, Residential Design Codes or relevant planning policies.
- 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.

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

In May 2012, the City received an application for a proposed Dog Day Care business, proposing up to ten dogs on site, operating in addition to the existing single house on Lot 105 (No. 234) Canning Highway, South Perth (the site). This application was presented to the Council Agenda Briefing on 18 September 2012, with the proposal recommended for refusal (Item 10.3.6). The item was withdrawn from the 25 September 2012 Council Meeting by the applicant on the day of the meeting.

In October 2012, the City received a revised proposal reducing the maximum number of dogs on site from ten dogs to 5 dogs. The application was presented to the Council meeting on 11 December 2012, with the proposal again recommended for refusal (Item 10.3.1). The application for planning approval (ID No. 11.2012.230.1) was refused by Council at this meeting.

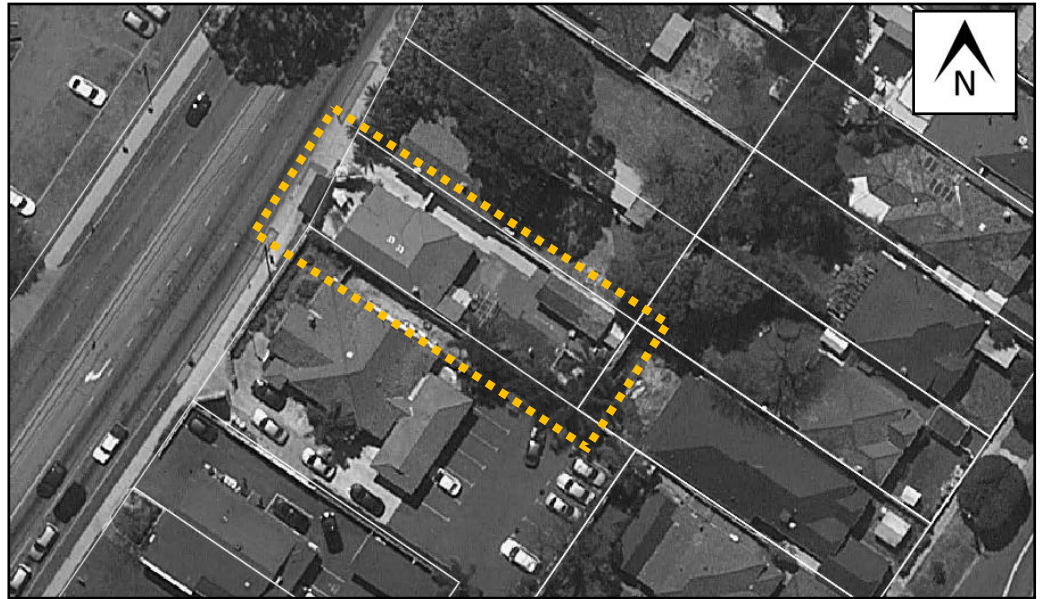
In January 2013, the applicant lodged an appeal with the State Administrative Tribunal for the reconsideration of Council's determination. As part of the mediation process, the Tribunal ordered in February 2013 for the applicant to provide Council with any additional information and amendments in respect to the proposed use that it would want Council to reconsider at its March 2013 meeting. Council has been invited to reconsider its decision, having regard to the applicant's further submissions.

(b) Existing development on the subject site

The existing development on the site currently features the land use of "Single House", consisting of a single storey residence and a detached garage.

(c) Description of the surrounding locality

The site has a frontage to Canning Highway to the north-west, and is located adjacent to single houses to the north and east, consulting rooms to the south, and is opposite a hotel and shop, as seen below:



Additional site photographs are included in **Attachment 10.3.1(b)**.

(d) Description of the proposal

The applicant's submission received in February 2013 (the current proposal), has provided additional information and amended the proposal that was presented to Council in December 2012. The applicant's submission incorporates a revised site plan, included in **Attachment 10.3.1(a)**, and a letter describing the proposal and obtained training and skills in more detail, included in **Attachment 10.3.1(c)**.

The following components of the proposal presented to Council in December 2012 continue to form part of the current proposal:

- The property owner will operate the Dog Day Care on weekdays (Monday to Friday) between 7:30am and 6:00pm.
- The Dog Day Care provides supervision for up to 5 small dogs, including grooming, training and socialisation activities.
- The Dog Day Care is to use the existing detached garage on the site, with internal modifications to the garage to become a soundproofed studio.
- The residence will continue to be used as a single house.

The following amendments to the proposal presented to Council in December 2012 also form part of the current proposal:

- The dogs will now be collected from and dropped off to the client's property by the applicant, rather than the client attending the development site.
- The rear garden is designated for private residential use; the dogs will be contained within the outbuildings whilst on site.
- The site plan has been updated to demonstrate which areas of the site are designated for private and business use, and deletes the proposed additions and alterations to the single house that are not proceeding.
- The applicant has provided further details of obtained training and skills, referring to accredited training obtained from Tuart Hill Dog Training in 1998, attending to an abandoned 30kg dog on a neighbouring property that was suffering aggression anxiety, being trained in lead training/walking and being able to walk 5 dogs simultaneously while monitoring the dog's body language.
- An operation schedule supplied during the mediation process advised that the dogs are intended to be walked off site during the hours of operation.

The following components of the proposed development are at the discretion of Council:

- (i) Land use; and
- (ii) Car parking and vehicle access.

The proposal and the planning assessment are discussed in further detail below.

(e) Land use

The proposed land use of "Dog Day Care" is not a listed land use in Table 1 (Zoning - Land use) of TPS6. The proposal is not seen to meet the definition of "Home Occupation", primarily as the proposal involves the keeping of animals. In considering this use, it is observed that the site adjoins residential and non-residential uses.

(f) Car parking and vehicle access

As clients are no longer driving to and from the site, with a collection and delivery service provided by the applicant, the required number of car bays is seen to be the same as normally required for a single house, being 2 bays. Sufficient room is available on the driveway for up to 5 vehicles to be parked in tandem.

The applicant's proposal will require a vehicle (such as a van) to reverse onto Canning Highway approximately 2 to 4 times per day, in order to collect and return the clients' dogs. New developments are normally required to provide forward access onto primary distributor roads, such as Canning Highway. The application was referred to Main Roads WA for comment, which had no objection to the proposed reversing vehicle arrangements as described above. In this instance, the City is able to support the proposed vehicle access arrangements as:

- (i) The ability to turn a vehicle on site is constrained by the existing buildings and structures;
- (ii) The applicant, being a resident of the single house, would be more familiar with the traffic conditions in this location than the clients; and
- (iii) The number of vehicle movements required per day is significantly less than the previous proposals.

In this instance, it is considered that the proposal complies with the Scheme objectives and provisions, and is therefore supported by the City, subject to the recommended conditions.

(g) 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.*
- (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.
- (l) Recognise and facilitate the continued presence of significant regional land uses within the City, and minimise the conflict between such land use and local precinct planning.

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

(h) 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 Policy of the Commission prepared under Section 5AA of the Act.
- (d) Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.
- (g) In the case of land reserved under the Scheme, the purpose of the reserve.
- (i) The preservation of the amenity of the locality.
- (p) Any social issues that have an effect on the amenity of the locality.
- (s) Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site.
- (t) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved.
- (w) Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.
- (x) Any other planning considerations which Council considers relevant.

