

MINUTES

Ordinary Council Meeting

28 May 2013

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Meeting of the City of South Perth Council will be held on Tuesday 28 May 2013 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
24 May 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**

Ordinary 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

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chambers, Sandgate Street, South Perth Tuesday 28 May 2013.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.03pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Mayor advised that the Council Representatives Activities Report for the month of April 2013 is attached to the back of the agenda.

3.2 PUBLIC QUESTION TIME

The Mayor advised the public gallery that Public Question Time forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing Orders Local Law 'procedures for question time' and state that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 AUDIO RECORDING OF COUNCIL MEETING

The Mayor requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as Presiding Member she gave permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors

V Lawrance	Civic Ward
I Hasleby	Civic Ward
G Cridland	Como Beach Ward
G W Gleeson	Como Beach Ward
S Hawkins-Zeeb	Manning Ward
C McMullen	Manning Ward
C Cala	McDougall Ward

P Howat	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
F Reid	Moresby Ward (from 7.18 pm)
K Trent, OAM, RFD	Moresby Ward

Officers

C Frewing	Chief Executive Officer
S Bell	Director Infrastructure Services
M Kent	Director Finance and Information Services
D Gray	Manager Financial Services
R Bercov	Strategic Urban Planning Adviser
R Woodman	Corporate Project Officer
A Albrecht	Governance Officer

Gallery

There were 21 members of the public and 1 member of the press present.

4.1 APOLOGIES

V Lummer Director Development and Community Services

4.2 APPROVED LEAVE OF ABSENCE

Nil

5. DECLARATION OF INTEREST

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

The Mayor noted that declarations of proximity interest had been received from:

- Cr Skinner in relation to Agenda Item 10.2.1 (South Perth Foreshore 2013 and Beyond Document (Draft))
- Cr McMullen in relation to Agenda Item 10.2.2 (Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan)

The Mayor advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* these Declarations would be read out immediately before Items 10.2.1 and 10.2.2 were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held 23 April 2013 the following questions were taken on notice.

6.1.1 Scott and Ana Mundell, Manning

A response was provided by the Director Development and Community Services by letter, a summary of which is as follows:

Question 1

The design of the library with its coloured glass windows and glazing (on the outside still allowing for patrons of the library to look out) does not allow for privacy of residences on Conochie Crescent how is this to be addressed in addition to the lack of screening by the Jacarandas which are only in season 6 months of the year?

Response

There are no visual privacy requirements for non-residential buildings. Additionally, front setback areas of houses are already visible from the public realm, including Conochie Crescent, and the footpath on the northern side of the road.

Houses along Conochie Crescent are also separated from the Manning Community Facility by the front setback area, and the 20 metre wide Conochie Crescent road reserve. Therefore, there is no privacy concern.

Question 2

The Architect commented during the briefing that the issue of noise will need to be “managed” as this does not appear to be addressed in the design how is the council going to manage the noise created from activities in the hall to minimise impact to the residents?

Response

Noise is managed through lease agreements and permits to use the facilities, such as the Hall. These mechanisms are applied to all community facilities throughout the City.

Question 3

When the development is sold off the titles will make comments regarding the impact of noise, increased activity, increased traffic and lighting “not typical” of a residential development. Why do the current residents not get the same level of notification and why are these issues not being actively addressed when they are known?

Response

Landowners are able to place notifications on their Certificates of Title at any stage.

The City does not have any whole or part ownership of the surrounding residential lots, and therefore the responsibility to place such Notifications on the respective Certificates of Title rests with individual landowners, if they so choose.

Question 4

Why were the submissions for the proposal kept confidential from the general public? Is this because only 13 out of the 41 respondents provided positive feedback i.e. 70% rejected the current plan?

Response

Full submissions, with respect to planning proposals, always remain confidential as they contain personal details such as names and addresses. The submissions are summarised for the public record, but are provided in full on a confidential basis to Elected Members for their information.

Question 5

Why in 2009 was there overwhelming community support and yet as per the above and at the electors meeting (26 November 2012) there was not support for the project?

Response

As with all development proposals, there are some within the community that will not see the positive opportunity that change provides. The majority of Manning residents have always supported this proposal.

Question 6

Why is there double insulated windows on the side which faces the library however as advised by the Architect the side which faces Conochie Crescent will only be single allowing for increased noise output?

Response

Specific details of noise attenuation will be determined during the construction drawing and specification stage of the project.

Question 7

Is the council going to consider design modifications to the hall to minimize the potential for the output of noise?

Response

Specific details of noise attenuation will be determined during the construction drawing and specification stage of the project.

Question 8

What will be the operating hours of the hall?

Response

This is not known, as it will depend on the individual user groups who book the Hall. However, the hours are unlikely to be any different than the existing hall hours.

Question 9

Why was the noise issue never raised during the consultation period?

Response

There is no noise issue, as the facility will replace existing facilities on the subject site. The community has had the opportunity to review all aspects of the Manning Community Facility development application and Scheme Amendment 36.

Question 10

Traffic studies not yet complete when will these be completed?

Response

A condition of the development approval for the Manning Community Facility requires a traffic study to be undertaken. A suitably qualified consultant will be employed to conduct the traffic study, which will be completed by the end of 2013.

Question 11

Additional parking along Hackett and Jarman as discussed at the briefing. What will the exact number be?

Response

The James Miller Oval Master Plan identifies a total of 34 car parking bays along Jarman Avenue and Duckett Drive.

Question 12

Has the Council considered that to create this parking they will need to take sections out of the oval and hence minimizing the size and green surrounding the development?

Response

As part of the project, James Miller Oval will be significantly increased in size. As a result, there will not be a reduction on the size of James Miller Oval as the car parking adjacent to the Oval formalises parking which currently occurs within the verge areas in the same locations.

Question 13

Has the Council considered the additional impact on traffic flow this parking will create further to the underground car park?

Response

This will be considered in the traffic study described in response to question 10 above.

Question 14

75 car park bays undercover. Has the residential development been factored into this? Or will additional parking need to be provided further down the track which will then spill onto the road?

Response

The 75 car parking bays are provided for the Manning Community Facility only. Development on the mixed use sites will need to provide additional car parking within an undercroft car park, as required by Scheme Amendment 36.

Question 15

What will the operating hours of the car park be? Will it be closed at night? No mention in the plans but the Manning Community Association website states it will be locked? Is this the case?

Response

At this stage the car park will remain open all hours, to ensure it is available for use by visitors to the Manning Community Facility after normal business hours.

Question 16

Noted that the height of the car park does not allow for access/egress of the rubbish truck. Further to this will the truck be able to manoeuvre the load over its roof for dumping the rubbish into the truck? Will this further increase the height of the car park?

Response

Alternative bin access arrangements will be investigated during the construction drawings process.

Question 17

The design of the development is meant to address the security issue however during the briefing session the Architect commented that the areas of concern will need to be “managed”, how is the council proposing to “manage” this?

Response

The Manning Community Facility has been developed along contemporary “designing out crime” principles. This includes the use of closed-circuit television and ensuring activity occurs across all of the Facility, during and outside of normal business hours.

Question 18

What will the operating hours of the hall, car park, library and sporting club be?

Response

This information is not known at this stage; however operating hours of the sporting club are typically contained in the lease agreement and are likely to be similar to those that currently exist. It is envisaged the library operating hours will be the same as the existing Manning Library in the beginning.

Question 19

Currently there is passive surveillance in the area however not much response in terms of actions. It was noted in the recent local newspaper issues of theft along the Welwyn Street shops and people requesting money from passer-bys and these not being reported to police. If these issues are occurring with limited shops and activity what will happen when this increases in the area?

Response

There is no certainty that antisocial activity will increase post-redevelopment. It should be noted that the current buildings and lack of activity occurring in the locality is not conducive to crime prevention through environmental design. The new facility has been designed to include after-hours activity and reduce antisocial behaviour along contemporary “designing out crime” techniques.

The City has no control over instances where antisocial behaviour is not reported to police.

Question 20

Has the Council thought about security patrols to have a visual presence of security guards as seen in other councils to alleviate this issue?

Response

It is not considered that there is a need for security patrols at this stage.

Question 21

In what way does the current design of the library and hall reflect the surrounding buildings?

Response

The Manning Community Facility has been designed with a contemporary architectural aesthetic, as would befit a new, multipurpose public building.

Question 22

In what way does the current building design reflect the architectural heritage of the area?

Response

The immediate area surrounding the Manning Community Facility currently contains dwellings of a variety of styles and ages, which have evolved over the last 50 years. There is no predominant architectural character within the locality which is undergoing a period of regeneration.

Question 23

How soon does the council believe that the exterior cladding will date and hence become an even more unsightly monolith (as commented in the 2009 study)?

Response

This is dependent on future architectural trends and cannot be answered.

6.1.2 Leo Burke, 126 Manning Rd, Manning

A response was provided by the Director Development and Community Services by letter, a summary of which is as follows:

Question

“I request my house be allowed a reduced set back of 4.6 metres to align with an existing boundary walled structure as shown in the attached photograph. The averaged set back, because the frontage is stepped, would be over 5 metres and would not adversely affect the streetscape.

My neighbour has both a balcony and garage facing the street which has less than a 6 metre set back and numerous houses in the street have carports, some with roller doors, within 2 metres of the street alignment. Thus my new home will be and will appear to be much further set back than many existing houses in the street.

Note: We previously had planning approval for the reduced set back with another building company with a similar house plan. However, despite this request complying with PCY 350.2 section 7b (ii), when the new builder’s plans were submitted Council’s Planning Department stated categorically that no correspondence would be entered into regarding the increased set back requirement.”

Response

“The development application and building licence for the house at 19 King Street, Kensington were issued in mid April 2013. This means that any changes will now require a new amended application.

In regard to the setback provisions, the Council adopted Policy P351.5 Streetscape Compatibility – Precinct 5 ‘Arlington’ and Precinct 6 ‘Kensington’ in May 2012. All approvals issued after that date must be assessed under the provisions of the policy.

If applications do not comply with the policy, they are either refused under delegated authority or recommended for refusal by Council at a Council meeting.

Should you wish to submit an amended application, please contact the planning department for assistance.”

6.2 PUBLIC QUESTION TIME: 28 MAY 2013

The Mayor stated that public question time is operated in accordance with *Government Act* regulations. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, on a rotational basis, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor advised that there were other ways people could raise questions, such as contacting their Ward Councillors or by logging on to the City's website and submitting a question via 'enquires'. She also reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday 7 June 2013.

The Mayor then opened Public Question Time at 7.08 pm.

Note: *Written Questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public gallery. Questions were answered on a rotational basis, limited to three per person, until the minimum time allowance for public questions (15 minutes) had passed. For ease of reference questions from the same person have been grouped together below.*

6.2.1 Suzanne Klein, 99a Bessell Avenue, Como and Julie Gordon, 98a Todd Avenue, Como

(Written Questions submitted prior to the meeting)

Question 1

Is Council aware of the ongoing environmental issues and criminal activities involving many Department of Housing tenants residing in our area, and if so, what action is being taken to remedy this issue?

Response

The City has a role to play in noise, parking or waste management issues and will act upon any complaints received. However, criminal activities are a matter for the WA police. Any resident who has concerns with Department of Housing properties should contact the Department, the Minister for Housing, or the local Member of Parliament.

Question 2

Are there any Council plans in place to enforce de-clustering of Department of Housing properties in the area, especially given the density as shown on the attached Housing map?

Response

Over the past 2 years the City has been working on its Draft Local Housing Strategy as a component of the Draft Local Planning Strategy. During the course of this work, the issue of Department of Housing densities, in other areas of the City has been raised. Discussions that the City has had with Department of Housing Officers have been to share information only. The City does not have any influence or control over the density of Department of Housing properties in the City.

Question 3

What action is being taken to stop constant dumping of unwanted household items on Council verges, which is not only an environmental issue but dangerous and unsightly?

Response

The City attempts to locate the owner of the rubbish in order to have it removed. Where a resident refuses to remove the rubbish at the direction of the City, the City's Rangers may elect to issue an infringement. Where the owners of the rubbish cannot be identified, the City will arrange for the rubbish to be removed.

6.2.2 Edward Preston, 16 Alston Avenue, Como

(Written Question submitted prior to the meeting)

Question 1

The introduction of the street verge collection service whilst is of convenience for householders to dispose of unwanted items, it has become an eyesore throughout the year as irresponsible vacating tenants and owners alike throw items on to the verge irrespective of scheduled collection periods, resulting in a permanent scruffy unattractive environment. Does the Council plan to instruct Rangers to issue infringement notices to the occupier, corporate body or managing agent?

Response

The City's Rangers already undertake inspections and issue infringements where rubbish has been placed on the street verge ahead of the scheduled collection dates and times.

6.2.3 Marcia Manolas, 193 Mill Point Road, South Perth

(Written Questions submitted prior to the meeting)

Question 1

Under the new South Perth Foreshore proposal, Part 1: Section "Whole of Foreshore: activation" page 14, "Next Steps: investigate 'partnering' opportunities with community and interest groups and commercial stakeholders; trial temporary short term solutions to test and assess long term interest; Investigate operator interest in hire or long term facilities", is it Council's intention to:

- a) Limit events like the Redbull Air Race or any other paying performances, as it impacts on the residential areas adjoining, and if so
- b) How many of these partnering commercial events and community events is Council considering a year?
- c) Please advise if partnering with Commercial and community Groups involves fencing of areas in the final plan of a permanent or temporary capacity?
- d) Is Council going to clearly state in the South Perth Foreshore Proposal whether there is to be structures to house events, or fencing of a permanent or temporary nature to close off areas of the Park, for either free or paying events as this may affect responses of users of the park?
- e) If Council is going to erect temporary structures and fencing required for the events and will it define temporary e.g. (maximum period 24 hours, 36 hours, 72 hours) as residents need to know the impact of such events on their daily lives as most of the area adjoining Sir James Mitchell Park is zoned residential and users of the Park would be exclude from using these areas?

Response

The aim will be to investigate opportunities and trial temporary solutions to test and assess long term community and commercial interest and viability in activation

strategies. At this stage, the City has no firm ideas of what these opportunities might be – hence the need for investigation.

Question 2

South Perth Foreshore Assessment Group has been going since 1988 and request a representative be appointed to the Sir James Mitchell Park Advisory Group. Current Chair person is Kenneth Manolas of 193 Mill Point Road, South Perth

Response

The City will be reviewing the structure of community liaison as part of the implementation of South Perth Foreshore 2013 and Beyond, when it is adopted by Council.

Question 3

Currently planting along the foreshore have not adhered to the planting layout as detailed in the Sir James Mitchell Park Foreshore Management Plan April 2001. “The planning layout in a grouped style design that will aid in the provision of vistas”. “The proposed finger layout of tree and shrub plantings is designed to allow vistas of the river and city through broad view corridors”. Is Council going to rectify plantings undertaken since 2001 which do not adhere with the South Perth Foreshore Management Plan 2001?

Response

The issue of tree planting in the park was dealt with in 2009 with the tree planting project. The City won't be removing any existing plantings undertaken since 2001.

Question 4

In the maintenance of the park, what percentage is spent repairing the damage caused by Events, cost of setting up and cleaning of the area e.g. Air bull race, car parking on the park, and what profit does Council end up making after these events?

Response

The cost of setting up, cleaning up and damage to the Park from events if paid for by the event organisers.

Question 5

Please advise names of representatives on the Sir James Mitchell Park Advisory Group, how they were selected, and what date?

Response

The Sir James Mitchell Park Community Advisory Group has been in existence continuously since 2001. The Group has six representatives – 3 living adjacent to the Park and 3 from elsewhere in the City. Representatives are selected on merit following a public advertising process, when a member resigns. The role of the Advisory Group is to provide advice to City officers on proposals put forward relating to Sir James Mitchell Park, including the Esplanade section of the foreshore. The Advisory Group has no delegated decision making powers and receives no financial compensation from the City.

6.2.4 Lindsay Jamieson

(Written Questions submitted prior to the meeting)

The Mayor advised that former Councillor Lindsay Jamieson has tabled numerous questions in connection with a complaint he lodged with the City to the Local Government Standards Panel relating to the 2007 report of the inquiry into the City

of South Perth. In accordance with the Council resolution in June 2011 no further questions on this topic are to be responded to.

6.2.5 Geoff Defrenne, 24 Kennard St, Kensington

(Written Questions submitted prior to the meeting)

Question 1

Was the Anzac ceremony held at the South Perth War Memorial a RSL or Council event?

Response

This was a joint City/RSL event run in partnership.

Question 2

Will the council ensure it has a similar welcoming attitude to other allies in WWI such as Japan, and countries that may have attempted to invade Australia or Australia was in dispute with?

Response

The comments associated with this question are noted.

Question 3

Was the CEO responsible in not advising the Council of the resource and financial implications Aboriginal Engagement Strategy 2012 when recommending the council adopt the policy?

Response

As indicated in the response to a similar question asked in April 2013, the financial implications are minimal and are largely covered in operating budgets.

Questions 4 to 7

In relation to Development Application Plans –

Given most plans are drawn by a CAD program; would it be a simple task to make it compulsory for the plans to be submitted in an electronic form as well as a hard copy with AutoCAD being the standard format?

How many gigabits of disk space would a year's planning applications take up?

Would a year's planning applications fit on a 4TB hard disk costing \$349?

Assuming the planning applications would fit on a 4TB hard disk, does the city have the resources to purchase one or even two hard disks if a back-up is required?

Response

All matters associated with the online publication of Development Application proposals are currently being researched and will be part of a report to Council in June 2013.

6.2.6 Malcolm Dempsey, 78 Mill Point Road, South Perth

(Written Questions submitted prior to the meeting)

Question 1

In relation to the City's proposed 'Cash in Lieu' Policy and the Proposed Disposition of the Civic Triangle Site -

Why would South Perth City Council sell the site, then buy back other land to provide transport infrastructure?

Response

It has been a long term plan of the Council to acquire land within the Civic Triangle Site with the eventual objective of selling the land for a 'marque' development. There is no relationship between the 'cash in lieu' provisions of the Town Planning Scheme and this land.

Question 2

In relation to the recent rezoning of the Train Station precinct, and the envisaged South Perth Foreshore Revitalisation -

Has South Perth City Council conducted a traffic management study to make sure adequate provision is made for future increase in traffic in the area?

Response

In order to plan for higher density development within the South Perth Station Precinct, the City engaged a Consultant in 2011 to undertake a Traffic, Transport and Access Strategy to identify key issues within the Precinct and recommend measures to upgrade the safety and efficiency of movements for traffic, public transport, pedestrians and cyclists. The Strategy was completed in 2012 with the report used to support the need for higher densification within the South Perth Station Precinct.

The Traffic, Transport and Access Strategy concluded that roads within the Precinct are adequate to accommodate the existing traffic volumes, however the future traffic forecasts indicates that higher levels of congestion will occur in the peak travel times. The South Perth Station Precinct is planned to be a significant transit-oriented development in which most of the trips generated are made by public transport when the new railway station is built in the future. Consequently, the additional road traffic generated from the new developments within the station precinct is considered to be relatively small and will not significantly impact on the local traffic congestion of South Perth.

Question 3

Has the South Perth City Council approached the Transport Department in order to upgrade commuter facilities and comfort for example provision of shelter over the Mends Street Jetty?

Response

Each year, the City actively engages with relevant State agencies, including the Department of Transport, to allocate funding towards the upgrade of facilities in the City of South Perth.

Question 4

In Item 10.2.1 (South Perth Foreshore 2013 and Beyond document) reference is made to an "inflammatory flyer that was distributed". The flyer that was distributed was alerting the owners of property in the vicinity to what was being promoted on the City website, and is still contained in the Minutes under "Mends Street Piazza and Promenade Concept Plan" – Attachment 10.2.1(b).

Does the South Perth City Council consider this concept to be inflammatory?

Response

If this question relates to the Mends Street Piazza and Promenade Concept Plan shown at Attachment 10.2.1(b) which was prepared by the City then the answer is "No".

The Mends Street (Piazza and Promenade) Concept Presentation is an example of what the Mends Street precinct of the foreshore could look like. This concept was presented to Council in July 2012 as an idea of where future planning could lead. It was intended to inspire thought and discussion on how this Precinct could be upgraded and activated as an attractive and vibrant front door to the City of South Perth and a valued part of greater Perth metropolitan area.

One of the aims of the document South Perth Foreshore 2013 and Beyond is to work with all key stakeholders and the community to develop a sustainable plan for Mends Street and the immediate foreshore area.

6.2.7 Nick Bell, Darley St, South Perth

(Written Question submitted at the meeting)

Question 1

Can Council confirm that it currently has no plans to increase on street parking in Darley or Ray Streets?

Response

The City of South Perth can confirm that there are no plans to increase on-street parking on these streets.

6.2.8 Frances Bell, 28/8 Darley Street, South Perth

(Written Questions submitted at the meeting)

Questions 1 and 2

In relation to the proposed vision for the South Perth foreshore, has Council considered the impact of safety and security for residents?

Further, relating to the proposed vision for the South Perth Foreshore, has Council considered what affect any development will have on the quiet amenity currently enjoyed by residents?

Response

Yes, Officers have considered a range of factors and the further input of residents, on the draft document, is now sought.

Question 3

Do Councillors place a value on the iconic, world class panoramic vista enjoyed from the foreshore?

Response

Yes of course, that is why it is considered that the foreshore should be continually improved.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held 23 April 2013

7.1.2 Audit and Governance Committee Meeting Held 17 April 2013

7.1.3 Special Council Meeting Held 14 May 2013

COUNCIL DECISION

Moved: Cr Skinner

Seconded: Cr Howat

That the attached Minutes under Items 7.1.1 to 7.1.3 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing – April 2013 Ordinary Council Meeting 16 April 2013

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

7.2.2 Concept Briefing – EJ Reserve, Fiesta and Australia Day - 10 April 2013

Officers of the City and external consultants provided Council with an overview of the EJ Reserve, the Fiesta wind-up and Australia Day. Notes from this Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing – Collier Park Village Strategic Aged Care Review, Civic Triangle Valuation Update, and Lot 800 Ray St Valuation - 15 April 2013

Officers of the City and external consultants presented information and answered questions relating to the Collier Park Village Strategic Aged Care Review, the Civic Triangle Valuation and the Valuation of Lot 800. Notes from this Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Briefing – Proposed Amendment 35 (Home Occupation and Home Office Definition and Requirements) and Proposed Policy P313 'Local Heritage Listing' – 17 April 2013

Officers of the City presented information and answered questions on the Proposed Amendment 35 (Home Occupation and Home Office Definition and Requirements) and the Proposed Policy P313 'Local Heritage Listing'. Notes from this Concept Briefing are included as **Attachment 7.2.4**.

7.2.5 Concept Briefing – Curtin City Project – 22 April 2013

The Director of Campus Development from Curtin University provided Council with an overview of the Curtin City Project. Notes from this Concept Briefing are included as **Attachment 7.2.5**.

7.2.6 Concept Briefing – Future Community Population and Planning Issues – 30 April 2013

Guest presenters provided Council with information and answered questions on; The Diverse Accommodation Needs of Seniors; Rail, Density and Politics; and Made in Australia – the future of Australian Cities. Notes from this Concept Briefing are included as **Attachment 7.2.6**.

7.2.7 Concept Briefing – Joint Council Forum – City of South Perth and Town of Victoria Park Discussion on Local Government Reform – 2 May 2013

A Joint Council Forum between the City of South Perth and the Town of Victoria Park was held to discuss Local Government Reform. Notes from this Concept Briefing are included as **Attachment 7.2.7**.

COUNCIL DECISION

Moved: Cr Trent

Seconded: Cr Hawkins-Zeeb

That the attached Notes under Items 7.2.1 and 7.2.7 on Council Briefings be noted.

CARRIED (13/0)

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 Lynlea Miles, 6 Doneraile Court, Waterford - Petition 'not to erect a fence around Doneraile Pond'

The Mayor advised that a petition had been received 27 May 2013 from Lynlea Miles, 6 Doneraile Court, Waterford, together with 165 signatures, 'not to erect a fence around Doneraile Pond'. The Mayor noted that this petition related to Item 10.2.2 (Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan) and had been circulated to Councillors for information, prior to consideration of Item 10.2.2.

The text of the petition reads:

"We the undersigned petition the Mayor and Councillors to not erect a fence around the lake in Doneraile Park. We are aware that a petition has been circulated with a contrary view but do not agree with its intent nor the assumptions that it has drawn about the perceived safety hazard. We accept that the risk needs to be managed but do not agree that a fence is the answer nor is it supported by these petitioners and many of the local residents."

The Mayor advised that the petition should be read in conjunction with Item 10.2.2.

8.2 PRESENTATIONS

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

8.2.1 Belgian Embassy

The Chief Executive Officer advised that the Deputy Head of the Belgian Embassy had presented to the City of South Perth a Paperweight Magnifying Glass following a visit to the City on 2 and 3 May 2013.

8.2.2 Mr Paulo Velho, Commissioner for Children and Young People Award

The Mayor acknowledged Mr Paulo Velho's achievement in winning the Commissioner of Children and Young People award at the 2013 WA Youth Awards through his dedication to making a positive change in the community.

8.3 DEPUTATIONS

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

Nil.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: Local Emergency Management Committee – 19 February 2013

A report from Cr Lawrance and David Fyfe, Infrastructure Planning Officer with the minutes of the Canning / South Perth Local Emergency Management Committee Meeting Tuesday is at **Attachment 8.4.1**.

8.4.2 Council Delegate: Rivers Regional Council Meeting -18 April 2013

A report from Cr Cala, Cr Trent and Stephen Bell, Director Infrastructure Services summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 18 April 2013 is at **Attachment 8.4.2**.

8.4.3 Council Delegate: WALGA South East Metropolitan Zone - 24 April 2013

A report from Mayor Doherty, Cr Cala, and Cliff Frewing, Chief Executive Officer summarising their attendance at WALGA South East Metropolitan Zone Meeting held 24 April 2013 is at **Attachment 8.4.3**.

COUNCIL DECISION

Moved: Cr Cala

Seconded: Cr Hawkins-Zeeb

That the Delegate's Reports under items 8.4.1 to 8.4.3 be received.

CARRIED (13/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 21 May 2013.

The Chief Executive Officer confirmed that this was correct.

ITEM WITHDRAWN BY APPLICANT

Item 10.1.1 Withdrawn by the Applicant.

ITEM REVISED

Item 10.6.4 A revised version of the report and attachments at Item 10.6.4 were circulated to Councillors following publication of the final agenda.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.2.1 Declaration of Proximity Interest – Cr Skinner

Item 10.2.2 Declaration of Proximity Interest – Cr McMullen

Item 10.6.6 Alternative Motion proposed by Cr Cala

COUNCIL DECISION - EN BLOC RESOLUTION

Moved: Cr Lawrance

Seconded: Cr Reid

That with the exception of withdrawn items 10.1.1, 10.2.1, 10.2.2 and 10.6.6, the officer recommendations in relation to agenda items 10.0.1, 10.0.2, 10.0.3, 10.3.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4 (revised), 10.6.5, and 10.7.1 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Council Policy P315 'Car Parking Reductions for Non-Residential Development' - Final adoption

Location: City of South Perth
Applicant: City of South Perth
Date: 10 May 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

In support of proposed Amendment No. 30 to Town Planning Scheme No. 6, officers have also prepared a complimentary draft Planning Policy P315 "Car Parking Reductions for Non-Residential Development" to allow a reduction of the number of car parking bays required for non-residential uses, where there are significant opportunities to promote alternate modes of transport or utilise existing transport and car parking infrastructure.

Policy P315 has been advertised for public submissions, though no submissions were received. The Council now needs to resolve whether the policy should be finally adopted, with or without modification, or should not proceed. The recommendation is for the policy to be finally adopted by the Council.

Officer Recommendation AND COUNCIL DECISION

That under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6, Policy P315 'Car Parking Reductions for Non-Residential Development' at **Attachment 10.0.1** be adopted.

CARRIED EN BLOCK RESOLUTION

Background

This report includes the following attachment:

Attachment 10.0.1 Policy P315 for final adoption

Draft Policy P315 was adopted for advertising at the November 2012 Council meeting (*Item 10.3.5 Council meeting 27 November 2012 refers*). Subsequently, comments were sought from the community during a 46-day advertising period.

Policy P315 provides increased guidance to applicants and Council regarding the circumstances under which variations from the car parking requirements in Table 6 of TPS6 should be permitted. This will be beneficial because, in recent years applicants have used various evidence including other nearby Local Governments' Scheme requirements and proximity to public transport as justification for variations. With no policy providing guidance, assessment of such evidence has been difficult and inconsistent.

