

# MINUTES

## Ordinary Council Meeting

25 November 2014

The Mayor and Councillors

Herewithin the Minutes of the Ordinary Council Meeting of the City of South Perth Council held on Tuesday 25 November 2014 in the Council Chamber, Sandgate Street, South Perth.



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER

28 November 2014



# 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 7.00 pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

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

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four 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/](http://www.southperth.wa.gov.au/Our-Council/)

# Contents

|            |  |           |
|------------|--|-----------|
| <b>1.</b>  | <b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>   | <b>5</b>  |
| <b>2.</b>  | <b>DISCLAIMER</b>  | <b>5</b>  |
| <b>3.</b>  | <b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b>   | <b>5</b>  |
| <b>3.1</b> | <b>AUDIO RECORDING OF THE COUNCIL MEETING</b>  | <b>5</b>  |
| <b>3.2</b> | <b>PUBLIC QUESTION TIME - FORMS</b>  | <b>5</b>  |
| <b>3.3</b> | <b>ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES</b>   | <b>5</b>  |
| <b>4.</b>  | <b>ATTENDANCE</b>  | <b>5</b>  |
| <b>4.1</b> | <b>APOLOGIES</b>   | <b>6</b>  |
| <b>4.2</b> | <b>APPROVED LEAVE OF ABSENCE</b>   | <b>6</b>  |
| <b>5.</b>  | <b>DECLARATIONS OF INTEREST</b>  | <b>6</b>  |
| <b>6.</b>  | <b>PUBLIC QUESTION TIME</b>  | <b>6</b>  |
| <b>6.1</b> | <b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>  | <b>6</b>  |
| <b>6.2</b> | <b>PUBLIC QUESTION TIME – 25 NOVEMBER 2014</b>   | <b>6</b>  |
| <b>7.</b>  | <b>CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFING AND OTHER MEETINGS UNDER CLAUSE 19.1</b> | <b>7</b>  |
| <b>7.1</b> | <b>MINUTES</b>   | <b>7</b>  |
| 7.1.1      | Ordinary Council Meeting – 28 October 2014   | 7         |
| 7.1.2      | Special Council Meeting – 4 November 2014  | 7         |
| 7.1.3      | Special Council Meeting – 11 November 2014   | 7         |
| <b>7.2</b> | <b>BRIEFINGS</b>   | <b>8</b>  |
| 7.2.1      | Agenda Briefing – 21 October 2014  | 8         |
| <b>8.</b>  | <b>PRESENTATIONS</b>   | <b>8</b>  |
| <b>8.1</b> | <b>PETITIONS</b>   | <b>8</b>  |
| <b>8.2</b> | <b>GIFTS / AWARDS PRESENTED TO COUNCIL</b>   | <b>9</b>  |
| <b>8.3</b> | <b>DEPUTATIONS</b>   | <b>9</b>  |
| <b>8.4</b> | <b>COUNCIL DELEGATE REPORTS</b>  | <b>9</b>  |
| <b>8.5</b> | <b>CONFERENCE DELEGATE REPORTS</b>   | <b>9</b>  |
| <b>9.</b>  | <b>METHOD OF DEALING WITH AGENDA BUSINESS</b>  | <b>9</b>  |
| <b>10.</b> | <b>REPORTS</b>   | <b>10</b> |

|        |  |    |
|--------|--|----|
| 10.3.1 | PROPOSED ADDITIONS/ALTERATIONS TO EXISTING POST OFFICE (SOUTH PERTH POST OFFICE). LOT 432 NO. 103 MILL POINT ROAD, SOUTH PERTH.  | 10 |
| 10.3.2 | AMENDMENT 47 - INTRODUCTION OF A 'DEVELOPMENT' ZONE AND 'STRUCTURE PLAN' PROVISIONS AND THE CREATION OF A 'DEVELOPMENT AREA' FOR THE CANNING BRIDGE STRUCTURE PLAN' AREA | 19 |
| 10.6.1 | MONTHLY FINANCIAL MANAGEMENT ACCOUNTS - OCTOBER 2014   | 23 |
| 10.6.2 | MONTHLY STATEMENT OF FUNDS, INVESTMENTS AND DEBTORS AT 31 OCTOBER 2014   | 28 |
| 10.6.3 | LISTING OF PAYMENTS  | 33 |
| 10.6.4 | BUDGET REVIEW FOR THE PERIOD ENDED 31 OCTOBER 2014   | 35 |
| 10.6.5 | LOCAL GOVERNMENT REFORM: LOCAL IMPLEMENTATION COMMITTEE  | 40 |
| 11.    | APPLICATIONS FOR LEAVE OF ABSENCE  | 44 |
| 12.    | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  | 44 |
| 13.    | QUESTIONS FROM MEMBERS   | 44 |
| 13.1   | RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE  | 44 |
| 13.2   | QUESTIONS FROM MEMBERS – 25 NOVEMBER 2014  | 44 |
| 14.    | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING   | 45 |
| 15.    | MEETING CLOSED TO THE PUBLIC   | 45 |
| 15.1   | MATTERS FOR WHICH THE MEETING MAY BE CLOSED  | 45 |
| 15.2   | PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC  | 45 |
| 16.    | CLOSURE  | 45 |
| 17.    | RECORD OF VOTING   | 46 |
|        | APPENDIX ONE   | 48 |
|        | SUPREME COURT ACTION – 25 NOVEMBER 2014  | 48 |
|        | APPENDIX TWO   | 50 |
|        | 6.2 PUBLIC QUESTION TIME – ORDINARY COUNCIL MEETING: 25 NOVEMBER 2014  | 50 |
|        | DISCLAIMER   | 51 |

# Ordinary Council Meeting Minutes

Minutes of the Ordinary Council Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 25 November 2014.

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 7.00 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member advised that the meeting will be audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.16 of the Standing Orders Local Law 2007.

### 3.2 PUBLIC QUESTION TIME - FORMS

The Presiding Member advised that Public Question Time Forms are available in the Civic Centre foyer and on Council's website for members of the public wanting to submit a written question. In accordance with Clause 6.7 of the Standing Orders Local Law, 'Procedures for Question Time', the Presiding Member requested that questions be received in advance of the Council Meetings in order for the Administration to have the opportunity to prepare responses.

### 3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor's Activities Report for October 2014 can be found at Appendix One of the Agenda.

## 4. ATTENDANCE

Mayor Doherty (Presiding Member)

### Councillors

|                       |                 |
|-----------------------|-----------------|
| C Cala                | Manning Ward    |
| S Hawkins-Zeeb        | Manning Ward    |
| G Cridland            | Como Ward       |
| V Lawrance            | Como Ward       |
| M Huston              | Mill Point Ward |
| C Irons               | Mill Point Ward |
| K Trent, OAM, RFD, JP | Moresby Ward    |
| Cr F Reid             | Moresby Ward    |

### Officers

|            |  |
|------------|--|
| C Frewing  | Chief Executive Officer (arrived at 7.04 pm)       |
| M Taylor   | Acting Director Infrastructure Services            |
| R Kapur    | Acting Director Development and Community Services |
| D Gray     | Manager Financial Services                         |
| P McQue    | Manager Governance and Administration              |
| A Albrecht | Executive Officer                                  |
| S Kent     | Governance Officer                                 |

### Gallery

There were 2 members of the public and 0 member of the press present.

#### **4.1 APOLOGIES**

- Ms Vicki Lummer – Director Development and Community Services
- Mr Michael Kent - Director Financial and Information Services

#### **4.2 APPROVED LEAVE OF ABSENCE**

### **5. DECLARATIONS 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 Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

No interests were declared.

At this point, the Presiding Member invited Ms Amanda Albrecht - Executive Officer, to provide a verbal summary of the hearing of the Supreme Court Action held on 25 November 2014 and attended by Mayor Doherty, Cr Hawkins-Zeeb, Cr Huston, Cliff Frewing – Chief Executive Officer and Amanda Albrecht - Executive Officer. The summary can be found at **Appendix One**.

### **6. PUBLIC QUESTION TIME**

Public Question Time is operated in accordance with the Local Government Act Regulations.

#### **6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the October 2014 Ordinary Council Meeting no questions were taken on notice.

#### **6.2 PUBLIC QUESTION TIME – 25 NOVEMBER 2014**

The Presiding Member stated that public question time is operated in accordance with *Local Government Act* regulations. Questions are to be in writing and questions received prior to this meeting would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first.

The Presiding Member then opened Public Question Time at 7.12 pm.

Questions were heard from Geoff Defrenne of 26 Kennard Street, Kensington (read out by the Presiding Member with permission).

Questions raised and the answers provided can be found at **Appendix Two**. No questions were taken on notice.

*Note: Written questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public Gallery.*

There being no further questions the Presiding Member closed Public Question Time at 7.15 pm.

## **7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFING AND OTHER MEETINGS UNDER CLAUSE 19.1**

### **7.1 MINUTES**

#### **7.1.1 Ordinary Council Meeting – 28 October 2014**

The October 2014 Ordinary Council Meeting was held on 28 October 2014 in the City of South Perth Council Chamber.