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

Consultation

(a) Neighbour consultation

Neighbour consultation was undertaken twice previously 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. 232, 238, 240 and 243 Canning Highway and Nos. 1, 3 and 5 Campbell Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising periods, a total of 14 consultation notices were sent. The first proposal (up to 10 dogs) received 3 submissions, none in favour and 3 against the proposal. The second proposal (up to 5 dogs) was advertised to the same properties as previously and 4 submissions were received, 2 in favour and 2 against the proposal. Further details of the comments received for the previous proposals are provided in the reports presented to Council on 25 September 2012 (Item 10.3.6) and 11 December 2012 (Item 10.3.1).

The City's Planning Services has not had sufficient time to advertise the current proposal in accordance with Council Policy P301 since the Tribunal's order dated 18 February 2013 required referral to the March 2013 Council meeting. Therefore, the City's Rangers Services have advertised the proposal to the properties adjoining the site, being Nos. 232 and 238 Canning Highway and Nos. 1, 3 and 5 Campbell Street, as an application for keeping more than 2 dogs on a site in accordance with Section 26 of the *Dog Act 1976*. The current proposal received 2 submissions, one (1) in favour and one (1) against the proposal. A summary of submitters' comments and officer's responses are provided below:

| Submitters' Comments | Officer's Responses |
|--|---|
| 1. No problem with having a Dog Day Care centre next door. | The provision of a Dog Day Care facility would have some benefits for the wider community. The comment is NOTED. |
| 2. Two of the occupiers of an adjoining property are required to work night shifts and sleep during the day on a regular basis. The noise from multiple dogs barking will impact upon their sleeping patterns and subsequent work. | If continual dog barking occurred, the barking could impact upon the sleeping patterns of shift workers residing near the site. However, the dogs are now contained within a soundproofed room whilst on site, which as advised by the City's Environmental Health Services, is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> . The comment is NOTED. |
| 3. The noise from multiple dogs barking will disrupt the submitter's teenage children from completing their homework. | The City's Environmental Health Services and Ranger Services have advised that the Dog Day Care is unlikely to have such an impact as the dogs will be contained within a soundproofed room whilst on site, minimising noise impacts to the neighbours. The comment is NOT UPHELD. |
| 4. The Dog Day Care is immediately adjacent to the submitter's outdoor living area / entertaining area and will impact upon their lifestyle. | The site is located adjacent to the rear gardens of the adjoining residential properties. There are no noise impacts from the Dog Day Care during the evening or weekends as the Dog Day Care will operate until 6:00pm on weekdays and not during weekends. When the Dog Day Care is operating, the dogs are to be contained within a |

| | |
|--|---|
| | soundproofed room. The comment is NOT UPHELD. |
| 5. The presence of multiple dogs on the site that are not owned by the applicant raises a number of health concerns, such as odour, fleas and other parasites that could impact upon the submitter's family. | As advised by the City's Environmental Health Services, Part 5, Division 2 of the <i>Health Local Laws 2002</i> has provisions for the keeping of animals which can address these issues if the site was not maintained in a satisfactory condition. The comment is NOTED. |
| 6. The proposal will have significant (detrimental) effect on the submitter's property value. | The City is not in a position to determine whether the proposal impacts upon property values. The comment is NOTED. |
| 7. A Dog Day Care is not a fair and just proposal for a residential area. | The applicant's current proposal is seen to minimise any detrimental impacts to the surrounding properties, particularly now that the dogs are not using the rear garden of the site and are contained within a soundproofed room. The comment is NOT UPHELD. |

(b) Internal administration

- (i) Comments were invited from the City's Building Services. Building Services has advised that as the studio outbuilding is separated from the dwelling, the building requirements for residential outbuildings will apply. The proposed works will require a building permit to be issued.
- (ii) Comments were invited from the City's Engineering Infrastructure Services who provided comment with respect to vehicle access. Engineering Infrastructure Services has advised that the modified proposal is seen to be a significant departure from the original application and generally removes the concerns previously raised regarding the numerous reverse exit movements onto Canning Highway, possibly undertaken at peak periods by drivers who would probably be inexperienced with the location. From a traffic engineering perspective, there is no impediment in the modified proposal that would preclude the application being approved.
- (iii) Comments were invited from the City's Environmental Health Services who provided comment with respect to noise, as listed below:
- *As the rear garden is now designated for private residential use and the dogs will be confined to the outbuildings whilst on site, this will assist in reducing any noise nuisance from multiple barking dogs outside.*
 - *In reference to the use of "the existing detached garage on the site (including internal modifications to the garage to become a soundproofed studio)", the Environmental Protection (Noise) Regulations 1997 will still apply, and therefore, the noise created by the dogs within this building (as this will be considered a business) must comply with the assigned levels prescribed in the mentioned regulations. In particular, Regulation 7 - Prescribed standard for noise emissions, Regulation 8 - Assigned levels, and Regulation 9 - Intrusive or dominant noise characteristics must be complied with.*
 - *Should the City receive complaints in regards to noise associated from the dogs within the "studio", the Environmental Protection (Noise) Regulations 1997 will still be enforced by the City. In short, the level of noise received at the surrounding premises must not exceed those levels defined. I advise that*

the applicant seek professional advice prior to soundproofing the studio to ensure that suitable products and maximum noise reductions are achieved.

- (iv) Comments were invited from the City's Ranger Services who provided comment in respect to car parking and dogs, as listed below:
- In reviewing the comments from the survey from [the neighbour who submitted objection comments], the new proposal from Liza Vitas, in my belief has addressed the relevant issues concerned.*
 - In light of the feedback received from the neighbours and only one neighbour that is against the proposal, the City's Ranger Services are happy to proceed with the application.*
 - The Parking situation has now been resolved with the dogs being collected from and dropped off to the client's property by the applicant, rather than the client attending the development site.*
 - As the rear garden is now designated for private residential use and the dogs will be confined to the outbuildings whilst on site, this should assist in reducing any nuisance (barking) complaints under Section 38 of the Dog Act. The only problem, it may not stop a surrounding neighbour from complaining about barking as noise may still travel through buildings, especially having several dogs on a property, but if the right sound proofing is put into place, then this should assist with this.*
 - The City's Rangers Services still have concerns on the amount dogs being walked off site during the hours of operation at once. Even though this is an operational matter, it does mean that Liza Vitas could be in control of up to five dogs at one time. For one person to control five dogs could potentially be difficult, especially in an off lead area and the person in control of the dog must be in close proximity to all the dogs and in control at all times if an incident or an attack occurs. It would be appreciated if this matter could be clarified by Liza Vitas and an operational procedure be put in place to overcome any possible incidents.*

The neighbours have been surveyed in relation to this proposal and Section 26 of the Dog Act 1976 as more than 2 dogs are proposed on the site. These comments are included in the "Neighbour Consultation" section.

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

(c) External agencies

Comments from external agencies were not required for this application. However, comments were invited from the Department of Planning and Main Roads WA in regards to the proposed vehicle access. The Department of Planning had no comment to make on the current proposal. Main Roads WA had no objection to the current proposal and provided advice regarding the Primary Regional Roads reservation and the future widening of Canning Highway.

Policy and Legislative Implications

The proposal is not seen by the City to impact upon the Primary Regional Roads reservation as the Dog Day Care is located in the residential zoned land and no construction work, other than an internal fit out to the garage, is proposed. However, a condition is recommended excluding the proposed sign that is to be installed within the reservation and the Dog Day Care business from consideration in determining any land acquisition costs or compensation that may be payable by Council and / or the Western Australian Planning Commission from the future widening of Canning Highway.

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

Financial Implications

If the applicant continues to pursue with the appeal to the State Administration Tribunal for a review of this Council decision, legal and other costs will be covered by the City.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

Sustainability Implications

The proposal enhances sustainability by providing local businesses and employment opportunities. However, ensuring compliance with the City’s Environmental Health Services and Ranger Services requirements will further ensure that all related matters are adequately addressed by the applicant.

Conclusion

It is considered that the current proposal meets all of the relevant Scheme objectives and provisions as it addresses the concerns from the previous planning application, and therefore, is considered not to have a detrimental impact on adjoining residential neighbours and streetscape from a planning perspective. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

10.3.2 Proposed Family Day Care addition to Grouped Dwelling Lot 303 (No. 25a) Parsons Avenue, Manning

Location: Lot 303 (No. 25a) Parsons Avenue, Manning
Applicant: Ms S E Santosa
Lodgement Date: 15 January 2013
Date: 1 March 2013
Author: Mina Thomas, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Family Day Care addition on Lot 303 (No. 25a) Parsons Avenue, Manning. The proposal does not conflict with the City's Scheme, R-Codes and City policies.

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

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|--|
| Family Day Care | TPS6 Table 4 Policy P307 "Family Day Care and Child Care Centres" |

It is recommended that the proposal be approved subject to a number of standard and specific conditions.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for the land use of Family Day Care on Lot 303 (No. 25a) Parsons Avenue Manning **be approved**, subject to:

(a) **Standard Conditions**

661 Validity of the approval

(b) **Specific Conditions**

(i) The Family Day Care be limited to seven children. Any request for providing care for additional children at a future date will be subject to reconsideration and approval by Council.

(ii) The hours of operation are limited to Monday to Friday - 7:30am to 5:30pm.

(c) **Standard Advice Notes**

651 Appeal rights - SAT

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

(d) **Specific Advice Notes**

The applicant is advised to comply with Environmental Health Services' requirements including the following:

(i) Any activities conducted will need to comply with any relevant requirements of the *Children and Community Services Act 2004 s.250(2)(b)* at all times.

(ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

Recommendation Continued

- (iii) All fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution.
- (iv) Consideration needs to be given to the design of all internal and external play areas to ensure that compliance with the *Environmental Protection (Noise) Regulations 1997* in relation to surrounding properties.

Background

The development site details are as follows:

| | |
|------------------------------|----------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 448 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 1 dwelling |

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal
- Attachment 10.3.2(b)** Applicant’s supporting letter dated 25 February 2013.

The location of the development site is shown below:



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

- I. **Specified uses**
 - (g) *Non-residential “DC” uses within the residential zone.*

Comment

(a) Description of the proposal

This application pertains to the additional land use of “Family Day Care” to a grouped dwelling at Lot 1 (No.25a) Parsons Avenue, Manning. The subject site is depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**.

(b) Land use

The proposed land use of Family Day Care is classified as a “DC” (Discretionary with Consultation) land use in a residential zone, under Table I (Zoning - Land use) of TPS6.

A “DC” land use is defined by TPS6 as:

“... not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 7.3 of the Scheme.”

As part of the consultation process, neighbours have been notified of the proposed use, and further comments are provided in the “Consultation” section of this report.

It is proposed that the Family Day Care will be staffed only by the applicant, who intends to care for no more than seven children at any one time.

The applicant indicates that the proposed Family Day Care will operate during the hours of Monday to Friday - 7:30am to 5:30pm.

In view of all the information provided, referred to in **Attachment 10.3.2(b)**, it is considered that the proposed use complies with all the requirements of *Town Planning Scheme No.6* and relevant Council policies, and that this is therefore an appropriate use for the site.

(c) External playing space

TPS6 requires that a minimum of 40.0 sq. metres external playing space with a minimum dimension of 6.0 metres to be provided. The applicant has nominated both courtyards; internal and the rear for use as playing space. In this proposal, the external playing space is split into two court yards, one adjacent to the internal playing space and calculated at 22.25 sq. metres (5.4 metres × 4.1 metres) and the rear court yard calculated at approximately 21.0 sq. metres (7.0 metres × 3.0 metres).

Only one person (the applicant) providing care to seven children in the age group of three to five years would not be able to supervise children playing in both courtyards. While officers observe that these two courtyards cannot be used in conjunction as they are sufficiently segregated, adjacent to the courtyard is the internal playing space which is calculated to be 2.5.0 sq. metres. With the sliding doors open, both indoor and outdoor playing spaces will allow unrestricted movement between these two spaces and therefore deemed to be of sufficient size. The assessing officer notes that due to the odd shape of the block (frontage of 10.63 metres and rear of 4.39 metres) and the landscaping in the rear courtyard, the minimum dimension of 6.0 metres cannot be achieved.

The impact on the property to the west (23 Parsons Avenue) is deemed to be minimal as the external open space is located adjacent to a void, a carport and a bedroom which does not comprise any openings abutting the external open space.

(d) Internal playing space

The City’s Policy P307 requires that the applicant demonstrate that the internal layout of a Family Day Care is arranged to minimise noise penetration on neighbouring dwellings. The location of the proposed internal playing space area that will be used for Family Day Care is located to the east of the dwelling. The area assigned as the internal playing space does not comprise any major openings or windows on the east, and therefore, minimises noise penetration on the neighbouring property at 25B Parsons Avenue. Therefore it can be said that the proposal complies with Policy P307.

(e) Landscaping

TPS6 prescribes a minimum 40% of the site to be landscaped. Given the requirement of 50% open space for this property which is not entirely landscaping, and this being an established dwelling; it is considered that this proposal complies with this requirement.

(f) Traffic flow and parking

The proposed use will generate a maximum of 14 vehicle trips per weekday; seven in the morning and seven in the afternoon (setting down in the morning and picking up in the evening). This is observed to have an acceptable level of impact on the flow of traffic in the local neighbourhood. The impact of traffic should be no different to what currently exists around the neighbourhood, and the existing development incorporates a large driveway that ameliorates the impact of parking and traffic (no verge parking for example).

There is space for two cars to park on the subject driveway at any one time to facilitate this use. Additionally, cars could be parked on the street for short durations of time to allow drop off and pick of children attending this Family Day Care centre.

TPS6 does not prescribe any extra car parking to be provided other than the normal residential requirement, which in this case is remaining unchanged.

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

The proposal has also been assessed under, and has been found to broadly meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

- (a) Maintain the City's predominantly residential character and amenity.*
- (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.*
- (h) Utilise and build on existing community facilities and services, and make more efficient and effective use of new services and facilities.*

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

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

- (f) Any planning 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.*
- (p) Any social issues that have an effect on the amenity of the locality.*
- (x) Any other planning considerations which Council considers relevant.*

Consultation

(a) Neighbour consultation

“Area 1” neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. The owners and occupiers of 20 surrounding properties (24, 25 26, 27, 28, 29 Parsons Avenue; 58, 62, 64, 66 Welwyn Avenue; 42, 44, 46 Hope Avenue) were invited to inspect the application and to submit comments during a 14-day period. During this consultation period, no written comments were received.

(b) Other City departments

Comments have also been invited from the Environmental Health area of the City’s administration. The Environmental Health Services’ comments with respect to noise have been covered under the Specific Advice Notes.

Policy and Legislative Implications

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

Financial Implications

The determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the [Strategic Community Plan 2013–2023](#) which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

Sustainability Implications

It is considered that this proposal satisfactorily contributes to the City’s sustainability by meeting the objectives of social sustainability while maximising the health, safety and comfort of the occupants of the building and wider community.

Conclusion

The proposal meets the objectives of the Scheme. The matters relating to amenity have been adequately addressed in the development application. It is therefore recommended that the application be conditionally approved.

**10.3.3 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements
(WITHDRAWN)**

This report has been withdrawn pending a briefing for the Council on proposed Amendment No. 35.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - February 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 11 March 2013
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

The attachments to this financial performance report are part of a comprehensive suite of reports that have previously been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Officer Recommendation

That

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

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report also reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It reflects the City's actual financial performance against budget expectations.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2012/2013 Adopted Budget and the 2012/2013 Amended Budget including the introduction of the capital expenditure items carried forward from 2011/2012.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The major components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6) (A) & (B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 28 February 2013 is \$41.50M which represents just under 100% of the \$41.51M year to date budget. Revenue performance is very slightly behind budget expectations overall although there are some individual line item differences either way.

Meter parking is 2% ahead of budget whilst a turnaround in infringement revenue performance sees that item now in line with budget expectations. Reserve interest revenues are 3% behind budget expectations following the Q2 Budget Review adjustment. Municipal interest revenue is also 3% below budget to date despite higher cash volumes being held. There is a likelihood that anticipated interest revenues for the rest of the year may still not be achieved due to recent interest rate cuts. Rates revenue is now ahead of budget because of additional interim rates and higher interest revenues and administration fees from the instalment payment options.

Planning revenues are now 4% above budget - assisted by the receipt of revenues relating to Town Planning Amendments 27 & 38. The full year target for planning revenues appears likely to be achieved at this stage. Building Services revenues are now 2% above following the downwards adjustment in the Q1 Budget Review. The revised full year target appears attainable based on current performance.

Collier Park Village revenue is now 1% under budget expectations following an upwards budget adjustment to account for higher than anticipated revenues from Council rates (returned to CPV for garden maintenance) and higher than expected revenue from rental units. Collier Park Hostel revenue is 3% unfavourable to budget after a further retrospective adjustment to commonwealth subsidies.

Golf Course revenue is now on budget target. Green fees are 2% ahead of budget but pro shop lease revenue is less than expected - largely offsetting the favourable variance on green fees.

Infrastructure Services revenue overall is on budget for the year to date. The largest revenue item in the Infrastructure area is waste management levies which are on target - albeit that the budget target for Transfer Station entry fees has not been achieved. There are also some additional contributions revenues for third party private works - which have resulted in some additional costs being incurred in the recoverable works area.

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

Operating Expenditure to 28 February 2013 is \$33.39M which represents 98% of the year to date budget of \$33.95M. Operating Expenditure is 3% under budget in the Administration area, 2% over budget for the golf course and 1% under in the Infrastructure Services area.

For most administration areas, cash operating expenses are typically on budget or favourable to budget due to a combination of factors including favourable timing differences on invoicing by suppliers for materials, savings on utilities, currently vacant staff positions and less than budgeted allocations of corporate support costs.

Most parks infrastructure maintenance activities (other than streetscape maintenance) are reflected as being favourable to budget expectations. These variances are largely timing in nature and are expected to reverse as maintenance programs continue to roll out in the park maintenance, grounds maintenance, building maintenance and environmental services areas. Streetscape maintenance is currently 5% over budget due to accelerated works associated with the street tree maintenance program.

Building maintenance activities remain 15% favourable to budget due to delays in sourcing contractors as required but it is expected that this favourable timing difference can still be reversed later in the year.

In the Engineering Infrastructure area, maintenance activities on roads, paths, drainage and bus shelters are significantly under budget to date - but this should be corrected over

future months. Street sweeping is slightly over budget but this should reverse by year end. The anomaly relating to the street lighting budget was adjusted in the Q2 Budget Review.

Cash operating expenses in the overheads area for both City Environment & Engineering Infrastructure are relatively close to budget. Recoveries against jobs for overheads are a little below budget expectations for City Environment - reflecting the shorter working month. Recoveries in the Engineering Infrastructure area are slightly behind budget and may require further intervention.

Waste management costs are currently on budget overall with savings on the City's contribution to the Rivers Regional Council (RRC) partly offsetting additional costs being incurred on the kerbside collection service and waste disposal site charges.

Golf Course expenditure is currently unfavourable to budget by 2% overall. Items including accelerated spending on some maintenance activities and unplanned consultancy costs associated with the Island Nine upgrade have contributed to the over spend. Remedial actions have been introduced to bring course maintenance costs closer to budget expectations to avoid further depletion of the golf course cash reserves.

As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 2.8% under the budget allocation for the 228.9 FTE positions approved by Council in the budget process. Factors impacting this include vacant positions in the process of being filled, staff on leave and timing differences on receipt of agency staff invoices.

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

Capital Revenue is disclosed as \$1.55M at 28 February - 28% under the year to date budget of \$2.15M. However, this is largely due to the proposed disposal of the Vista St land being deferred until necessary building remedial works are finalised. The transaction is still expected to be concluded by 30 June this year. There is also a timing difference on the leasing of one unit at the Collier Park Village. Details of capital revenue variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Expenditure at 28 February is \$6.00M representing 84% of the year to date budget. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|--------------------------|-------------------|-------------------|---------------------|---------------------|
| CEO Office | 36,000 | 26,253 | 73% | 456,000 |
| Major Community Projects | 210,000 | 160,499 | 76% | 1,050,000 |
| Financial & Information | 612,000 | 589,638 | 96% | 880,000 |
| Development & Community | 505,750 | 582,459 | 85% | 710,000 |
| Infrastructure Services | 5,600,245 | 4,365,841 | 78% | 10,249,012 |
| Waste Management | 35,365 | 64,474 | 182% | 165,000 |
| Golf Course | 150,355 | 188,344 | 125% | 236,014 |
| UGP | 0 | 27,901 | -% | 0 |
| Total | 7,149,715 | 6,005,409 | 84% | 13,746,026 |

Consultation

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

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

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

Strategic Implications

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 March 2013
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

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

Officer Recommendation

That Council receives the 28 February 2013 Statement of Funds, Investment & Debtors comprising:

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

Background

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

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

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

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

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

Comment

(a) Cash Holdings

Total funds at month end of \$49.74M (\$52.73M last month) compare favourably to \$46.62M at the equivalent stage of last year. Reserve funds are \$2.4M higher overall than the level they were at the same time last year - reflecting \$1.3M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.3M higher. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Technology Reserve and Plant Replacement Reserves are each \$0.3M lower. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.3M higher. The Future Municipal Works Reserve is \$0.1M higher when compared to last year. The CPGC Reserve is also \$0.3M lower as funds were applied to the Island Nine project. The Future Transport Reserves is \$0.1M higher whilst various other reserves are modestly lower.

Municipal funds are \$0.7M higher than last year at present as a consequence of the timing of outflows on capital projects, accelerated receipt of grant funds and collections from rates being ahead of last year's excellent result so far.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$13.9M (compared to \$16.8M last month). It was \$13.2M at the equivalent time in the 2011/2012 year. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$48.5M compared to \$45.6M at the same time last year. This is due to higher Reserve & Municipal cash investments as a consequence of good collections and deferred cash outflows on capital projects.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently none invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Department of Local Government Operational Guidelines for investments.

All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

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

Total interest revenues (received and accrued) for the year to date total \$1.55M. This compares to \$1.63M at the same time last year. Whilst the City now has higher levels of cash invested at this time, the prevailing interest rates have been somewhat lower - and continue trending downwards.

Investment performance continues to be monitored in the light of current low interest rates to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 4.86% with the anticipated weighted average yield on investments yet to mature now sitting at 4.27% (compared with 4.46% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.75% since the December Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of February 2013 (after the due date for the third instalment) represent 91.5% of rates levied compared to 90.8% at the equivalent stage of the previous year.

This result continues to reflect a good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies have provided strong encouragement for ratepayers - as evidenced by the collections to date.

Collection efforts currently underway have been very successful (as reflected in the improvement even over last year's collection record). The City's Senior Rates Officer has achieved an outstanding result in relation to debt collection efforts for the year to date.

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$2.49M at month end (\$2.29M last year). GST Receivable is significantly higher than the balance at the same time last year, Sundry Debtors are lower and Pension Rebate Claims are slightly higher.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.32M was collected by 28 February with approximately 93.6% of those in the affected area having now paid in full and a further 5.8% opting to pay by instalments. The remaining few properties were disputed billing amounts which are continue to be pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. Collections now represent 99.4% of the billed amount - including interest and charges.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to recognise that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Since the initial \$4.52M billing for the Stage 5 UGP Project, some \$3.64M has already been collected with 72.3% of property owners opting to settle in full and a further 25.9% paying by instalments so far. The remainder (1.8%) have yet to make a satisfactory payment arrangement and collection actions have now commenced.

Consultation

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

Policy and Legislative Implications

The cash management initiatives which are the subject of this report are consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

Strategic Implications

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.

Sustainability Implications

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

10.6.3 Listing of Payments

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 10 March 2013 |
| Authors: | Michael J Kent and Deborah M Gray |
| Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 February 2013 and 28 February 2013 is presented to Council for information.

Officer Recommendation

That the Listing of Payments for the month of February 2013 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

Background

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

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

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

Comment

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

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

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

This report presents details of payment of authorised amounts within existing budget provisions.

Strategic Implications

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.

Sustainability Implications

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

10.6.4 Capital Projects Review to 28 February 2013

| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 12 March 2013 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

This report tables a schedule of actual financial performance in delivering approved capital projects to 28 February 2013. Officer comments are provided on the significant identified variances as at the reporting date.

Officer Recommendation

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 28 February 2013, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 84% of the year to date target - and 52% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

- contractor availability
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore closely monitors and reviews the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility.

The City also uses the 'Deliverable' & 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

The capital expenditure budget also includes some projects carried forward from 2011/2012 into the new year - a process which was important not only for workforce continuity but also in effectively managing organisational cash-flows.

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

Consultation

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

Policy and Legislative Implications

This report is consistent with relevant professional accounting pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

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

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan

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

Sustainability Implications

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| Date: | 1 March 2013 |
| Author: | Rajiv Kapur, Manager, Development Services |
| Reporting Officer: | Vicki Lummer, Director, Development and Community Services |

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of February 2013.

Officer Recommendation

That the report and **Attachment 10.6.5** relating to delegated determination of applications for planning approval during the month of February 2013, be received.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 *Town Planning Scheme No. 6* identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of February 2013, thirty-five (35) development applications were determined under delegated authority at **Attachment 10.6.5**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.

Sustainability Implications

Reporting of applications for planning approval determined under delegated authority contributes to the City’s sustainability by promoting effective communication.

10.6.6 Tender 3/2013 Supply & Installation of an automatic irrigation system for Richardson Park

Location: Richardson Park, South Perth
Applicant: Council
Date: 8 March 2013
Author: Geoff Colgan, Parks Operations Coordinator
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

The City has called tenders for the supply and installation of a new automatic irrigation system for Richardson Park. This report outlines the assessment process and recommends that the Council endorse the tenders submitted by Hydroquip Pumps & Irrigation for the lump sum price of \$162 000.00 GST Exclusive.

Officer Recommendation

That the tender submitted by Hydroquip Pumps & Irrigation for the supply and installation of an automatic irrigation system at Richardson Park for the lump sum price of \$162 000.00 GST Exclusive be accepted.

Background

The existing irrigation system at Richardson Park was installed in 1984. The usual life expectancy of a system is 15 to 20 years depending on the environment it is installed. Over the last 3 to 4 years the system has been regularly failing. For example, the main line pipe work has been fracturing when under water pressure. This has meant an increase in the maintenance and repair of the system.

Richardson Park is an active playing field of which the ball sports that utilise it need to have the playing surface at an extremely high standard. The new irrigation design takes this into account and will deliver water at an optimum level and will reduce the amount of water required. In addition, the water saving concept of "hydro zoning" has been designed into the irrigation system which will further reduce water use.

The irrigation system has also been designed to be easily modified for the proposed South Perth Train Station if it is progressed by the State Government.

Comment

Tenders were called in the West Australian on Saturday 23 February 2013 and closed at 2.00 pm on Monday 11 March 2013. At the close of tenders five submissions were received from:

1. LD Total
2. Hydroquip Pumps & Irrigation
3. Water Dynamics
4. Total Eden
5. Horizon West Landscape and Irrigation.

An initial compliance check was made of the tenderers. All tenders submitted were considered to be conforming. The prices provided by tenderers are as follows:

| Tender | Price (ex GST) |
|---------------------------------------|----------------|
| Horizon West Landscape and Irrigation | \$144 154.00 |
| Total Eden | \$149 750.00 |
| Water Dynamics | \$152 874.41 |

| | |
|------------------------------|--------------|
| Hydroquip Pumps & Irrigation | \$162 000.00 |
| LD Total | \$209 174.48 |

The tenders were then assessed in more detail against the qualitative criteria as established below.

| Qualitative Criteria | Weighting % |
|---|-------------|
| 1. Demonstrated Experience in completing similar projects. | 20% |
| 2. Satisfactory resources to complete works within specified dates. | 15% |
| 3. Demonstrated understanding of the required task | 10% |
| 4. Referees | 5% |
| 5. Price | 50% |
| TOTAL | 100% |

Each company's submission and response to the criteria was then incorporated into the Selection Criteria matrix. The final scores appear below.

| Tenderer | Score |
|---------------------------------------|-------|
| Hydroquip Pumps & Irrigation | 8.68 |
| Horizon West Landscape and Irrigation | 8.60 |
| Water Dynamics | 8.30 |
| Total Eden | 8.16 |
| LD Total | 6.59 |

Reference checks were then completed which support the City's scoring and assessment. The lowest tender (Horizon West Landscape and Irrigation) is approximately \$18,000 cheaper than Hydroquip. However, in consideration of the qualitative criteria established for this project, Hydroquip's submission scores the highest mark. The reasons for this are due to their availability during the limited time period the City has stipulated for construction, their relevant experience and references.

It is therefore recommended that Council accept the tender from Hydroquip Pumps & Irrigation for the supply and installation of an automatic irrigation system for Richardson Park.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:
Policy P605 - *Purchasing & Invoice Approval*;
Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

The City has budgeted \$200,000 for this project in the 2012/2013 Infrastructure Capital Works program. The recommended tender amount is below the budget.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete capital works and operational maintenance as identified in the 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 asset maintenance of the City’s Infrastructure.

10.6.7 Corporate Business Plan 2013-2017

Location: City of South Perth
Applicant: Council
Date: 7 March 2013
Author: Phil McQue, Manager Governance & Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council adopt the Corporate Business Plan 2013-2017, which has been developed in alignment with the Strategic Community Plan 2013-2023 which was adopted by Council in December 2012.

Officer Recommendation

That the Council adopt the Corporate Business Plan 2013-2017 shown at **Attachment 10.6.7.**

Absolute Majority Required

Background

The Department of Local Government introduced legislation requiring all local governments to have an Integrated Planning Framework in place by 30 June 2013. The objective of the Integrated Planning Framework is to have a stronger focus on place shaping and wellbeing with an increased level of community engagement. The Integrated Planning Framework involves a 10 year Strategic Community Plan, 4 year Corporate Business Plan and a number of other informing strategies such as the Workforce Plan and Asset Management Plan.

The City commenced planning for the Integrated Planning Framework in early 2012. The Council released the Strategic Community Plan 2012-2023 in September 2012 for community consultation. The Strategy Community Plan 2013-2023 was subsequently adopted by Absolute Majority at the December 2012 Council meeting.

Comment

As part of the City's Integrated Planning Framework, it has developed the Corporate Plan 2013-2017, setting out our projects, priorities and services for the next four years. This Corporate Plan 2013-2017 is aligned to the newly adopted Strategic Community Plan 2013-2023 and fulfils the City's statutory obligations under the *Local Government (Administration) Regulations* in relation to planning for the future.

Based on the six strategic directions outlined in the Strategic Community Plan 2013-2023, the Corporate Plan 2013-2017 outlines 95 strategic initiatives and their associated actions / performance measures, responsibility, informing strategy / legislation and funding, which will be reported on quarterly to the Council as well as annually via the City's Annual Report. The Council is also required to review the Corporate Business Plan on an annual basis.

Consultation

The 2013-2017 Corporate Business Plan has been developed based on the outcomes of the extensive community consultation undertaken in 2012, which formed the basis for the Strategic Community Plan 2013-2023. There was an overwhelming 529 submissions received during the consultation period as well as a stakeholders forum being held in November 2012, with all submissions considered by Council in December 2012.

The draft Corporate Business Plan 2013-2017 was circulated to Councillors on 22 February 2013 via *The Councillor Bulletin* seeking feedback and comment by 5 March 2013 with no comments being received during this period.

Policy and Legislative Implications

The process to develop the Corporate Business Plan is prescribed in the *Local Government (Administration) Regulations 1996*.

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Financial Implications

The Corporate Business Plan 2013-2017 is aligned with the City's draft 10 Year Strategic Financial Plan 2013-2023, which outlines the City's major revenues, expenditures and funding of significant capital projects for the next ten year period.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”.

Sustainability Implications

The Corporate Business Plan 2013-2017 is aligned to the City's Sustainability Strategy 2012-2015 and is based on the sustainability principle of planning for and meeting the needs of the present without compromising the ability of future generations to plan and meet their own needs.

10.6.8 Delegation DC607B – Non Acceptance of Tenders

Location: City of South Perth
Applicant: Council
Date: 11 March 2013
Author: Phil McQue, Manager Governance & Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council Delegation DC607B Non Acceptance of Tenders be amended to authorise the Chief Executive Officer to not accept any tender for a number of reasons, as outlined in the delegation.

Officer Recommendation

That the Council adopt amended Delegation DC607B Non Acceptance of Tender.

Background

The Council presently delegates authority to the Chief Executive Officer via DC607B to not accept annual tenders to a maximum value of \$200,000 exc. GST and all other tenders to a maximum value of \$150,000 exc. GST.

In February 2013, a report recommending the non-acceptance of a tender was required to be submitted to the Council because the value exceeded the authorisation value conferred upon the Chief Executive Officer. The Council informally requested at this meeting that a report be submitted increasing the value of the delegated authority to the Chief Executive Officer.

Comment

It is recommended that Delegation DC607B Non Acceptance of Tenders be amended to authorise the Chief Executive Officer to not accept any tender irrespective of value based on the following principles:

- The delegate is authorised to not accept any tender received, having previously exercised the delegation to invite public tenders, if in the opinion of the delegate the number of tenders received is insufficient as to provide for a reasonable assessment of the merits of the tenders received.
- The delegate is authorised to not accept any tender received, having previously exercised the delegation to invite public tenders, if the delegate decides that it would disadvantageous to the local government to accept any tender.
- The delegate is authorised to not accept any tender received, having previously exercised the delegation to invite public tenders, if on assessment of the tenders received the contract value would exceed the budget provision for the invited service.
- The delegate is authorised to not accept any expressions of interest received, having previously exercised the delegation to seek expressions of interest, if on assessment the delegate decides that no person is capable of satisfactorily supplying the requested goods or services.

It is recommended that any exercised delegation will ensure the following:

- i. The tender evaluation process has been carried out in accordance with the Regulations and the Cities tendering manual.
- ii. The tenders register records that no Tender or Expression of Interest received was accepted.
- iii. The Council is informed whenever the delegation has been exercised.

Consultation

This proposed amendment to the delegation was informally requested by the Council at the February 2013 Council meeting.

Policy and Legislative Implications

Section 3.57, 5.42 and 5.43 of the *Local Government Act 1995* relates to the Council delegating certain functions to the Chief Executive Officer and Part 4 of *Local Government (Functions and General) Regulations 1996* prescribe the requirements in relation to tenders for goods and services.

Financial Implications

Nil.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

There are no sustainability implications as a result of this report.

10.7 MATTERS REFERRED FROM AUDIT AND GOVERNANCE COMMITTEE

10.7.1 Audit and Governance Committee – 6 March 2013

Location: City of South Perth
Applicant: Council
Date: 13 March 2013
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide Council with the recommendations from the Audit and Governance Committee meeting held 6 March 2013.

Audit and Governance Committee Recommendations

The Audit and Governance Committee recommends that the Council adopt the following recommendations from the meeting held 6 March 2013:

1) Policy Review

That the Audit and Governance Committee, having reviewed the policies, recommends to Council:

That

- (a) the officer report detailing the review of the Council Policies be noted;
- (b) the following policies having been reviewed with 'no change' to content be adopted:
 - P101 Public Art
 - P102 Community Funding Program
 - P103 Communication and Consultation
 - P105 Cultural Services and Activities
 - P106 Use of City Reserves and Facilities
 - P107 Disability Access
 - P108 Honorary Freeman of the City
 - P110 Support of Community and Sporting Groups
 - P111 Commemoration
 - P112 Community Advisory Groups
 - P201 Sustainable Procurement
 - P202 Energy Conservation
 - P203 Groundwater Management
 - P204 Chemical Use
 - P205 Tree Preservation Orders
 - P206 Street Trees
 - P207 Natural Areas
 - P208 Ecologically Sustainable Building Design
 - P209 Shade Structures
 - P210 Street Verges
 - P301 Consultation for Planning Proposals
 - P302 General Design Guidelines for Residential Development
 - P303 Design Advisory Consultants
 - P305 Land Reserves for Road Widening
 - P306 Development of Properties Abutting River Way
 - P307 Family Day Care Centre and Child Day Care Centres
 - P308 Signs

Recommendation continued

- P309 Satellite Dishes
- P310 Telecommunications Infrastructure
- P312 Serviced Apartments
- P350 Residential Design Policy Manual (P350.1 - P351)
- P350.1 Sustainable Design
- P350.2 Residential Boundary Walls
- P350.3 Car Parking Access, Siting and Design
- P350.4 Additions to Existing Dwellings
- P350.5 Trees on Development Sites and Street Verges
- P350.6 Safety and Security
- P350.7 Fencing and Retaining Walls
- P350.8 Visual Privacy
- P350.9 Significant Views
- P350.10 Ancillary Accommodation
- P350.11 Aged or Dependent Persons' Dwelling
- P350.12 Single Bedroom Dwellings
- P350.13 Strata Titling of Dwellings Constructed prior to TPS 6
- P350.14 Use or Closure of Rights-of-Way
- P350.15 Bed and Breakfast Accommodation
- P351.14 Cygnia Cove Residential Guidelines
- P351.5 Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 Kensington'
- P352 Final Clearance Requirement for Completed Buildings
- P356 Electricity Substations
- P357 Right of Way (ROW) Maintenance and Development
- P358 House Numbers on Kerbs
- P360 Informing the Neighbours of Certain Development Applications
- P401 Graffiti Management
- P402 Alfresco Dining
- P501 Paths – Provision and Construction
- P502 Cycling Infrastructure
- P510 Traffic Management Warrants
- P601 Preparation of Long Term Financial Plan and Annual Budget
- P602 Authority to make payments from the Municipal and Trust Funds
- P603 Investment of Surplus Funds
- P604 Use of Debt as a Funding Option
- P605 Purchasing & Invoice Approval
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P608 Dividend Policy – Collier Park Golf Course
- P609 Lease of City Owned Property
- P610 Collier Park Village – Financial Arrangements
- P612 Disposal of Surplus Property
- P613 Capitalisation of Fixed Assets
- P625 Equal Employment Opportunity
- P626 The Elimination of Harassment in the Workplace
- P648 Motor Vehicles
- P649 Mayoral Vehicle
- P661 Complaints
- P662 Advertising on Banner Poles
- P665 Use of Council Facilities
- P667 Member Entitlements
- P669 Travel
- P670 Delegates from Council
- P671 Governance
- P672 Briefings, Forums and Workshop

Recommendation continued

- P673 Audio Recording of Council Meetings
 - P674 Management of Corporate Records
 - P675 Legal Representation
 - P677 State Administrative Tribunal
 - P687 Development of Council Owned Land
 - P688 Asset Management
 - P689 Applications for Planning Approval: Applicants Responsibilities
 - P691 Business Excellence Framework
 - P692 Sustainability Policy
 - P693 Retiring Elected Members
- (c) the following policies having been reviewed and the content revised, as per **Attachment 7.1.2**, be adopted;
- P104 Community Awards
 - P311 Subdivision Approval – Early Release from Conditions
 - P353 Crossings/Crossovers
 - P354 Stormwater Drainage Requirements for Proposed Buildings
 - P611 Collier Park Hostel – Financial Arrangements
 - P637 Employee Separation Payments
 - P668 Mayoral Portraits
- (d) the following policy having been added, at **Attachment 7.1.2**, be adopted;
- P403 Charity Clothing Bins on City Controlled Land
- (e) the following policy having been reviewed at **Attachment 7.1.2** be deleted;
- P666 Local Government Resource Sharing
- (f) the following policy having be reviewed and the content revised as per **Attachment 7.1.2**, not be adopted and be further reviewed at a future Audit and Governance Committee meeting
- P303 Design Advisory Consultants
- (g) The following identified policies be further reviewed at a future Audit and Governance Committee Meeting:
- P101 Public Art
 - P102 Community Funding Program
 - P110 Support of Community and Sporting Groups
 - P301 Consultation for Planning Processes
 - P609 Lease of City Owned Property
- (h) The following amendment be made to Policy P669 Travel:
 Clause 2 - Each Elected Member, each *financial* year, is authorised without the specific approval of Council to:
- (a) represent the City at one Interstate Conference or seminar (or similar) related to Local Government; or
 - (b) travel outside of the Perth metropolitan region on one occasion per year, but within WA to any Conference or Seminar (or similar) related to Local Government.

Recommendation continued

2. Review of Council Delegations

That the Audit and Governance Committee, having reviewed the City's Delegations, recommends to Council that the Delegations, listed hereunder and contained at **Attachment 7.1.2**, be adopted:

| | |
|--------|--|
| DC370 | Approve or Refuse Granting of a Building Permit |
| DC371 | Approve or Refuse Granting of a Demolition Permit |
| DC372 | Grant, modify or refuse to grant occupancy permits or building approval certificates |
| DC373 | Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates |
| DC374 | Appoint authorised persons for the purposes of the <i>Building Act 2011</i> |
| DC375 | Issue or revoke building orders in relation to building work, demolition work and/or an existing building or structure |
| DC511 | Partial Closure of Thoroughfare for Repair or Maintenance |
| DC601 | Strategic Financial Plan & Annual Budget Preparation |
| DC602 | Authority to Make Payments from Municipal and Trust Funds |
| DC603 | Investment of Surplus Funds |
| DC607 | Acceptance of Tenders to a prescribed limit |
| DC612 | Disposal of Surplus Property |
| DC616 | Write off Debts |
| DC642 | Appointment of Acting CEO |
| DC664A | Dogs – Limitation as to the number – NEW DELEGATION |
| DC664B | Dogs – Dangerous Dog Declaration – NEW DELEGATION |
| DC678 | Appointment of Authorised Officers |
| DC679 | Administer the City's Local Laws |
| DC685 | Inviting Tenders or Expressions of Interest |
| DC686 | Granting Fee Concessions |
| DC690 | Town Planning Scheme 6 |

3. 2012 Compliance Audit Return

That the Audit Committee recommends to the Council that it:

1. Adopt the 2012 Compliance Audit Return for the period 1 January 2012 to 31 December 2012 as detailed in **Attachment 7.1.2**.
2. Authorise the Mayor and Chief Executive Officer to jointly certify the 2012 Compliance Audit Return, and
3. Submit the 2012 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

Absolute Majority Required

Background

The Audit and Governance Committee meeting was held on 6 March 2013 with the following items listed for consideration on the agenda:

- Policy Review
- Review of Council Delegations
- 2012 Compliance Audit Return

The minutes and attachments of the Audit and Governance Committee are at **Attachment 7.1.2**.

Comment

The Audit and Governance Committee considered the following items:

Policy Review

The Audit and Governance Committee considered the policies listed both for minor change and major change. All policies were adopted by the Audit and Governance Committee with the Committee requesting the following policies be further reviewed at a future Audit and Governance Committee meeting:

- P101 Public Art
- P102 Community Funding Program
- P110 Support of Community and Sporting Groups
- P301 Consultation for Planning Processes
- P303 Design Advisory Consultants
- P609 Lease of City Owned Property

The following amendment was requested to Policy P669 Travel to further clarify the intent of the policy:

Clause 2 - Each Elected Member, each financial year, is authorised without the specific approval of Council to:

(a) represent the City at one Interstate Conference or seminar (or similar) related to Local Government; or

(b) travel outside of the Perth metropolitan region on one occasion per year, but within WA to any Conference or Seminar (or similar) related to Local Government.

Review of Council Delegations

The Audit and Governance Committee considered the delegations listed both for minor and major change and adopted all Council delegations.

2012 Compliance Audit Return

The Audit and Governance Committee considered and adopted the Department of Local Government's 2012 Compliance Audit Return for the period 1 January 2012 to 31 December 2012.

Consultation

The three items were the subject of consideration at the 6 March 2013 Audit and Governance Committee.

Policy and Legislative Implications

The Audit and Governance Committee is held under the prescribed requirements of Part 7 Audit of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Financial Implications

Nil.

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#), in particular, Strategy G2 *Ensure that the City's governance enables it to respond to the community's vision*.

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 DEVELOPMENT APPLICATION PLANS: MAYOR DOHERTY

MOTION

That the City:

1. investigates as a matter of priority the relevant resources and technology in the next financial year to enable Development Application plans that are advertised for comment to be viewed on line by the public as soon as possible after July 2013; and
2. a report is brought to Council no later than June of this year.

COMMENT

1. Implementation of Development Application plans have been delayed in order to have the appropriate records management system in place and the list of Development Applications on-line as a precursor to having plans attached, there was a commitment by the City for this to occur in the 2011/2012 financial year – unfortunately it did not occur;
2. On-line tracking of Development Applications went live in September 2012 and making plans available on-line is an important component of this process;
3. Availability of plans will enable greater openness in the Development Application process by assisting the community to be fully aware of what is happening in their neighbourhood;
4. Also helping communication between neighbours; in addition to
5. Assisting the community understand Council's planning decisions – by being able to view the plans Council is making a decision on.

CEO COMMENT

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

Whilst the City is supportive of the concept that is being promoted by this Notice of Motion, it is important to acknowledge that the project will have resource and funding implications that are not currently accommodated within the City's budget or Corporate Plan.

Delivery of such a project requires that a proper structured project plan is developed that incorporates:

- project deliverables
- resource (staff) implications
- funding implications

as well as addressing a number of technology considerations including (but not limited to):

- file formats accepted / supported by technology
- integrations with other systems (including GIS, EDMS & the Authority Development Applications Tracking System)
- file storage and disk space considerations
- whether or not an A0 scanner is required to transfer hard copy plans
- the agreed online information / documentation to support such a system (user guidelines, checklists & forms, supplementary information)

To ensure delivery of an appropriately resourced and responsibly funded project with clearly understood outcomes and deliverables, it is necessary to investigate the best approach to deliver

the desired outcomes, to learn from peers who have undertaken such an initiative (to varying degrees) and to document and assign responsibilities and timelines for the various components of the project.

It is considered realistic for a report to be prepared for presentation to Council in June 2013 and armed with a better understanding of the project and its challenges, to then provide for the necessary resources (staff, financial and technology) in the 2013/2014 budget.

The project can then be delivered in line with that informed project plan and plans advertised for comment made available to the public.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil

13.2 QUESTIONS FROM MEMBERS

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

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC.

16. CLOSURE

17. RECORD OF VOTING

Mayors Activity Report – February 2013

| Date | Activity |
|------------------------|---|
| Thursday, 28 February | Southcare Unconvention - Engaging Young Leaders on Boards |
| | Southcare Networking Breakfast - Engaging Young Leaders on Aged Care Boards Project |
| Wednesday, 27 February | SEMZ meeting + Deputy Mayor, Cr Kevin Trent + Manager Legal and Governance |
| | South Perth Christian Churches Network Prayer meeting |
| Tuesday, 26 February | Council meeting |
| | Mayor/Acting CEO weekly meeting |
| | South Perth Foreshore Vision - Meet with Mal Dempsey group + Manager City Environment |
| Monday, 25 February | Esplanade River Suites meeting + Director Development and Community Services + Manager Development Services |
| | South Perth Foreshore Communication strategy |
| Thursday, 21 February | Rivers Regional Council – OCM + Deputy Mayor, Cr Kevin Trent + Crs Colin Cala & Fiona Reid |
| | Meeting Ben Wyatt MLA + CEO |
| Wednesday, 20 February | Community Safety meeting |
| Tuesday, 19 February | February Council Agenda Briefing + Local Government Update |
| | Mayor/ CEO weekly meeting + Deputy Mayor, Cr Kevin Trent |
| | Civic Triangle discussion with Deputy Mayor, Cr Kevin Trent |
| Monday, 18 February | City of Canning - Linton Reynolds |
| | Michael de Marte meeting |
| Saturday, 16 February | Meet the Community at Clontarf Markets |
| Friday, 15 February | CEDA: Economic and Political Overview |
| Thursday, 14 February | Poetry d'Amour @ Perth Zoo + Cr Sharron Hawkins-Zeeb |
| Wednesday, 13 February | RIDIC Rural Women's Award 2013 + Cr Fiona Reid |
| | Southern Gazette photo shoot re River walls |
| | Inclusive Community Action Group meeting |
| Tuesday, 12 February | Briefing - South Perth Foreshore Vision / Masterplan |
| | Mayor/CEO weekly meeting |
| Monday, 11 February | Post AICD discussion with CEO + Crs Betty Skinner, Veronica Lawrance, Sharron Hawkins-Zeeb and Fiona Reid |
| | South Perth Foreshore Vision & Masterplan meeting with South Perth Esplanade owners & Director Infrastructure |

| | |
|-----------------------|--|
| | Meeting with Committee for Perth CEO |
| Thursday, 7 February | Meeting Roderick Mackay |
| Wednesday, 6 February | Preston St parking meeting with Pierre Sequeira + CEO |
| | Brett Jackson - Social history of South Perth |
| | South Perth Foreshore Vision & Masterplan meeting with South Perth Esplanade owners + Manager City Environment |
| Tuesday, 5 February | Mayor/CEO weekly meeting |
| Monday, 4 February | Meeting John Hyde MLA (Shadow Minister for LG) + CEO |
| | NBN Rollout + CEO |
| Friday, 1 February | City of Canning World Arts Exchange |
| | Local Chambers 'Happy Meal' + CEO |
| | Meet the Community |

Council Representatives' Activity Report - February 2013

| February 2013 | Activity |
|-----------------------|---|
| Thursday, 28 February | Richard Noble Centenary Celebrations – Cr Ian Hasleby |
| Thursday, 21 February | Rivers Regional Council meeting – Deputy Mayor Cr Kevin Trent + Cr Colin Cala |
| Monday, 18 February | Citizenship ceremony – Deputy Mayor Cr Kevin Trent |