10.0.1 Proposed Council Policy P315 'Car Parking Reductions for Non-Residential Development' - Final adoption

Comment

Policy P315, included as **Attachment 10.0.1**, contains provisions to address the following areas:

- Table 1 provides a range of performance criteria which if successfully justified by the applicant, can result in Council approving a reduction in the number of car parking bays below the number required under Table 6 of TPS6. The performance criteria address the following factors:
 - Distance to a rail station;
 - Distance to a bus stop/station;
 - Distance to a public car parking place;
 - Mixed use developments including residential components; and
 - Provision of 'end-of-trip' cycling facilities or secure bicycle parking.
- Table 2 describes the method to be applied when calculating the number of deficit car parking bays in the case where the Council agrees to a reduction in the required number of car parking bays by using Table 1.
- Table 3 lists the City-managed car parking facilities considered to be "public car parking places" in the context of Table 1.
- As the Canning Bridge Precinct will have its own reduced car parking requirements in the future, when those requirements come into force (not anticipated for at least 3 years), then the policy will no longer apply to this Precinct, as per the provisions under the section 'Policy Scope'.

City officers have made some minor formatting and text revisions to the advertised policy so as to clarify the intent of the policy.

Consultation

The advertising process commenced on 19 March 2013, concurrently with proposed Amendment No. 30 to Town Planning Scheme No. 6.

The statutory advertising required by clause 9.6(2) of TPS6 and Council Policy P301 has been undertaken. The draft Policy was advertised for comment, as follows:

- Letters and Notices mailed to affected government agencies;
- Southern Gazette newspaper notice in two issues - 19 and 26 March 2013; and
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and on the City's web site ('Out for Comment').

The required minimum advertising period is 21 days. On this occasion, the actual advertising period was 46 days from 19 March to 3 May 2013.

During the advertising period, no submissions were received.

Policy and Legislative Implications

The statutory process as it relates to Policy P315 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and estimated dates
Council adoption of draft Policy P315 for advertising purposes	27 November 2012
Public advertising period of 46 days	19 March - 3 May 2013
Council resolution to formally adopt the policy with/without modification, or not proceed with the policy	28 May 2013
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	June 2013

10.0.1 Proposed Council Policy P315 'Car Parking Reductions for Non-Residential Development' - Final adoption

Financial Implications

Policy P315 is expected to increase the total amount of cash in lieu of car parking payments received by the City, as well as making it easier for the City to allocate cash-in-lieu funds to related transport infrastructure projects.

Additionally, Policy P315 has financial implications in relation to the remaining statutory processes, all of which will be met by the City.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's [Strategic Community Plan 2013–2023](#), which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

Sustainability Implications

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

Policy P315 promotes alternate modes of transport to the private motor vehicle where there are opportunities to do so, thereby reducing transport-related carbon emissions.

Conclusion

The Policy will assist City officers, Elected Members and applicants in applying discretion to the car parking requirements contained within Town Planning Scheme No. 6. Accordingly, Policy P315 should now be finally adopted by the Council.

10.0.2 Proposed Amendment No. 30 to Town Planning Scheme No. 6: Car Parking and Cash in Lieu - Consideration of submissions and final adoption

Location: City of South Perth
Applicant: City of South Perth
Date: 10 May 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The principal purpose of Amendment No. 30 is to rationalise existing Town Planning Scheme No. 6 (TPS6) provisions regarding cash in lieu of car parking bays, specifically the ability to use funds collected by the City for the provision of transport infrastructure, rather than be limited to the supply of car parking bays. At the same time Amendment No. 30 rationalises and updates the existing car parking provisions within TPS6.

Amendment No. 30 has been advertised for public submissions. The Council now needs to consider the three submissions received during the statutory advertising period and resolve whether the Amendment should proceed, with or without modification, or should not proceed. The recommendation is for the Amendment to be finally adopted by the Council with modification and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

Officer Recommendation AND COUNCIL DECISION

That

- (a) The Western Australian Planning Commission be advised that Council recommends that:
 - (i) the Submission conditionally supporting Amendment No. 30 be **NOT UPHELD**;
 - (ii) the Submissions neither supporting nor opposing Amendment No. 30 be **NOTED**;
 - (iii) the revisions to Advertised Amendment No. 30 by City officers be **UPHELD**; and
 - (iv) Amendment No. 30 proceed with modifications;
- (b) Amendment No. 30 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 30 document (**Attachment 10.0.2(c)**), as required by those Regulations;
- (c) the Report on Submissions containing the Council's recommendations (**Attachment 10.0.2(a)**) and the Schedule of Submissions containing a detailed assessment of the Submissions (**Attachment 10.0.2(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 30 by the Minister for Planning;
- (d) the Submitters be thanked for participating in the process and be advised of the above resolution.

CARRIED EN BLOC RESOLUTION

10.0.2 Proposed Amendment No. 30 to Town Planning Scheme No. 6: Car Parking and Cash in Lieu - Consideration of submissions and final adoption

Background

This report includes the following attachments:

Attachment 10.0.2(a)	Report on Submissions (for referral to the Minister)
Attachment 10.0.2(b)	Schedule of Submissions
Attachment 10.0.2(c)	Amendment No. 30 documents for final adoption

Amendment No. 30 was initiated at the November 2012 Council meeting (*Item 10.3.5 Council meeting 27 November 2012 refers*). On 4 December 2012, the Scheme Amendment documents were forwarded to the Western Australian Planning Commission (WAPC) for information; and to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required. The EPA clearance was received on 18 November 2012. Subsequently, comments were sought from the community during a 46-day advertising period.

Since TPS6's gazettal in 2003, the current cash in lieu provisions under Clause 6.3 have not been effectively implemented for two reasons. Firstly, Council has no discretion regarding the method by which the cash-in-lieu payment is calculated. In the same vein, Clause 6.3 currently restricts Council's allocation of the cash-in-lieu payments to car parking-related infrastructure such as timed meters and additional car parks which are in accordance with a firm proposal by Council and must be implemented within 5 years of the planning approval being granted. As a result, Council has not been able to effectively utilise TPS6's cash-in-lieu provisions due to their restricted nature.

Amendment No. 30 seeks to provide increased flexibility in the method used to calculate cash-in-lieu payments, so that the merits of applications can be considered on a case by case basis. The second intention is to broaden the range of transport infrastructure that the cash-in-lieu payments can be spent on, to include alternate modes of transport to a private motor vehicle (walking, cycling and public transport).

An ancillary purpose of Amendment No. 30 is to bring the car parking requirements of Table 6 for the residential components of mixed use developments in line with the Residential Design Codes, as such requirements are inconsistent and out-dated.

Comment

The Amendment No. 30 report comprising **Attachment 10.0.2(a)** discusses the rationale for the proposal. The Amendment will modify TPS6 in the following areas:

- Revised provisions will allow Council to spend cash-in-lieu payments on additional transport infrastructure in the vicinity of the development site, or to acquire land for the provision of additional transport infrastructure;
- A new method for the calculation of cash-in-lieu funds required for deficit bays will give Council discretion to include any of the following costs:
 - the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by the Council;
 - the cost to the Council of constructing the deficit bays; and
 - the cost to the Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.
- Any costs incurred by the Council in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking planning approval.
- The cash-in-lieu payment shall be payable in such a manner and at such time as Council determines.
- Cash-in-lieu payments received by Council shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure

10.0.2 Proposed Amendment No. 30 to Town Planning Scheme No. 6: Car Parking and Cash in Lieu - Consideration of submissions and final adoption

within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments, which it incurs in providing and maintaining transport infrastructure.

- Additional sub-section to existing TPS6 'discretionary' clause 7.8(2), which restricts the Scheme provisions Council may vary stating that Council shall not vary the way in which the numbers of deficit car parking bays are determined for the purpose of cash-in-lieu of car parking payments.
- Removing specific car parking requirements for residential uses from Table 6 which are not in line with the current Residential Design Codes in regard to the residential components of Mixed Developments' and replacing these requirements with a reference to the Residential Design Codes. The revision to the advertised Amendment also brings the bicycle parking requirements for residential uses into line with the current Residential Design Codes.
- Adding definitions to Schedule I for the following terms:
 - "Cash-in-lieu payment";
 - "Transport infrastructure"; and
 - "Comprehensive new development".

Consultation

Following Council's receipt of confirmation that an EPA assessment was not required, the advertising process commenced on 19 March 2013.

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and Council Policy P301 was undertaken in the manner described below:

- Letters and Notices mailed to affected government agencies;
- Southern Gazette newspaper notice in two issues - 19 and 26 March 2013; and
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and on the City's web site ('Out for Comment').

The required minimum advertising period is 42 days. On this occasion, the actual advertising period was 46 days - from 19 March to 3 May 2013.

During the advertising period, three submissions were received, one conditionally supporting the proposal and two neither supporting nor objecting to the proposal.

Following the conclusion of advertising, City officers have made revisions to the amending documents to take account of the gazettal of Amendment No. 25 (South Perth Station Precinct) on 18 January 2013; to make the bicycle parking requirements in Table 6 for residential uses to be as prescribed by the Residential Design Codes; and minor text and formatting changes to clarify the proposal and to be consistent with the existing Scheme.

The full submissions and City officer revisions, together with officer responses are contained in the attached Report on Submissions and Schedule of Submissions (**Attachments 10.0.2(a)** and **10.0.2(b)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. The Report and the Schedule contain recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

10.0.2 Proposed Amendment No. 30 to Town Planning Scheme No. 6: Car Parking and Cash in Lieu - Consideration of submissions and final adoption

Policy and Legislative Implications

The statutory Scheme Amendment process as it relates to Amendment No. 30 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and estimated dates
Council resolution to initiate Amendment No. 30 to TPS6	27 November 2012
Council adoption of draft Scheme Amendment No. 30 proposals for advertising purposes	27 November 2012
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	4 December 2012
Public advertising period of 46 days	19 March - 3 May 2013
Council consideration of Report on Submissions	28 May 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. 38; • Three signed and sealed copies of Amendment No. 38 documents for final approval 	Not more than two weeks after May 2013 Council meeting.
Minister's final determination of Amendment No. 38 to TPS6 and publication in <i>Government Gazette</i>	Not yet known
Publication of the approved Amendment No. 38 notice in the <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 30 proceed with modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

Proposed Scheme Amendment No. 30 is expected to increase the total amount of cash in lieu of car parking payments received by the City, as well as making it easier for the City to allocate cash-in-lieu funds to related transport infrastructure projects.

Additionally, proposed Scheme Amendment No. 30 has financial implications in relation to the remaining statutory processes, all of which will be met by the City.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's [Strategic Community Plan 2013–2023](#), which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

Sustainability Implications

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

The proposed Amendment No. 30 promotes alternate modes of transport to the private motor vehicle where there are opportunities to do so, thereby reducing transport related carbon emissions.

Conclusion

It is acknowledged that the current provisions of TPS6 discourage applicants and Council from effectively applying cash in lieu of car parking arrangements under

10.0.2 Proposed Amendment No. 30 to Town Planning Scheme No. 6: Car Parking and Cash in Lieu - Consideration of submissions and final adoption

existing clause 6.3 due to a lack of flexibility. Proposed Amendment No. 30 seeks to rectify the existing unsatisfactory situation.

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

10.0.3 Civic Triangle – Business Plan for Major Land Transaction

Location: City of South Perth
Applicant: Council
Date: 10 May 2013
Author: Phil McQue, Manager Governance & Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council adopt the 'Civic Triangle Business Plan for Major Land Transaction' for public consultation with a further report to be submitted to Council considering submissions received on the Business Plan.

Officer Recommendation AND COUNCIL DECISION

That the Council adopt the Civic Triangle Business Plan for Major Land Transaction for public consultation with a further report to be submitted to Council considering submissions received.

CARRIED EN BLOC RESOLUTION

Background

The South Perth Civic Triangle is a Council owned 7133 square metre site comprising nine separate lots bounded by Mends Street, Labouchere Road and Mill Point Road (excluding the Australia Post site). The City has been in the process of strategically acquiring the lots since 1986 with the longer term objective and vision to facilitate and enable a vibrant mixed use 'civic heart' development that incorporates retail, residential, commercial and public open space on this strategic landmark location.



Since 2004, important precursor activities relating to the disposal of the Civic Triangle site, (including multi-criteria analysis of the various disposal options, amalgamation of lots, rezoning of land, establishing the development potential of the site and financial modelling of the various disposal options) have been progressed by the City.

The Civic Triangle redevelopment is a significant metropolitan project. The preliminary development proposals developed by the City's architects indicate that the highest and best use (inclusive of significant public open space) would involve construction / development costs of approximately \$175M comprising a 20 storey

10.0.3 Civic Triangle – Business Plan for Major Land Transaction

building, approximately 140 apartments, 11,000 sqm of commercial area, 2,500sqm of public open space and 250 car parking bays.

The Civic Triangle development has been the subject of several Council workshops and reports during 2011, 2012 and 2013. In July 2012, the Council resolved:

That the Council

- (a) approve the City calling expressions of interest for suitably qualified consultants / specialised real estate agent services to provide commercial property advice to the City on the Civic Triangle project;*
- (b) consider a report on the assessment of the expressions of interest received*

Tenders were then received and assessed with a further report submitted to Council in December 2012 where the Council resolved:

That the Council

- (a) note the outcomes of the Civic Triangle Project Tender;*
- (b) not accept any tenders at this time;*
- (c) invite Matt Garmony from Garmony and Associates to present the findings of their confidential report on the Civic Triangle and if required continue to work with Garmony and Associates to provide further financial analysis on the options available to Council; and*
- (d) agree to prepare a Business Plan for community consultation in respect to the proposed disposition of the Civic Triangle.*

Two further Council workshops were held in January and April 2013 with Garmony Property Consultants in relation to confidential valuations based on the “hypothetical development method” for market valuations, leasehold valuations (99 year) and ground rental valuations (99 year).

As requested by Council at the January workshop, Garmony Property Consultants also provided confidential valuations on subdivision scenarios of a single lot, 2 lots and 3 lots at the April 2013 workshop. The advantages and disadvantages of subdividing the Civic Triangle lot were also discussed at the workshop.

Comment

The Council has now been provided with all necessary valuations required for making an informed decision. All lots acquired within the Civic Triangle were purchased by the Council with the strategic vision of creating a significant 'civic heart' development. The subdivision option market valuations provided by Garmony Property Consultants are not considered a significant enough variance in financial return to the City to propose subdividing the Civic Triangle.

In accordance with s3.59 of the *Local Government Act 1995*, a Business Plan for Major Land Transaction has now been prepared. It is recommended that the Council proceed to adopt the Civic Triangle Business Plan for Major Land Transaction” (shown at **Attachment 10.0.3**) for public consultation for a period of six weeks, with a further report to be submitted considering any submissions received.

The Business Plan is required to be advertised state-wide inviting public submissions and includes an overall assessment of the major land transaction; its effect on the provision of services and facilities by the City; its expected financial effect on the City; and the ability of the City to undertake the transaction.

Consultation

The proposed disposition of the Civic Triangle will be the subject of a Business Plan and a six week community consultation period as required under section 3.58

10.0.3 Civic Triangle – Business Plan for Major Land Transaction

Disposing of Property and section 3.59 Commercial Enterprises, Local Government Act 1995.

Policy and Legislative Implications

Given that the value of the Civic Triangle is in excess of \$10M, the Council is required to prepare a Business Plan for a Major Land Transaction.

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of dispose; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) acquire or dispose of an interest in land; or

(b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

(a) in the last completed financial year, involved; or

(b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.

(2) Before it —

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government; and

(b) its expected effect on other persons providing facilities and services in the district; and

(c) its expected financial effect on the local government; and

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and

(e) the ability of the local government to manage the undertaking or the performance of the transaction; and

(f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

10.0.3 Civic Triangle – Business Plan for Major Land Transaction

(b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

Financial Implications

The Council has budgeted for \$16.5M gross revenue in the long term financial plan for the proposed disposition of the Civic Triangle (after allowing for sale costs and GST). The Civic Triangle disposal proceeds are inextricably linked to funding other identified Council strategic priorities such as the Manning Community Hub, EJ Oval redevelopment and GLBC expansion.

It should be acknowledged that there is financial risk in further deferring or abstaining from disposing of the site as a number of the City's major projects are premised on the impending sale of the Civic Triangle. In fact the disposal of this site is central funding platform to the City's financial plan - and ongoing financial sustainability. Further, there is market evidence to suggest that the City would achieve a greater financial return by bringing the site to market in early 2013 rather than late 2013 given the financial uncertainty prevailing in financial markets worldwide.

The City does not believe the adoption of this recommendation contains any perceived risk to Council. The recommendation is for the City to utilise and build upon the work already undertaken by Garmony and Associates and also to select a qualified and proven real estate agent to obtain the maximum financial return on the Civic Triangle.

Strategic Implications

This proposed disposition of the Civic Triangle is in alignment with the City's:

- [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”.
- Corporate Plan 2013-2017, Strategic Initiative 4.5.1 – “Progress and finalise the disposal of the Civic Triangle Land”.
- Long Term Financial Plan.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#) and is part of the City's strategic management of its property portfolio.

10.1 STRATEGIC DIRECTION I: COMMUNITY

10.1.1 Concert Proposal – Mellen Events (WITHDRAWN)

This report has been withdrawn by the applicant.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 South Perth Foreshore 2013 and Beyond Document (Draft)

Declaration of Proximity Interest – Cr Skinner

In accordance with the Local Government (Rules of Conduct) Regulations 2007, the Mayor read aloud the following declaration from Cr Skinner:

“In accordance with Section 5.65 of the Local Government Act, I declare a proximity interest in Item 10.2.1 (South Perth Foreshore 2013 and Beyond document (draft)) to be discussed at the Council meeting on 28th May 2013.

However, I wish to apply for an exemption in accordance with Section 5.63(a) in that my interest is common with a significant number of electors and ratepayers.”

COUNCIL DECISION

Motion to allow Cr Skinner to participate in consideration of Item 10.2.1

Moved: Cr McMullen

Seconded: Cr Hawkins-Zeeb

CARRIED (12/0)

Officer Report – Item 10.2.1

Location: South Perth Foreshore
Applicant: Council
Date: 3 May 2013
Author: Mark Taylor, Manager City Environment
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

The City has produced a draft document entitled *South Perth Foreshore 2013 and Beyond* for Council to endorse to allow 6 weeks formal community consultation. This report outlines the reasons that a visioning process was considered necessary, the process developed to complete the draft document and the community and stakeholder feedback received to develop the draft document *South Perth Foreshore 2013 and Beyond*.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Trent

Seconded: Cr Hawkins-Zeeb

That

- (a) Council endorse the draft South Perth Foreshore 2013 and Beyond document for the purpose of conducting community consultation for a period of 6 weeks; and
- (b) At the completion of the consultation period, the Council consider a further report containing an analysis of the comments received and the resultant review of the South Perth Foreshore 2013 and Beyond document for formal adoption.

CARRIED (13/0)

Background

For the purposes of this project, the South Perth Foreshore (SPF) is considered to be the Swan River foreshore parkland from Ellam Street in the east to Mill Point Reserve to the west of the Narrows Bridge. The majority of this foreshore is known

10.2.1 South Perth Foreshore 2013 and Beyond document (draft)

as Sir James Mitchell Park; however, Clydesdale Park, the Esplanade and Mill Point Reserve are also included in the SPF. The project also considers physical and visual connections to the foreshore including the Perth Zoo and the Mends Street precinct, as the gateway to the City of South Perth.

The City's recently adopted Public Open Space Strategy defines the SPF as being '...of regional significance because of (its) important contribution to the metropolitan region's sense of place and (its) attraction of users from throughout the region.' The SPF is a heavily utilised public open space, not only by City residents, but also by many visitors, including tourists.

The existing management framework for the SPF is the Sir James Mitchell Park Foreshore Management Plan (Plan). This Plan was adopted by the City and the Swan River Trust (the Trust) in 2001, following extensive community involvement, which is indicative of the considerable public interest in the SPF. The Plan has been successful in many areas, but mainly because it has provided a solid management framework for the City to work from. Eleven years later the priority actions identified in the Plan has been largely implemented and is therefore in need of review.

Much of the infrastructure within the SPF is reaching the end of its useful life. The City allocates considerable funds to maintain the status quo, with \$800,000 allocated in the 2012/2013 annual budget. However, funding for key and necessary infrastructure upgrades and improvements (such as river wall upgrades, irrigation system replacement and lakes remediation), is a lot more difficult to come by. Some improvements have been made with State Government contributions, including the Beaches project and minor wall repairs. However, many plans for major upgrade works, for example the Old Mill revitalisation, and Swan Habitat creation, have to date not been successful in attracting external funding.

The City does not have the required capacity alone to adequately fund required and desired capital works improvements to the SPF without compromising other works it should be completing elsewhere in the municipality.

Comment

The decision to develop a vision for the SPF was made as a result of the guiding documents and strategic framework already in place at the City. These guiding documents relate to *Our Vision Ahead* and the [Strategic Community Plan 2013–2023](#) (refer to comments in the Strategic Implications section of this report).

In view of the guiding documents and strategic framework in place, the City commenced a visioning process to guide future activities and development along the SPF. This collaborative process for the SPF is facilitated by the City, in consultation with stakeholders and the community. The intent of the document *South Perth Foreshore 2013 and Beyond* is to develop and articulate desires and priorities to revitalise the SPF. A key aim is to provide the impetus and guidance for the development of more detailed master-planning, precinct planning and projects in key areas, or 'nodes', along the foreshore.

Key outcomes captured in the document *South Perth Foreshore 2013 and Beyond* include:

- An extensive literature and due diligence review of the various State and local planning documents;
- Community visioning feedback;
- Preliminary internal and external project group workshops with key local stakeholders;
- Definition of the key objectives for the foreshore precinct;

10.2.1 South Perth Foreshore 2013 and Beyond document (draft)

- The overarching opportunities and consideration;
- Proposed initiatives for the foreshore and key nodes and precincts within the foreshore;
- Outline of available feasibility models;
- Next steps in developing the long term plan for the foreshore.

The project objectives are as follows:

- Create opportunities for increased social activity;
- Develop and enhance existing parkland, flora and fauna;
- Encourage healthy lifestyles;
- Recognise and celebrate history and cultural heritage;
- Foster and promote sustainability;
- Improve accessibility and connectivity;
- Facilitate economic development;
- Maintain view vistas;
- Governance – ensure responsible business principles, budget allocation and best practice infrastructure asset management.

The process to develop *South Perth Foreshore 2013 and Beyond* involves four key stages. Stages 1 and 2 have been completed and following endorsement of the draft document *South Perth Foreshore 2013 and Beyond* by Council, the City will commence Stage 3 of the process. A brief description of each stage is highlighted below:

Stage 1 - Conversations and ideas gathering - Late 2012 to February 2013

The visioning began in late 2012 with meetings with various stakeholder groups. Background information was collected and reviewed by the SPF project team, including consultants and the SPF Internal Reference Group.

In January and February 2013, the City hosted a series of coffee cart chats along the foreshore to get residents, businesses and visitors thinking about the potential for improvements. The coffee cart chats were held at 3 locations in Sir James Mitchell Park and the Esplanade, during the morning and afternoon on 2 separate days:

- Wednesday 23 January, being a school day during school holidays; and
- Saturday 9 February, a weekend during school time.

Postcards and advertisements also encouraged written ideas and comments, with people thinking about:

- What makes South Perth Foreshore a special place?
- What do you love about it now?
- What would you change, or like to see in the future?

Engagement with relevant external stakeholder groups such as the Sir James Mitchell Park and Sustainability Community Advisory groups, State Government agencies (i.e. the Trust), Aboriginal groups, local business, schools and youth, residents and the wider community, also took place during this stage of the project. Council was also involved in this stage of the process as a stakeholder, via direct briefing, workshops and Elected Member's Bulletin updates.

Stage 2 – Draft South Perth Foreshore 2013 and Beyond - March 2013 to April 2013

The following key steps were undertaken:

- Comments were compiled and reviewed,
- The draft document *South Perth Foreshore 2013 and Beyond* was prepared,
- Feasibility Models for future staging of projects produced.

10.2.1 South Perth Foreshore 2013 and Beyond document (draft)

Stage 3 – Council approval of draft South Perth Foreshore 2013 and Beyond to formally consult - May to August 2013

The following key steps are now being undertaken:

- The document *South Perth Foreshore 2013 and Beyond* is now being presented to Council for consideration. If endorsed, the draft document will be “Out for Comment” for a period of six weeks;
- Community comments and submissions received will then be compiled and reviewed, and the draft document revised as necessary;
- The draft review of the SPF 2013 and Beyond document and feasibility models will be reviewed in preparation for Stage Four;
- The aim is to present the draft review of the SPF 2013 and Beyond document to Council at either the August or September 2013 council meeting, for Council adoption.

Stage 4 – Future planning – October 2013 – June 2014 and beyond

The following key steps are proposed to be undertaken following adoption of the *South Perth Foreshore 2013 and Beyond* document:

- Development of Implementation Strategy and Business Process,
- Detailed Precinct and Master planning for future projects,
- Budget planning and funding applications,
- Progression with projects subject to planning and availability of funding.

The City had previously produced a concept vision for the foreshore reserve in the vicinity of Mends Street jetty (‘The Promenade Vision’ Presentation) in response to efforts to repair the river wall in this area and to provide a ‘What if?’ or ‘What could be?’ for Council to consider. This Promenade Vision was presented to Council at a concept briefing in July 2012, but was not taken further because this site was proposed to be considered in context of a much wider vision for the SPF as a whole.

The Promenade Vision was posted on the City’s website in conjunction with the other information about the SPF under Major Projects. Unfortunately, many residents, particularly those residing along the South Perth Esplanade, were under the impression that the Council had adopted this as a plan. As a result, this matter initially affected the City’s attempts to seek ideas from South Perth Esplanade residents, some of whom were more interested in trying to have the ‘Promenade Vision’ stopped. City officers, Councillors and in particular the Mayor, were able to effectively communicate with the appointed representatives of these residents to advise where this concept Promenade Vision fitted within the SPF project. The City was then able to receive ideas from all stakeholders about what could occur along the foreshore.

The initial conversations and ideas gathering stage of *South Perth Foreshore 2013 and Beyond* has been successful. The aim was always to gather a ‘snapshot’ of ideas to inform a draft document which could then be advertised more widely for feedback.

The draft document *South Perth Foreshore 2013 and Beyond* (at **Attachments 10.2.1 (a & b)**) considers the foreshore in the following ways:

- A. Four (4) Whole of Foreshore Considerations:
 1. Transport
 2. Infrastructure
 3. Activation
 4. Culture, Environment and History;
- B. Considerations for the specific Precincts / Nodes along the foreshore, 10 of which have been identified below:

10.2.1 South Perth Foreshore 2013 and Beyond document (draft)

1. Mill Point – near the Narrows Bridge, Point Belches, Old Mill & Millers Pool;
2. Esplanade West – the lawn area west of the beach;
3. Mends Street Beach;
4. Mends Street (Piazza and Promenade);
5. Deck, Scented Gardens and Melaleuca Grove;
6. Coode Street Beaches;
7. Flagpole;
8. Coode Street – Jetty and surrounds;
9. The Lakes;
10. Ellam Street.

By considering the whole foreshore, good continuity and connectivity will be achieved and holistic planning, management and funding can be enabled. Key considerations, opportunities and next steps have been identified for each of the four whole of foreshore considerations, as well as specifically for each of the Nodes. The Nodes allow different types of development and management to be appropriately considered in specific areas along the foreshore, whilst the Whole of Foreshore considerations will ensure development in the Nodes all remain in context of the greater South Perth Foreshore.

A Feasibility Framework has been developed to explore opportunities for potential commercial activation. The aim of this process is to identify ways in which the SPF can become financially self-sustaining, ensuring adequate funds are available in the future for maintenance, required infrastructure upgrades, and community events.

Consultation and Engagement

Two tables detailing the consultation, engagement and communication process for this project to date appear in Sections 7 and 8 of the draft SPF 2013 and Beyond document (**Attachment 10.2.1 (b)**)

The community engagement phase of Stage 1 of the *South Perth Foreshore 2013 and Beyond* project ended on Friday 22 February 2013, which was the due date for public comments for the initial Stage 1 ideas-gathering phase. A total of 377 comments were received. A summary of the comments received has been prepared and is listed in **Attachment 10.2.1(c)**.

The draft *South Perth Foreshore 2013 and Beyond* is proposed to be advertised widely for comment to City residents, stakeholders and also visitors to the SPF. To ensure every resident / ratepayer of the City is informed of the draft, it is proposed to provide a notice advising the document is available for comment. Respondents will have two ways to engage in the feedback process, online, or they can request a printed copy of the document and related questionnaire / feedback form. It is also intended to provide information in the City's Libraries, Civic and Operations Centre as well as the City Website. The feedback process will also be available to non-residents of the City, through media advertising and information within the park.

The process will have rigour to ensure feedback is not provided in multiple by any one group or individual.

A communications plan for the formal consultation period is currently being developed, as well as a process to receive, consider and rank feedback. This will greatly assist the completion of the *South Perth Foreshore 2013 and Beyond* document, tabling the desires and aspirations of residents, stakeholders and visitors regarding the SPF.

Conclusion

The draft document *South Perth Foreshore 2013 and Beyond* (**Attachments 10.2.1 (a & b)**) is presented to Council for endorsement for the purpose of conducting community consultation. If endorsed, the draft SPF document will be advertised for community and stakeholder comment for a period of 6 weeks. Comments and submissions received will then be sorted, compiled and reviewed and the draft document revised, as necessary, to be present to Council at the August or September 2013 council meeting for consideration and adoption.

Policy and Legislative Implications

South Perth Foreshore 2013 and Beyond will provide the City with essentially a policy document from which to develop more detailed plans for whole of foreshore and precinct/node-specific projects.

The *South Perth Foreshore 2013 and Beyond* document will require formal consideration by the Swan River Trust because the foreshore forms part of the Trust's Development Control Area. The Trust exercises planning control in the Development Control Area in accordance with the Swan and Canning Rivers Management Act (2006).

Financial Implications

The *South Perth Foreshore 2013 and Beyond* document will establish a process to develop future plans and projects for the SPF. This will ensure that detailed planning and budgeting is completed for major projects and the projects are carefully considered based on sound business case principles. Public Realm Guidelines and supporting Business Cases will be developed to guide detailed planning and implementation of the whole of foreshore and precinct/node-specific projects that are prioritised from the *South Perth Foreshore 2013 and Beyond* document.

Once *South Perth Foreshore 2013 and Beyond* is adopted, the City will prepare an Implementation Strategy based on the priorities identified in the document, taking into consideration what can be achieved with the available budgets in the City's Corporate and Long Term Financial Plan. It is anticipated that the *South Perth Foreshore 2013 and Beyond* document will play a pivotal role for the City to seek Federal and State Government funding for identified projects. This hopefully will facilitate the completion of many of the major infrastructure renewal projects that have already been identified and the new projects that are identified from the desired opportunities and priorities.

Strategic Implications

In October 2009, the Council adopted *Our Vision Ahead*. This was a plan of the community to identify their future aspirations and priorities for the City. *Our Vision Ahead* involved significant consultation with residents, community groups, business, schools and visitors.

The following Vision was established:

We belong to an engaged and cohesive community that is linked by vibrant local centres and shared spaces. We live and travel in ways that nurture our environment; and our housing and amenities meet the diverse needs of a changing society.

Key themes of *Our Vision Ahead* that relate to the South Perth foreshore are:

Community

Our communities are enlivened by neighbourly connections and interaction along with a range of cultural and community events where our local talents are on show for all to appreciate.

Create opportunities for social activity – develop strategies that create opportunities for interaction between people and encourage vibrant community activity.

Design shared spaces e.g. parks and footpaths with more lighting and shade to encourage informal connections and walking.

Increase the visibility and promotion of Aboriginal heritage (physical, cultural, spiritual and social) throughout the community and City e.g. involvement of local Aboriginal artists at events, along with use of the Aboriginal flag.

Environment

Manage the River Foreshore Enhance the river foreshore through sensitive management of the rivers and surrounding areas, ensuring the right balance is achieved between green open spaces for leisure and events, natural river and vegetation, and opportunities for social/cultural activity and development.

Develop and facilitate collaborative planning forums to determine the right balance for the river foreshores.

Place

Our City is a vibrant place for visitors, tourists, businesses and residents. We have shared spaces for interaction and recreation within our suburbs that showcase and celebrate our unique heritage, culture, creativity and diversity, and give us a shared sense of enjoyment, belonging and connecting to the place in which we live.

Maintain and Celebrate Heritage - Incorporate heritage stories, places and values into business and tourism development strategies.

Open Spaces that Build Community

Develop strategies to ensure that all open spaces are attractive and encourage a wide range of uses.

Develop a strategy to increase active and passive recreational use of the City's parks, foreshores and rivers; including more barbeques, seating, shade and water based recreation activities.

A key discussion point about the SPF from *Our Vision Ahead* is:

How do we balance the desire for a Southbank-style development of segments of the South Perth foreshore with immediately adjoining residents' needs, open space landscapes and passive and active recreational uses?

This must be considered when determining what is the appropriate planning mechanism for the SPF. It can only be achieved by considering the perspective of all users and stakeholders, and consideration of the regional contribution of the SPF to the greater Perth metropolitan area.

In response to *Our Vision Ahead*, the City developed the [Strategic Community Plan 2013–2023](#). The following directions are relevant to the SPF:

- Direction 2 *Environment* - “Enhance and develop public open spaces and manage impacts on the City's built and natural environment” and specifically 2.5 “Identify, develop and promote a range of sustainable uses for the Swan and Canning River foreshore reserves”

10.2.1 South Perth Foreshore 2013 and Beyond document (draft)

- Direction 4 *Places* – “Develop, plan and facilitate vibrant and sustainable community and commercial places” and specifically 4.4 “Engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City”.

The document *South Perth Foreshore 2013 and Beyond* will be used to provide a clear direction for foreshore improvements for the next decade. To support it, an Implementation Strategy and Business Case process will be developed to guide the feasibility, funding and development of projects.

Sustainability Implications

The process being used to develop the *South Perth Foreshore 2013 and Beyond* document is considered to be sustainable because it considers the triple bottom line elements:

- Social - the level of community and stakeholder engagement,
- Economic - ensuring that sound business principles are incorporated into future plans, and
- Environmental - considering the current and future environmental issues concerning the foreshore.

10.2.2 Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan

Declaration of Proximity Interest – Cr McMullen

In accordance with the Local Government (Rules of Conduct) Regulations 2007, the Mayor read aloud the following declaration from Cr McMullen:

“I wish to declare a proximity interest in Agenda Item 10.2.2 (Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan) on the Council Agenda for the meeting to be held 28 May 2013.

This item considers the management of all drainage sumps holding permanent water. I disclose that I own and live in a property opposite such a permanent waterbody. This interest constitutes a proximity interest under section 5.60B of the Local Government Act.

I believe my interest in the item for discussion at this meeting is common with the significant number of ratepayers who also use the City’s Public Open Spaces, and pursuant to section 5.68 (1) (b) (ii) ask that Council allow me to participate and vote on the matter.”

COUNCIL DECISION

Motion to allow Cr McMullen to participate in consideration of Item 10.2.2

Moved: Cr Grayden

Seconded: Cr Howat

CARRIED (12/0)

Officer Report – Item 10.2.2

Location:	City of South Perth
Applicant:	Council
Date:	3 May 2013
Author:	Stephen Bell, Director Infrastructure Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

At its meeting held on 26th March 2013, the Council considered a petition from Mr Ernie Strahan of 16 Westland Place Waterford, together with 79 signatures. The petition has requested the City to install a child proof fence or to fill in the existing drainage sump at Doneraile Reserve to prevent a tragedy from occurring, given the waterbody is located within close proximity to an existing children’s playground.

This report highlights the investigations undertaken by City Officers since receipt of the petition and presents a recommendation to Council for consideration and adoption.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr McMullen

Seconded: Cr Grayden

That:

- I. The City engage a suitably qualified professional, skilled in risk assessment, to undertake an audit and report of all drainage sumps holding permanent water and incorporated as part of Public Open Space to determine:-
 - a) Whether the City is exposed to any public risk;

Officer Recommendation and Council Decision continued

10.2.2 Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan

- b) What measures, if any, are required to mitigate the identified public risk; and
 - c) What is the priority (i.e. high, medium, low) and cost of implementing the identified measures to mitigate the public risk.
2. Funds be allocated in the 2013/2014 Annual Budget to enable the City to engage a Consultant to undertake a risk assessment and report of all drainage sumps that hold permanent water and incorporated as part of Public Open Space;
 3. Until such time as the risk assessment and report is completed, signage be installed at the drainage sump to advise people recreating in Doneraile Reserve not to enter or play in the waterbody; and
 4. The petitioners be advised of the Council's determination.

CARRIED (13/0)

Background

At its meeting held on 26 March 2013, the Council considered a petition at Item 8.1.1 regarding the waterbody at Doneraile Reserve. The petition was received from Mr Ernie Strahan of 16 Westland Place Waterford, together with 79 signatures.

The text of the petition read as follows:

"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 60cm 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."

This report highlights the investigations undertaken by the City's administration and presents a recommendation to Council for consideration and adoption.

Comment

In the City's adopted Public Open Space (POS) Strategy, Doneraile Reserve is identified as a Small Local Reserve. Doneraile Reserve is located off Doneraile Court, Mullingar Close and Adare Court, Waterford and is shown at Figure 1 below.



Figure 1 – Locality Diagram Doneraile Reserve

The City's records indicate the drainage sump (the sump) at Doneraile Reserve was constructed in the early 1990's. The purpose of the sump is to allow stormwater from the surrounding drainage catchment to be collected and temporarily stored to prevent localised flooding in the residential parts of Waterford. The sump also assists to capture pollutants such as litter and sediment prior to discharge to the Canning River. Without the sump, there is heightened risk of localised flooding and pollutant discharge to the Canning River.

The sump was designed and constructed to the standards prevailing in the early 1990's. The sump has been constructed as a wet basin, that is, the structure is full of water all year round. The sump consists of short sections of limestone block wall at each drainage outlet, with a soft edge treatment for the remainder of the sump. The majority of the sump is heavily landscaped, however at each drainage outlet the vegetation has been thinned out.

In recent years, the City has been actively lobbied by the 'Friends of Doneraile Reserve' to undertake improvements to the sump to make it more attractive by thinning out the vegetation that envelops the waterbody, removing visible litter and debris, and opening up view corridors to the water from different parts of the Reserve. As a result, the City has undertaken the following actions in recent years:

- Developed a Landscape Masterplan for Doneraile Reserve, in consultation with the local community;
- Thinned out existing vegetation at select locations to improve the aesthetics of the sump and open up view corridors of the water and park generally;
- Installed a new playground, shade sail, shade trees, and bench seating;
- Installed a new post and rail fence at the playground to restrict access by children to the sump; and
- Modified the drainage outlets to capture a greater amount of litter and debris.

The following photographs, taken at Doneraile Reserve on 2nd May 2013, show the current condition of the sump and proximity of the existing playground to the waterbody.

10.2.2 Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan



Photograph 1: View from Doneraile Court



Photograph 2: New Playground & Fence



Photograph 3 – View from Mullingar Close



Photograph 4 – Drainage Outlet



Photograph 5 – Soft Edge Treatment at Sump



Photograph 6 – Soft Edge Treatment at Sump



Photograph 7 – View from Adare Court



Photograph 8 – Existing Signage

The petition from Mr Ernie Strahan requests the City to erect a child proof fence to the standard required for private swimming pools or fill in the waterbody at Doneraile

10.2.2 Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan

Reserve to prevent a tragedy occurring. The examples cited in the petition relate to young children wandering away from their parents, with one of the children being 3 years old and having Down syndrome, the other being of pre-school age. Until receipt of the petition, none of the incidents were reported to the City.

It is the responsibility of all parents to ensure that their children are appropriately supervised when using the City's parks/reserves or playground equipment. It is considered highly unusual that a parent of a young child, of less than pre-school age or having Down syndrome, would leave their child unattended to wander off and access the water in the sump. Consequently, the City's administration does not support fencing off the sump or filling it in as an over-reaction to the petition, as such measures are counterproductive.

The City's administration recognises that drainage sumps holding permanent water can pose a potential risk to the community, particularly young children. Such is the case with the most recent drowning of a 20 month old child that occurred at Fountain Park, Beechboro, on 3 December 2007. Consequently, it is recommended that the City engage a suitably qualified professional, skilled in risk assessment, to undertake an audit of all drainage sumps incorporated as part of Public Open Space, to determine the City's exposure to risk. As a minimum, the risk assessment would consider:

- Whether the City is exposed to any public risk;
- What measures, if any, are required to mitigate the identified public risk; and
- What is the priority (i.e. high, medium, low) and cost of implementing the identified measures to mitigate the public risk

It is further recommended that funds be allocated in the 2013/2014 Annual Budget to enable the City to engage a Consultant to undertake the risk assessment and report.

Consultation

No consultation was undertaken for this report.

Policy and Legislative Implications

There is no statutory requirement for the City to provide fencing around drainage sumps. However, the City has a duty of care to take "reasonable action". The determination of reasonable action will be the subject of a future assessment and report by a risk management consultant.

Whilst the City has in place an effective Risk Management Strategy based the Risk Management Standard IS31000 and Risk Management is specifically identified in the City's Asset Management Policy (P688), it is considered that this issue needs to be assessed by an independent expert consultant.

Financial Implications

Funds will need to be allocated in the 2013/2014 Annual Budget to enable the City to engage a Consultant to undertake a risk assessment and report. The cost of the risk assessment could be in the order of \$20K.

Subject to the recommendations arising out of the risk assessment and following consideration by the City's Risk Management Committee, funds may need to be set aside in a future budget to action any identified risk management measures at drainage sumps.

10.2.2 Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan

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](#).

It is the City’s objective to provide facilities in parks and reserves that are fit for purpose, cost effective, meet the current and future needs of the community, and safe.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements

Location: City of South Perth
Applicant: City of South Perth
File Ref: LP/209/35
Date: 1 May 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

Amendment No. 35 to Town Planning Scheme No. 6 proposes to specify the restrictions applicable to Home Occupations and Home Offices and modify the existing definitions of those land uses. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.3.1**.

It is recommended that the proposed Amendment No. 35 to Town Planning Scheme No. 6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for community comment.

Officer Recommendation AND COUNCIL DECISION

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by:
 - (i) Inserting a new Clause 4.12 containing restrictions applicable to Home Occupations.
 - (ii) Inserting a new Clause 4.13 requiring Home Offices to operate in compliance with the requirements and restrictions contained in the definition of 'Home Office'.
 - (iii) Amending the definition of 'Home Occupation' contained in Schedule I.
 - (iv) Amending the definition of 'Home Office' contained in Schedule I.
- (b) the Report on Amendment No. 35 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment 10.3.1** be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 35 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;
- (d) Amendment No. 35 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 35 be implemented in accordance with the *Town Planning Regulations* and Council Policy P301 *Consultation for Planning Proposals*; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 35:

FOOTNOTE: *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

CARRIED EN BLOC RESOLUTION

10.3.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements

Background

Through experience in dealing with 'Home Occupation' and 'Home Office' enquiries and applications, City officers have identified a need to introduce provisions or modify existing provisions relating to:

- maximum permissible tare weight of vehicles;
- maximum permissible number of client visits;
- minimum number of on-site client parking bays; and
- food-based Home Occupations and those involving animals or outdoor storage.

As a result, a Scheme Amendment has been prepared to address the matters listed above.

A report recommending that Amendment No. 35 be adopted was withdrawn at the 19 March 2013 Agenda Briefing, pending a briefing for the Council.

Comment

(a) Amendment No. 35 Proposals

The Scheme Amendment will implement the following changes to the Scheme Text:

- (i) Insertion of a new Clause 4.12 'Home Occupation', that clarifies that all Home Occupations are to conform to the definition in Schedule 1 and specifies restrictions relating to maximum client numbers visiting the premises, food preparation, animals, outdoor storage and the provision of on-site car parking for clients.
- (ii) Insertion of a new Clause 4.13 'Home Office', that clarifies that all Home Offices are to conform to the definition in Schedule 1.
- (iii) Modifying the definition of 'Home Occupation' in Schedule 1, to clarify the existing restriction relating to retail sales, increase the permitted tare weight of vehicles from 1 tonne to 2 tonnes and delete the non-discretionary restrictions relating to food preparation, animals and outdoor storage.
- (iv) Modifying the definition of 'Home Office' in Schedule 1, to continue the existing prohibition on Home Occupations (including Home Offices) involving food preparation or animals.

A Home Business is to remain as an 'X' (prohibited) land use in all zones.

The draft amending clauses and an expanded summary of all proposed changes are included in **Attachment 10.3.1**.

(b) Internal Administration Comments

The City's Environmental Health Services were invited to provide comments on the proposal, as the Amendment would enable the Council to approve a food-based Home Occupation, although a provision in Amendment 35 indicates that food-based Home Occupations are not generally favoured. The following comments were provided:

- (i) Only low-risk food production should be considered to be suitable in a residential premises. This includes foods such as certain cakes, biscuits, jams, pickled onions, chutneys, relishes, herb vinegars and sauces.
- (ii) Businesses will need to comply with the *Food Act 2008* and the *Australia New Zealand Food Code*.
- (iii) Businesses will need to be registered and licenced with the City's Environmental Health Services.

10.3.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements

- (iv) Only low-risk foods, being foods that are safe without refrigeration, will be considered for approval.

Any development application for a food-based Home Occupation will be referred to the City's Environmental Health Services for comment.

(c) Special Council Members' Briefing 17 April 2013

A Special Council Members' Briefing was requested by the Council at the Agenda Briefing held on 19 March 2013. The briefing was held on 17 April 2013, where City officers explained the proposal and responded to the Elected Members' questions and points of clarification. The Notes from this briefing are provided in the attachment to **Agenda Item 7.2.4**.

One matter was investigated further by City officers in response to a query raised at the briefing. The query related to the effect of the changes on a Home Occupation involving sales over the internet. The revised wording in part (e) of the Home Occupation definition reads as follows:

- (e) *does not involve the retail sale, display or hire of goods of any nature on the development site other than infrequently;*

The only change from the existing definition is the addition of the words "on the development site". These words were added so as to allow "off-site" sales. In relation to this, the Amendment Report, included in **Attachment 10.3.1**, contains the following explanation:

The modified part (e) of the Home Occupation definition clarifies that the existing restriction on retail sales or hire of goods is 'from the development site'. Any goods produced on site can be sold elsewhere, such as at markets, fetes and retail outlets, or on the Internet as long as the customers do not collect the goods from the development site.

(d) Scheme Objectives: TPS6 Clause 1.6

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposed Scheme Amendment has been assessed under, and has been found to 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;*

(e) Matters to be considered by Council – TPS6 Clause 7.5

Clause 7.5 of TPS6 is applied in the context of an application for development approval rather than amendments to TPS6. However, it is appropriate to consider the provisions of that clause at the present time since the Scheme Amendment will affect the manner in which future development applications for Home Occupations are assessed for compliance with the land use controls of the Scheme.

Clause 7.5 lists a range of matters to which the Council is to have due regard, and in connection with which the Council may impose conditions of

10.3.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements

development approval. Of the 24 listed matters, the following are particularly relevant to the current proposal:

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;
- (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;
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and
- (x) any other planning considerations which the Council considers relevant.

The proposed Scheme Amendment is considered satisfactory in relation to the above matters.

Consultation

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the *Town Planning Regulations 1967* and in Council Policy P301 *Consultation for Planning Proposals*. Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the *Southern Gazette* newspaper, in the Civic Centre, in the City's Libraries and on the City's web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

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. 35 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment	28 May 2013
Council adoption of draft Amendment proposals for advertising purposes	28 May 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	June 2013
Public advertising period of not less than 42 days	July - August 2013
Council consideration of Report on Submissions	22 October 2013
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment • Three signed and sealed copies of Amendment documents for final approval 	November 2013
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

10.3.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements

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

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne 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 proposed Amendment No. 35 will improve the Scheme Text, resulting in more efficient administrative processes, faster and more effective development assessments and more effective and consistent interpretation of the Scheme provisions. The Amendment will assist applicants, other members of the public, professionals, City officers and Council Members to better understand the Scheme provisions.

Conclusion

The Amendment No. 35 Report comprising **Attachment 10.3.1** contains a full description and justification of the Amendment proposals. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 35 to be advertised for public inspection and comment.

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 – April 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 6 May 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 AND COUNCIL DECISION

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.

CARRIED EN BLOC RESOLUTION

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

10.6.1 Monthly Financial Management Accounts –April 2013

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 30 April 2013 is \$43.52M which represents just under 100% of the \$43.58M year to date budget. Revenue performance is very slightly behind budget expectations overall although there are some individual line item differences either way.

10.6.1 Monthly Financial Management Accounts –April 2013

Meter parking is 6% ahead of budget whilst infringement revenue has improved to within 3% of budget expectations. Reserve interest revenues are 8% behind budget expectations due to the relatively weak investment rates. Municipal fund interest revenue is also 9% below budget to date despite higher cash volumes being held. There is a high likelihood that anticipated interest revenues for the rest of the year will not be achieved due to interest rate cuts during the year. Rates revenue is now ahead of budget because of additional interim rates and higher interest revenues and administration fees from the instalment payment options. Debt collection cost recoveries are also ahead of budget but are offset by additional collection costs. Property rental income, including recoverable utilities costs, is also ahead of budget at this stage of the year.

Planning revenues are now on 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 also on budget and the revised full year target appears attainable based on current performance. Fiesta revenue is some \$40K under budget following receipt of less than budgeted sponsor contributions.

Collier Park Village revenue remains 1% under budget expectations whilst Collier Park Hostel revenue is 4% unfavourable to budget after lesser than anticipated receipt of commonwealth subsidies.

Golf Course revenue is now 3% ahead of budget after another strong monthly performance on green fees - with the full year target very likely to be attained.

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. Nursery revenue is currently 29% below budget.

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

Operating Expenditure to 30 April 2013 is \$41.88M which represents 99% of the year to date budget of \$42.48M. Operating Expenditure is 3% under budget in the Administration area, 4% 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. Garden maintenance and minor building maintenance at the Collier Park Village and Hostel are both favourable to budget at present which offsets the weaker revenue performance in these areas.

Most parks infrastructure maintenance activities (other than streetscape maintenance) are favourable to budget expectations. These variances are largely timing in nature and are expected to reverse further as maintenance programs continue in the park maintenance, building maintenance and environmental services areas. Savings are anticipated in the grounds maintenance area.

10.6.1 Monthly Financial Management Accounts –April 2013

Streetscape maintenance is currently 4% over budget as the program comes back towards budget expectations after earlier accelerated works associated with the street tree maintenance program.

Building maintenance activities remain 14% favourable to budget due to delays in sourcing contractors as required but it this favourable timing difference has been reversing for the past few months.

In the Engineering Infrastructure area, maintenance activities on paths, drainage and bus shelter maintenance are significantly under budget to date - but this should be corrected over the remaining months. Anticipated charges for street lighting appear to now be likely to slightly exceed the revised budget.

Fleet operating costs are currently showing as 24% unfavourable. Approximately 1/3 of this variance is attributable to under recovery of budgeted plant hire charge-out. The remaining 2/3 of the unfavourable variance relates to (12%) higher than budgeted costs for repairs and servicing - contributed to by a number of larger unplanned tyre replacements and some unexpected major plant item repairs.

Cash operating expenses in the overheads area for City Environment & Engineering Infrastructure are relatively close to budget. Recoveries against jobs for overheads in both the City Environment and the Engineering Infrastructure area are slightly behind budget and will be monitored to see if further intervention is necessary.

Waste management costs are currently on budget overall with savings on the City's contribution to the Rivers Regional Council (RRC) and on waste contractor collection costs offsetting extra costs incurred on the kerbside collection service.

Golf Course expenditure is currently unfavourable to budget by 4% 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 however electricity costs continue to be problematic and are the subject of ongoing negotiations with Synergy regarding disputed tariffs.

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 1.7% 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 \$1.63M at 30 April - 24% under the year to date budget of \$2.16M. However, this is largely due to the proposed disposal of the Vista St land being deferred until necessary building remedial works are finalised. It is hoped that the transaction can be concluded by 30 June this year. Details of capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 April is \$7.57M representing 76% 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 will be provided in a report to Council in June 2013 following the Budget Review.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	48,500	27,153	56%	456,000
Major Community Projects	384,000	224,154	58%	1,050,000
Financial & Information	770,500	683,769	89%	880,000
Develop & Community	610,000	647,314	106%	710,000
Infrastructure Services	7,773,520	5,617,588	72%	10,249,012
Waste Management	157,500	69,923	44%	165,000
Golf Course	198,200	269,648	136%	236,014
UGP	0	27,901	-%	0
Total	9,942,220	7,567,450	76%	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 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 30 April 2013

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 May 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 AND COUNCIL DECISION

That Council receives the 30 April 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)**

CARRIED EN BLOC RESOLUTION

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.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2013

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 \$45.26M (\$47.13M last month) compare favourably to \$44.71M at the equivalent stage of last year. Reserve funds are \$2.0M higher overall than the level they were at the same time last year - reflecting \$0.6M 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 both \$0.1M lower. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.3M and \$0.5M higher respectively. 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 \$1.5M lower than last year at present as a consequence of the timing of outflows on capital projects despite 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 \$9.0M (compared to \$11.3M last month). It was \$10.5M 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 \$44.9M compared to \$44.2M at the same time last year. This is due to higher Reserve & Municipal cash investments as a consequence of good collections - but a lesser balance of cash held in the Municipal bank account.

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.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2013

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 (Westpac was 25.07% - but this was a minor maturity timing issue only). Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counterparty mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$1.86M. This compares to \$2.02M at the same time last year. Prevailing interest rates have been significantly lower for much of the year - and appear likely to keep continue trending downwards. It is evident that interest revenue will fall some \$150K short of budget targets by year end – and this will be addressed in the next Budget Review.

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 4.68% with the anticipated weighted average yield on investments yet to mature now sitting at 4.18% (compared with 4.20% 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 April 2013 (after the due date for the final instalment) represent 97.0% of rates levied compared to 96.7% at the equivalent stage of the previous year.

This result not only reflects good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods but, more importantly, reflects the proactive collection efforts of the City's Rates Officer. 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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2013

Senior Rates Officer has achieved an outstanding result in relation to debt collection efforts for the year to date and is to be commended on his efforts.

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$2.44M at month end (\$1.44M last year). GST Receivable is \$0.7M higher than the balance at the same time last year but Sundry Debtors are almost \$0.8M higher than last year due to outstanding contributions for building works, road works, Fiesta events whilst Pension Rebate Claims and Balance Date Debtors are significantly lower.

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 \$7.35M was collected by 30 April with approximately 98.1% of those in the affected area having now paid in full and a further 1.8% opting to pay by instalments. The remaining few properties were disputed billing amounts which have been pursued by external debt collection agencies as they were not 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 \$3.76M has already been collected with 73.3% of property owners opting to settle in full and a further 25.1% paying by instalments so far. The remainder (1.6%) have yet to make a satisfactory payment arrangement and collection actions are currently underway.

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 – April 2013

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 May 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 April 2013 and 30 April 2013 is presented to Council for information.

Officer Recommendation AND COUNCIL DECISION

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

CARRIED EN BLOC RESOLUTION

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

10.6.3 Listing of Payments – April 2013

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 Budget Review for the Quarter ended 31 March 2013 (REVISED)

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 16 May 2013 2013
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2012/2013 Adopted Budget for the period to 31 March 2013 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Officer Recommendation AND COUNCIL DECISION

That following the detailed review of financial performance for the period ending 31 March 2013, the budget estimates for Revenue and Expenditure for the 2012/2013 Financial Year, (adopted by Council on 10 July 2012 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4 (1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.4 (2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4 (3)**.
- Special Capital Items Review **Attachment 10.6.4 (4)**

CARRIED BY REQUIRED ABSOLUTE MAJORITY EN BLOC RESOLUTION

Background

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

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout

10.6.4 Budget Review for the Quarter ended 31 March 2013 (REVISED)

the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

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

The results of the Half Yearly (Q2) Budget Review are required to be forwarded to the Department of Local Government for their review after they are endorsed by Council.

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 March 2013.

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

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review

Attachment 10.6.4 (1)

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

- Items funded by transfers to / from existing Cash Reserves shown as

Attachment 10.6.4 (2)

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2012. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

10.6.4 Budget Review for the Quarter ended 31 March 2013 (REVISED)

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to “Non-Cash” items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City’s cash resources.

Special Review of Capital Items – Attachment 10.6.4 (4)

In this particular review, the City also undertook a special review of capital items for the 2012/2013 year. This was necessitated by the extra-ordinary delay in the state government progressing the land tenure arrangements pertaining to the Manning Hub Commercial Land and delays relating to the disposal of the Ray St land. As a consequence of this lengthy delay, the proposed acquisition / disposal of the Manning Hub Commercial Land is unlikely to be completed before 30 June 2013 and there is doubt in respect of the timing of cash flows pertaining to the disposal of the Ray St land. Accordingly, the capital revenue items, reserve transfers and other capital expenditure projects dependent on that transaction for funding have necessarily been deferred to the following year. Whilst not considered the ideal outcome, this deferral is absolutely necessary to manage organisational cash flow and is considered to reflect responsible financial management practice.

Since the Agenda Budget Briefing held on Tuesday 21 May, several further budget adjustment items have been identified. They relate to new grant funding received but also to budgeted contributions income that won’t be received. Although these only result in a net adjustment of \$30,000 to the budget closing position, it is considered best practice to properly reflect the gross amounts of these changes in the budget schedules. Several minor typographical errors in the report attachments have also been rectified.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change (since the December 2012 review) of \$102,500 to the projected 2012/2013 Cash Budget Closing Position as a consequence of the review of operations.

At the Q1 Budget Review, a (\$627,671) adjustment to the estimated 2012/2013 Budget Opening Position was made. This adjustment resulted from recalculating the Budget Opening Position in accordance with the Department of Local Government’s guideline which does not allow the exclusion of cash backing for employee leave entitlements or cash relating to carry forward items from the determination of the Opening Position. The revised Opening Position (including monies associated with Carry Forward items) moved from \$3,925,408 to \$3,297,737 (inclusive of the \$2,195,000 relating to carry forward items).

10.6.4 Budget Review for the Quarter ended 31 March 2013 (REVISED)

The Opening Position (calculated as per DOLG guidelines) is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds. It is essential that this is clearly understood - as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The adopted budget at 10 July showed a projected Closing Position at the conclusion of the 2012/2013 year of \$200,165. After the Q1 Budget Review it was \$205,330. After adopting the changes recommended in this Budget review, the projected 2012/2013 Closing Budget Position will be \$307,830.

The impact of the proposed amendments in the Q3 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2011/2012 year end accounts.

TABLE I: (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	463,500	(145,500)	318,000
Financial & Information Services	216,000	(197,000)	19,000
Development & Community Services	49,500	(34,500)	15,000
Infrastructure Services	187,000	(166,000)	(21,000)
Opening Position	0	0	0
Accruals Movements	0	(0)	0
Special Review Items	5,029,500	(5,300,000)	(270,500)
Total	\$5,945,500	(\$5,843,000)	\$102,500

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

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

TABLE 2: (CUMULATIVE IMPACT OF ALL 2012/2013 BUDGET ADJUSTMENTS)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	1,048,500	(375,000)	673,500
Financial & Information Services	579,500	(581,500)	(2,000)
Development & Community Services	313,000	(189,500)	123,500
Infrastructure Services	1,011,836	(701,000)	310,836
Opening Position	0	(627,671)	(627,671)
Accruals Movements	0	(100,000)	(100,000)
Special Review Items	11,379,500	(11,650,000)	(270,500)
		(0)	
Total change in Adopted Budget	\$14,332,336	(\$14,224,671)	\$107,665

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources.

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated budget closing position has only moved from the \$200,165 estimated closing position to \$307,830 after including all budget movements to date. This projected closing position is still very modest and will need to be closely monitored during the remainder of the year.

Strategic Implications

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

Sustainability Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
Date: 1 May 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 April 2013.

Officer Recommendation AND COUNCIL DECISION

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

CARRIED BY EN BLOC RESOLUTION

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 April 2013, fifty-one (51) 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.*

10.6.5 Applications for Planning Approval Determined under Delegated Authority

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 Collier Park Village and Hostel – Strategic Aged Care Review

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

Summary

The Council engaged Grant Thornton in December 2012 to undertake a strategic aged care review of the Collier Park Village and Hostel and this reports to Council the findings and recommendations from this strategic review.

Officer Recommendation – Original Motion

Moved: Cr Hasleby

Seconded: Cr Gleeson

1. That the Council receive the Grant Thornton Strategic Aged Care Review of Collier Park Village and Hostel April 2013 Report and authorise the Chief Executive Officer to further investigate Options 2 and 3 as outlined in the report and report the findings back to Council.
2. That Officers be authorised to pursue the ‘land swap’ proposal involving McDougall Park and the Collier Park Village as detailed in the report.

Amended Motion – Cr Reid

That the Council receive the Grant Thornton Strategic Aged Care Review of Collier Park Village and

1. Request a workshop to be held in June with a view to discuss the following measures:
 - a) Immediate implementation plan to close the Hostel
 - b) A feasibility study to examine the adoption of a business plan and implementation strategy to replace twenty aging Independent Living Units with villa or apartment type dwellings
2. Authorise the Chief Executive Officer to further investigate Options 2 and 3 as outlined in the report and report the findings back to Council.
3. Authorise Officers to pursue the “land swap” proposal involving McDougall Park and Collier Park Village as detailed in the Officer’s Report.

Cr Skinner moved that the motion be put

Cr Howat seconded

CARRIED (12/1)

COUNCIL DECISION

(Original motion without further debate)

1. That the Council receive the Grant Thornton Strategic Aged Care Review of Collier Park Village and Hostel April 2013 Report and authorise the Chief Executive Officer to further investigate Options 2 and 3 as outlined in the report and report the findings back to Council.
2. That Officers be authorised to pursue the ‘land swap’ proposal involving McDougall Park and the Collier Park Village as detailed in the report.

CARRIED (7/6)

Background

The City owns and operates Collier Park Village and Hostel, located on Reserve 38665 Bruce Street and Lot 4049 Morrison Street Como, vested in the City for the purposes of aged person homes. Reserve No 38665 (Canning Locations 3296 and 4049) is vested in the City of South Perth for the designated purpose of “Aged Persons Homes” with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding forty (40) years from the date of the lease.

Commencing operations in 1986, the Village comprises 169 two bedroom independent villas whilst the Hostel comprises 40 single bedroom rooms designed for low level aged care. The City has invested considerably in the Collier Park Village and Hostel in relation to infrastructure and the provision of high quality services for its residents.

Collier Park Village and Hostel has an annual (cash) operating budget of \$3.4M and is serviced by 23.2 FTE City staff which represents approximately 10% of the City’s total staff numbers. Since the beginning of the arrangement, the City has invested significantly in assets and has accumulated major liabilities in its Balance Sheet associated with the Collier Park Village and Hostel. In the City’s audited financial accounts for the year ended 30 June 2012 the assets and liabilities are recorded:

Gross value of buildings, including furniture and fittings	\$34.2M (net \$22.49M)
Estimated value of Infrastructure	\$5M (estimate)
<u>Liabilities</u>	
Village	\$27.95M
Hostel	\$2.40M

A recent independent financial valuation has identified the net capital value of Collier Park Village and Hostel at approximately \$28M (buildings only) with a further \$3.4M in other improvement costs. Liabilities in the form of refundable bonds amount to \$30.35M.

Over the years there have been many reviews of the Collier Park Village and Hostel and many changes have been made with a view to improving financial performance. A summary of these initiatives is included at **Confidential Attachment 10.6.6(a)**.

Some of the reviews have also focussed on alternative management options as it seems clear that the City does not have all of the relevant expertise or capacity to manage the involved and constantly changing elements of the complex – the Hostel in particular. This is because of the very specialised nature of the aged care industry and constantly changing Commonwealth requirements and guidelines.

In addition, it also seems clear that the City will, if it remains the owner and operator of the Complex, be required to invest very significant funds in the near future to upgrade many of the residential units, and in all likelihood the Hostel.

One of the initiatives commenced in late 2010 was to contact the State Lands Service (SLS) with a proposal to agree to exchange the ‘status’ of the Collier Park Village and Hostel land with that of McDougal Park. This proposal involved requesting the SLS to agree to ‘swapping’ the Freehold status of McDougal Park with the ‘Reserve’ status of the Collier Park Village and Hostel land. This would protect

10.6.6 Collier Park Village and Hostel – Strategic Aged Care Review

McDougal Park and provide greater flexibility to the Council in relation to the Collier Park Village and Hostel land.

The land parcels are almost identical in size and both located in Como but there was a difference in the zoning which the SLS justified as a reason for rejecting the proposal. At that time the SLS was following State Government policy to the letter but there is now reason to believe that more flexibility is being exercised. The exchange of land status should therefore be pursued.

More recently, the Council resolved in December 2012 to engage Grant Thornton to undertake a strategic aged care service review of the Collier Park Village and Hostel with a view to determining a sustainable strategic direction for its future management and operations. The review's scope of works is below:

- Overview of present and forecast aged care service provision in Western Australia, and specifically South Perth.
- Overview of relevant Commonwealth and State legislation and proposed aged care service reforms.
- Review and assessment of the Collier Park Village Complex operations.
- Recommend options for the future management of the Collier Park Village Complex, inclusive of service delivery models options to ensure effective and efficient service provision.
- Provide recommendations to Council on the role and strategic direction of the City of South Perth in the future provision of aged care services.

Comment

Grant Thornton conducted the strategic review from January to April 2013 which has now been presented to the City (**refer Attachment 10.6.6(b)**). A summary of their final findings and recommendations is outlined below.

Collier Park Accommodation and Care Services

- The village accommodation and services are no longer in keeping with standards in the local catchment and the site requires modernisation to remain competitive and meet the needs of the community.
- Sales/contract management at the village are not consistent with market based arrangements and in Grant Thornton's opinion, limits the return potential for the City and the possible capital gain for residents, if managed in the context of a more traditional village upgrade program.

Financial Performance

- Successive periods of negative operating performance has required the City to subsidise the cost of maintaining and operating the facilities from its cash reserves. In these conditions, the long term sustainability of the facility is in doubt, particularly if the operating deficits are larger than interest received on cash holdings.
- In Grant Thornton's opinion, a professional aged care/retirement living provider would be able to generate sustainable operating returns through the renovation and redevelopment of the site.

Options Analysis

- The Collier Park Retirement Complex will have a critical role in meeting the changing needs of this rapidly ageing population. High land prices and a scarcity of available sites in the region will limit the availability of aged care accommodation within the catchment. The closure of dated services in the area will further exacerbate the need for additional investment in quality services. Although the City's aged care and retirement living assets have been well maintained and

10.6.6 Collier Park Village and Hostel – Strategic Aged Care Review

managed, they are becoming out-dated, expensive to retain and are not being managed on commercial terms.

- There exists a window of opportunity to capitalise on the City's aged care and retirement living assets through the redevelopment and modernisation of the site. Through the analysis of the options presented in Grant Thornton's report, they consider that the most suitable course of action is for the City to engage with a specialist aged care operator to maximise the potential of Collier Park.
- Grant Thornton considers that City and the broader community would be best served through the transfer of ownership of Collier Park to a professional organisation dedicated to the delivery of quality services to older people.

Supply / Competitor Analysis Conclusion

Given the lack of investment in new aged care/retirement living services and the ageing population compared to bed numbers in South Perth, it is critical that the City considers opportunities to encourage the development and replenishment of services in the region. Additionally, rising property prices in the region and increasing levels of regulation in the aged care sector emphasise the importance of the services provided at Collier Park.

Furthermore, the demand for residential aged care services for people with higher care needs will become more acute. In this context, the relevance and cost of the low care services provided at Collier Park Hostel will become increasingly important over time.

Implications for the City of South Perth from the Government's Reform Package

The demographics/competitor analysis demonstrates the importance of new investment in aged care and retirement living in the City of South Perth. Consumer expectations for flexible, comprehensive care and accommodation will place increased pressure on dated facilities, including the Collier Park Village Complex.

Based on Grant Thornton's analysis of Collier Park, the physical infrastructure and service models are not capable of meeting that expectation in their current form. There is a small window of opportunity for the City to establish alternate operating arrangements that can facilitate the modernisation and revitalisation of Collier Park Services.

Financial Analysis – Collier Park Village

Operationally, Collier Park Village and Community Centre has not been financially profitable for many years. From FY10 to FY13YTD revenue streams have not been sufficient enough to offset the corresponding expenses for each period and the village has become a drain on City resources.

Typically, other village operators cover their operating costs through resident fees which are calculated from operating budgets. In contrast, resident fees for Collier Park Village are based upon an originally determined amount which increases by an agreed rate year on year. The issue for the Collier Park Village is that the rate schedule which determines the increases in resident fees had not reflected the increase in actual expenses, resulting in continued operating deficits.

Successive periods of negative operating performance require that the City subsidise the cost of maintaining and operating the facility from cash reserves. Under this arrangement, the long term sustainability of the facility may be in question, particularly if the operating deficits are larger than interest received on cash holdings.

In all scenarios, it is observed that under a differently structured residential commercial management agreement, Collier Park Village should be able to realise higher returns than its existing structure.

Further, the adoption of more commercial arrangements would promote the continual upgrading of the village and improve capital returns to residents in line with increasing property prices in the catchment area.

Whilst the return to the service provider would be much stronger, it should be noted that residents would also enjoy a much stronger financial return.

Grant Thornton recommended three options for consideration as outlined below:

Option 1: City of South Perth continues to manage the site with no changes to the sites assets

Under Option 1, the City would make no physical changes to the assets on the Collier Park site other than general maintenance. Management would be retained by the City. Although there are some advantages presented with this option, increasing complexity in the aged care market, redundant assets and poor financial performance make this option unsustainable.

Advantages

- ✓ The City has been managing these assets for many years and has established systems, staff and infrastructure.
- ✓ Beds guaranteed to remain in the municipality under the direct control of the City as the approved provider.
- ✓ Less likely to cause objections from existing residents and families.

Disadvantages

- ✗ The services and accommodation at Collier Park are out-dated and will not meet the needs and expectations of the community in the future. The City has limited capacity or expertise to expand residential aged care services or rejuvenate retirement living accommodation under current governance models.
- ✗ The continued decline in financial performance is not sustainable. The reform process will accelerate the redundancy of these facilities.
- ✗ Aged care is becoming increasingly complex and regulated. In the absence of dedicated specialist sector resources within the City, there is an enhanced risk of exposure.

Option 2: Engage a New Operator to Manage the City's Assets

The City may choose to consider securing the expertise of an external service provider to run the Collier Park assets. Management arrangements may include profit sharing or payment of management fees. Whilst the engagement of external management may deliver a better quality of service, limitations with the age of the assets, in particular the hostel, would limit the appeal of the site to prospective service providers unless future development was indicated.

It should be noted that many local governments within metropolitan Perth have chosen to outsource the management of their aged care assets to external providers including Vincent, Melville, Rockingham, Kwinana, Swan, Bassendean and Melville. However, in most of these instances, the aged care assets have been more modern than those on the Collier Park site, or, has been incentivised by the promise to continue management in the site once it has been redeveloped in consultation with the outsourced management provider.

Advantages

- ✓ Involvement of a well-resourced and experienced large provider may better manage assets.
- ✓ Through agreement of licensing, beds remain within the municipality.
- ✓ Contracting / governance arrangements would be more aligned with industry accepted structure and practice.
- ✓ Effective mitigation of exposure to negative media from complaints, sanctions etc.

Disadvantages

- ✗ The underlying problems with Collier Park are linked to the physical infrastructure that does not meet consumer expectations. A professional manager may improve financial performance through the introduction of more professional practices. However the village will continue to decline in service quality and financial performance until the infrastructure is redeveloped. This is difficult to facilitate through a management contract.
- ✗ Uncertainty regarding the capacity of new operators to meet or improve service standards established by the City (and expected by the residents).
- ✗ Administrative and political burden associated with defining /agreeing requirement, the tendering process and the engagement of a new operator.

Option 3: Transfer Ownership of the Assets to a Professional Aged Care Operator

The City may choose to transfer the ownership and approved provider status to a professional aged care operator through either a lease or sale arrangement. The Collier Park site has great potential. However, the City does not have the resources readily available to properly capitalise on its strengths. A transfer of ownership would ensure high quality aged care options exist for the City's residents in the future.

Some metropolitan local governments have already taken this route, such as Cottesloe, Peppermint Grove, Claremont and Mosman Park who transferred joint ownership of their aged care assets to a third party. Many local governments in New South Wales and Victoria have also transferred ownership of their aged care assets to specialist providers.

Advantages

- ✓ The site is on prime real estate with sufficient land to facilitate a high quality redevelopment that will improve conditions for future generations of residents and the community generally. A specialist aged care provider would look to rejuvenate and expand the aged care services in a region where such services are becoming increasingly limited.
- ✓ A professional operator is more likely to operate the village on a sustainable financial basis. The City's financial debts would be transferred and proceeds from the sale could be directed to core City business.
- ✓ Removes the City's exposure to operational risks and should enhance outcomes for staff and residents through more professional dedicated aged care and retirement living expertise.

Disadvantages

- ✗ A change in ownership would be met with resistance from residents, families and staff because of the uncertainty associated with such changes.
- ✗ The site is on a land lease grant by the State Government and there would be complexities associated with the transferability / use of leased land.

10.6.6 Collier Park Village and Hostel – Strategic Aged Care Review

- × Reduces the City’s direct control over aged care and retirement living services in the region. The City would lose the opportunity to redevelop its own assets.

In addition to the Grant Thornton review, the Administration has been continuing discussions with the Department of Lands and Regional Development (DLRD) regarding the possible swap of land status with McDougal Park.

This proposal involved suggesting to the State that an “exchange of status” of land, i.e. swap the status of the Reserve land on which the Collier Park Village Complex is located with the status of land on which McDougal park is located (which is freehold land owned by the City). This proposal was supported by Councillors and the DLRD was requested several years ago to consider the ‘land swap’.

One of the reasons why this became an option is because both parcels of land, apart from being located in the same suburb, were almost identical in size. It also would provide security of tenure to McDougal Park to remain as a park and provide the City with significantly more certainty in relation to the Collier Park land.

The DLRD subsequently advised that because the McDougal park land was zoned “Local parks and recreation” its value was considerably lower than the Collier Park land which is zoned “Residential” and as a consequence without a considerable ‘cash adjustment’, the State would not agree to the exchange.

Recent advice from the DLRD is that circumstances have changed and that the State is willing to reconsider the ‘land swap’ proposal.

Grant Thornton’s Conclusions and Recommendations

Over the next decade, the process of reform in the aged care industry will accelerate rapidly. Legislative changes from the Government’s Living Longer, Living Better reform package will progress the establishment of a user pay system, effective from July 2014. These changes will see consumers exert much more influence of their services and accommodation as they are required to make greater contributions.

The Collier Park Retirement Complex will have a critical role in meeting the changing needs of this rapidly ageing population. High land prices and a scarcity of available sites in the region will limit the availability of aged care accommodation within the catchment. The closure of dated services in the area will further exacerbate the need for additional investment in quality services.

Although the City’s aged care and retirement living assets have been well maintained and managed, they are becoming out-dated, expensive to retain and are not being managed on commercial terms. There is significant opportunity to improve service quality as well as financial returns to both residents and the City.

There exists a window of opportunity to capitalise on the City’s aged care and retirement living assets through the redevelopment and modernisation of the site. Through the analysis of the options presented in this report, we consider that the most suitable course of action is for the City to engage with a specialist aged care operator to maximise the potential of Collier Park.

Consultation with the resident committee voiced support for the construction of a new residential aged care facility, with a clear understanding from the representatives that the current hostel is unable to provide adequate levels of service to residents of the complex. The resident committee also expressed strong satisfaction with the management and services of the retirement village but understood that there may be

10.6.6 Collier Park Village and Hostel – Strategic Aged Care Review

a need to revise current contracts for new incoming residents and explore development options for the redevelopment of the older units (which are currently leased on a short term basis). A review of the standard contracts has now commenced.

In Grant Thornton's opinion, the needs of residents, the City and the broader community would be best served through the transfer of ownership of Collier Park Retirement Complex to a professional organisation dedicated to the delivery of quality services to older people. Not only would this arrangement benefit users of the Collier Park site, the City would also receive a substantial capital return on the assets and minimise their risk exposures.

It is also suggested that the 'land swap' proposal be pursued.

Consultation

The future operation of the Collier Park Village complex has consistently been on the Council's agenda for many years. During the latest strategic review process, Grant Thornton consulted with the Project Control Group and the Collier Park Residents Committee. This matter was also the subject of a Council workshop on Monday 15 April 2013.

Policy and Legislative Implications

The operations of Collier Park Village and Hostel are subject to various legislation including the *Local Government Act 1995*, *Retirement Villages Act 1992* and *Fair Trading (Retirement Villages Code)*.

In addition, the Productivity Commission released their '*Caring for Older Australians 2011 Report*' recommending a comprehensive overhaul of the aged care system whilst ensuring equity of access to care. Importantly, the report recognises the need to establish sustainable funding models to achieve a balance between service quality, commercial viability for providers, and sustainability to the taxpayer.

Financial Implications

There are significant implications for the Council's financial sustainability and the strategic direction of the Collier Park Village and Hostel which are more broadly detailed in Grant Thornton's report and in the financial analysis section of this report on Page 64.

The commissioning of this report cost \$45,000.

Strategic Implications

This strategic review is outlined in Initiative 1.1.6 of the City of South Perth Corporate Plan 2012 -2014 and it also aligns with [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 objective of this project is determine a strategic direction and outcome that will ensure more effective service provision and delivery facilitating the Collier Park Village and Hostel becoming more sustainable.

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

10.7.1 Audit and Governance Committee – 17 April 2013

Location:	City of South Perth
Applicant:	Council
Date:	18 April 2013
Author:	Amanda Albrecht, Governance Officer
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 17 April 2013.

Audit and Governance Committee Recommendations AND COUNCIL DECISION

The Audit and Governance Committee recommends that the Council adopt the following recommendations from the meeting held 17 April 2013.

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

1. P102 Community Funding Program, P110 Support of Community and Sporting Groups, P301 Consultation for Planning Proposals and P609 Management of City Property be adopted with 'no change' to content.
2. P101 Public Art be adopted with 'no changes' to content and be further reviewed in September 2013 to consider the process for the allocation of funding to Public Art; and
3. suitable funding be considered in the 2013/14 budget to give effect to P101 Public Art.
4. P303 Design Advisory Consultants be adopted with the content revised as per **Attachment 10.7.1(b)** subject to the following change:
 - a) a minimum of four members of the Design Advisory Consultants group are to be architects.

CARRIED EN BLOC RESOLUTION

Background

The Audit and Governance Committee meeting was held on 17 April 2013 to consider six policies that had been deferred for further consideration at the Audit and Governance Committee meeting held in March 2013.

The minutes and attachments of the Audit and Governance Committee are at **Attachment 10.7.1(a)**.

Comment

The Committee considered the following items:

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

10.7.1 Audit and Governance Committee – 17 April 2013

Policies P102, P110, P301 and P609 were adopted by the Committee without further changes.

Policy P101 – Public Art

Policy P101 Public Art was adopted by the Committee without further changes. However, the Committee noted that the policy referred to 'contributing 2% of the total project cost (of projects with a value greater than \$2 million) towards public art in new above ground urban design, public open space and community building constructions and redevelopment projects'. The Committee wants to ensure that suitable funding is considered as part of the 2013/14 Budget. Subject to allocation of funding the Committee recommends that the policy be reviewed again.

Policy P303 – Design Advisory Consultants

The Committee considered the changes recommended by Officers to Policy P303 Design Advisory Consultants (DACs) and agreed to adopt all of them, with the exception of the number of architects required on the DAC group. The Committee considers that three architects on the group is insufficient and recommends that a minimum of four architects should be specified in the policy. Refer to **Attachment 10.7.1(b)**.

Consultation

The policies were the subject of consideration at the 17 April 2013 Audit and Governance Committee. Prior to consideration by the Committee, consultation on the policies occurred with officers of each of the relevant City departments.

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*. The reviewed policies are consistent with the Local Government Act 1995 and other City documents.

Financial Implications

The Audit and Governance Committee has recommended that funding for Public Art (Policy P101) be considered in the 2013/14 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 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

11.1 REQUEST FOR LEAVE OF ABSENCE - MAYOR DOHERTY

I hereby apply for Leave of Absence from all Council Meetings for the period:

- 15 June to 19 June 2013 inclusive; and
- 26 June to 25 July 2013 inclusive.

COUNCIL DECISION

Moved: Cr Trent

Seconded: Cr Skinner

That leave of absence be granted to Mayor Doherty for the periods:

- 15 June to 19 June 2013 inclusive; and
- 26 June to 25 July 2013 inclusive.

CARRIED (13/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil

13.2 QUESTIONS FROM MEMBERS

13.2.1 Questions from Cr Hasleby – Cat Act 2011

Come the 1 November this year, the City will be requiring all cats to be registered, micro chipped and sterilised within the City of South Perth.

What happens to cats found not to be registered, micro-chipped and sterilised?

It is an offence under the act if a cat is not registered, micro chipped or sterilised. If a cat is found in or on another person's property, the property owner may request an Authorised Officer (Ranger) to impound the cat and remove it from the property.

Cat owners, who are not compliant with these requirements after 1 November 2013, may be liable for infringements or prosecution.

Will the City provide or subsidise the microchip and/or sterilisation requirement to encourage cat owners to comply?

The City of South Perth has operated a subsidised Cat Sterilisation Scheme for many years now, whereby City of South Perth residents can have their pet cat sterilised at a discounted price. With the introduction of the Cat Act 2011, which requires all cats to be registered, sterilised and micro-chipped, the City will continue to subsidise Cat Sterilisation.

The City also plans to hold a micro chipping day leading up to the 1st November 2013, which residents can get their cat micro chipped at a reduced rate.

Will there be a period of grace for cat owners to conform to the Act?

No there will be no grace period as such. But due to the City currently looking into building a joint Animal Care Facility, the City will not be impounding cats until this is built (due February 2014 if all goes to plan).

Is there any indication as to the likely registration fee to be charged?

No there is no indication of the possible registration fees. The Department of Local Government recently sent around a registration survey to all Local Governments. Unfortunately the Department is still looking into the appropriate registration fees and has indicated that these fees and the final phase of the Cat Regulations should be released by the 1st July 2013. The City plans to start taking registrations from the September 2013 (possibly earlier if this can be achieved).

Will the City provide a suitable 'cat holding enclosure' for stray or impounded felines and what is the intended location?

The City of South Perth will be building a joint Animal Care Facility at its current Pound site at 199 Thelma Street, Como. The Current dog pound will undergo an upgrade to accommodate cats in a separate area. The Town of Victoria Park, City of Armadale and City of Canning will be using this facility for Cats as well.

What will happen to impounded cats that are not claimed?

Impounded cats will either euthanised or rehomed. The City will work closely with the many cat groups to rehome the cats in the first instance.

Has the City designed a marketing with advertising campaign to inform and encourage cat owners to comply with the Cat Act 2011?

The City has already commenced an advertising campaign and after 1 July 2013 when the City is aware of the Registration fees and the final phase of the Cat Regulations are known, further advertising will commence.

Information is currently available on the City of South Perth website:

<http://www.southperth.wa.gov.au/Services/Cats/>

13.2.2 Questions from Cr Reid – South Perth Foreshore 2013 and Beyond and the Old Mill Project

The following questions were read out by Cr Reid:

As adopted by Council this evening, the City is about to commence community consultation for the 'South Perth Foreshore 2013 and Beyond'. Following the development of a Masterplan, key areas to be developed/activated between the Narrows and Ellam Street will be prioritised this includes the Old Mill Project Site.

Question 1

Will the Old Mill Project, which has been discussed at Council since at least 2005 be implemented in isolation from the rest of the South Perth Foreshore 2013 and Beyond' Masterplan and recommendations?

Question 2

If the answer to Question 1 is “yes” – Has a financial feasibility study or business case been undertaken for the Old Mill Project and/or any components of the project?

Question 3

Should any parts of the Old Mill Project be implemented before other areas, such as Mends St Jetty and Mends Street commercial precinct, which attract high numbers of visits but are in need of urgent rejuvenation to stimulate the local economy, add value to the future Civic Triangle development and ensure initiatives such as the Night Ferry are supported?

Question 4

Given that the ‘South Perth Foreshore 2013 and Beyond’ consultation, Masterplan and recommendations are yet to be completed would it be prudent to allocate funding to prioritised South Perth Foreshore projects identified in this future Masterplan, projects which are proven to be financially feasible and under pinned by a sound well thought out business case?

The Chief Executive Officer took the questions on notice.

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

Nil

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

17. RECORD OF VOTING

28/05/2013 7:24:42 PM

Extension of Public Question Time

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:28:36 PM

Items 7.1.1, 7.1.2, and 7.1.3 (Minutes)

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:29:31 PM

Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, and 7.2.7 (Briefings)

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:35:54 PM

Items 8.4.1, 8.4.2, and 8.4.3 (Council Delegates Reports)

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:38:50 PM

En Bloc Motion

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:40:19 PM

Declaration of Proximity Interest – Motion to allow Cr Skinner to participate

Motion Passed 12/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

Absent: Cr Betty Skinner

28/05/2013 7:40:45 PM

Item 10.2.1 – South Perth Foreshore 2013 and Beyond Document (Draft)

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 7:41:00 PM (Voting system error – vote also taken manually)

Declaration of Proximity Interest – Motion to allow Cr McMullen to participate

Motion Passed 12/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

Absent: Cr Chris McMullen

28/05/2013 7:41:53 PM (Voting system error – vote also taken manually)

Item 10.2.2 – Fencing Drainage Sump at Doneraile Reserve, Waterford – Petition from Ernie Strahan

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 8:17:32 PM

Item 10.6.6 – Motion be put

Motion Passed 12/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Fiona Reid

28/05/2013 8:18:15 PM

Item 10.6.6 – Officer Recommendation

Motion Passed 7/6

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Chris McMullen, Cr Fiona Reid

No: Cr Sharron Hawkins-Zeeb, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

28/05/2013 8:18:51 PM

Item 11.1 – Leave of Absence Mayor Doherty

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala