

AGENDA

Ordinary Council Meeting

15 October 2013

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 15 October in the Council Chamber, Sandgate Street, South Perth commencing at 7:00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
11 October 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, with the exception of October. Please note that the October Ordinary Council Meeting will be held on 15 October 2013.

Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into six wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

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

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES (Attached to Agenda paper)

3.2 PUBLIC QUESTION TIME FORM

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

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

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held 24 September 2013 the following questions were taken on notice:

6.1.1 Lindsay Jamieson

A response to these questions was provided to Mr Jamieson from the Chief Executive Officer by letter on 24 September 2013, a summary of which is as follows:

Question 1

Does Council believe the words sorry or apology should have been used in the phone call and/or the letter?

Response

The Mayor apologised to Mr Jamieson in a statement at the 24 September 2013 Council Meeting.

Question 2

Who were the group of people that Mr McQue said were involved in discovering the error in the letter dated 20 September 2013?

Response

The Manager Governance and Administration.

Question 3

What was the trigger event that caused the letter from 20 September 2013 to be reviewed?

Response

The original letter contained incorrect information which resulted in a further letter with the correct information being sent to Mr Jamieson on 24 September 2013.

Question 4

Does Council believe Mr McQue contacted me in good faith this morning, or was it to save himself knowing he was responsible for violating the Information Commissioner's decision?

Response

Mr Jamieson was contacted by the Manager Governance and Administration on 24 September 2013 in good faith.

6.2 PUBLIC QUESTION TIME: 15 OCTOBER 2013

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24 September 2013

Note: The minutes of the Ordinary Council Meeting held 24 September 2013 are the subject of a notice of motion to be considered at Item 12.2. It is therefore recommended that confirmation of the minutes be deferred until after that item is considered.

Recommendation

That the Minutes of the Ordinary Council Meeting held 24 September 2013 be taken as read and confirmed as a true and correct record.

7.1.2 Special Council Meeting Held: 2 October 2013

Recommendation

That the Minutes of the Special Council Meeting held 2 October 2013, to consider the City of South Perth's submission on local government reform, be taken as read and confirmed as a true and correct record.

7.1.3 CEO Evaluation Committee Meeting Held: 9 October 2013

Recommendation

That the Minutes of the CEO Evaluation Committee Meeting held 9 October 2013 be taken as read and confirmed as a true and correct record.

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing – Ordinary Council Meeting – 17 September 2013

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

7.2.2 Concept Briefing – Joint City of South Perth/City of Melville Elected Members' Workshop on the Canning Bridge Precinct Structure Plan – 25 September 2013

Officers of the City of South Perth and the City of Melville provided information and answered questions regarding the Canning Bridge Precinct Structure Plan. Notes from this concept briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing –Local Government Reform – 10 September 2013

Officers of the City presented information and answered questions regarding the City's Local Government Reform submission to the Local Government Advisory Board. Notes from this concept briefing are included as **Attachment 7.2.3**.

Recommendation

That the attached notes under items 7.2.1 to 7.2.3 on Council Briefings be noted.

8. PRESENTATIONS

8.1 PETITIONS

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

Nil

8.2 PRESENTATIONS

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

8.2.1 Consulate General, Socialist Republic of Vietnam in Perth, Australia

The Consul General of the Socialist Republic of Vietnam in Perth, Australia has presented to the City of South Perth a vase following a visit to the City on 2 October 2013.

8.3 DEPUTATIONS

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

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: WALGA South East Metropolitan Zone Ordinary Meeting – 28 August 2013

A report from Mayor Doherty, Councillor Trent and Acting Chief Executive Officer Phil McQue summarising their attendance at WALGA South East Metropolitan Zone Meeting held 28 August 2013 is at **Attachment 8.4.1**.

8.4.2 Council Delegate: PAMG Meeting – 5 September 2013

A report from Cr Hasleby and Phil McQue summarising their attendance at the Perth Airport Municipalities Group (PAMG) meeting held 5 September 2013 is at **Attachment 8.4.2**.

8.4.3 Council Delegate: Rivers Regional Council Meeting – 15 August 2013

A report from Cr Trent and Les Croxford summarising their attendance at the Rivers Regional Council meeting held 15 August 2013 is at **Attachment 8.4.3**.

8.4.4 Council Delegate: Rivers Regional September Meeting – 6 September 2013

A report from Cr Trent and Les Croxford summarising their attendance at the Rivers Regional Special Council meeting held 6 September 2013 is at **Attachment 8.4.4**.

Recommendation

That the Council Delegates' Reports under Item 8.4.1, Item 8.4.2 and Item 8.4.3 be received.

8.5 CONFERENCE DELEGATES REPORTS

8.5.1 Conference Delegate: Australian Airports Association National Conference

A report from Cr Hasleby summarising his attendance at the Australian Airports Association National Conference held 16-20 September 2013 is at **Attachment 8.5.1.**

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 City of South Perth Amalgamation Proposal to the Local Government Reform Advisory Board

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

Summary

This report contains a summary of the minor amendments made to the City's Amalgamation Proposal to the Local Government Advisory Board.

Officer Recommendation

That Council note the minor amendments made to the City of South Perth's Amalgamation Proposal to the Local Government Advisory Board, dated 4 October 2013.

Background

The Minister for Local Government invited all metropolitan local governments to submit proposals to the Local Government Advisory Board in response to the State Government's proposal by 4 October 2013.

The Amalgamation Proposal was developed by the Joint Taskforce established in May 2013 by the City of South Perth and the Town of Victoria Park and submitted to the Special Council Meeting on 2 October 2013 for consideration.

The Council resolved at that Special Council Meeting to submit the Amalgamation Proposal to the Local Government Advisory Board with the following additional resolution:

'the Mayor be authorised to make minor amendments to correct style and typographical errors in the proposal before lodgement and report to the next Ordinary Council meeting on all, if any, changes'

Comment

The following minor grammatical/typing error amendments were made to the final document submitted to the Local Government Advisory Board on 4 October 2013.

Page 16, paragraph 2

"This did not fully satisfy the concerns of the residents of *The Peninsula* who were under the impression that they would have a Golf course or similar in front of ~~them~~, with unrestricted views down the Swan River and to the CBD."

Page 20, paragraph 4 under 'Transport & Communication'

"The Government is ~~adamant~~ **proposing** that at maximum capacity, 83 per cent of fans will use public transport to get to and from the game and normal operations more than 70%. "

Page 21, paragraph 2

“It is **obvious predicted** that car parking will be at a premium and that people who wish to come to events by car will need to park in other parts of Victoria Park and walk to the ground.”

Page 30, paragraph 1

“Financially, if the Peninsula were removed, the above ranges should be reduced by **\$4.68M pa.**”

Further graphical layout changes were made to the Amalgamation Proposal:

- New Cover page
- New Contents Page
- Inclusion of a footer reading “amalgamation proposal” on odd numbered pages and “City of South Perth and Town of Victoria Park” on even numbered pages
- Font change

Consultation

The Amalgamation Proposal was the subject of a Councillor Workshop in September 2013 and a Special Council Meeting in October 2013.

The Amalgamation Proposal to the Local Government Advisory Board was made available for public information on the City’s website in late September 2013.

A hard copy of the final submission was provided to Councillors on Friday 4 October 2013.

Policy and Legislative Implications

The *Local Government Act 1995* provides that our community will have a further opportunity to comment on this proposal once the Joint Submission is submitted to the Local Government Advisory Board.

Financial Implications

The Submission Paper to the Local Government Advisory Board considers the financial implications of the State Government recommended amalgamation model.

Strategic Implications

This report is consistent with the [Strategic 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](#). The submission has been prepared directly in response to the Western Australian State Government Metropolitan Local Government Reform process, with the objective of making the sector more efficient, sustainable and stronger into the future.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

Location: Lot 900 (No. 221) Labouchere Road, Como
 Applicant: Synergy WA Pty Ltd and Tonic Holdings Pty Ltd
 Lodgement Date: 19 July 2013
 Date: 27 September 2013
 Author: Siven Naidu, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for retrospective shade sail additions to a Child Day Care Centre on Lot 900 (No. 221) Labouchere Road, Como. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|-------------------------------|
| Setbacks | TPS6 Clause 7.8(l) |
| Streetscape compatibility | TPS6 Clause 7.5(n) |

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for retrospective shade sail additions to a Child Day Care Centre on Lot 900 (No. 221) Labouchere Road, Como, **be approved** subject to the following reasons:

(a) Standard Conditions

| | |
|-----|--------------------|
| 600 | Expiry of approval |
|-----|--------------------|

(c) Standard Advice Notes

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

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

Background

The development site details are as follows:

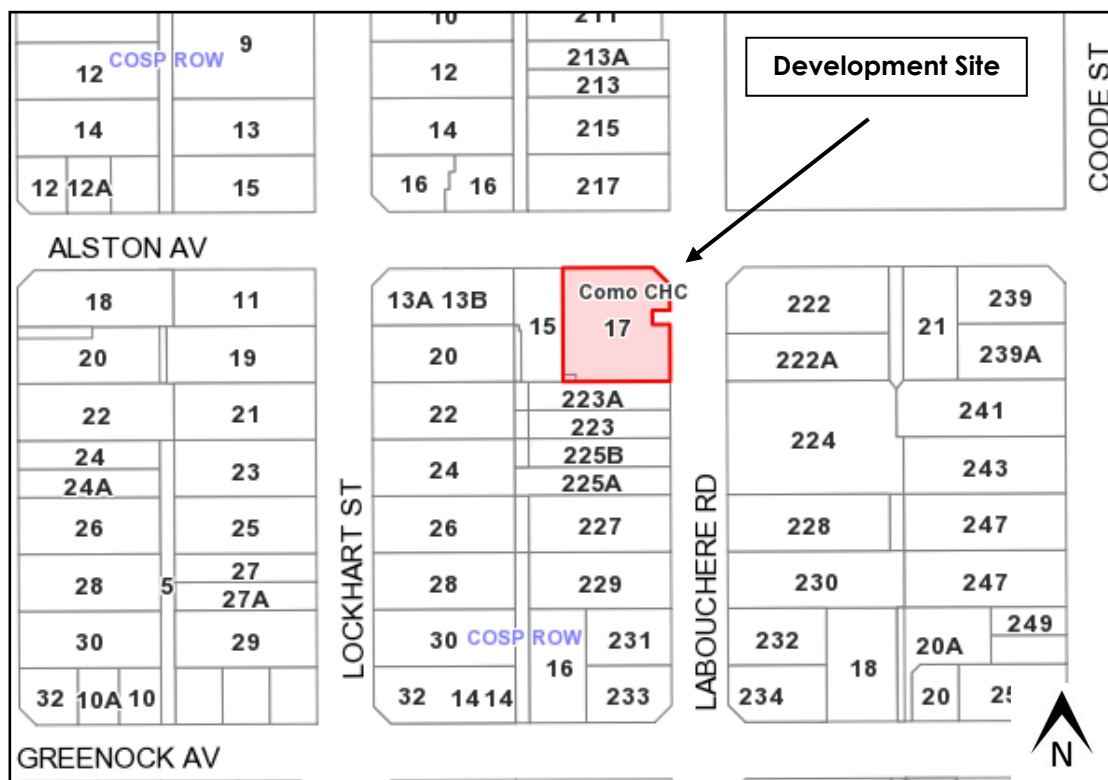
| | |
|------------------------------|-----------------|
| Zoning | Residential |
| Density coding | R20/30 |
| Lot area | 1527 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | Not applicable |
| Plot ratio limit | Not applicable |

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

This report includes the following attachments:

- Attachment 10.3.1(a)** Plans of the proposal.
- Attachment 10.3.1(b)** Site photographs.
- Attachment 10.3.1(c)** Signed agreement - Sail colours.

The location of the development site is shown below:



In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it falls within the following categories described in the delegation:

1. Specific Uses

This power of delegation does not extend to determining applications for planning approval relating to the following uses:

- (a) *Child Day Care Centres.*
- (g) *Non-residential “DC” uses within the Residential zone, except Family Day Care where the City does not receive objections during consultation.*

Comment

(a) Background

In March 2012 Council approved a Child Day Care Centre (CDCC) in a two-storey building on the site. The site was formally owned by the City of South Perth with an historic land use of kindergarten and a clinic.

In July 2013, the City received an application for proposed shade sail additions to a CDCC on Lot 900 (No. 221) Labouchere Road, Como (the site). At the agenda briefing held 8 October 2013, it came to the City’s attention that the sails had already been installed on site. As such retrospective approval is now being sought.

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

(b) Existing development on the subject site

The existing development on the site currently features a land use of CDCC, as depicted in the site photographs referred to as **Attachment 10.3.1(b)**.

(c) Description of the surrounding locality

The site has a frontage to Labouchere Road to the east, Alston Avenue to the north located adjacent to grouped dwellings to the south, and a vacant lot to the west. West of the vacant lot is single house and a grouped dwelling. Single houses and grouped dwellings are located to the north and east of the site, with the Como Primary School located to the north-east, as seen below:



(d) Description of the proposal

The proposal involves the construction of shade sail additions to a CDCC on the site, as depicted in the submitted plans referred to as **Attachment 10.3.1(a)**. The area of the existing shade sails cover approximately 200m² on the site, and are located primarily along the secondary street (Alston Avenue) and along the south side of the CDCC. Furthermore, the site photographs referred to as **Attachment 10.3.1(b)**, show the relationship of the site with the surrounding built environment.

The following component of the existing development, which will be discussed within this report, is recommended for approval:

- Setback from the street - TPS6 Table 4; and
- Streetscape compatibility - TPS6 Clause 7.5(n)

The shade sails comply with the Scheme and relevant Council policies, with the exception of the remaining aspects which require the exercise of discretion by Council, as discussed below.

(e) Land use

The existing shade sail additions to the CDCC is referred to in Clause 7.1(2); "The planning approval of the Council is not required for the following development of land"; which requires planning approval for shade sails in excess of 3.5 metres in height, and has a sail area which is greater than 20.0m².

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

The existing sails have maximum height of 4.5 metres, and a sail area of approximately 200m².

As the existing additions to an existing CDCC have a minimum secondary street setback to Alston Avenue of 1.5 metres to the support poles, which is in keeping with the current streetscape character; accordingly the use is regarded as complying with the requirements of the Scheme.

(f) Street setback - Ground floor north and streetscape compatibility

The prescribed minimum street setback is 6.0 metres for buildings, and the existing development is setback 1.5 metres to the support poles; therefore the existing development does not comply with Table 4 of TPS6.

In considering the additions, it is observed that the site adjoins residential uses in a location with a residential streetscape and is diagonally opposite the Como Primary School. The site is a corner property with a primary street to Labouchere Road and a secondary street to Alston Avenue. Setbacks to a secondary street within the residential R20/30 coded properties requires a 1.5metre setback; hence officers are of the view that the existing 1.5 metre setback to the support poles along Alston Avenue is in keeping with the current streetscape character, and are therefore supportive of the street setback and streetscape compatibility.

(g) Building height

The building height limit for the site is 7.0 metres, and the existing building height to the centre support poles are 4.5 metres with other pole heights at 1.8 metres and 2.5 metres. In accordance with the legislation in the licensing requirements of any Child Care Centre, a minimum of 1.2 metre height clearance is required above the highest point of any play equipment that is being provided; hence the 4.5 metre high poles provide the necessary clearance. Therefore, the existing development complies with Clause 6.2 "Building Height Limit" of TPS6.

In addition to the above, the applicant provides the following comments in support of their submission:

"The legislation in the licensing requirements of any Child Care Centre dictates that it must have shade sails to offer sun protection, consequently all centres have extensive shade sails. Additionally, parents now demand that as much shade is provided as possible and I use the example of the shade sails at the local primary school adjacent; all the play equipment is under shade sail.

The location and scope of the sails is dictated by the play areas and are constructed according to Australian Standards."

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6, which are in the opinion of Council, relevant to the existing development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

(a) *Maintain the City's predominantly residential character and amenity.*

(d) *Establish a community identity and "sense of community", both at a City and precinct level, and to encourage more community consultation in the decision-making process.*

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

- (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.*

The existing development is considered satisfactory in relation to all of the matters listed above.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the existing development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (k) *The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*
- (p) *Any social issues that have an effect on the amenity of the locality.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (x) *Any other planning considerations which Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in September 2013. The proposal was favourably received by the consultants. Their comments and responses from the applicant and the City are summarised below:

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

| DAC Comments | Applicant's Response | Officer Comment |
|--|-----------------------------|------------------------|
| The architects were supportive of the proposed shade sails, including their size and colours. | Nil | NOTED |
| The architects view the colours and the size of the structures as creating a flow with the existing development. | Nil | NOTED |
| The architects further commented that more vibrant colours would keep the children interested. | Nil | NOTED |

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at No. 16 Alston Avenue, Nos. 16 and 20 Lockhart Street, Nos. 217, 222, 222A, 223, 223A and 224 Labouchere Road, and the Como State School at the corner of Labouchere Road and Thelma Street, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 17 consultation notices were sent and one submission (representing two properties within Area 1) was received against the proposal, specifically relating to the proposed shade sail and building colours.

Subsequently, the applicant arranged an onsite meeting with the two affected neighbours to discuss and address their concerns raised during the neighbour consultation process. A written and signed agreement (comprising of two separate letters) was reached and copies have been provided to the City, referred to as **Attachment 10.3.1(c)**.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Shade sails are being provided for the protection of the children during the extreme heat in the summer months and during winter months. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

10.3.1 Retrospective Addition - Shade Sails to an Approved Child Day Care Centre under construction - Lot 900 (No. 221) Labouchere Road, Como

Conclusion

It is considered that, subject to the recommended conditions, the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions. Accordingly, it is recommended that the application be conditionally approved.

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (Shop 2, No. 272) Canning Highway, Como

Location: Lot 182 (Shop 2, No. 272) Canning Highway, Como
 Applicant: Mat Yeo, Ibex Commercial Interiors
 Lodgement Date: 1 July 2013
 Date: 27 September 2013
 Author: Trinh Nguyen, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for a change of land use from “Shop” to “Take-Away Food Outlet” (Crust Gourmet Pizza) for an existing commercial tenancy situated at Shop 2, No. 272 Canning Highway, Como.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a change of use (from Shop to Take-Away Food Outlet) on Lot 182 (Shop 2 No. 272) Canning Highway, Como, **be approved** subject to:

(a) Standard Conditions

| | | | |
|-----|---------------------------------------|-----|--------------------|
| 427 | Colours and materials - Compatibility | 660 | Expiry of approval |
|-----|---------------------------------------|-----|--------------------|

(b) Specific Conditions

- (i) As advised by Main Roads Western Australia (MRWA), no vehicle access shall be permitted onto the Canning Highway road reserve for this site.
- (ii) All signs shall be located entirely within the subject lot and not encroach or overhang into the road reserve (which includes the footpaths).
- (iii) The hours of operation being limited to between:
 - (A) 11:00am and 2:00pm - Friday;
 - (B) 5:00pm and 9:00pm - Monday to Thursday; and
 - (C) 5:00pm and 10:00pm - Friday to Sunday.

(c) Standard Advice Notes

| | | | |
|------|----------------------------------|------|----------------------------------|
| 700A | Building permit required | 700B | Signs licence required |
| 790 | Minor variations – seek approval | 795B | Appeal rights – Council decision |

(d) Specific Advice Notes

- (i) Main Roads Western Australia (MRWA) advises the applicant as follows:
 - (A) This property is affected by land reserved in the *Metropolitan Region Scheme* as shown on the enclosed extract of Main Roads drawing 9721-109, and will be required for road purposes at some time in the future.
 - (B) The attached ultimate concept plan for the intersection of Canning Highway and Hobbs Avenue provides for a left-in, left-out only at this intersection.

Recommendation continued

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

(C) The project for the upgrading / widening of Canning Highway is not in Main Roads current 4-year forward estimated construction program, and all projects not listed are considered long-term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

(ii) All signs on main roads must comply with the requirements of the *Main Roads (Control of Advertising) Regulations, 1996*. Following the City's approval, all proposed signage visible from a main road and / or located within MRWA reserves require approval from the Advertising Signs Co-ordinator of MRWA.

(iii) The applicant / owner are advised of the need to liaise with the City's Environmental Health Services prior to submitting a building permit application to ensure compliance with the relevant health requirements. Please find enclosed the memorandum dated 8 July 2013 to this effect.

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

Background

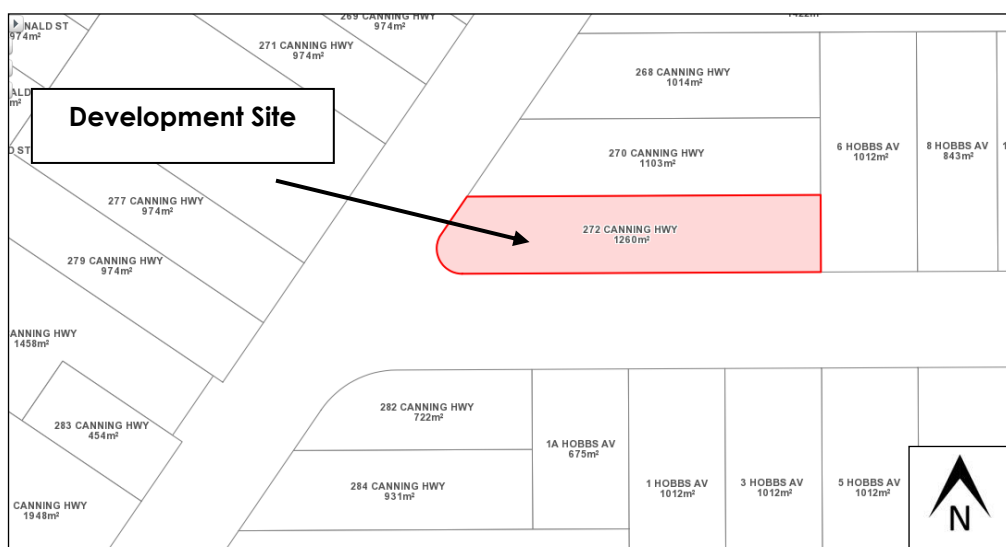
The development site details are as follows:

| | |
|------------------------------|---|
| Zoning | Regional Road / Highway Commercial |
| Density coding | R80 |
| Lot area | 1260 sq. metres |
| Building height limit | 10.5 metres |
| Development potential | Permissible land uses, as listed in Table I of TPS6 |
| Plot ratio limit | 0.50 |

This report includes the following attachments:

- Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Site photographs.
- Attachment 10.3.2(c)** Applicant's supporting report.

The location of the development site is shown below:



10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

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

6. **Amenity impact**

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

7. **Neighbour comments**

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

Comment

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

Shop 2 that is the subject of this development application fronts onto Hobbs Avenue and is located in a row of commercial tenancies on the corner of Canning Highway and Hobbs Avenue, as seen in **Figure 1** below:



Figure 1

The tenancy is separated from adjoining residential dwellings to the east by another shop tenancy (Loose Produce) on the site. There is an existing office (Bourkes Real Estate) adjoining the tenancy to the west.

(b) **Description of the proposal**

The proposed land use of take-away food outlet is classified as a “DC” (Discretionary with Consultation) land use in Table I (Zoning - Land use) of TPS6. A “DC” land use is defined as follows:

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

This special notice has been undertaken and further comments in this respect are provided in the “Consultation” section of this report.

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

(c) Amenity and character

Council has to be satisfied that the proposal will not adversely affect the amenity of the surrounding residential property owners. The surrounding locality is captured in the photographs, referred to as **Attachment 10.3.2(b)**.

The applicant indicated that the proposed take-away food outlet will be open for business during the following hours (including number of staff on duty):

- 11:00am and 2:00pm - Friday (Lunch, 2 staff);
- 5:00pm and 9:00pm - Monday to Thursday (Dinner, 5 staff); and
- 5:00pm and 10:00pm - Friday to Sunday (Dinner, 7 staff).

Typically lower density (R15) residential properties adjoin the site to the east. Some concern is held that the proposed hours of trade may have the capacity to cause an adverse amenity impact on the adjoining and other nearby property owners. There is an existing take-away food outlet (Empire Pizza) fronting Canning Highway at Lot 7 (No. 262) Canning Highway, Como, located on the northern side of the same block as seen in **Figure 1**. It is noted the planning approval for this existing use stipulates the hours of operation being limited to the hours between:

- 9:00am and 10:00pm Sunday to Thursday; and
- 9:00am and 10:30pm Friday to Saturdays.

Lot 7 (No. 262) Canning Highway, Como, has the same zoning at the development site, being R80 "Regional Road / Highway Commercial", also adjoined by typically lower density (R15) residential properties to the east. The applicant has provided further comment, referred to in **Attachment 10.3.2(c)**, in relation to the potential impact to the amenity and character.

Given the above, the proposed land use and operating hours is considered to align with the existing amenity and character of the area.

(d) Car parking

A take-away food outlet is considered as a "Use Not Listed" under Table 6 of the Scheme, and as such, the required number of car parking bays is not prescribed. In accordance with the provisions of Clause 6.3(2) of the Scheme, car parking bays are to be provided to the number determined by Council in each case, having regard to the likely demand. The applicant has provided further comment in relation to car parking and traffic, as detailed in **Attachment 10.3.2(c)**. Clause 6.3(4) of the Scheme referred to by the applicant in this attachment is not applicable to this application.

The site has no approved car bays located within the lot boundaries. There is formal on-street public parking (17 bays) available directly adjacent to the site on Hobbs Avenue as indicated on the plans, referred to as **Attachment 10.3.2(a)**. Further comments in respect to issues concerning car parking and traffic have been sought from the City's Infrastructure Engineering Services which are provided in the "Internal Administration" section of this report.

In comparison to the existing uses in the building, it is noted the opening hours are as follows:

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

| | |
|--|---|
| “Bourkes Real Estate” office open hours as listed on their website: http://www.bourkes.com.au/contact.aspx | <ul style="list-style-type: none">• 8:30am to 5:00pm - Monday to Friday;• Weekends and public holidays - Closed. |
| “Loose Produce” shop open hours as listed on their website: http://www.looseproduce.com.au/contact/ | <ul style="list-style-type: none">• 9:00am to 6:00pm - Monday to Friday;• 9:00am to 5:00pm - Saturdays. |

With respect to the existing “Shop” use, City officers consider the trading hours to closely align with the “Loose Produce” shop. The proposed opening hours for the proposed take-away food outlet, with the exception of Friday lunchtime, falls outside of the existing uses onsite. Hence, officers consider the proposed use will not create additional pressures on existing parking than previously existed for the “Shop” use, also taking into account comments from the City’s Engineering Infrastructure department.

(e) Signage

The proposed signage facing Hobbs Avenue has been assessed and found to be compliant with TPS6 Clause 6.12 “Signs” and Council Policy P308 “Signs”. It is recommended conditions and important notes be placed in relation to the signage.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant, the proposal is considered to meet the following objectives:

- (a) *Maintain the City's predominantly residential character and amenity.*
- (f) *Safeguard and enhance the amenity of residential areas, and ensure that new development is in harmony with the character and scale of existing residential development.*

With regards to Objectives (a) and (f), the character and built form of the proposed take-away food outlet will remain largely unchanged as the existing building will be utilised for purposes similar to existing approved commercial uses on the site.

- (g) *Protect residential areas from the encroachment of inappropriate uses.*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*

With respect to Objectives (g) and (j), the site being on a corner is seen to be the most appropriate location for this type of land use. There are many corner blocks along Canning Highway with commercial land uses of this nature.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (i) *The preservation of the amenity of the locality.*
- (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.*

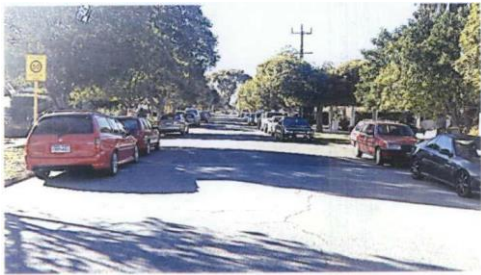
The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 268, 270, 271, 273, 277 and 282 Canning Highway and Nos. 1A, 1, 3, 5, 6, 7 and 8 Hobbs Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 25 consultation notices were sent and three submissions were received, all against the proposal. The comments from the submitters, together with officer response are summarised below.

| Submitters' Comments | Officer Response |
|--|--|
| <p>The proposal will increase traffic congestion resulting in more cars parked on the street and verge. Currently street and verge parking extends 200-300 metres from the intersection of Canning Highway down Hobbs Avenue on both sides of the street; the proposal will contribute to the problem. The change of use will not only increase the number of cars during the day, but will now extend into night time.</p>  <p><small>Above photo taken on 12pm, Friday 5th July 2013; looking down Hobbs Ave from the edge of the shops at 272 Canning Hwy</small></p> | <p>Section (d) of this report discusses this matter in detail. The comment is NOTED.</p> |

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

| | |
|--|--|
| Increased noise from the premises will adversely affect the amenity of nearby residents. | The City's Health Services advises any development or change of use must comply with the <i>Environmental Protection (Noise) Regulations 1997</i> , as any other business would. Submitter's comment is NOTED. |
| The smell of food will permeate through the neighbourhood adversely affecting the amenity of nearby residents. | The City's Health Services advises the City has not received any complaints of odour from any take-away premises within the City. Submitter's comment is NOTED. |
| The take-away food outlet will contribute to increased rats in the area. | The City's Health Services advises all premises are inspected, including rubbish disposal, and pest control is a requirement of a food premises in accordance with the <i>Food Act 2008</i> . Submitter's comment is NOTED. |
| Increased litter from take-away food outlet on the streets and nearby properties. | The City's Health Services advises that should the City experience additional waste in this location, the City's Coordinator of Waste Services would investigate the option of additional street bins. Submitter's comment is NOTED. |
| The proposal will have an adverse impact on the nature and character of the neighbourhood. | Section (c) of this report discusses this matter in detail. Submitter's comment is NOTED. |

The following are additional comments further to the applicant's submission, referred to in **Attachment 10.3.2(c)**:

- *We believe traffic congestion will not be increased. "Crust" opening hours are 17:00 to 22:00 Monday through Sunday, so the adjoining and nearby businesses will be closed during "Crust" trading hours.*
- *"Crust Pizza" throughout its 141 existing stores has not experienced any noise problems within their premises. During trade, the atmosphere is vibrant but we disagree there will be noise problems.*
- *A brand new kitchen exhaust will be installed in accordance with all Australian Standards. The exhaust fan will be mounted on the roof of the building, and we cannot understand how any adverse smells could affect the neighbourhood.*
- *"Crust Pizza" is a very established and organised franchise. Franchisees are trained thoroughly in all aspects on cleaning and waste management; procedures are in place for each store. We have attached a copy of a standard cleaning schedule. We would welcome further liaison with your health department to discuss any particular concerns they might have for the area.*
- *We do not believe our customers will drop any significant amounts of litter. Bins are provided within the store and only a very small percentage of customers remain in the vicinity to eat their pizza. The majority of customers take the pizza away to eat at home.*
- *"Crust Pizza" is a premium product with the emphasis on quality fresh ingredients and good service. We believe the lighting, people, movement and vibrancy etc. will actually help the surrounding neighbourhood. The owners of the adjoining café actually told us they were too frightened to work late in their own shop. They were looking forward to another tenancy opening up.*

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

(b) Internal administration

Comments were invited from Engineering Infrastructure and Environmental Health sections of the City's administration.

- The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to vehicle movements and onsite parking generated from the proposal. This section raises no objections and has provided the following comments:

"Engineering Infrastructure has no issues with the change of use from "Shop" to "Take-Away Food Outlet", although the proposal could exacerbate the already strained parking balance between supply and demand for on-street parking in Hobbs Avenue. This department has no supporting data to suggest that trip generation of a fast-food outlet as compared to its use as a "Shop" will have any impact on traffic in the area. Similarly, there is no data that would support or refute any suggestion that parking demand for the fast-food outlet would be any greater than for its usage as a "Shop".

Parking is in high demand during weekday working hours due to the varied land uses in this section of Hobbs Avenue, and is compounded by commuter parking. Additional time restricted parking will be introduced to Hobbs Avenue to negate commuter parking. The time restricted parking will be more closely monitored, and those overstaying the prescribed time will be infringed. Greater monitoring and adherence to the time restrictions will not however ensure that street parking is available in close proximity to the outlet for any or all of the patrons.

Neither parking nor traffic is seen as an impediment to the processing of this application."

- The Environmental Health section provided comments that raises no objections, and has provided recommended important notes.

Accordingly, planning conditions and important notes are recommended to respond to the comments from the above sections of the City's administration.

(c) External agencies

Comments were also invited from Main Roads with respect to the site being on a regional road reservation. The proposed development is acceptable to Main Roads subject to the following conditions and advice notes being imposed:

*"(1) No vehicle access shall be permitted onto the Canning Highway Road Reserve.
Advice to applicant*

- (1) This property is affected by land reserved in the Metropolitan Region Scheme as shown to the enclosed extract of Main Roads drawing 9721-109, and will be required for road purposes at some time in the future.*
- (2) The project for the upgrading / widening of Canning Highway is not in Main Roads current 4-year forward estimated construction program, and all projects not listed are considered long-term. Please be aware that timing information is subject to change, and that Main Roads assumes no liability whatsoever for the information provided."*

10.3.2 Proposed Change of Use (from Shop to Take-Away Food Outlet) - Lot 182 (No. 272) Canning Highway, Como

Accordingly, planning conditions and important notes are recommended to respond to the comments from Main Roads.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "*Accommodate the needs of a diverse and growing population*".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Tender 20/2013 Queen Street Riverwall and Reno Mattress Maintenance Repairs

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | Tender 20/2013 |
| Date: | 26 September 2013 |
| Author: | Fraser James, Tenders and Contracts Officer |
| Reporting Officer: | Mark Taylor, Acting Director Infrastructure Services |

Summary

Tenders have been called for the 'Queen Street Riverwall and Reno mattress maintenance repairs' (Tender 20/2013).

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

Officer Recommendation

That Council approves the Schedule of Rates tender submitted by Advanteering Civil Engineering for 'The Queen Street River wall and Reno Mattress Maintenance Repairs' 'in accordance with Tender 20/2013 and the allocated budget of \$260,000, of which the City has contributed \$131,500 and the Swan River Trust \$128,500.

Background

The City has sought a contractor to complete maintenance repairs on the river wall on the South Perth Foreshore between the Mends Street jetty and the Narrows Bridge (vicinity of Queens Street). The works will comprise of repairs to damaged sections of precast concrete river wall, repair of existing reno mattress baskets, repacking of existing reno mattress baskets with granite spalls, replacement of existing reno mattress baskets (where required) and other work as required.

It should be noted that the repairs specified do not restore the walls to a long service life. They are an attempt to minimise the rate of deterioration of the wall until a plan for the replacement or upgrading of these walls occurs in the medium term.

Comment

A Request for Tender (RFT) was for the 'The Queen Street Riverwall and Reno mattress maintenance repairs' (Tender 20/2013) was advertised in the West Australian on Saturday 3 August 2013. At the close of the tender advertising period four (4) submissions from registered companies had been received which are tabled below.

Tenders were invited as a Schedule of Rates contract. The reason for this approach is because the scope of works required may well exceed the available budget. A schedule of rates contract will assist the City to determine which works are to be completed in order of priority to ensure the best possible outcome for the budget allocated.

| Tender Submission | *Estimated Tender Price (Ex. GST) |
|-----------------------------------|--------------------------------------|
| Advanteering Civil Engineering | \$114,056 |
| Broadway Marine & Civil | \$120,884 |
| MMM (WA) P/L | \$266,934 |
| Civcon Civil & Project Management | \$402,486 |

An initial compliance check was completed by the Tender Evaluation Panel (Panel) to identify submissions that were non-conforming with the immediate requirements of the tender. This included compliance with contractual requirements and provision of requested information. All tenders complied so were then brought forward for further consideration.

The respective schedules of rates submitted were then assessed against a theoretical works program for the repair of the walls to ascertain an estimated tender price. Please note that these prices were obtained for comparative purposes only and will not be the adopted tender price. The scope of works for the successful tender submission will consider the allocated budget for this project, which is \$260,000.

At this stage of the assessment process it was determined that the comparative price of the tender submission from Civcon Civil and Project Management was too high, being over three times that of the lowest tender submission. As a result, it was withdrawn from further consideration. The remaining tenders were then assessed by the Panel according to the qualitative criteria outlined in the RFT and noted in Table A below.

Table A - Qualitative Criteria

| Qualitative Criteria | Weighting % |
|---|-------------|
| 1. Demonstrated ability to perform the tasks as set out in specification. | 30% |
| 2. Work Methodology | 30% |
| 3. Referees | 10% |
| 4. Price | 30% |
| Total | 100% |

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

Table B - Weighted Score and Estimated Tender Prices

| Tender Submission | Estimated Tender Price (GST Exclusive) | Weighted Score |
|--------------------------------|--|----------------|
| Advanteering Civil Engineering | \$114,056 | 9.40 |
| Broadway Marine & Civil | \$120,884 | 6.02 |
| MMM (WA) P/L | \$266,934 | 5.98 |

The tender submitted by Advanteering Civil Engineering is the lowest priced of all tenders received and recorded the highest score of 9.40 in the evaluation matrix.

Advanteering Civil Engineering has previously completed similar work for Main Roads WA and their work is of good standard.

Based on the assessment of all tenders received for Tender 20/2013 (Queen Street River wall and Reno Mattress Maintenance Repairs), the Panel recommends the tender from Advanteering Civil Engineering be accepted in accordance with their submitted Schedule of Rates and the allocated budget of \$260,000.

Consultation

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

The City has sought technical advice and assistance from one of its contracted panel of Coastal Engineering consultants (M P Rogers & Associates) in preparing and assessing this RFT.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

Financial Implications

The City has received \$128,500 from the Swan River Trust for this project under the Riverbank Grant Funding pool. This has been matched by the City to meet the requirements of the grant, providing a budget of \$260,000 for this project in the 2013/2014 Infrastructure Capital Works program.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 5 – Infrastructure and Transport “*Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This RFT will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City's river walls.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Carry Forward Projects as at 30 June 2013

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 02 Oct 2013 |
| Authors: | Michael J Kent and Deborah M Gray |
| Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

Projects for which unexpended funds are recommended for carrying forward into the 2013/2014 year are identified and listed on the attached schedule. Similarly, incomplete capital revenue transactions are included in the schedule of carry forward items.

Officer Recommendation

That the Schedule of (final) Carry Forward Capital items from 2012/2013 into the 2013/2014 Budget as disclosed on (Attachment 10.6.1) is adopted.

Background

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be identified as a Carry Forward item.

During the budget process, a series of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council.

Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for individual projects should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget. In cases where the works are fully completed when the year-end accounts are completed, a previously indicated carry

10.6.1 Carry Forward Projects as at 30 June 2013

forward amount may not be realised. This process affects only the timing of payment for materials and services and does not represent a cash implication.

Comment

The 2012/2013 Budget included \$3.22M in Capital Revenue - comprising \$2.27M for infrastructure asset grants and contributions, \$0.55M for land disposals and \$0.40M for lease premiums and refurbishment levies at the Collier Park Village. A further amount of \$0.22M revenue relating to road works projects will necessarily be carried forward into 2013/2014 for when the 'in progress roadworks' reach the milestone at which the remaining funds can be claimed.

The 2012/2013 Budget also included Capital Expenditure projects totalling \$12.62M of which \$11.12M (88%) was expended by 30 June 2013. Of this expenditure, some \$9.92M was expended on upgrading infrastructure assets. The remainder was applied to sundry capital projects.

When Council adopted the 2013/2014 Annual Budget, potential carried forward expenditure of \$1.76M was flagged. Following adjustment to reflect actual (rather than projected) expenditure after the year end close-off of accounts, a net amount of \$1.40M is now identified for carry forward into the 2013/2014 budget.

Combined with the completed works, the capital expenditure represents 100% of the full year budget. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as this amount would not have been fully funded.

As noted above, for the completed 2012/2013 year, the final identified net Carry Forward items (as detailed on the attached schedule) total \$1,400,000.

Consultation

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

Policy and Legislative Implications

This practice is consistent with relevant professional pronouncements and good business practice but is not directly impacted by any in-force policy of the City.

Financial Implications

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

Strategic Implications

This report is consistent with the City's [Strategic 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 Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

10.6.2 Listing of Payments

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 02 Oct 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 September 2013 and 30 September 2013 is presented to Council for information.

Officer Recommendation

That the Listing of Payments for the month of September 2013 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.2**, be received.

Background

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

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

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

Comment

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

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

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned

10.6.2 Listing of Payments

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

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

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database). Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is consistent with the City's [Strategic 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 Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

10.6.3 Waste Management Services Review

Location: City of South Perth
Applicant: Council
Date: 27 September, 2013
Author: Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Mark Taylor, A/Director Infrastructure Services

Summary

Talis Consultants Pty. Ltd. has been engaged by the City to complete a review of Waste Management Services with specific reference to the Collier Park Waste Transfer Station and the Bulk Verge Collection Service. The Consultant as part of the review has developed 17 recommendations for consideration. This report will address the Review and recommends Council adopt all but one of the recommendations (No.6) made in the report.

Officer Recommendation

That

- a) The Recommendations of the Waste Management Services Review Collier Park Waste Transfer Station & Bulk Verge Collection (July 2013) (Executive Summary - **Attachment 10.6.3(a)**), with the exception of Recommendation '6', be adopted by Council;
- b) No action be taken on the proposed green waste collection of Autumn 2014 until after a Workshop suggested for late October/early November wherein the number and timing of the "verge collections" will be assessed and determined by Council at the November 2013 meeting.
- c) Fee charges for reuse or recyclable material delivered to the Collier Waste Transfer Station as a single or up to three item load be waived for 2013/2014 and the Schedule of Fees and Charges for 2014/2015 be developed to incorporate the change.

Background

Waste throughput of the Collier Park Waste Transfer Station (CPWTS) has been declining since the introduction of the general waste kerbside collection service in 2002 and it is the opinion of the City that the CPWTS is not being utilised to its full potential. In addition, the City has been experiencing a number of problems with its Bulk Verge Collection Service (BVCS).

In response, the City commissioned Talis Consultants Pty. Ltd. to undertake a review of Waste Management Services with specific reference to the CPWTS and the BVCS. Talis has previously been retained by the Rivers Regional Council to undertake a number of studies and completed them satisfactorily.

The major objective of the commission was to deliver a report that:

- Reviewed the current operation at the CPWTS to determine its ongoing financial viability and sustainability in light of decreasing waste throughput and high annual operating/disposal costs;
- Reviewed and made recommendations regarding the appropriate management structure, staffing levels and operating hours necessary to justify the continued operation of the CPWTS;
- Reviewed the current layout of the CPWTS and makes recommendations as to possible changes to make the facility more efficient, user friendly to customers and to meet the current and future waste collection demand;
- Reviewed the BVCS for adequacy and make recommendations regarding possible changes to the service to make it more cost effective, efficient and risk averse;

10.6.3 Waste Management Services Review

- Made recommendations whether the CPWTS or annual BVCS should discontinue;
- Completed and analysed a SWOT analysis of the CPWTS, including options for adjacent local governments to use the facility;
- Made recommendations to the City regarding the way forward for the CPWTS and BVCS.

The resultant document is the Waste Management Services Review Collier Park Waste Transfer Station & Bulk Verge Collection - July 2013 (Review). The Executive Summary from the Review, containing 17 key recommendations, has been included with this report at **Attachment 10.6.3(a)**. The full report will be made available to Councillors and was referenced in the presentation at the Elected Members Briefing on 26 August 2013.

Comment

Collier Park Waste Transfer Station

Over recent years, much has been said and written about the ageing CPWTS and its ability to continue to play a useful and convenient role in the disposal of waste from within the City. It is acknowledged that if the facility was to be constructed today it would be to a different design using more appropriate dumping areas, loading and transport equipment.

Prior to the introduction of the verge side bulk and green waste collections the CPWTS was receiving up to 7,000 tonnes per annum but had been steadily reducing in line with the general philosophical shift to reduce, reuse or recycle. Over the past five years the combination of the two services have remained within the 4,000 to 5,000 tonne range with each service generally taking up half of the tonnage. In the Waste Census year 2012/2013 some 2,250 tonnes passed through the CPWTS as compared to 2,316 tonnes collected verge side. The percentage of tonnes disposed to landfill was 63% and 59% respectively for the two services.

Talis, in an earlier report commissioned by the Rivers Regional Council on behalf of the City, provided an insight on how the CPWTS with minimal outlay could be transformed from a disposal based facility to a reuse and recycling centre. This is an action the City is currently pursuing with the addition of extra bays for recyclables and set down areas for E-waste and other items. Talis has commented that *“the reuse and recycling centres will continue to grow in popularity within the Perth metropolitan area offering the community vital services to compliment kerbside and verge side collections. Therefore, Talis is of the view that the CPWTS operations should be continued and in time advanced in relation to reuse and recycling services”*.

The Consultants, having concluded that CPWTS operations should continue to operate, developed a series of recommendations relevant to the CPWTS and also the BVCS. These have been included in the Executive Summary (**Attachment 10.6.3(a)**). With the exception of Recommendation 6 (see below), the remainder are strongly supported by the Officers.

6. Investigate opportunities to accept greater tonnages of commercial waste including:
 - Commercial/industrial areas;
 - Educational institutions;
 - Health care facilities;
 - Shopping centres; and
 - Management service companies of retirement villages.

10.6.3 Waste Management Services Review

One aspect omitted from the Consultant's recommendations is the relationship between the CPWTS as a disposal facility to that as a reuse / recycling station. Currently, and without some discretionary interpretation, every entry to the CPWTS is fee paying customer using cash, EFTPOS or a tipping pass to deposit any waste quantity within the facility. Elsewhere with few exceptions the 'drop off reuse / recycling facility' would be without fee whereas the disposal operation would attract a fee. The intention here is to attract more entries to the CPWTS but with much smaller and more easily managed loads.

The preference would always be for the single and up to three item loads (notionally one cubic metre). Therefore it is suggested that for loads of this nature, the fees be waived.

This would enable owners / residents the convenience of reducing the number of unwanted items around their property as soon as they become superfluous to their needs. It would also ensure that when the item is presented for disposal it is in a far better condition than it would have otherwise been and more suitable for reuse or recycling. The convenience of the central location removes not only the need to maximise the size of every load to take advantage of the fee structure (and therefore seen as the primary journey) but more importantly encourages the "drop off" to be (very much) a secondary component of a primary journey to another destination.

A further matter not addressed within the study relates to an initiative through the Rivers Regional Council to have the CPWTS become a Designated Collection Facility (DCF) under the Product Stewardship Act to enable items such as E-waste (from residential properties) to be dropped free of charge. The E-waste would be periodically collected and disposed at no cost to the City. An agreement would be entered into with a partner conducting an Approved Recycling Facility (ARF) who will be required on commencement of the agreement to comply with the "material recovery target of 90%" that will come into effect by Regulation in 2014/2015". The City will receive a notional per tonne rate for E-waste collected at the DCF to offset any administrative costs and/or to compensate for the loss of any potential gate fees.

Bulk Verge Collection Services

Notwithstanding that the BVCS is not universally utilised throughout the City, there are a very high percentage of those using the services depositing quantities far in excess of the allowable two cubic metres per category (metals, hard waste and green waste). The excess of some residents has led to the review being undertaken.

Since 2010 greater attention has been directed towards the separate collection of the various categories with the intention of maximising recycling. The Contractor undertakes the collection service by separating different waste streams from the bulk verge waste in a specified order. The order of the material collection is determined by ease of removal and value of material. The order of collection is:

- E-waste and mattresses;
- Metals;
- Green waste; and
- Remaining hard wastes.

E-waste is collected to retrieve valuable metals for recycling. Mattresses are collected at the same time to reduce the period of time exposed to weather. The metal and white goods are removed from the waste piles for recycling. Green waste is then collected prior to the removal of the hard waste. This has resulted in each service experiencing problems such as:

10.6.3 Waste Management Services Review

- Over running its allotted time,
- The streets becoming untidy with deposited rubbish left lying around,
- The waste becoming a target for scavenging,
- The waste being affected by adverse weather.

Contracted rates have also escalated as a result of the changes in practice and the over usage by many.

In March 2013 the City completed the second of the biannual verge side collection and collected some 1,369 tonnes comprising 946 tonnes of general hard waste and 424 tonnes of green waste. By comparison the first collection in September 2012 accounted for 892 tonnes comprising 592 tonnes general hard waste and 300 tonnes of green waste. The Consultant noted that (at the time of the survey) the City is “one of five local governments, in the Perth Metropolitan Area, that provides two combined bulk verge collections per annum”.

The Consultant has identified the following issues and challenges that arise from a combined bulk verge collection system, including:

- Greater potential for contamination;
- Reduced separation of recyclable materials;
- Difficult to police;
- Provides operational issues for collection Contractor;
- Increase in collection time; and
- Results in additional costs to the City.

The 17 recommendations of the Consultant’s report include 6 specifically relating to the BVCS. The most important for Council is the Recommendation 10 - *Implement green waste and hard waste bulk verge collections at separate times*. The other 5 recommendations are more operational in nature and relate to governance communication and compliance.

The following is a series of extracts from the Consultant’s Report to support a change to the way the waste collection service are being undertaken:

“Due to the challenges and issues faced with the combined bulk verge collection service, it is suggested that separation of the green waste and bulk hard waste is undertaken in line with Perth Metropolitan norms.”

A review of 19 metropolitan local governments by the Consultant revealed that:
“The most common approach to bulk verge collections is through separate green waste and separate hard waste services run at different times; 14 local governments utilise one separate hard waste collection per annum, 4 undertake a single green waste collection and 8 utilise two separate green waste collections. This is therefore, the most common approach to bulk verge collections in the Perth Metropolitan Area.” *“The second most common service offering is one separate bulk and one separate green waste collection.”*

Tender for Bulk Verge Collection Services

By May 2013 it became obvious the Consultant would not finalise the Report in sufficient time to enable the City to proceed to call Tenders for the service to be undertaken in 2013/2014 unless a decision on how to proceed was made. At an officer briefing the Consultant strongly advocated for implementing the green waste and hard waste BVCS at separate times. The Officer Group acknowledged the challenges the previous collection posed to the City and the escalating cost of the combined service, which based on the previous contracted rates was expected to be about \$445,000. As a result, the City called tenders on the basis of providing a

10.6.3 Waste Management Services Review

single hard waste collection and followed at a later time with a green waste collection. Council was advised of this action in a Bulletin Item of late May.

At the July 2013 meeting Council accepted a tender for a single hard waste collection for the fixed sum of \$194,250 (Tender 12/2013). No tender was accepted for the green waste collection component although had it progressed the reduction in cost of the service would have been at least \$75,850 less than the combined bi annual service from 2012/2013.

The hard waste collection component is now completed however the City does not have a contract for the green waste collection. Of the feedback received following the hard waste collection very little has been written or said relating to separated services. With very few exceptions the limited feedback is that “spring” is the green waste collection time although this is not overwhelmingly supported by data over a number of years.

It had been the intention of the City to call tenders for an autumn green waste collection to complete the BVCS for 2013/2014. However, in view of comments from Councillors at the Agenda Briefing held 8 October 2013, and the ambiguity over the number of services to be undertaken in 2014 there is a view that the action in respect to calling tenders should be held over until November. Late in October/early November, a workshop could be held wherein the various “combinations” could be explored along with the timing of the BVCS for 2014/2015. It is suggested that consideration of future services be restricted to 2014/2015 only in consideration of a potential amalgamation with the Town of Victoria Park.

Conclusion

The City has commissioned a report to review its waste management services and in particular the CPWTS and the BVCS. The resultant report contains 17 recommendations of which the City believes 16 should be implemented. The key recommendation for Council concerns the separation of the green waste and hard waste collections under the BVCS. This is a fundamental change to existing practice however the consultant and the City believes it will result in a vastly improved service.

It is therefore recommended that with the exception of Recommendation ‘6’, the remaining 16 recommendations of the Talis Waste Management Services Review Collier Park Waste Transfer Station & Bulk Verge Collection (July 2013) be adopted by Council.

Notwithstanding that recommendation 6 is simply “investigate the opportunities to accept greater tonnages of commercial waste including...” the real issue not addressed in the Review is the finite capacity of the CPWTS (in accordance with the Waste Facility Licence) and the strict requirements on the quality / nature of the waste that can pass through the facility. The officers are of the opinion that any investigation into an expanded commercial service to embrace new customers would require a disproportionate amount of resource time and probable capital injection on an otherwise limited opportunity.

As the recommendations from the Review are largely operational the Officers will progressively investigate and assess in turn each of the items and will implement where appropriate. The Council will be kept informed of progress through the Bulletin.

Consultation

The Consultant was required to liaise with Key Stakeholders including but not limited to City Officers (Manager Engineering Infrastructure, Waste and Fleet Coordinator, and Director Infrastructure Services), operational staff at the CPWTS, customer contractors and external collection contractors to gauge opinions on the current and future operations of the two services. No formal public consultation was undertaken as part of this review although in the course of the investigations the Consultant did have the opportunity to talk to residents, verge side during the bulk waste collection and at the transfer station.

The Review of Waste Services – CPWTS and BVCS - was the subject of an Elected Members Briefing on 26 August 2013 (**Attachment 10.6.3(b)** refers).

Policy and Legislative Implications

The Waste Avoidance and Resource Recovery Act 2007 is an Act to:

- Provide for waste avoidance and resource recovery;
- Establish a Waste Authority;
- Provide for waste services by local governments;
- Provide for levies on waste; and
- Provide for related and consequential matters.

The Waste Authority has released the Western Australian Waste Strategy: Creating the Right Environment. The following are a number of extracts from the Executive Summary to the Strategy:

“The Strategy employs best practice and continuous improvement, along with target setting, as primary approaches to drive this change. The Strategy’s success will be measured against its effectiveness in reducing the amount of waste generated, increasing the proportion of material recovered from the waste stream and reducing the proportion of waste destined for landfill” and

“The key drivers that have shaped the strategies and targets in Creating the Right Environment include:

- *the need to lift the effectiveness of planning for long-term waste management at a State level;*
- *access to data and information to underpin the measurement of strategies and services;*
- *significant opportunities to improve performance on construction and demolition, and commercial and industrial waste recovery;*
- *consolidation and improvement in municipal waste collection and processing performance;*
- *a desire to do better on packaging waste management, litter recovery and*
- *other problematic wastes;*
- *improved landfill practices and incentives to reduce waste to landfill.*

The recommendation for the continuation of selected waste services within the City of South Perth is consistent with the expectations of the Waste Strategy.

Financial Implications

The Report does not recommend any Capital Improvements or major changes in operations that have not already been included in the 2013/2014 Budget and as a consequence has limited impact on this area.

Waiving the fee charges for single or up to 1 cubic metre loads will have minimal impact on revenue received as most entries would have been covered by a tipping pass.

10.6.3 Waste Management Services Review

Strategic Implications

This report is consistent with the City's [Strategic 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 Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). A growing population will inevitably increase pressures on the environment with growing waste generation and disposal rates. Sustainable waste management aims to address these long term pressures through the recovery, recycling, and reuse of resources, and the minimisation of waste streams. This includes the management of resources in an environmentally sound and economically effective manner.

10.6.4 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
Date: 4 October 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 September 2013.

Officer Recommendation

That the report and **Attachments 10.6.4** relating to delegated determination of applications for planning approval during the month of September 2013, be received.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:
“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

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

Comment

Council Delegation DC690 *Town Planning Scheme No. 6* identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC690 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of September 2013, thirty-four (34) development applications were determined under delegated authority at **Attachment 10.6.4**.

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

This report is consistent with the City’s [Strategic 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 Plan”*.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Reporting of applications for planning approval determined under delegated authority contributes to the City's sustainability by promoting effective communication.

10.6.5 Water Sensitive Urban Design – Adoption of Policy P211

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| Date: | 25 September 2013 |
| Author: | Karen Lancaster, Landscape Architect |
| Reporting Officer: | Mark Taylor, A/Director Infrastructure Services |

Summary

The City is concerned about the quantity and quality of runoff being discharged from stormwater drainage systems into receiving waters such as the Swan and Canning Rivers. Urban development disrupts the natural water cycle and can have a significant impact on the environment, in terms of the quantity and quality of water. Stormwater from urbanised catchments carries sediments and pollutants such as nutrients and heavy metals from impervious surfaces (e.g. roads, paving, roofs).

A mechanism to address the quantity and quality of stormwater runoff from developed areas is through the application of best practice Water Sensitive Urban Design (WSUD).

The City is committed to providing leadership in managing water sustainably and responsibly. It is therefore recommended that Council adopt Policy P211 Water Sensitive Urban Design which has been prepared pursuant to Clause 9.6 of the Town Planning Scheme No. 6 to enable the City to achieve substantial improvements in water management.

Officer Recommendation

That Policy 211 Water Sensitive Urban Design at **Attachment 10.6.5** be adopted by the Council.

Background

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

That ..

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

At a further meeting held on 26 March 2013 (Agenda Item 10.2.2), the Council resolved:

That Policy P211 Water Sensitive Urban Design at Attachment 10.2.2 be advertised for comment for a period of no less than 21 days and that following the consultation period a further report be brought back to Council for consideration.

A draft Policy for WSUD has been prepared and advertised for public comment in line with the Council resolution of 26 March 2013. The Policy was advertised for a period exceeding 21 days, with the deadline for receipt of submission closing Friday, 14 June 2013. At the close of submissions no comments were received in relation to the draft Policy.

Comment

In the past, urban stormwater drainage systems have been designed primarily to prevent flooding with the view that rainwater should be conveyed as quickly as

10.6.5 Water Sensitive Urban Design – Adoption of Policy P211

possible to the nearest drainage system or waterway.

Unfortunately, stormwater conveys a range of pollutants including litter, sediment, sewer overflows, grease and oils, garden fertilizers, animal faeces, and vegetation to the various street drainage systems. Because the stormwater is polluted, this places great strain on the ability of the receiving waters to cope, resulting in algal blooms, ecosystem breakdown, and polluted rivers and beaches such as has been the case in recent history of the Swan and Canning Rivers. In addition, a vast quantity of potentially usable water is simply “flushed down the drain”.

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

The key principles of WSUD generally include:

- Protection and enhancement of natural systems and ecological processes;
- Protection of the water quality of surface and ground waters;
- Migration of peak flows to natural background rates;
- Integration of stormwater treatment into the landscape;
- Reduction of potable water demand;
- Minimisation of wastewater generation;
- Protection of the built environment from flooding and water logging; and
- Retention, use and infiltration of stormwater at source.

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

Adoption of Policy P211 Water Sensitive Urban Design will apply to all development that occurs within the City of South Perth, including, rezoning, structure plans, subdivisions, and development proposals; and is applicable to all activities, works, services and programs conducted by the City, its contractors, consultants and volunteers.

Consultation

Elected member briefings were held on WSUD principles in February 2010 and 5 June 2012 respectively. In addition, the Council considered reports at meetings held on 26 June 2012 and 26 March 2013 respectively.

The draft WSUD Policy was advertised for public comment in line with the Council resolution of 26 March 2013. The Policy was advertised for a period exceeding 21 days, with the deadline for receipt of submission closing Friday, 14 June 2013. At the close of submissions no comments were received.

Policy and Legislative Implications

There is currently no City Policy relating to WSUD.

10.6.5 Water Sensitive Urban Design – Adoption of Policy P211

Financial Implications

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

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

Strategic Implications

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

Sustainability Implications

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

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 COUNCILLOR CRIDLAND – JAN DOO PARK

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 15 October 2013:

MOTION

I move that the City of South Perth provide a report to the Council by no later than the December 2013 Ordinary Council Meeting on the following matters:-

- a. Indicative cost (in \$) of repair of the fountains in Jan Doo Park so the fountains again function;
- b. Estimated water usage / loss from operational Jan Doo Park fountains;
- c. Possibility and indicative cost (in \$) of using non-scheme (eg bore water) for the fountains;
- d. Alternative treatments and cost of rehabilitation of Jan Doo Park fountain area; and
- e. Indicative cost (in \$) of placing a summer sunshade over the children's playground in Jan Doo Park.

REASONS FOR MOTION

Jan Doo Park is a small park which is the community hub for the Mount Henry area.

There is no sunshade over the playground to protect children and carers from direct sun and heat while the children play.

The fountains at the park have not been functional for 5+ years and from time to time after rain the basins become an unsightly stagnant mosquito breeding pond.

Whilst there have been conversations between residents and the City over the last decade in respect of repair of the fountains and sun protection for children, the local community feel there has been no real action in dealing with these matters. A report to Council will give the background information to councillors to allow them to decide what action to take and when.

CEO COMMENT

The City has been working with residents living in the vicinity of Jan Doo Park in Salter Point for a number of years to improve the Park. There have been noticeable improvements made to the standard of maintenance, including the quality of turf and the replacement of vandalised and stolen items. There remains several issues where the City and the residents have not been able to agree to resolve, two of which have been mentioned by Cr Cridland.

1. Water fountain – The fountain uses scheme water and was turned off by the City as part of its desire to reduce reliance on scheme water in response to the Water Campaign and subsequent Council adoption of a Water Action Plan in 2008. It is not an issue of the fountain requiring repair.
2. Shade sail over the playground – The City has 44 playgrounds and only 19 of these have shade sails in place. The City receives limited budgets to maintain and replace playgrounds, which results in Officers having to prioritise the playgrounds which are replaced and those which receive shade sails.

Subject to Council resolving to adopt this Motion, the City will provide a report to Council responding in more detail to the matters raised.

12.2 COUNCILLOR CRIDLAND – MINUTES 24 SEPTEMBER 2013 ORDINARY COUNCIL MEETING

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 15 October 2013:

MOTION

I move that

- (1) the draft Minutes of the City of South Perth Ordinary Council Meeting (“OCM”) of 24 September 2013 be amended **before** the draft Minutes are put before the Council for confirmation as accurate Minutes so as to
 - a. comply with the intent and effect of the unanimous (13 – 0) Council resolution on item 10.1.1 at the 24 September 2013 OCM, and
 - b. place on the public record an accurate historical report of the rationale and accepted factual basis under which the Council operated in respect of that item, and
 - c. provide necessary transparency in public administration and good governance by allowing the public access to the material considered and accepted by the Council in so resolving on that item, andin particular to include in those Minutes “the document putting forward the amendment” referred to in the unanimous resolution of Council on item 10.1.1 at the OCM before the heading “Background” relating to that item;
- (2) the CEO of the City of South Perth be directed to forthwith withdraw and destroy the hardcopy (draft) Minutes of the OCM of 24 September 2013 which do not include “the document putting forward the amendment” referred to in the unanimous resolution of Council on item 10.1.1 at the OCM; and
- (3) the CEO of the City of South Perth be directed to forthwith remove from the City’s website and destroy the electronic (draft) Minutes of the OCM of 24 September 2013 which do not include “the document putting forward the amendment” referred to in the unanimous resolution of Council on item 10.1.1 at the OCM.

REASONS FOR MOTION

The unanimous resolution of the elected members of City of South Perth on item 10.1.1 at the 24 September 2013 Ordinary Council Meeting (“OCM”) contains the implicit requirement that the accepted reasoning and factual basis for that resolution be recorded in the Minutes of that OCM.

However, the draft Minutes of that OCM do not currently contain the elected members’ accepted reasoning and factual basis for that item.

The “Background” recorded in respect of that item in the draft Minutes of that OCM (which is set out immediately after the Council’s resolution) does not on any reasonable interpretation support the elected members’ unanimous resolution.

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The City provided several reports on Item 10.1.1 as part of an iterative process as a consequence of issues raised by elected members. This occurred whilst the CEO was on leave.

The conclusions, argument and underpinning facts as recorded in the City's various versions of the report were not accepted in total by the elected members of the City. Indeed, all 13 elected members of the City of South Perth took a different view to those conclusions, argument and underpinning facts recorded in the City's various versions of the report.

The conclusions, argument and underpinning facts in the City's final version of the report is inconsistent with the expressed rationale and basis on which all elected members of the City of South Perth resolved unanimously on item 10.1.1.

However, it is only the conclusions, argument and underpinning facts in the City's final version of the report (nb which were not accepted by the elected members) which is included in the draft Minutes of the OCM as "Background".

Read together, the Council's unanimous resolution and the "Background" would indicate an entirely irrational decision was made by elected members - which was wholly contrary to the facts and argument (noting that the only facts and argument set out in the draft Minutes are those stated by the City in its report). This is likely to bring the Council into disrepute.

This is also misleading as record of the Council's deliberations and decision.

The elected members relied on alternative foundational facts and arguments set out in a document in writing.

The document relied on was available at the OCM and specifically referred to in the Council resolution. These alternative foundational facts and arguments which were accepted by Council are nowhere recorded in the Minutes of the OCM.

Members of the public who were not in attendance at that OCM in person and who read and relied upon the Minutes would be misled by the omission of relevant matters considered and accepted by the elected members.

As an elected member of the Council of the City of South Perth I requested the CEO of the City include in the (draft) Minutes of the 24 September 2013 OCM the document referred to in the resolution and setting out the reasoning accepted by all elected members of the Council in resolving on item 10.1.1 at that OCM.

The CEO has refused that request.

Accordingly, it is necessary that there be a further motion of the Council so that the Council's rationale at the 24 September 2013 OCM be recorded in the OCM Minutes and for the CEO be directed to remove and destroy draft Minutes that do not accurately record the Council's reasoning.

Good governance requires transparency in decision making by the City and the avoidance of actions which may mislead the public.

A decision-making process which -

- (a) only records material not accepted by the decision-maker (without even noting that this material was not accepted), and
- (b) does not record actual material considered and relied upon,

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could not be a more opaque process.

The historical record of OCMs of the City of South Perth should accurately record for posterity the deliberations of the Council. Unless the (draft) Minutes of the OCM are amended this will not be the case.

Further, members of the public should –

- (a) be able to read Minutes of an OCM and understand what material was considered and accepted by elected members in rejecting a City report, and
- (b) not be misled by the placement in Minutes of an OCM solely of material which was not accepted by elected members and is contrary to the Council’s resolution, and
- (c) not be misled by the omission from Minutes of an OCM of the actual material and reasoning relied on by elected members in resolving a matter.

We are denying the public these three fundamental rights unless we correct the OCM Minutes and pass this motion.

CEO COMMENT

It is the custom and practice of the City to only record the reason for a decision if it is different from an Officer Recommendation where an alternate recommendation has been adopted. Where amended motions are considered and adopted (because the change does not alter the substance of the Officers recommendation), no reasons for the change are recorded. This action is consistent with the *Local Government (Administration) Regulations 1996* at Clause 11(da) states:

“The content of minutes of a meeting of a Council is to include – written reasons for each decision made at the meeting that is **significantly different** from the relevant written recommendation... of an employee...” (emphasis added)

In explanation, the Officer Recommendation contained at Item 10.1.1 on the September Ordinary Council Agenda was as follows:

That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2014/15, be submitted to the Department of Sport and Recreation together with the entire content of the officer report and the following ranking and ratings:

| Applicant | Ranking | Rating |
|--|----------------|-------------------|
| Manning Tennis Club (2 new hard courts and floodlighting) | 1 | TBC by Council |

During the course of the meeting as a result of Councillor Cridland moving an amendment the Council adopted the following resolution (with Councillor Cridland’s amendments in red):

*That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2014/15, be submitted to the Department of Sport and Recreation together with the entire content of the officer report, **the document putting forward the amendment** and the following ranking and ratings:*

| Applicant | Ranking | Rating |
|--|----------------|---------------|
| Manning Tennis Club (2 new hard courts and floodlighting) | 1 | A |

In my view the additions of the words “*the document putting forward the amendment*” and the addition of the rating category “A” are not **significantly different** to the Officer Recommendation which is why an amendment to the motion was proposed (not an

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alternative motion). As a consequence, no reasons for the change to the Officer Recommendation are necessary to be recorded in the minutes of the Council meeting. The changes made are not significantly different and do not affect the intent of the Officers recommendation.

This action is also strictly in accordance with the custom practice conducted by the City over a number of years i.e. the reasons for change of an Officers Recommendation are only made when alternate motions are adopted by council, not when amendments are made to an Officer Recommendation. This process provides clear and unambiguous guidance to City Officers as to when we need to record reasons for change to Officers Recommendations.

It is not agreed that the Council's resolution is inconsistent with the report, or that the minutes are incomplete, incorrect or misleading. The report sets out evidence that is supportive of the Manning Tennis Club application, which is entirely consistent with the Council's decision. The minutes accurately record the decision taken by the Council.

It is not agreed that there has been any significant omission that would likely result in the City being brought into "disrepute". It is considered that the City could more likely be brought into disrepute if the changes sought are made to the minutes as it would clearly be contrary to custom and practice (as outlined above) and would create an undesirable precedent.

It is confirmed that the content of Councillor Cridland's document entitled "Amended Motion 10.1.1" considered at the September 24, 2013 Council Meeting which is referred to in the Council resolution has formed part of the City's submission to the Department of Sport and Recreation for funding for the Community Sport and Recreation Facility Fund.

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.2 QUESTIONS FROM MEMBERS

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

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Recommendations from the CEO Evaluation Committee Meeting held 9 October 2013 - *Confidential*

Location: City of South Perth
Applicant: Council
Date: 10 October 2013
Author/Reporting Officer: Helen Cardinal, Manager Human Resources

Confidential

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following: *a matter affecting an employee or employees.*

Note: *Confidential Report* circulated separately.

15.1.2 Community Facilities Review – *Confidential*

Location: City of South Perth
Applicant: Council
Date: 9 October 2013
Author: Vicki Lummer, Director Development and Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following: *a matter affecting an employee or employees.*

Note: *Confidential Report* circulated separately.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

17. RECORD OF VOTING

ITEM 3.1 REFERS

Mayors Activity Report – September 2013

| Date | Activity |
|-------------------------|---|
| Friday, 27 September | ABC TV interview amalgamation – Jessica Strutt |
| Thursday, 26 September | Local Government Reform meeting with Mr Shane Love MLA - Member for Moore (National Party) and Member for Eyre, Dr Graham Jacobs + CEO |
| Wednesday, 25 September | Joint City of South Perth / City of Melville Elected Members' Workshop on the Canning Bridge Precinct Structure Plan |
| | Draw prize winners from Sustainability Fair |
| | Reform meeting with Member for Alfred Cove Dean Nalder MLA and Member for Bateman Matt Taylor MLA + CEO |
| | Manning Seniors AGM + Deputy Mayor, Cr Kevin Trent |
| | Partners In Recovery - Bentley/Armadale Medicare Local Region Launch |
| Tuesday, 24 September | Council meeting |
| | Joint City of South Perth / Town of Victoria Park Reform meeting with Minister for Local Government + CEO |
| | Joint City of South Perth / Town of Victoria Park Reform Meeting with Simon O'Brien, Nick Goiran, Member for South Metropolitan Region, + Member for South West Region Nigel Hallett + Member for South Perth, John McGrath + WALGA CEO + CEO |
| | Mayor/CEO weekly meeting |
| | WALGA Mayor's Group – City of Armadale |
| Monday, 23 September | Aquinas Fence discussion with Director, Development and Community Services + resident |
| | Joint Taskforce meeting – Town of Victoria Park + Crs Ian Hasleby and Fiona Reid |
| Saturday, 21 September | Pasar Malam 'Asian Night Market' |
| Friday, 20 September | Gerard Neesham Cup at Clontarf Aboriginal College |
| | 2013 PIA (WA) Young Planners Q & A panel member |
| | 2013 PIA (WA) Forum on Town Planning and Local Government Reform Breakfast |
| Thursday, 19 September | Joint Datacom presentation – Director Financial & Information Services |
| Wednesday, 18 September | Present prizes at 2013 Rates Prize Draw Function |
| | Local Government Reform meeting with Rick Mazza, Shooters and Fishers Party + Manager, Legal and Governance |
| | Local Government reform - Kate Doust MLC+ Manager, Legal and Governance |
| | Phone interview re Edventures WA with Sophie Chamberlain |

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| Tuesday, 17 September | September Council Briefing |
| | Wild Women – Perth Zoo + Crs Betty Skinner and Sharron Hawkins-Zeeb |
| | Edventures WA: Young Women's Program Bake Sale |
| | Mayor/ Acting CEO meeting + Deputy Mayor, Cr Kevin Trent |
| | Meeting Headmaster Wesley College |
| Monday, 16 September | South Perth and Victoria Park meeting with Mayor and CEO of Town of Victoria Park + Manager Legal and Governance |
| Sunday, 15 December | Community Rally - Impact of Amalgamation "Battle for Burswood" + Deputy Mayor Cr Kevin Trent + Crs Fiona Reid, Veronica Lawrance, Peter Howat, Colin Cala, Chris McMullen and Glenn Cridland |
| Saturday, 14 September | Sustainability Fair + Deputy Mayor, Cr Kevin Trent + Crs Fiona Reid & Bill Gleeson |
| | Battle for Burswood meeting with Town of Victoria Park – organise speakers |
| Friday, 13 September | Meeting Director Development and Community Services |
| | Mayor Meet the Community |
| | Steve Mills 6PR Breakfast program interview re <i>Battle for Burswood</i> |
| Wednesday, 11 September | Local Government reform meeting with John Halden + CEO & Mayor Town of Victoria Park + Manager Legal & Governance |
| | Meeting re: Scheme Amendment + Director Development and Community Services |
| | Manning Senior Citizens Centre - 30th Anniversary lunch |
| | Battle for Burswood meeting with Mayor and CEO of Town of Victoria Park + Communication Team + Manager Legal & Governance |
| Tuesday, 10 September | Briefing: Local Government reform update |
| | Mayor/Acting CEO meeting |
| | Meeting with Michele Nugent - Southern Gazette |
| | Soroptimist International - South Perth Meeting |
| Monday, 9 September | Local Govt Reform – meeting Member for South Metropolitan Region, Hon. Lynn MacLaren Greens Party of Western Australia + Manager Legal & Governance |
| | Local Government reform - meeting Member for South Metropolitan Region, Sue Ellery MLC + Manager Legal & Governance |
| Thursday, 5 September | Joint Reform Taskforce Meeting + Crs Fiona Reid and Ian Hasleby |
| | Local Government reform – Member for North Metropolitan Region, Ljiljanna Ravlich MLC + Acting CEO |
| Wednesday, 4 September | Battle for Burswood Photo op Southern Gazette + Mayor Trevor Vaughan |
| | Local Government reform ABC 720 interview Russell Woolf |

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| Tuesday, 3 September | Keynote speaker at Engaging People to Speak in Local Government |
| | Sustainable September photo shoot – Southern Gazette |
| | ABC TV - amalgamation (Jessica Strutt) |
| | Meeting CEO WALGA |
| Monday, 2 September | Citizenship ceremony + Deputy Mayor, Cr Kevin Trent + Crs Fiona Reid, Veronica Lawrance and Sharron Hawkins-Zeeb |
| | Metropolitan Local Government reform Update meeting @ Town of Victoria Park + Acting CEO |

Council Representatives' Activity Report - September 2013

| September 2013 | Activity |
|------------------------|--|
| Thursday, 26 September | Photo for Youth Challenger Voyage on the Leeuwin – Cr Ian Hasleby |
| 25 - 26 September | IAP2 Techniques for Effective Public Participation in Perth – Cr Sharron Hawkins-Zeeb |
| Friday, 20 September | SP Learning Centre AGM – Crs Betty Skinner and Peter Howat |
| 16 – 19 September | Australian Airports Association Conference Darwin 2013 – Cr Hasleby |
| 11 – 13 September | Waste & Recycle Conference – Deputy Mayor, Cr Kevin Trent |
| Saturday, 7 September | Manning Tennis Club Annual Open Day – Cr Sharron Hawkins-Zeeb |
| Friday, 6 September | WALGA Breakfast Workshop : Establishing a 'Waste Connection'– Deputy Mayor, Cr Kevin Trent |
| Thursday, 5 September | PAMG meeting – Crs Ian Hasleby & Betty Skinner |
| | Rivers Regional Council Special Council Meeting - Deputy Mayor, Cr Kevin Trent + Cr Colin Cala |
| Tuesday, 3 September | CEDA: Role of Government in the Energy Sector – Cr Sharron Hawkins-Zeeb |
| Tuesday, 3 September | Shrine by Tim Winton – Cr Rob Grayden |