##### **Attachments**

##### **7.1.1(a) Minutes – Ordinary Council Meeting – 28 October 2014**

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Cr Trent

**Seconded:** Cr Huston

That the Minutes of the Ordinary Council Meeting held on 28 October 2014 be confirmed a true and accurate record.

**CARRIED (9/0)**

#### **7.1.2 Special Council Meeting – 4 November 2014**

A Special Council Meeting on Local Government Reform was held on 4 November 2014 in the City of South Perth Council Chamber.

##### **Attachments**

##### **7.1.2(a) Minutes – Special Council Meeting – 4 November 2014**

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Cr Trent

**Seconded:** Cr Hawkins-Zeeb

That the Minutes of the Special Council Meeting held on 4 November 2014 be confirmed a true and accurate record.

**CARRIED (9/0)**

#### **7.1.3 Special Council Meeting – 11 November 2014**

A Special Council Meeting for the purpose of adopting the 2013/2014 Annual Report and Financial Statements was held on 11 November 2014 in the City of South Perth Council Chamber.

##### **Attachments**

##### **7.1.3(a) Minutes – Special Council Meeting – 11 November 2014**

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Cr Cala

**Seconded:** Cr Huston

That the Minutes of the Special Council Meeting held on 11 November 2014 be confirmed a true and accurate record.

**CARRIED (9/0)**

## 7.2 BRIEFINGS

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

### 7.2.1 Agenda Briefing – 21 October 2014

Officers of the City presented background information and answered questions on draft reports identified from the 21 October 2014 Council Agenda.

#### Attachments

#### 7.2.1(a) Agenda Briefing Notes – 21 October 2014

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Hawkins-Zeeb

**Seconded:** Cr Irons

That the Notes of the Agenda Briefing Meeting held on 21 October 2014 be noted.

**CARRIED (9/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

The Presiding Member read aloud the following:

A petition was received on 31 October 2014 from Peter J Fahey, together with 24 signatures in opposition to the proposal *Change of Use from Single House to Consulting Rooms for 43 Broome Street, South Perth*.

The text of the petition reads:

*"We the below signed electors refer to the Notice of Public Advertisement of Application for Planning Approval for Change of Use From Single House to Consulting Rooms for 43 Broome Street South Perth dated 17 October 2014.*

*We object to the above proposal on the following grounds*

- *Failure to meet development requirements for non-residential uses in the residential zone*
- *Inadequate car parking in proposal*
- *Encroachment of non-residential use into a residential area*
- *Adverse effect on existing streetscape*
- *Increase in traffic*
- *Increased risk of crime*
- *Failure of similar previous application"*

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent

**Seconded:** Cr Huston

That the petition received 31 October 2014 from Peter J Fahey of 46 Broome Street, South Perth, together with 24 signatures in opposition to the proposal *Change of Use from Single House to Consulting Rooms for 43 Broome Street, South Perth* be forwarded to Vicki Lummer, Director Development and Community Services for consideration.

**CARRIED (9/0)**



## 8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

## 8.3 DEPUTATIONS

No Deputations were received at the Agenda Briefing of 18 November 2014.

## 8.4 COUNCIL DELEGATE REPORTS

Nil.

## 8.5 CONFERENCE DELEGATE REPORTS

Nil.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, ie. all together. She then sought confirmation from the then Acting Chief Executive Officer, Mr Mark Taylor, that all the report items were discussed at the Agenda Briefing held on 18 November 2014. Mr Mark Taylor confirmed that this was correct.

### ITEMS WITHDRAWN FROM DISCUSSION

10.3.1 Proposed Additions/Alterations to Existing Post Office (South Perth Post Office). Lot 432 No. 103 Mill Point Road, South Perth.

10.6.5 Local Government Reform: Local Implementation Committee

## 9.1 EN BLOC MOTION

### **COUNCIL DECISION**

**Moved:** Cr Huston

**Seconded:** Cr Reid

That the Officer Recommendation in relation to the following Agenda Items be carried en bloc:

- 10.3.2 Amendment 47 – Introduction of a ‘Development’ Zone and ‘Structure Plan’ provisions and the creation of a ‘Development Area’ for the Canning Bridge Structure Plan’ Area
- 10.6.1 Monthly Financial Management Accounts – October 2014
- 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 October 2014
- 10.6.3 Listing of Payments
- 10.6.4 Budget Review for the Period Ended 31 October 2014

**CARRIED (9/0)**

## 10. REPORTS

### 10.3.1 PROPOSED ADDITIONS/ALTERATIONS TO EXISTING POST OFFICE (SOUTH PERTH POST OFFICE). LOT 432 NO. 103 MILL POINT ROAD, SOUTH PERTH.

Location: Australian Postal Commission  
Ward: Mill Point Ward  
Applicant: Samuel Fardoe Architect  
File Ref: D-14-63086  
Lodgement Date: 6/06/2014  
Date: 25/11/2014 12:00:00 AM  
Author: Trinh Nguyen, Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for additions and alterations to the South Perth Post Office on Lot 432 (No. 103) Mill Point Road, South Perth. The proposed works comprise the addition of parcel locker, removal of 2 approved car parking bays, installation of a picket fence, relocation of existing mail boxes and relocation of signage. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power  |
|---------------------------------------|--|
| Heritage matters                      | Town Planning Scheme No. 6 (TPS6) clause 6.11 'Heritage Places' and Council Policy P313 'Local Heritage Listing' |
| Setbacks                              | Table 3 of TPS6 (discretion under clause 7.8(1))   |
| Car parking provision                 | Clause 6.3 and Table 6 of TPS6 (discretion under clause 7.8(1))  |

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston  
**Seconded:** Cr Irons

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 additions and alterations to the South Perth Post Office on Lot 432 (No. 130) Mill Point Road, South Perth **be refused** for the following reasons:

#### (1) Specific Reasons

- (i) The incompatible form, colour and prominent location of the proposed parcel lockers will detract from the architectural character of the Post Office building and its heritage values, in conflict with clause 6.11 'Heritage Places' of Town Planning Scheme No. 6 and Council Policy P313 'Local Heritage Listing'.
- (ii) The proposed street setback of the parcel locker structure is in conflict with the 1.5 metre minimum prescribed in Table 3 of TPS6.
- (iii) The existing loading bay located to the north-west side of the building on site has not been previously approved by the City, and conflicts with the manoeuvrability of the approved car bays adjacent to it.

**Standard Advice Notes**

795B Appeal rights – Council decision

**(2) Specific Advice Notes**

- (i) As discussed with the applicant, officers may support the proposal under a subsequent development application, subject to compliance with other planning requirements, with the following amendments to the proposal:
  - (a) the parcel lockers relocated to less prominent location minimising the visual impact on the streetscape, as determined by City officers, in order to demonstrate compliance with clause 6.11 ‘Heritage Places’ of TPS6 and Council Policy P313 ‘Local Heritage Listing’.
  - (b) a 1.5 metre setback from the street is maintained in accordance with Table 3 of TPS6.
- (ii) As part of any new application, the applicant would be required to satisfy the Council that, in addition to meeting all of the City’s heritage protection requirements, either:
  - (a) the proposed works meet the criteria contained in any endorsed heritage management plan for the South Perth Post Office; or
  - (b) details of the proposed work have been assessed and approved by the Australian Heritage Council; or
  - (c) a confirmation from the Australian Heritage Council that an assessment or approval for the proposed works is not required.

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

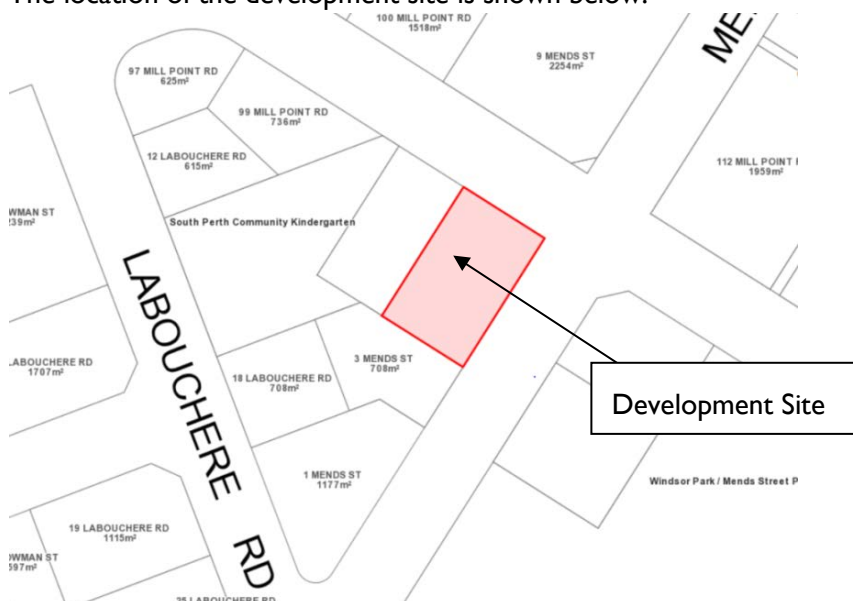
**CARRIED (9/0)**

**Background**

The development site details are as follows:

|                              |   |
|------------------------------|---|
| <b>Zoning</b>                | Mends Street Centre Commercial (Within Civic Triangle/South Perth Station Precinct) |
| <b>Density coding</b>        | R100  |
| <b>Lot area</b>              | 1017 sq. metres   |
| <b>Building height limit</b> | 10.5 metres   |

The location of the development site is shown below:



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

**3. The exercise of a discretionary power**

- (b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.
- (c) Applications involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.

**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.*

Officers consider that the amenity impact should be considered as clause 6.11.8(b) states:

*The Council shall not grant any such variation, unless:*

- (i) *the Council is satisfied that the proposed development adequately safeguards the integrity of that place.*

**Comment**

**(a) Background**

In June 2014 the City received an application for additions and alterations to the South Perth Post Office on Lot 432 (No. 103) Mill Point Road, South Perth (the subject site). These works comprise the addition of parcel lockers, removal of 2 approved car parking bays, installation of a picket fence, relocation of existing mail boxes and relocation of signage (refer to **Attachment 10.3.1(a)**).

**(b) Description of the Surrounding Locality**

The Site has a frontage to Mends Street to the east and Mill Point Road to the north. The site is adjacent to the Civic Triangle precinct as well as within the South Perth Station Precinct (Special Control Area SCA1). The site adjoins a public car park to the south. There are various commercial and residential uses in the surrounding locality of the subject site.



**(c) Description of the Proposal**

Despite the site being situated within the South Perth Station Precinct (Special Control Area SCA1), the provisions of Schedule 9 of TPS6 do not apply as the scale of the proposal is not considered as “comprehensive new development”. The proposal involves the addition of parcel lockers, removal of 2 approved car parking bays, installation of a picket fence, relocation of existing mail boxes and relocation of signage on Lot 432 (No. 103) Mill Point Road, South Perth, as depicted in the submitted plans of **Attachment 10.3.1(a)**.

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and relevant Council policies. The following planning matter is considered acceptable as has been discussed below:

- Car Parking (Clause 6.3 of TPS6)

The following aspects of the development are considered non-compliant with the relevant planning provisions and are discussed further below:

- Heritage Matters (Clause 6.11 of TPS6 and Council Policy P313 ‘Local Heritage Listing’); and
- Street Setback (Table 3 of TPS6).

**(d) Car Parking**

There are currently thirteen car bays on the site with four arranged in tandem. The location of the parcel lockers will result in the removal of two of these tandem car parking bays, reducing the total number of bays on site to 11.

The Post Office is classified as a ‘Civic Use’ under Schedule 1 ‘Definitions’ of TPS6. There is no car parking requirement for a ‘Civic Use’ under Table 6 of TPS6. Clause 6.2.3 states in the cases of uses not listed in Table 6, car parking bays shall be provided to the number determined by the Council in each case, having regard to the likely demand. Taking this into account and considering the location of the site, it is appropriate to apply the ‘Mends Street Commercial Centre (Shop)’ use car parking requirement of Table 6 in order to calculate a car parking requirement/shortfall. Accordingly one (1) car bay per 17m<sup>2</sup> gross floor area and one (1) bicycle bay per 200m<sup>2</sup> gross floor area for staff and/or visitors is required for the site. A total gross floor area of 215 m<sup>2</sup> (including the proposed parcel lockers) was calculated for the site. Accordingly, a shortfall of 2 car bays was calculated as 13 bays are required on site.

Council policy P315 ‘Car Parking Reductions for Non-Residential Development’ states that it may be applied to any non-residential development or change of use which requires the provision of car parking, other than the South Perth Station Precinct, or any other defined locality where specific car parking provisions apply in the form of the City’s Scheme or Policies. As the site is situated within the South Perth Station Precinct and only involves minor additions and alterations to the existing Post Office, this policy is not applicable to this particular development proposal.

Engineering Infrastructure advice raises no carparking concerns at **Attachment 10.3.1(c)**. The Manager of Engineering Infrastructure notes the two bays fronting Mends Street and additional two short term bays which have been installed adjacent to the rear of the Post Office building. These two bays being parallel to the accessway do not comply with the minimum dimension of 6.0m x 3.0m as prescribed under Schedule 5 of TPS6. These bays are shown in the photos below have a dimension of 4.7m x 2.2m.



In relation to the car parking shortfall, in accordance with clause 7.8.1 of TPS6, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. Clause 7.8.1(b) states:

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

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

There are 15 car bays and 2 taxi bays available in the adjacent Mends Street road reserve. It is considered that the street parking will be able to cater for the shortfall of 2 onsite car parking bays and the car parking shortfall of 2 bays is supported.

**(e) Heritage Matters**

Comments relating to the proposal were invited from the City's Strategic Planning Officers (see **Attachment 10.3.1(b)**). The comments provided explain in detail why the proposal cannot be supported. The recommendation from these officers is that the application be refused for the following reasons:

1. The South Perth Post Office is listed in the City of South Perth Municipal Heritage Inventory under "Management Category B: Considerable Significance". Due to the incompatible form, colour and prominent location of the proposed parcel lockers, this structure will detract from the architectural character of the Post Office building and its heritage values.
2. The setback of the parcel locker structure is in conflict with the 1.5 metre minimum prescribed in Table 3 of the No. 6 Scheme Text.

It is considered that the proposed parcel lockers should not be approved as they detract from the architectural character of the post office building and its heritage values. Additionally the form of the parcel locker structure is in stark contrast to the form of the Post Office building. It is not possible to overcome the discord between the appearance of the main building and the proposed structure. Therefore the lockers should not be approved in the proposed location.

The applicant was invited to submit new drawings showing the parcel lockers placed under the verandahs, abutting the external walls of the Post Office building. In that location they will not be excessively visually dominant. This will also avoid the need to undertake the other associated works shown on the drawings.

In response the applicant has provided the following comments:

*"Careful consideration was given to the location of the proposed installation. Originally it was hoped that the parcel lockers could be situated on the verandah; however, the lockers require operational clearance distances on all sides (including 1.5 m at the front) that could not be satisfied given the depth of the verandah and the lockers. Our only option was to locate it externally, as per the proposal submitted.*

*We were hoping that the City of South Perth would respond favourably to the proposal as this is an area that is not well utilised on our property and as we already have several street posting boxes located here it seemed to be the logical place. The installation of a 24/7 parcel locker goes towards supporting the Corporation's transformation change initiatives and offers the local community more access to newer and more accessible products and services. We have a long history in maintaining this property and whilst we acknowledge that this area has significance, we believe that the City of South Perth needs to keep up and support initiatives taken to ensure the postal service remains relevant. We believe that the approval to install a 24/7 parcel locker in this location would be well*

*supported by local residences. Australia Post for the duration of its existence has installed assets like street posting boxes and depot bag boxes in similar locations to that proposed in this site. The provision of postal services is an ever-changing operation and the facilities Australia Post operate must continue to respond to change and be permitted to change. Over time these changes will add to the interest of each Post Office and tell a story."*

**Attachment 10.3.1(b)** concludes that due to the incompatible form, colour and prominent location of the proposed parcels lockers, this structure will detract from the architectural character of the Post Office building and its heritage values. As such, the proposal is deemed not to comply with clause 6.11 'Heritage Places' of TPS6 and Council Policy P313 'Local Heritage Listing' and therefore not supported by officers.

As well as being heritage listed by the City, **the South Perth Post Office is also listed by the Australian Department of the Environment on the 'Commonwealth Heritage List'**. The Commonwealth Heritage List is a list of natural, Indigenous and historic heritage places owned or controlled by the Australian Government. These include places connected to defence, communications, customs and other government activities that also reflect Australia's development as a nation. The list comprises 21 places in Commonwealth lands and waters, that are identified as having Commonwealth heritage values.

The Australian Department of the Environment retains jurisdiction over the Commonwealth Heritage List. For a place to be included on that List, it must be assessed by the Australian Heritage Council and found to have heritage significance. When approved for listing by the Minister, notice is published in the *Commonwealth of Australia Gazette*. The notice relating to the South Perth Post Office was published in the *Gazette* on 8 November 2011. The heritage details of the South Perth Post Office are provided as **Attachment 10.3.1(b)**.

Australian Government agencies that own or control places included in the Commonwealth Heritage List are legally required to develop a plan to protect those places. Where agencies do not have their plans endorsed, they must ask the Australian Government Minister for the Environment and Water Resources for advice if they propose taking any action that may have a significant impact on the Commonwealth heritage place.

It is recommended that the current development proposal be refused, owing in part, to conflict with the City's heritage provisions. The applicant has been invited to submit a different development application which does not have a detrimental effect on the heritage significance of the Post Office. Should this occur, as part of that new application, the applicant will also need to satisfy the Council that, in addition to meeting all of the City's heritage protection requirements, either:

- (a) the proposed works meet the criteria contained in the endorsed heritage management plan for the South Perth Post Office;
- (b) details of the proposed work have been assessed and approved by the Australian Heritage Council; or
- (c) a referral to the Australian Heritage Council for assessment or approval is not required.

**(f) Street Setback**

The setback of the parcel locker structure is in conflict with the 1.5 metre minimum prescribed in Table 3 of TPS6. The proposed setback variation contributes to non-compliance in relation to heritage matters, discussed above, and hence is not supported by officers.



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

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

- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (k) *Recognise and preserve areas, buildings and Sites of heritage value; and*

The proposed development is considered unsatisfactory in relation to the above items.

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (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;*
- (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 the Council considers relevant.*

The proposed development is considered as unsatisfactory in relation to points (a), (b), (f), (h), (j) and (n) above.

**Consultation****(a) Internal Administration**

Comments were invited from the Strategic Urban Planning Adviser (Heritage Comments) and Engineering Infrastructure of the City's administration.

The Strategic Urban Planning Adviser, Development Services, has provided Heritage related comments as detailed in **Attachment 10.3.1(b)**. As the parcel lockers cannot be relocated to the verandah for reasons explained by the applicant under section (e) of this report in accordance with the above comments officers recommend refusal of the development application.

The Manager, Engineering Infrastructure has provided comments detailed in **Attachment 10.3.1(c)**. The comments suggest parking does not appear to be a concern. The parking provision is also supported by Planning Services.

**(b) External Agencies**

Clause 6.1 I.6(b) of TPS6 states that the Council may:

“...in considering any application that may affect a place in Management Category A or B of the Heritage List, solicit the views of the Heritage Council of Western Australia and any other relevant bodies, and shall take those views into account when determining the application.”

The application was referred to the State Heritage Office for comment. This department advises the Heritage Council has made no assessment of the significance of the place and is therefore unable to provide comment.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications. Should the applicant appeal the determination, costs will be incurred in dealing with the appeal.

**Strategic Implications**

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

***Accommodate the needs of a diverse and growing population.***

**Sustainability Implications**

Whilst the land use of a non-sensitive nature is considered to enhance sustainability by providing local businesses and employment opportunities holistically as the proposed additions and alterations do not comply with TPS6, officers consider the proposal to be unsustainable.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme and Council Policy objectives and provisions. Accordingly, it is considered that the application should be refused.

**Attachments**

- 10.3.1 (a):** Attachment 10.3.1(a) Plans of the proposal.
- 10.3.1 (b):** Attachment 10.3.1(b) Memo - Heritage Comments, Strategic Planning.
- 10.3.1 (c):** Attachment 10.3.1(c) Memo - Infrastructure Services.

### 10.3.2 AMENDMENT 47 - INTRODUCTION OF A 'DEVELOPMENT' ZONE AND 'STRUCTURE PLAN' PROVISIONS AND THE CREATION OF A 'DEVELOPMENT AREA' FOR THE CANNING BRIDGE STRUCTURE PLAN' AREA

Location: City wide  
Ward: All  
Applicant: City of South Perth  
File Ref: D-14-63089  
Date: 25/11/2014 12:00:00 AM  
Author: Reporting Officer: Mark Scarfone, Senior Planning Officer  
Vicki Lummer, Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

Amendment 47 will facilitate the introduction of a 'development' zone and 'structure plan' provisions, and create a 'Development Area' for the Canning Bridge Structure Plan area. These modifications are required to facilitate the adoption of the 'Canning Bridge Structure Plan' as well as future structure plans within the district.

It is recommended that the Scheme Amendment process be initiated and the draft Amendment No. 47 proposals be endorsed to enable them to be advertised for community comment.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston  
**Seconded:** Cr Reid

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by inserting relevant text and maps to create a 'Development' zone and allow the operation of 'Structure Plans'.
- (b) the Report on Amendment No. 47 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment 10.3.2 (a)**, be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 47 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 47 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 47 be implemented in accordance with the *Town Planning Regulations 1967* and Council Policy P301 'Consultation for Planning Proposals'; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 46:  
"**FOOTNOTE:** This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted."

**CARRIED EN BLOC (9/0)**

### Background

This report includes **Attachment 10.3.2(a)**, being Draft Amendment No. 47 Report and amending text.

At the September Ordinary Council meeting, it was resolved to begin the formal advertising for the Canning Bridge District Structure Plan (CBSP). This advertising process began in late October and is expected to run until mid-December. In the documentation which supports the CBSP the consultants noted that amendments to the City of South Perth and City of Melville Town Planning Schemes will be required prior to this document being operative.

The purpose of Amendment No. 47 is to introduce into Town Planning Scheme No. 6, a ‘Development’ zone and provisions that will facilitate the creation and operation of ‘Structure Plans’ for use throughout the district. This is essential to give the CBSP statutory weight and to allow the City to progress with the assessment and determination of development applications in the precinct.

The City is currently advertising one structure plan, and has one future structure plan to prepare as summarised below:

| No. | Activity Centre                                   | Current Status                            |
|-----|---|---|
| 1   | Canning Bridge District Centre                    | Structure plan currently being advertised |
| 2   | Bentley Curtin Specialised Activity Centre (BSAC) | Structure plan currently being prepared   |

Administrative provisions for different types of structure plans are required in the scheme. The proposed text will provide the appropriate statutory provisions to facilitate a range of different structure plans across the City.

### Comment

As noted in the supporting text for the CBSP, Canning Bridge is identified as a District Activity Centre in State Planning Policy 4.2 - Activity Centre for Perth and Peel. Objectives for the CBSP include:

1. Support a wide range of retail and commercial landuses;
2. Increased local employment opportunities;
3. Increased density and diversity of housing, to support high frequency public transport, to maximise movement by pedestrians and cyclists;
4. Create a legible street network and quality public spaces.

The preparation, adoption and implementation of a structure plan for the precinct is seen as being the most appropriate method to ensure future development occurs in a coordinated manner, consistent with the objectives for the area. Without the proposed Scheme Amendment, the proposed CBSP will not be able to be formally adopted by the WAPC and as such will not have any statutory weight. In addition, the City will not be able to approve applications which otherwise comply with the CBSP. As a scheme amendment can take up to two years to be finalised it is considered appropriate to undertake formal advertising of the proposal at the earliest opportunity.

The Scheme Amendment text is consistent with the Model Scheme Text for structure plans used by the Department of Planning. City officers have consulted with staff from the DoP in the preparation of the amendment documents. This text outlines the situations when a structure plan is required, how this should be prepared, the need for advertising, its adoption, approval by the WAPC and future operations of the document. It also provides clauses to guide the modification of endorsed structure plans and an owners appeal rights.

### Consultation

Under the provisions of clause 9.8.3 of TPS No. 6, the City is required to invite comment from landowners prior to initiating an amendment to the Scheme. In this instance landowners within the CBSP area have been provided with a flyer inviting comment on the structure plan and confirming a scheme amendment will be required to facilitate development within the locality. This initial consultation is considered to meet the intent of Clause 9.8.3 and as such it is recommended the Council endorse the proposed Scheme Amendment for advertising.

Neighbour and community consultation requirements are contained in the *Town Planning Regulations* and in Council Policy P301 *Consultation for Planning Proposals*. Following Council’s endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

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

### Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 43 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

| Stage of Amendment Process  | Estimated Time            |
|---|---------------------------|
| Council resolution to initiate Amendment  | 25 November 2014          |
| Council adoption of draft Amendment proposals for advertising purposes  | 25 November 2014          |
| Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information  | 28 November 2014          |
| Public advertising period of not less than 42 days  | Late January - March 2015 |
| Council consideration of Report on Submissions  | April 2014                |
| Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"><li>• Report on Submissions;</li><li>• Council’s recommendation on the proposed Amendment</li><li>• Three signed and sealed copies of Amendment documents for final approval</li></ul> | Early May 2014            |
| Minister’s final determination of Amendment and publication in <i>Government Gazette</i>  | Not yet known             |

### Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne by the City.

### **Strategic Implications**

This matter relates to Strategic Direction 4 “Places” identified within Council’s Strategic Community Plan 2013-2023 which is expressed in the following terms:

***Develop, plan and facilitate vibrant and sustainable community and commercial places.***

The matter also relates to Strategic Direction 5 “Infrastructure and Transport” item 5.1.1 “Implement and Manage the Canning Bridge Precinct Vision project in coordination with the Canning Bridge Structure Plan Working Group.”

### **Sustainability Implications**

This report is aligned to the City’s [Sustainability Strategy 2012-2015](#)

The proposed Amendment No. 47 will improve the Scheme Text by allowing for structure plans to be adopted in accordance with the Model Scheme Text. Structure plans are often the most appropriate method to ensure future development occurs in a coordinated manner, consistent with the objectives for the area.

### **Attachments**

**10.3.2 (a):** Amendment 47 - (Second draft) Introduction of a 'development' zone and 'structure plan' provisions.

## 10.6.1 MONTHLY FINANCIAL MANAGEMENT ACCOUNTS - OCTOBER 2014

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-14-66589  
Date: 25/11/2014 12:00:00 AM  
Author / Reporting Officer: Michael Kent, Director Financial and Information Services  
Strategic Direction: 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  
Council Strategy: 6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

### Summary

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

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Reid

That ....

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(a) - (e)** be received;
- (c) the Schedule of Significant Variances provided as **Attachment 10.6.1(f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget **Attachment 10.6.1(g) & (h)** be received;
- (e) the Rate Setting Statement provided as **Attachment 10.6.1(i)** be received.

**CARRIED EN BLOC (9/0)**

### Background

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

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

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

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

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

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

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. From that date on, this schedule reflects a reconciliation of movements between the 2014/2015 Adopted Budget and the 2014/2015 Amended Budget including the introduction of the unexpended capital items carried forward from 2013/2014.

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

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(a) & 10.6.1(b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(d)**
- Summary of Capital Items - **Attachment 10.6.1(e)**
- Schedule of Significant Variances - **Attachment 10.6.1(f)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(g) & (h)**
- Rate Setting Statement - **Attachment 10.6.1(i)**

Operating Revenue to 31 October 2014 is \$41.70M which represents some 101% of the \$41.26M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement and meter parking revenues are 7% under budget to date. Interest revenues are now 4% above budget expectations now that the proceeds from the sale of the Civic Triangle land have been received and invested. Rate revenue from the initial rates strike is some \$85,000 higher than was modelled for budget purposes after revised GRVs for some larger properties were received in the period between adoption of the budget and the issue of rates notices. This variance is addressed in the Q1 Budget Review.



Planning revenues are 39% ahead of budget due to receipt of planning fees for large developments at Hardy St, Mill Pt Road and Mary St. Collier Park Village revenues are 1% under budget due to slightly less than budgeted maintenance fees and interest revenue.

City Environment contributions revenue reflects a year to date variance that will be addressed in the Q1 Budget Review. Unbudgeted sales of nursery stock have resulted in a favourable variance in that area. There are also unbudgeted favourable variances for insurance recoveries and Trust fund retentions in the Infrastructure area. Other than the 1% favourable difference on rubbish service charges and strong performance on CPGC green fees, Infrastructure Services revenue overall is close to budget for the year to date.

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

Operating Expenditure to 31 October 2014 is \$17.90M which represents 101% of the year to date budget of \$17.71M. Operating Expenditure shows as 10% over budget in the Administration area - but it should be acknowledged that cash costs are comfortably under budget. The variance relates to a non-cash accounting entry that was made to recognise the \$1.06M book loss' on disposal of buildings on the Civic Triangle site. This is addressed in the Q1 Budget Review.

Operating costs are 1% under budget for the golf course and 5% under in the Infrastructure Services area.

Other than the variance noted above, variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and timing differences in budget phasing. Finance reflects a timing difference on the recovery of allocations outwards of corporate costs. These variances are not considered significant at this stage of the year. Details of the various variances are contained in the Schedule of Significant Variances.

In the Infrastructure Services operations area, parks maintenance is some 11% below budget although this largely relates to a timing difference as maintenance programs for the year are implemented and an under-allocation of plant operating costs to maintenance works. There is a reversal of an earlier timing variance in the plant nursery operations. Overheads shows a very favourable variance which may have to be adjusted in future months. There is a small unfavourable variance in relation to grounds maintenance although this is related to timing issues associated with works for which the City has received a contribution from the Hensman Tennis Club.

Streetscape maintenance previously reflected a favourable variance but this has now largely reversed whilst environmental management shows a favourable timing difference at this time. Building maintenance costs are currently favourable to budget.

Maintenance activities for roads, paths and drains now reflect an 18% favourable variance at month end but this is considered to be a timing difference and will reverse out as maintenance programs are implemented.

Plant charge recovery will require a re-allocation in December to address an under-allocation to works. Cash operating costs for plant are 1% under budget.

As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 0.31% under the budget allocation for the 214.8 FTE positions approved by Council in the budget process.

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

Capital Revenue is disclosed as \$25.14M at 31 October - 6% over the year to date budget of \$24.74M. This value consists largely of land sales proceeds.

Capital Expenditure at 31 October is \$3.42M representing 72% of the year to date budget after the inclusion of the carry forward projects. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards once the final Carry Forward Works were confirmed (after completion of the annual financial statements).

**TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE**

| Directorate              | YTD Budget       | YTD Actual       | % YTD Budget | Total Budget      |
|--------------------------|------------------|------------------|--------------|-------------------|
| CEO Office               | 390,000          | 348,607          | 89%          | 617,500           |
| Major Community Projects | 680,000          | 635,639          | 93%          | 15,797,300        |
| Financial & Information  | 145,000          | 162,031          | 88%          | 876,500           |
| Develop & Community      | 95,500           | 93,896           | 98%          | 645,000           |
| Infrastructure Services  | 2,969,700        | 2,058,731        | 69%          | 11,504,600        |
| Waste Management         | 145,450          | 39,045           | 26%          | 520,450           |
| Golf Course              | 252,260          | 88,662           | 35%          | 421,115           |
| UGP                      | 0                | 0                | -%           | 0                 |
| <b>Total</b>             | <b>4,677,910</b> | <b>3,426,611</b> | <b>93%</b>   | <b>30,382,465</b> |

#### Local Government Reform Costs

In accordance with the resolution to the special budget adoption meeting of 14 July 2014, the following costs have been recorded against local government reform. Consistent with this resolution, no new costs have been incurred this financial year, as these costs represent continuing costs only.

At a Special Council Meeting held 4 November 2014 on Local Government Reform, the Council agreed to expenditure of up to \$685,000 from the existing allocated Reform budget to be spent on non-discretionary technology related reform works, and authorised the CEO to commit expenditure for other purposes associated with the Reform Program provided that the expenditure is consistent with the summary of anticipated amalgamation costs and is within budget (Item 7.6.4 Special Council Meeting 4 November 2014 refers).

#### Costs Incurred (Budget \$750,000)

|                               | Reform Office Staff | Consultancy Services | Total       |
|-------------------------------|---------------------|----------------------|-------------|
| As at 30 September 2014       | \$41,973.00         | \$25,058.00          | \$67,031.00 |
| For the month of October 2014 | \$12,541.00         | \$5,617.00           | \$18,158.00 |
| Total as at 31 October 2014   | \$54,514.00         | \$30,675.00          | \$85,189.00 |

In addition to the above, the following represents the estimated hours and costs of staff involved in the Local Government Reform Project which have not resulted in direct costs being incurred.

#### Staff Time

|                               | Hours <sup>1</sup> | Cost <sup>2</sup> |
|-------------------------------|--------------------|-------------------|
| As at 30 September 2014       | 4,706              | \$330,818.15      |
| For the month of October 2014 | 655                | \$47,914.00       |
| Total as at 31 October 2014   | 5,361              | \$378,732.15      |

<sup>1</sup> These are the hours currently recorded by staff, and may be subject to change.

<sup>2</sup> These costs exclude Reform Office Staff costs, accounted for in the preceding table.

### **Legal Action**

To date, payments to Hammond Legal totalling \$43,013.00 have been made.

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

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

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

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

### **Attachments**

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Financial Summaries
- 10.6.1 (c):** Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Reconciliation of Budget Movements
- 10.6.1 (h):** Reconciliation of Budget Movements
- 10.6.1 (i):** Rate Setting Statement

## 10.6.2 MONTHLY STATEMENT OF FUNDS, INVESTMENTS AND DEBTORS AT 31 OCTOBER 2014

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-14-66631  
Date: 25/11/2014 12:00:00 AM  
Author / Reporting Officer: Michael Kent, Director Financial and Information Services  
Strategic Direction: 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  
Council Strategy: 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

### Summary

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

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

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Reid

That Council receives the 31 October 2014 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(a)**
- Summary of Cash Investments as per **Attachment 10.6.2(b)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(c)**

**CARRIED EN BLOC (9/0)**

### Background

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

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

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

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

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

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

### **Comment**

#### **(a) Cash Holdings**

Total funds at month end of \$89.6M (\$92.2M last month) compare favourably to \$57.2M at the equivalent stage of last year. Reserve funds are \$30.2M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September. Reserve balances show that the Asset Enhancement Reserve is \$29.8M higher mainly through the receipt of the Civic Triangle sale proceeds and part of the Ray St land disposal proceeds.

It is important to recognise that the land sale proceeds currently quarantined in the Asset Enhancement Reserve do not represent 'surplus cash' but rather they are part of carefully constructed funding models for a number of major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

There are also \$1.8M higher holdings of cash backed reserves to support refundable monies at the CPV but \$1.8M less for the CPH as the reserve is now extinguished. The Sustainable Infrastructure Reserve is \$0.2M higher and the River Wall Reserve is also \$0.2M higher. The Waste Management Reserve is \$0.3M higher. The Future Building Reserve is \$0.1M higher and the Future Municipal Works Reserve is \$0.4M lower. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is now fully depleted after funding the 2014 operating deficit.

Municipal funds are some \$2.3M higher due to very good rates collections, a strong opening position and cash of close to \$2.0M relating to carry forward works.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$23.9M (compared to \$22.6M last month). It was \$21.5M at the equivalent time in the 2013/2014 year. Details are presented as **Attachment 10.6.2(a)**.

#### **(b) Investments**

Total investment in money market instruments at month end was \$88.5M compared to \$55.9M at the same time last year. There is a higher level of cash in Municipal investments. Cash backed reserves are \$30.2M higher as discussed above.

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

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the

funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

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

All investments currently have a term to maturity of less than one year - which is considered prudent both to facilitate effective cash management and to respond in the event of future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At 31 October, the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(b)**.

Total interest revenues (received and accrued) for the year to date total \$0.67M. This compares to \$0.59M at the same time last year. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

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

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

The weighted average rate of return on financial instruments for the year to date is 3.41% with the anticipated weighted average yield on investments yet to mature now sitting at 3.45%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25% since the August 2013 Reserve Bank decision on interest rates.

### **(c) Major Debtor Classifications**

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates, general debtors & underground power).

#### **(i) Rates**

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(c)**. Rates collections to the end of October 2014 (after the due date for the first instalment) represent 71.3% of rates levied compared to 69.5% at the same time last year.

The City has again further improved its rates collection profile following the issue of the 2014/2015 rates notices. There has again been a good acceptance of our rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by

local businesses), these strategies continue to provide strong encouragement for ratepayers to meet their rates obligations in a timely manner. Claims for reimbursement of pension rebates are on par with last year.

**(ii) General Debtors**

General debtors (excluding UGP debtors) stand at \$1.4M at month end (\$1.8M last year). GST Receivable is lower than the balance at the same time last year whilst Sundry Debtors is also slightly lower. Most other Debtor categories are at similar levels to the previous year.

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

**(iii) Underground Power**

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.38M was collected by 31 October with approximately 99.7% of those in the affected area having now paid in full. The remaining property owners have made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

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

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.46M (or 96.9% of the amount levied) has already been collected with 85.5% of property owners opting to settle in full and a further 14.1% paying by instalments so far. The remainder (0.4%) have yet to make satisfactory payment arrangements or have defaulted on the arrangements and collection actions are continuing.

**Consultation**

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

**Policy and Legislative Implications**

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

**Financial Implications**

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

### **Strategic Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

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

### **Sustainability Implications**

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

### **Attachments**

- 10.6.2 (a):** Summary of All Council Funds
- 10.6.2 (b):** Summary of Cash Investments
- 10.6.2 (c):** Statement of Major Debtor Categories



### 10.6.3 LISTING OF PAYMENTS

|                             |  |
|-----------------------------|--|
| Location:                   | City of South Perth  |
| Ward:                       | Not Applicable   |
| Applicant:                  | Council  |
| File Ref:                   | D-14-66634   |
| Date:                       | 25/11/2014 12:00:00 AM   |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services  |
| Strategic Direction:        | Governance, Advocacy and Corporate Management --<br>Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy:           | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.   |

#### Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 October 2014 and 31 October 2014 is presented to Council for information.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Reid

That the Listing of Payments for the month of October 2014 as detailed in **Attachment 10.6.3** be received.

**CARRIED EN BLOC (9/0)**

#### 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.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments** (*regular suppliers with whom the City transacts business*)

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

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

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

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

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

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

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

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

### **Sustainability Implications**

This report 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.

### **Attachments**

**10.6.3 (a):** Listing of Payments - October 2014

## 10.6.4 BUDGET REVIEW FOR THE PERIOD ENDED 31 OCTOBER 2014

|                             |  |
|-----------------------------|--|
| Location:                   | City of South Perth  |
| Ward:                       | Not Applicable   |
| Applicant:                  | Council  |
| File Ref:                   | D-14-67126   |
| Date:                       | 25/11/2014 12:00:00 AM   |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services  |
| Strategic Direction:        | Governance, Advocacy and Corporate Management --<br>Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy:           | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.   |

### Summary

A comprehensive review of the 2014/2015 Adopted Budget for the period to 31 October 2014 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

### Officer Recommendation

**Moved:** Cr Huston

**Seconded:** Cr Reid

That, following the detailed review of financial performance for the period ending 31 October 2014, the budget estimates for Revenue and Expenditure for the 2014/2015 Financial Year, (adopted by Council on 14 July 2014 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4 (a)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.4 (b)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4 (c)**.

***Absolute Majority Required***

**CARRIED EN BLOC (9/0)**

### **Background**

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

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

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

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

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 October 2014.

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

### **Comment**

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review  
**Attachment 10.6.4 (a)**  
These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.
- Items funded by transfers to / from existing Cash Reserves shown as **Attachment 10.6.4 (b)**

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 14 July 2014. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

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

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$122,522) to the projected 2014/2015 Budget Closing Position as a consequence of the review of operations.

Furthermore, at the Q1 Budget Review, a (\$305,844) adjustment to the estimated 2013/2014 Budget Opening Position was made. This adjustment resulted from calculating the Budget Opening Position in accordance with the Department of Local Government’s guideline using final audited numbers rather than the estimated numbers used in determining the Budget Position at budget adoption date. The revised Budget Position (including monies associated with Carry Forward items) moved from the estimated previously estimated position to \$6,330,550 inclusive of the \$1,991,000 net amount relating to carry forward items). Excluding the carry forward items brings this figure back to \$4,339,550. Adjusting for the carry forward items and the change in the estimated Budget Opening Position derives a revised estimated Closing Position of \$3,911,184.

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

The adopted budget at 14 July showed a projected Closing Position at the conclusion of the 2014/2015 year of \$4,339,550. After adopting the changes recommended in this Budget Review, the projected 2013/2014 Closing Budget Position will be \$3,911,184.

The impact of the proposed amendments in the Q1 Budget Review on the financial arrangements of each of the City’s directorates is disclosed in Table I below. Figures shown

apply only to those amendments contained in the attachments to this report (not to any previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2013/2014 year end accounts.

**TABLE 1: (Q1 BUDGET REVIEW ITEMS ONLY)**

| Directorate                      | Increase Surplus   | Decrease Surplus     | Net Impact         |
|----------------------------------|--------------------|----------------------|--------------------|
| Office of CEO                    | 0                  | (105,000)            | (105,000)          |
| Financial & Information Services | 117,038            | (74,260)             | 42,778             |
| Development & Community Services | 80,700             | (57,000)             | 23,700             |
| Infrastructure Services          | 1,695,000          | (1,779,000)          | (84,000)           |
| Opening Position                 | 0                  | (348,144)            | (348,144)          |
| Adjustment to Est Carry Forwards | 42,300             | (0)                  | 42,300             |
| Special Review Items             | 0                  | (0)                  | 0                  |
| <b>Total</b>                     | <b>\$1,935,038</b> | <b>(\$2,363,404)</b> | <b>(\$428,366)</b> |

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

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

**TABLE 2: CUMULATIVE IMPACT OF ALL 2014/2015 BUDGET ADJUSTMENTS)**

| Directorate                           | Increase Surplus   | Decrease Surplus     | Net Impact         |
|---------------------------------------|--------------------|----------------------|--------------------|
| Office of CEO                         | 0                  | (105,000)            | (105,000)          |
| Financial & Information Services      | 117,038            | (74,260)             | 42,778             |
| Development & Community Services      | 80,700             | (57,000)             | 23,700             |
| Infrastructure Services               | 1,695,000          | (1,779,000)          | (84,000)           |
| Opening Position                      | 0                  | (348,144)            | (348,144)          |
| Adjustment to Est Carry Forwards      | 42,300             | (0)                  | 42,300             |
| Special Review Items                  | 0                  | (0)                  | 0                  |
| <b>Total change in Adopted Budget</b> | <b>\$1,935,038</b> | <b>(\$2,363,404)</b> | <b>(\$428,366)</b> |

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

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated Budget Closing Position has only moved in net terms by \$428,366 from the estimated Closing Position to the revised Budget Closing Position of \$3,991,184 after including all budget movements to date. This projected closing position contributes to a sound set of financial ratios but will nonetheless still need to be closely monitored during the remainder of the year.

#### **Strategic Implications**

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

#### **Financial Implications**

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

#### **Sustainability Implications**

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

#### **Attachments**

- 10.6.4 (a):** Amendments identified from normal operations
- 10.6.4 (b):** Items funded by transfers to or from Reserves
- 10.6.4 (c):** Cost neutral re-allocations of the existing Budget

## 10.6.5 LOCAL GOVERNMENT REFORM: LOCAL IMPLEMENTATION COMMITTEE

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-14-66172  
Date: 25/11/2014 12:00:00 AM  
Author: Amanda Albrecht, Executive Officer  
Reporting Officer: Cliff Frewing, Chief Executive Officer  
Strategic Direction: 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  
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

### Summary

The purpose of this report is to seek Council reconsideration of its decision to not re-establish the Local Implementation Committee, as resolved at the Special Council Meeting on Local Government Reform held 4 November 2014.

Officers have received advice from the Department of Local Government and Community (DLGC) that applications for funding towards the Reform Program will be contingent on the establishment and operation of a Local Implementation Committee. This information was unknown at the time that Council considered the report on the re-establishment of the Local Implementation Committee (Item 7.6.5 Special Council Meeting 4 November 2014 refers).

### Motion to consider revoking an earlier Council Decision AND COUNCIL DECISION

**Moved:** Cr Reid  
**Seconded:** Cr Trent

That consideration is given to revoking the following Council resolution:

*That:*

- (a) *the Officer Recommendation not be adopted; and*
- (b) *Council defers any change to its position with respect to its previous involvement with the Local Implementation Committee set up for the transition to a new local government entity, until such time as there is an outcome from the Supreme Court Action against the Minister with respect to the Reform Process or the issuing of Governor's Orders.*

CARRIED (5/3)

(Support by one third of Members required)

**CARRIED (6/3)**

### Motion to revoke Council Decision AND COUNCIL DECISION

That the following Council Decision from the 4 November 2014 Special Council Meeting be revoked:

**Moved:** Cr Reid  
**Seconded:** Cr Trent

*That:*

- (a) *the Officer Recommendation not be adopted; and*
- (b) *Council defers any change to its position with respect to its previous involvement with the Local Implementation Committee set up for the transition to a new local government entity,*



*until such time as there is an outcome from the Supreme Court Action against the Minister with respect to the Reform Process or the issuing of Governor's Orders.*

**CARRIED (5/3)**  
(Absolute Majority Required)  
**CARRIED (6/3)**

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Cr Reid  
**Seconded:** Cr Trent

That Council agrees that:

- a) the Local Implementation Committee be re-established, as well as attendance of MetRIC meetings; and
- b) the City of South Perth representatives on the Local Implementation Committee remain as Mayor Sue Doherty, Councillor Kevin Trent, Councillor Sharron Hawkins-Zeeb and Councillor Fiona Reid (as a Deputy).

**CARRIED (6/3)**

#### **Background**

On 4 November 2014 at a Special Council Meeting called for the purposes of Local Government Reform, the Council considered a report seeking the re-establishment of the Local Implementation Committee.

A Local Implementation Committee had been established with representatives from the City of South Perth Council in December 2013. However, in May 2014 Council decided to suspend participation in this forum until the State Government honoured its funding commitments for the Reform Program. There has, therefore, been no formal high level elected member contact with the Town of Victoria Park for a period of approximately five months. Nor has there been a representative from the City or Town at MetRIC meetings.

At the Special Council Meeting held 4 November 2014, the Council resolved as follows:

*“That:*

- (a) the Officer Recommendation not be adopted; and*
- (b) Council defers any change to its position with respect to its previous involvement with the Local Implementation Committee set up for the transition to a new local government entity, until such time as there is an outcome from the Supreme Court Action against the Minister with respect to the Reform Process or the issuing of Governor's Orders.”*

**CARRIED (5/3)**

The reasons for this resolution were given as:

1. *“Until such time as the Governor's Orders are made, the Council is not legally required to implement the State Government's Reform Program. Regardless of what the Minister or his Department have made clear as to what they wish to happen by July 2015, the residents of the City and the Town of Victoria Park have yet to have a say. Until such time as we have this mandate, this Council would be acting improperly by pre-empting an outcome.*
2. *While considering its position on the Supreme Court action against the Minister in a later item to this Agenda, it would be inappropriate to consider this item in isolation. Also the possible outcome of the action regardless of whether the City remains a party may mean the whole process will unravel and any arrangements made or discussed are no longer relevant.”*

### Comment

In addition to the reasons provided in the earlier report to Council (Item 7.6.5 Special Council Meeting 4 November 2014 refers) on the benefits of re-establishing a Local Implementation Committee, officers have now been advised by the Department of Local Government and Communities (DLGC) that any further funding from the State Government will be contingent on the establishment and operation of a Local Implementation Committee.

The DLGC has advised as follows:

*“amalgamating (and boundary amendment) local governments will need to submit a joint proposal for funding (noting that one local government will be responsible for the grant). Funding eligibility is linked to having a LIC. I am advised that there are no closing dates for the funding so should the City of South Perth resolve to rescind its motion and a LIC is re-established between both LGs then application can be submitted at that point.”*

The DLGC has further advised that two departmental representatives will be required to attend any Local Implementation Committee meetings, and that funding will not be released until after Governor’s Orders have been issued.

The State Government has indicated that the following funds will be available for Local Government Reform over the next three years:

- \$15 million in grants
- \$45 million in low-interest loans

At this stage, the City and Town are unsure how much of this funding may be allocated to the ‘City of South Park’. However, there are potentially 12 eligible new local government entities, so approximately \$5 million of funding (\$1.25 million in grants, and \$3.75 million in low-interest loans) may be available to the ‘City of South Park’.

Whilst this funding will not cover the likely total costs of an amalgamation between the City, Town and part of the City of Canning (estimated to be approximate \$9.6 million over four years), it is still a significant sum. Officers are concerned that any delay in applying for this funding could disadvantage not only the City of South Perth community, but also the Town of Victoria Park (the Town), and the part of Canning north-west of Leach Highway that it is proposed will become part of the new local government entity ‘City of South Park’, as they also cannot apply for the funding without a functional Local Implementation Committee.

In addition to the above, officers consider that there is significant benefit in being involved in a Local Implementation Committee with the Town and the City of Canning, including:

- **Collegiality** - To continue to build relationships with the Town of Victoria Park Councillors, so that South Perth residents needs are well understood;
- **Community representation** – To ensure that the City of South Perth community is represented on this Committee;
- **Council representation** - To act as a conduit between the City of South Perth Council and the Town of Victoria Park Council as important decisions will be necessary during the period leading up to 30 June 2015;
- **Amalgamation** – To monitor and guide the progress of the Reform Program between the two Councils, and keep other Council members up to date with the work that is being carried out and upcoming decisions for Council; and
- **Co-ordination** – To ensure that there is more involvement and a greater understanding of the Reform Program.

Unless the Council resolves differently, officers recommend that the existing delegations stand in terms of representation at the Local Implementation Committee. i.e. Mayor Sue Doherty, Councillor Kevin Trent, Councillor Sharron Hawkins-Zeeb and Councillor Fiona Reid (as a Deputy).

### **Consultation**

No additional consultation was necessary in the preparation of this report.

The Town and the City of Canning have advised that they will establish a Local Implementation Committee. The Commissioner and the CEO will attend from the City of Canning. The Town will retain its existing representatives (Mayor Trevor Vaughan, Councillor Vicki Potter and Councillor John Bissett).

### **Policy and Legislative Implications**

No legislative support was provided by the DLGC in relation to the formation of the Local Implementation Committee and its powers are therefore limited to overseeing the implementation of the Reform Program. The Local Implementation Committee has no decision-making power.

The purpose of the Local Implementation Committee is to oversee and drive planning and implementation of the reform program (at an Elected Member level), act as a conduit to Council, and to facilitate decision-making. The Local Implementation Committee is to be attended by Elected Member representatives from both the City and the Town, the City of Canning Commissioner, CEOs and Reform Program Office staff.

The purpose of the MetRIC is to oversee the co-ordination of the Local Implementation Committees, facilitate the collaboration and sharing of information between local governments on reform, and resolve technical issues associated with reform. The MetRIC is to be attended by representatives from WALGA, LGMA, and a Local Implementation Committee member for each local government.

### **Financial Implications**

Officers estimate that approximately \$5 million may be available to the 'City of South Park' in grants and low interest loans from the State Government. This funding will only be available if the City of South Perth Council agrees to re-establish the Local Implementation Committee.

The costs associated with the re-establishment of the Local Implementation Committee itself are mostly limited to staff costs for administrative support, attendance at the meeting, etc. No additional allowance is provided to Elected Members for representation on the Local Implementation Committee.

### **Sustainability Implications**

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

### **Attachments**

Nil

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

Applications for Leave of Absence were received from:

- Cr C Irons for the period 18 November– 21 November 2014 inclusive;
- Cr C Irons for the period 10 December– 17 December 2014 inclusive;
- Cr V Lawrance for the period 1 December 2014 – 1 January 2015 inclusive;
- Cr K Trent for the period 4 January – 14 January 2015 inclusive;
- Cr G Cridland for the period 24 December 2014 – 7 January 2015 inclusive;
- Mayor S Doherty for the period 8 January – 20 January 2015 inclusive.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Irons  
**Seconded:** Cr Huston

That the Leave of Absence Applications received as listed below are granted

- Cr C Irons for the period 18 November– 21 November 2014 inclusive;
- Cr C Irons for the period 10 December– 17 December 2014 inclusive;
- Cr V Lawrance for the period 1 December 2014 – 1 January 2015 inclusive;
- Cr K Trent for the period 4 January – 14 January 2015 inclusive;
- Cr G Cridland for the period 24 December 2014 - 7 January 2015 inclusive;
- Mayor S Doherty for the period 8 January – 20 January 2015 inclusive.

**CARRIED (9/0)**

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

Nil.

## 13. QUESTIONS FROM MEMBERS

### 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

There were no Questions from Members Taken on Notice at the October 2014 Ordinary Council Meeting.

### 13.2 QUESTIONS FROM MEMBERS – 25 NOVEMBER 2014

#### 13.2.1 Question from Councillor Lawrance

##### Question 1

Cr Lawrance sought advice from the City as to whether attendance via “Skype” would be permitted for the period in which she was on a Leave of Absence, particularly the December Council Meetings.

##### Response

The Local Government Act (The Act) and Local Government Administration Regulations allow for the holding of council or committee meetings by telephone, video conference or other electronic means (s5.25(1)(ba) of The Act). The Administration Regulations specify that a person who is not physically present at a meeting of a council or committee meeting is to be taken to be present at the meeting if – (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and (b) the person is in a suitable place\*; and (c) the council has approved of

the arrangement (14A(1)(a)(b)&(c) of the Administration Regulations). In addition a person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting (14A(3) of the Administration Regulations).

\*In this regulation “suitable place” means a place that the council has approved as a suitable place by absolute majority for the purpose of this regulation and that is located (a) in a townsite or other residential area; and (b) 150km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling.

It was also mentioned that a previous attempt at holding a meeting by electronic means was fraught with problems such as frequent loss of connection. It was therefore not recommended.

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

Nil.

#### **15. MEETING CLOSED TO THE PUBLIC**

##### **15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

##### **15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

Nil.

#### **16. CLOSURE**

The Presiding Member closed the meeting at 8.03 pm and thanked everyone for their attendance.

## **17. RECORD OF VOTING**

25/11/2014 7:16:49 PM

### **Item 7.1.1 Minutes of Ordinary Council Meeting – 28 October 2014**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid, Cr Glenn Cridland

25/11/2014 7:17:31 PM

### **Item 7.1.2 Minutes of the Special Council Meeting – 4 November 2014**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:18:04 PM

### **Item 7.1.3 Minutes of the Special Council Meeting – 11 November 2014**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:19:20 PM

### **Item 7.2.1 Notes of the Agenda Briefing – 21 October 2014**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:21:19 PM

### **Item 8.1 Receive Petition**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:23:19 PM

### **Item 9 En Bloc Motion**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:24:16 PM

**Item 10.3.1 Proposed Additions/Alterations to Existing Post office (South Perth Post Office). Lot 432 No. 103 Mill Point Road, South Perth**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

25/11/2014 7:55:38 PM

**Item 10.6.5 Local Government Reform: Local Implementation Committee (Motion to consider revoking an earlier Council Decision)**

Motion Passed 6/3

Yes: Mayor Sue Doherty, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

25/11/2014 7:56:47 PM

**Item 10.6.5 Local Government Reform: Local Implementation Committee (Motion to revoke Council Decision)**

Motion Passed 6/3

Yes: Mayor Sue Doherty, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

25/11/2014 7:57:39 PM

Motion Passed 6/3

**Item 10.6.5 Local Government Reform: Local Implementation Committee (Officer Recommendation)**

Yes: Mayor Sue Doherty, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

25/11/2014 8:00:18 PM

**Item 11. Leave of Absence**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

## APPENDIX ONE

### SUPREME COURT ACTION – 25 NOVEMBER 2014

#### Summary of proceedings

##### Overview

- The City has been party to two actions against the Minister and the LGAB.
- Today these actions were considered by Chief Justice Wayne Martin at the Supreme Court.
- The actions, and grounds within these actions, were dismissed.
- The Chief Justice in dismissing the actions provided his reasoning against each of the arguments presented. I will provide a brief summary of these, but anticipate that the full findings (and a transcript of the Court proceedings) will be released shortly.

##### First Action (1923)

- This was the first action lodged against the Minister and the LGAB. The City of South Perth was one of three applicants to this action (along with the City of Subiaco and the Shire of Serpentine Jarrahdale).
- There were four arguments to this action.
- The first two arguments put forward related to the validity of the Minister's proposals. The applicants contended firstly that the Minister arbitrarily divided the Metropolitan area into 12 parts and used boundary changes in some cases and amalgamations in other cases without sufficient explanation or reasoning, and that using boundary changes limited access to the poll provisions in the Act. Secondly it was contended that the individual proposals put forward by the Minister were insufficient in terms of explanation of the 'nature, reason and effects on local government'.
- During the hearing, the Chief Justice pointed out that only 1 of the Minister's 12 proposals were actually recommended by the Board. The one proposal that was recommended by the Board related to the City of Swan and the Shire of Mundaring. As neither of these local governments were party to the action, no relief could be provided by the Court and the Chief Justice suggested that these two grounds be abandoned by the applicant. The Applicant's Counsel agreed, and the grounds were abandoned.
- The third argument put forward was that in order for a local government or elector to put forward a proposal to the LGAB they first had to be 'affected' by a proposal put forward by the Minister. At the time that local governments put forward proposals, the Minister had not yet made his, so these local governments were not 'affected' and their proposals were therefore invalid.
- The Chief Justice contended that an 'affected' local government or elector simply meant that a local government or elector could not submit a proposal that did not relate to that local government or elector. That it was not the intent of the Act to limit proposals to only be put forward by local governments and electors after the Minister had first initiated the process. In making a final judgement, the Chief Justice dismissed this argument.
- The fourth and final argument related to the perceived conflict of interest of members of the LGAB. Particularly in relation to the two Departmental appointees and what was described as an 'apprehension of bias'. The argument was based around the fact that the Departmental staff on the Board were not sufficiently removed from the Local Government Reform Process at the Department, and could not provide impartial advice to the Board, when it was also their job to support the Minister. It was also argued that consideration of proposals occurred prior to the Minister issuing an order to allow Board representatives to still vote on proposals even when they had a conflict of interest.



- The Chief Justice was of the view that there was no conflict of interest, and that a fair and reasonable person that held all of the facts, would not apprehend a bias. He based this view on the fact that the Act allowed for Departmental staff to be appointed to the Board, and that it made sense that these staff would have an understanding of the Reform Program. He considered that the job of these officials was to provide unbiased and impartial advice to both the Minister and the Board, and that there was no reason that they could not execute these duties.
- The Chief Justice found that there was no evidence of bias towards the Minister given that 11/12 of his proposals were not recommended by the Board.
- The Chief Justice found that there was no evidence that proposals were considered in contravention of the law prior to the Minister issuing an order to all Board representatives to vote on proposals that they had an interest in.
- The Chief Justice dismissed this argument, and the action.

#### Second Action (2527)

- The City was the first applicant to this action, which was lodged following the Minister's announcement of his decisions on 22 October 2014.
- This action had two key arguments. The first was that the Minister should not have announced his decisions prior to the LGAB giving notice of its recommendations, and the 1 month period in which a poll could be held had passed, and that notice should have been given regarding all proposals (even those the Minister intends to reject).
- The second was that the boundary changes used by the Minister to combine two complete districts, do in fact abolish two districts and that a poll should be available to both districts.
- The Chief Justice noted that the Minister is not bound by the results of a poll unless it is to reject a proposal. He considered, therefore, that there would be very little point in holding a poll for a recommendation that the Minister intended to reject the proposal anyway. There would be no practical reason for the Court to make the Minister hold a poll for a proposal that he had no intention of implementing.
- The Chief Justice also considered the Act to be very clear that it was only in situations where two local governments were abolished that a poll could be requested. He considered that parliament had quite deliberately limited the circumstances under which the poll could be called. Where one local government was to 'continue' and only one local government was to be abolished, this threshold was not met.
- The Chief Justice dismissed both arguments and this action.

## APPENDIX TWO

### 6.2 PUBLIC QUESTION TIME – ORDINARY COUNCIL MEETING: 25 NOVEMBER 2014

| 1. Geoff Defrenne of 24 Kennard Street, Kensington<br>Received 25 November 2014  | Response provided by: Cliff Frewing, Chief Executive Officer |
|--|--|
| <p>[Preamble]</p> <p><i>It was reported in the press that Mayors of Victoria Park and South Perth were pleased with the Local Government Advisory Board report to amalgamate the two councils.</i></p> <p><b>1. With a reported figure of around \$5,000,000 to amalgamate why was the mayor pleased with the report?</b></p> <p>The Ministers announcement that he accepted the recommendation of the local government advisory board pleased the City because the City achieved most of the objectives sought in the reform process – ie.</p> <ul style="list-style-type: none"><li>• The City and the Town of Victoria Park will be amalgamated rather than the City being subsumed by the Town of Victoria Park;</li><li>• The Electors of the both the City and the Town will have an opportunity to participate in a poll – this is not available under a boundary adjustment;</li><li>• The City and the Town were successful in arguing for the retention of the whole of the Burswood Peninsula;</li><li>• The City and the Town were successful in having that part of the City of Canning north of Leach Highway incorporated in to the new local government; and</li><li>• The City was successful in achieving the name City of South Park.</li></ul> <p>Whilst the City has not achieved a full cost recovery of the reform costs – nor has any other local government – the City can be justifiably proud of what it has achieved. Negotiations are continuing with the government in terms of the level of funding offered and the size of the grant to each new local government.</p> <p><b>2. By supporting the amalgamation was the Mayor acting in the best interests of the residents of the city?</b></p> <p>The City believes that in the longer term there will ultimately be benefits from the amalgamation with the Town of Victoria Park and that part of the City of Canning. The City also presented a joint proposal to the Local Government Advisory Board in October 2014.</p> <p><b>3. To pay for the amalgamation, what was the expected increase in rates?</b></p> <p>An amount of \$750,000 has been included in the current year’s budget for some of the costs incurred in the current financial year. This sum does not necessarily mean that it directly relates to a rates increase.</p> <p><b>4. In supporting an amalgamation, was a cost/benefit analysis done?</b></p> <p>We understand that the Minister and the Local Government Advisory Board has had a cost/benefit analysis performed which demonstrates there are benefits to local government. Whilst the City has requested a copy of this analysis no copy has yet been provided to the city to date.</p> <p><b>5. If a cost/benefit analysis was done, can it be made public?</b></p> <p>This will be dependent on conditions set by the Minister to release the document to the City.</p> |  |

## DISCLAIMER

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

These Minutes were confirmed at a meeting on Tuesday 9 December 2014.

Signed

\_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed