

AGENDA

Ordinary Council Meeting

25 June 2013

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Meeting of the City of South Perth Council will be held on Tuesday 25 June 2013 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
21 June 2013

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.2 PUBLIC QUESTION TIME

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

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

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.2 PUBLIC QUESTION TIME: 25 JUNE 2013

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 May 2013

Recommendation

That the Minutes of the Ordinary Council Meeting held 28 May 2013 be taken as read and confirmed as a true and correct record.

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing – May 2013 Ordinary Council Meeting - 21 May 2013

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

7.2.2 Concept Briefing – Long Term Financial Plan – 14 May 2013

The Director of Financial and Information Services provided Council with an overview of the Long Term Financial Plan. Notes from this Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing – Capital Works Budget – 22 May 2013

The Director of Infrastructure Services provided Council with an overview of the Capital Works Budget for 2013/14. Notes from this Concept Briefing are included as **Attachment 7.2.3**.

Recommendation

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

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 Murray Rosenberg, 36 Ryrie Avenue, Como – Petition in support of proposed Amendment No. 41 to the Town Planning Scheme No.6

A petition was received 28 May 2013 from Murray Rosenberg, 26 Ryrie Avenue, Como, together with 13 signatures in support of the proposed Amendment No. 41 to the Town Planning Scheme No. 6.

The text of the petition reads:

“This petition is from certain citizens of South Perth to support the proposed amendment to the City of South Perth Town Planning Scheme No. 6 to increase density coding from R15 to R20 of land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway.”

Recommendation

That the petition received 28 May 2013 from Murray Rosenberg, 36 Ryrie Avenue, Como, together with 13 signatures be forwarded to the Director Development and Community Services for consideration.

8.1.2 Renea Capararo, 48 Ryrie Avenue, Como – Petition in opposition to proposed Amendment No. 41 to the Town Planning Scheme No. 6

A petition was received 4 June 2013 from Renea Capararo, 48 Ryrie Avenue, Como, together with 93 signatures in opposition to the proposed Amendment No. 41 to the Town Planning Scheme No. 6.

The text of the petition reads:

“We the undersigned electors of the City of South Perth request that the City of South Perth Council reject the Proposed Amendment No. 41 to the City of South Perth Town Planning Scheme No. 6 ‘To increase density coding from R15 to R20 of land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway’ – Preliminary Consultation”.

Recommendation

That the petition received 4 June 2013 from Renea Capararo, 48 Ryrie Avenue, Como together with 93 signatures be forwarded to the Director Development and Community Services for consideration.

8.1.3 Paul and Hazel Noble, Mends St News and Supplies, Mends St, South Perth – Petition regarding parking fees

A petition was received 29 May 2013 from Paul and Hazel Noble, Mends St News and Supplies, Mends St, South Perth together with 740 signatures in opposition of the parking fees payable at the car park at the rear of the Mends St Newsagents.

The text of the petition reads:

“We the undersigned are against the fee for parking at the rear of Mends St Newsagents. We feel that a ‘no fee for 2 hour policy’ should be applied. We are in full support of the retailers and businesses in their endeavour to get this policy instigated – The City of South Perth are intending to sell this car park off and a multistorey building be erected – this means no car park at all.”

Recommendation

That the petition received 29 May 2013 from Paul and Hazel Noble, Mends St News and Supplies, Mends St, South Perth, together with 740 signatures be forwarded to the Chief Executive Officer for consideration.

8.1.4 Petition received in opposition to proposed Amendment No. 40 to the Town Planning Scheme No. 6

A petition was received 17 June 2013 with 543 signatures in opposition to the proposed Amendment No. 40 to the Town Planning Scheme No. 6.

The text of the petition reads:

“We the residents with the City of South Perth are strongly opposed to the re-zoning application of Lot 6 (No. 148) South Terrace, South Perth from Residential R40 to Highway Commercial zone R80. We understand that the re-zoning application if approved by council will permit the redevelopment of the site to be used for a Big Box discount Dan Murphy’s or similar large scale liquor store as part of the Como Hotel’s re-development plan. The negative impact on our amenity and high risk associated with large scale discount liquor stores is not in the public interest. We urge the council to REFUSE this application.”

The petition does not comply with clause 6.9 (1)(f) of the City of South Perth Standing Orders Local Law 2007, as the petition did not state the name of the person to whom, and an address at which, notice to the petitioners could be given. A number of the signatures on the petition were also not made by electors of the district.

The petition has, therefore, not been put forward to Council for receipt. However, it will be forwarded to the Director Development and Community Services for consideration with reference to proposed Amendment No. 40.

In any event, the City has not received a development application for a ‘Big Box discount Dan Murphy’s’ or similar liquor store.

8.2 PRESENTATIONS

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

8.3 DEPUTATIONS

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

8.4 COUNCIL DELEGATES REPORTS

Nil

8.5 CONFERENCE DELEGATES REPORTS

8.5.1 Conference Delegates’ Report – LGMA National Congress 2013

A report from Councillor Hasleby, Councillor Gleeson and Chief Executive Officer Cliff Frewing, summarising their attendance at the LGMA 2013 National Congress and Business Expo held in Hobart 19-22 May 2013, is at **Attachment 8.5.1**.

Recommendation

That the Conference Delegate’s Report under item 8.5.1 be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

Location: Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning
Applicant: Scott Kerr, Director, Masterplan Consultants WA Pty Ltd
Owner: Carcione Nominees Pty Ltd
Date: 3 June 2013
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

In response to a 'Section 76 Order' received from the Minister for Planning on 24 May 2013, Council is now required to initiate Amendment No. 34 to the No. 6 Town Planning Scheme. The content of this Scheme Amendment is the same as presented to the September 2012 meeting.

The main purpose of Amendment No. 34 is to rezone the Amendment site from the existing Local Scheme Reserve 'Public Purposes (Telstra)', to the 'Residential' and 'Highway Commercial' zones with a density coding of R160 across the whole site. The proposal also involves increasing the current 7.0 metre Building Height Limit to 14.0 metres, 21.0 metres and 36.0 metres on various parts of the site, and introducing a number of mandatory site-specific design requirements which must be met in any future development of the site. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.0.1(a)**.

Officer Recommendation

That

- (a) as required by the Order dated 22 May 2013 issued by the Minister for Planning under section 76 of the Planning and Development Act 2005, the Council of the City of South Perth amends the City of South Perth Town Planning Scheme No. 6 by:
 - (i) amending the Scheme Text by inserting a new sub-clause (10) in clause 5.4 containing mandatory development requirements for any future development of Part Lot 2 (No. 54) Manning Road, Manning; and
 - (ii) amending the Scheme Maps by transferring Part Lot 2 (No. 54) Manning Road, Manning:
 - (A) from the "Local Scheme Reserve – Public Purpose (Telstra)" to the "Residential" and "Highway Commercial" zones with a density coding of R160, in the manner depicted on the Scheme Amendment (Zoning) Map; and
 - (B) from the 7.0 metre Building Height Limit to the 14.0 metre, 21.0 metre and 36.0 metre Building Height Limits on different parts of the site, as depicted on the Scheme Amendment (Building Height Limits) Map;
- (b) the Report on Amendment No. 34 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment 10.0.1(a)**, be adopted;

Recommendation continued

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 34 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;
- (d) Amendment No. 34 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 34 be implemented in accordance with the *Town Planning Regulations* and Council Policy P301 *Consultation for Planning Proposals* to the extent shown on **Attachment 10.0.1(e)**; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 34:
“**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.*”
- (g) the applicants be invoiced for the City's estimated Planning Fee of \$15,000 including GST; and
- (h) the applicants be advised that:
 - (i) Council's preliminary support for Amendment No. 34 is not to be construed as approval of the concept plans which were submitted to illustrate a possible built outcome if Amendment No. 34 should reach finality. At the time of submission of any future development application, the City will assess the application for compliance with all requirements contained in the Residential Design Codes, the City's Town Planning Scheme No. 6 and Council Policies; and
 - (ii) the required 'Staging and Access Plan' which is to be submitted at the time of a development application for Stage I of a future development, is to detail appropriate means for protection of the Davilak Crescent Reserve during all stages of construction, to the satisfaction of the City, noting that:
 - (A) the City would not provide vehicular access from Davilak Crescent Reserve to a future construction site on Pt Lot 2. Among other reasons, this reserve is known to be infested with *phytophthora* (jarrah dieback). Any movement through the reserve (other than on the existing turf) would require establishment of a 'wash down' area to treat vehicles and shoes of personnel with the fungicide *Fongarid* on entering and leaving the reserve, to prevent the spread of the disease;
 - (B) the City is of the opinion that the most efficient point of vehicular access to and from Pt Lot 2 would be via Ley Street; and
 - (C) the most effective means of protecting the Davilak Crescent Reserve during construction, would be to retain the existing fence, or to replace it with a new temporary fence, in order to keep traffic and materials off the reserve.

Background

An information item in the 31 May 2013 issue of the Councillors' Bulletin explained the statutory process that the Council is now required to implement as a result of the Minister's Section 76 Order.

Documents which were attached to the September 2012 Council report on Amendment No. 34 are again attached to this report. The current report includes the following attachments:

Attachment 10.0.1(a): Amendment No. 34 Report and amending text.

Attachment 10.0.1(b): Impact Assessment Report. Masterplan Consultants WA Pty Ltd, July 2012.

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

Attachment 10.0.1(c): Traffic Impact Assessment. Shawmac Pty Ltd, 21 June 2012.

Attachment 10.0.1(d): Telstra correspondence. 6 March 2012.

Attachment 10.0.1(e): Plan showing extent of consultation required by Policy P301 and proposed wider consultation.

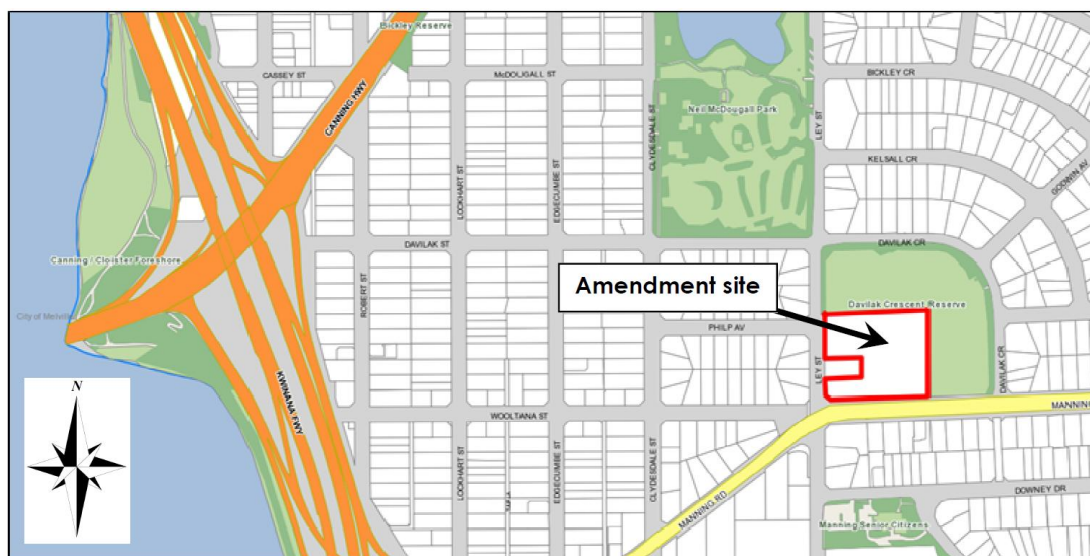
Attachment 10.0.1(f): Sections 212 and 213 of Planning and Development Act.

The Amendment site is known as Pt. Lot 2 (No. 54) Manning Road on the north-eastern corner of Ley Street, Manning. Pt. Lot 2 has an area of approximately 14,190 sq. metres. The land is owned by Carcione Nominees Pty Ltd and the proposal has been prepared by Masterplan Consultants WA Pty Ltd with supporting documents prepared by Meyer Shircore Architects and Shawmac Pty Ltd consulting civil and traffic engineers.

Pt Lot 2 is reserved under Town Planning Scheme No. 6 (TPS6) as a 'Public Purposes (Telstra)' reserve. The land was formerly used by Telstra as a telephone technicians' training school from approximately 1969 until about 2000.

The current Amendment and the history of previous proposals for the subject site are discussed fully in the September 2012 report (Agenda Item 10.3.1) and are also described in **Attachment 10.0.1(a)** hereto.

The location of the Amendment site is shown below:



Previous actions relating to Amendment No. 34

The proposed Amendment No. 34 was presented to the September 2012 Council meeting, however the Council declined to initiate that Amendment and resolved that:

- “(a) the officer recommendation **not** be adopted;
- (b) the Applicant's request to rezone the site from the existing Local Scheme Reserve 'Public Purposes (Telstra)', to 'Residential' and Highway Commercial' zones with a density coding of R160 across the whole site, together with increasing the present building height limit from 7.0 metres to 36.0 metres be refused; and
- (c) the Applicant be invited to re-submit a further Scheme Amendment proposal that will result in a development with a bulk and scale that is more in keeping with the locality”.

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

In response to that Council decision, the applicants lodged a 'Section 76' submission seeking the intervention of the Minister for Planning. The Minister was asked to issue an Order requiring the Council to initiate the requested Scheme Amendment. In a letter from the Director General of the WA Department of Planning dated 20 February 2013, the Council was invited to respond to the 'Section 76' submission. This was the subject of a Council Members' Workshop on 5 March 2013 and an officer report to the April 2013 Council meeting. At that meeting, the Council resolved as follows:

"That, in response to the 'Section 76' submission lodged by the owners of Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning, the Minister for Planning be advised that Council would be prepared to consider a new Scheme Amendment proposal for that site incorporating the following:

- (i) rezoning from the 'Public Purposes (Telstra' reserve, to:
 - 'Highway Commercial' zone along whole Manning Road frontage;
 - 'Residential' zone for remainder of the site;
- (ii) R100 density coding with a plot ratio of 1.25 over the whole site;
- (iii) Building Height Limits as follows:
 - 7 metres along the Ley Street frontage north of the telephone exchange;
 - 10.5 metres along the Manning Road frontage and the balance of Ley Street;
 - 14 metres around the park boundary;
 - 21 metres in the centre of the site;
- (iv) mandatory design requirements to ensure high quality development, as contained in the proposed Amendment No. 34 presented to the September 2012 Council meeting, together with other land use and design requirements that may be identified when Council considers the landowners' new Scheme Amendment proposal".

On 24 April 2013, on behalf of the Council, a comprehensive submission was sent to the WA Department of Planning for the Minister's consideration. That submission supported the Council's April resolution.

On 24 May 2013, the City received a letter from the Minister for Planning and an accompanying Order. These documents were attached to the Councillors' Bulletin on the same day. The Minister has ordered the Council to initiate the Scheme Amendment process for Amendment No. 34 as presented to the September 2012 meeting. There is no right of appeal against the Minister's decision.

Implications of Council's failure to comply with Minister's Order

Section 212 of the Planning and Development Act deals with local government breaches of Ministerial Orders. Under Section 76 of the Act, the Council has been 'ordered' to initiate the Scheme Amendment process for Amendment No. 34 in the form considered by the Council in September 2012. If the Council defies that Order, Section 212 of the Act empowers the Minister to take all of the required steps to initiate the Amendment as if the Minister were the local government. The Council must also provide the Minister with any necessary reports or other information to enable the Minister to perform the required actions. All costs, charges and expenses incurred by the Minister in the exercise of these powers may be recovered from the Council.

Section 213 of the Act states that a Town Planning Scheme Amendment prepared and implemented by the Minister due to a local government's failure to comply with a 'Section 76 Order' has effect as if it were prepared and implemented by the local government. The Council must then implement the new Scheme provisions.

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

The steps involved in both Section 76 and Section 212 processes include community consultation and consideration of public submissions. However if the Council declines to implement the Scheme Amendment process despite a Ministerial Order under Section 76, the Council may lose control of the community consultation process. The Minister may decide to advertise the draft Scheme Amendment less widely than the Council would have done under normal circumstances.

Under legislation, the Council has responsibility for the proper administration of a range of 'town planning' functions. These responsibilities include compliance with 'Section 76' Ministerial Orders relating to the implementation of Town Planning Scheme amendments. Therefore as well as the legislative and financial implications, failure to comply with a 'Section 76' Ministerial Order casts the Council in a very poor light.

Comment

As a result of the Minister's Order, the Council must now initiate the Scheme Amendment in the form in which it was presented to the September 2012 meeting. The statutory process still requires community consultation in the normal manner. Council Policy P301 "Consultation for Planning Proposals" specifies the geographic extent and method of consultation and the duration of the consultation period. Further comment in this regard is contained in the Consultation section of this report.

Consultation

The Amendment No. 34 proposals will be forwarded to the Environmental Protection Authority (EPA) for assessment when endorsed by the Council for community advertising. Community consultation will be initiated when the EPA has provided environmental clearance. The community consultation requirements are contained in the *Town Planning Regulations* and Council Planning Policy P301 'Consultation for Planning Proposals'.

Council Policy P301 requires 'Area 2' consultation for any Scheme Amendment. For Amendment No. 34, the plan comprising **Attachment 10.0.1(e)** shows the extent of consultation required by Policy P301. On this occasion, it is proposed to substantially enlarge the consultation area to the extent shown on that plan. Around 800 individually addressed letters and notices will be mailed to landowners within this wider area.

Three advertising notices will be placed on the site, one facing Manning Road, another facing Ley Street and the third one angled across the street corner for viewing by motorists on Manning Road approaching the site from the west. Notices will also be placed on the City's web site, in the "Southern Gazette" and in the City's Libraries and Civic Centre.

The required minimum consultation period is 42 days. To round off the consultation to the end of the week, the City's practice is to extend the period to 46 days. Any submissions received during this period will be referred to a later Council meeting for consideration.

Policy and Legislative Implications

The legislative implications of Ministerial Orders made under Section 76 of the Planning and Development Act are explained in the report to the April 2013 Council meeting. After the Scheme Amendment has been initiated in response to such an Order, the statutory Scheme Amendment process is implemented as set out in the *Town Planning Regulations*. The Council is required to endorse the draft Amendment No. 34 at the June meeting. The subsequent Scheme Amendment process includes

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

advertising of the draft Amendment, inviting public submissions on the proposals. After considering any resulting submissions, the Council must recommend to the Minister either that the Amendment proceed, with or without modifications, or that it be abandoned. The Western Australian Planning Commission will then add its recommendation before the Minister makes the final decision.

The Scheme Amendment process 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 No. 34	25 June 2013
Council adoption of draft Amendment No. 34 proposals for advertising purposes	25 June 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early July 2012
Public advertising period of not less than 42 days	August – September 2013
Council consideration of Report on Submissions	October 2013 Council meeting
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 34; and • three signed and sealed copies of Amendment No.34 documents for final approval 	One week after October 2013 Council meeting
Minister's final determination of Amendment No. 34 to TPS6 and publication in <i>Government Gazette</i>	Not yet known

Financial Implications

Financial costs (officers' time, administrative and advertising) incurred by the City during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, an estimated 'up-front' Planning Fee of \$15,000 is proposed. Following Council's initiation of the Amendment, the applicant will be invoiced for all costs incurred since February 2011 when City officers commenced serious discussions and correspondence with the applicants regarding a Scheme Amendment. The fee payment will also cover the costs incurred by the City in connection with the applicants' 'Section 76' submission.

At the conclusion of the Amendment process, the estimated fee will be adjusted as necessary, by way of either a refund or an invoice for a further fee payment, to reflect the total actual costs incurred by the City.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed Amendment No. 34 will provide for a mixture of dwelling sizes on the site. Commercial business and employment opportunities will also result. The proposed development will be required to be of outstanding design quality and incorporate sustainable and water and energy efficient design principles.

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Initiation in response to Minister's Order

Conclusion

The Amendment No. 34 Report comprising **Attachment 10.0.1(a)** contains a full description and justification of the Amendment proposals. In response to the Minister's Order, the Council must now initiate the statutory process to enable the proposed Scheme Amendment No. 34 to be advertised.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

Location: Lot 523 (No. 29) Market Street, Kensington
Applicant: Buildwest Pty Ltd
Lodgement Date: 18 March 2013
Date: 3 June 2013
Author: Mark Scarfone, Senior Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Two-Storey Single House on Lot 523 (No. 29) Market Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”)
Boundary wall setback	P350.2 (Residential Boundary Walls)

The proposed development is not considered to be consistent with Objective 1 and Sub-clauses 4(a), 4(b) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). In addition, the proposal is considered inconsistent with Clause 7 of Policy P350.2 “Residential Boundary Walls”, and as such it is recommended the application be refused.

Officer Recommendation

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Two-Storey Single House at 29 Market Street, Kensington, **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed development conflicts with the objectives and specific provisions of City Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”).
- (ii) The proposed dwelling is not consistent with the requirements of Sub-clauses 4(a), 4(b) and 6(a) of City Policy P351.5.
- (iii) The proposed development is not considered to comply with Clauses 5 and 7 of Council Policy P350.2 “Residential Boundary Walls”.
- (iv) The proposal conflicts with Scheme objectives identified in Clause 1.6 of *City of South Perth Town Planning Scheme No. 6*, specifically Objectives (c) and (f).
- v) The proposal conflicts with “Matters to be considered by Council” identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically matters (f) and (n).

(b) Standard Advice Notes

795B	Appeal rights - Council decision
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10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

Background

On 18 March 2013, the City received an application for a Two-Storey Single House on Lot 523 (No. 29) Market Street, Kensington (the “subject site”). On 9 April 2013, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. Since this time, the applicant has provided a letter and email, dated 17 April and 3 May 2013, to justify the proposal and to request the application be presented to the next available Council meeting for determination.

The development site details are as follows:

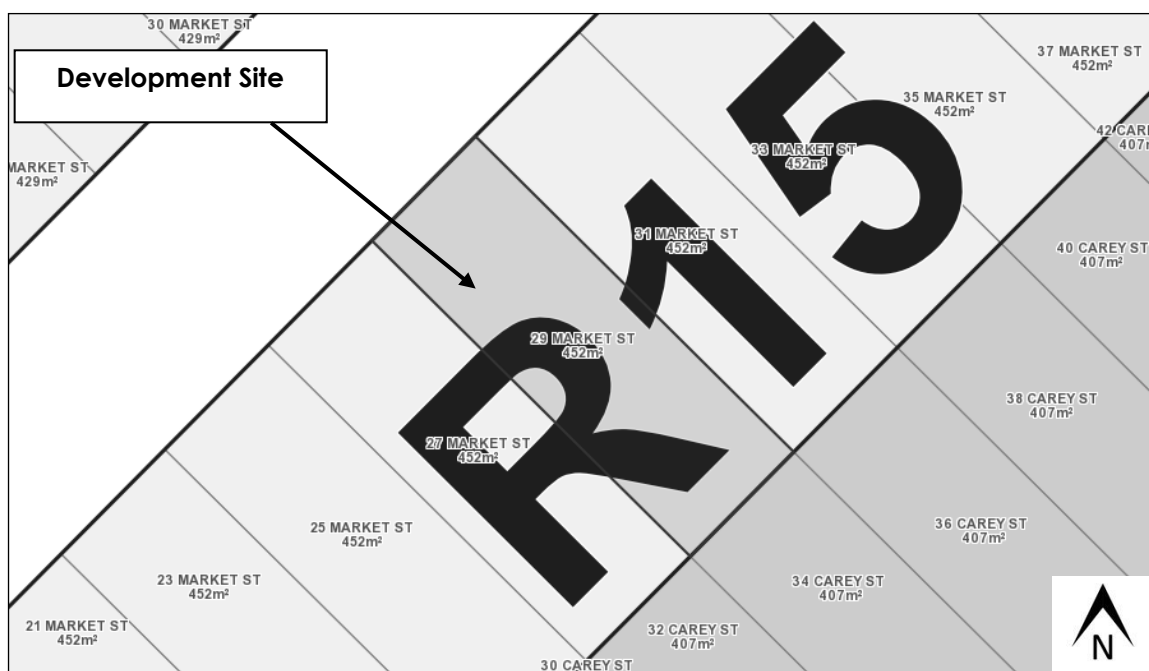
Zoning	Residential
Density coding	R15
Lot area	452 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

Confidential Attachment 10.3.1(a) Plans of the proposal.

Attachment 10.3.1(b) Applicant’s supporting letter and email dated 17 April and 3 May 2013.

The location of the development site is shown below:



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

3. **Developments involving the exercise of discretionary power**

This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:

- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*

Comment

(a) Description of the surrounding locality

The subject site has a frontage to Market Street, Kensington, midway between Collins Street and Dyson Street. This section of the street is characterised by single houses. Figure 1 below depicts the subject site and surrounds:



Figure 1

(b) Description of the proposal

The proposal involves the construction of a Two-Storey Single House on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.1(a)**.

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6 (TPS6)*, the R-Codes and relevant Council policies.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land use – “Single House” is a “P” or “Permitted” land use on the subject site zoned “Residential” (Table 1 of TPS6).
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 “Fencing and Retaining Walls”).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”).
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5).
- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Open space (R-Codes Clause 6.4.1).
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Maximum ground and floor levels (TPS6 Clause 6.10).
- Building height limit (TPS6 Clause 6.2).
- Significant views (Council Policy P350.9 “Significant Views”).

The following planning matters, which are considered unacceptable, are discussed further below:

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
 - (i) Sub-clause 4(a) – Averaging of front setback;
 - (ii) Sub-clause 4(b) – Setback of verandah columns; and
 - (iii) Sub-clause 6(a) – Garage setback.
- Council Policy P350.2 “Residential Boundary Walls”.

(c) **Streetscape Compatibility - Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”)**

Clause 7.5 of TPS6 provides a list of matters which should be taken into account by Council when making a determination. Specifically, Clause 7.5(n) states; “The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.”

Council P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) herein referred to as P351.5, provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City’s expectations for new developments within the “Arlington” and “Kensington” precincts. The proposed development is generally considered to comply with the provisions of P351.5, with the exception of Sub-clauses 4(a), 4(b) and 6(a). These matters will be discussed in detail below:

(i) Sub-clause 4(a) – Averaging of front setback

Sub-clause 4(a) of P 351.5 states; “Averaging of the primary street setback prescribed in Table 1 of the R-Codes is not permitted unless the primary street setbacks of the existing dwellings on each side of the development site fronting the same street, are less than the primary street setback prescribed in Table 1.”

In supporting correspondence provided by the applicant, contained in **Attachment 10.3.1(b)**, written justification is provided in support of the reduced setback. This is summarised as follows:

There are a number of examples of dwellings within close proximity which have reduced setbacks to the street.

It is noted the primary street setback required for land with a density coding of R15 is 6.0 metres. The applicant proposes a minimum setback of 4.7 metres to the garage, and an average of 5.3 metres. The existing dwellings at 27 Market and 31 Market Street have a minimum setback of approximately 8.0 metres to the main building. As indicated in the text of Sub-clause 4(a) provided above, averaging of front setbacks is only permitted when each dwelling on either side of the development site has reduced primary street setbacks, and this is not the case for this site.

While Sub-clause 4(a) requires an assessment of the adjoining properties only, it is considered appropriate to take into account the streetscape character in determining if a reduced setback is appropriate. In this instance, the local focus area comprises of the dwellings in either side of the street, between Collins and Dyson Street. A site inspection by City officers reveals the predominant character of buildings in the focus area

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

is of large setbacks to the primary street. Where there is an incursion into the front setback, this is generally by structures such as carports and verandahs which have less of a bulk impact on the street.

Given the above, the proposed front setback is not considered to comply with Sub-clause 4(a) and is not supported.

(ii) Sub-clause 4(b) – Setback of verandahs

Sub-clause 4(b) provides guidance for the setback of verandahs within the policy area. This clause allows verandahs to protrude 2.0 metres forward of the minimum setback to encourage passive surveillance and interaction with the street. As indicated in Part c (i) of this report, averaging of the front setback is not permitted by the policy, and as such the minimum street setback is 6.0 metres. A verandah could therefore have a street setback of 4.0 metres.

In this instance, the proposed porch shown on the drawings contained in **Confidential Attachment 10.3.1(a)** is setback 2.8 metres from the street, and is not seen as being compliant with Sub-clause 4(b) of P351.5. It is seen as appropriate to deal with the porch in the same way as a verandah, as both are open type structures forming part of the entry to the house, and providing some protection from the elements.

In the letter dated 17 April 2013, contained in **Attachment 10.3.1(b)**, the applicant has provided the following justification for the porch setback:

- (1) *The proposed porch is in keeping with the projections of existing verandas along the street. Houses #27 and #31 on either side of the proposed property have verandas that project more than the 2.0 metres, as per the “Kensington” Precinct Policy 351.5.*
- (2) *The piers on the porch are to have brickwork up to 19c, and 2×100×100 posts up to the eave. The columns are not completely solid, therefore they will have less visual presence and work to enhance the front facade.*
- (3) *The proposed porch is designed for the aesthetic value to make the street frontage more visually appealing by giving some depth to the roofline.*
- (4) *The porch columns are offset from the garage to give access from the driveway to the porch directly.*

In respect of Point (1) above, City officers note the verandahs of the adjoining properties are setback from the street approximately 8.0 metres, while the carport of 27 Market Street is set forward of the building line. With regard to Points (2) to (4), City officers acknowledge the porch has the effect of articulating the front façade, minimising the bulk of the garage and adding interest to the roofline, however Sub-clause 4(b) does not provide discretion for City officers to vary the minimum setback. In addition, the reduced porch setback, combined with the reduced front setback, has the impact of bringing the proposed house further forward than other dwellings within the streetscape.

The proposed porch setback is considered inconsistent with Sub-clause 4(b) of P351.5, and is likely to impact negatively on the existing streetscape. The proposed porch setback is therefore not supported.

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

(iii) Sub-clause 6(a) – Garage setback

Sub-clause 6(a) of P351.5 states; “Garages are to be setback in line with the ground storey façade of the dwelling or further.”

In their supporting correspondence contained in **Attachment 10.3.1(b)**, the applicant provides written justification in support of the garage alignment. This is summarised as follows:

There are three examples of dwellings with garages forward of the ground floor alignment in this portion of the street.

Officers consider that locating the garage in line with, or behind the building setback line, is a key element in reducing perceived building bulk. While officers acknowledge there are examples of garages protruding forward of the dwelling within this street, the predominant streetscape character is of carports in the front setback area, or garages setback behind the setback line. Sub-clause 6(a) of P351.5 does not detail the instances where garages would be appropriate forward of the building line, and it is understood that this is because residents and consultants involved in the development of the policy did not see this as a desirable outcome. The proposed garage setback is not considered to comply with Sub-clause 6(a), and is not supported.

(iv) Conclusion

The proposed development is not considered to be consistent with Objective 1, Sub-clauses 4(a), 4(b) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”), and as such it is recommended the application be refused.

(d) Council Policy P350.2 “Residential Boundary Walls”

In assessing an application which proposes boundary walls, the City is to have regard to the provisions of Policy 350.2 “Residential Boundary Walls” (herein referred to as P350.2). Specifically, the City should have regard to the amenity factors contained in Clause 5, and the setback requirements of Clause 7 of P350.2.

To summarise these clauses, Clause 5 indicates that a boundary wall should not be approved where the City considers it will have an adverse impact on the streetscape, while Clause 7 indicates all boundary walls should be setback 6.0 metres from the street unless they abut another boundary wall with a lesser setback, or a specific policy allows a reduced setback.

In this instance, the proposed boundary wall is setback 4.7 metres from the street, does not abut an existing boundary wall, and a lesser setback is not permitted by the “Arlington” / “Kensington” Precinct Policy.

In support of the proposed boundary wall, the applicant has indicated it has been designed to be in keeping with the boundary walls at 25, 39 and 41 Market Street.

City officers have reviewed the files associated with these properties and confirm the following:

- The approved dwellings at 25 and 41 Market Street do not contain boundary walls. These dwellings are setback a minimum of 1.0 metre to the side boundary, and as such are not captured by the provisions of P350.2; and

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

- The boundary wall at 39 Market Street is setback 6.0 metres from the street, and as such complies with P350.2.

Two additional boundary walls on the southern side of Market Street, within the focus area, were observed by City officers during a site visit on 27 May 2013. These are located at 19 and 23 Market Street. Both boundary walls are setback a minimum of 6.0 metres, and as such are compliant with P350.2.

The proposed boundary wall, is considered to be inconsistent with Clauses 5 and 7 of P350.2, and as such is not supported.

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

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

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

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

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

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

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

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, the property owners at 27 and 31 Market Street were invited to inspect the plans and to submit comments during a minimum 14-day period. No submission was received during this time.

Policy and Legislative Implications

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

10.3.1 Proposed Single House (Two-Storeys) - Lot 523 (No. 29) Market Street, Kensington

Financial Implications

This determination has no financial implications.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed dwelling has been designed having regard to solar passive design principles with internal and external living areas located on the northern side of the lot.

Conclusion

The proposed development is not considered to be consistent with Objective I and Sub-clauses 4(a), 4(b) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). In addition, the proposal is considered inconsistent with Council Policy P350.2 “Residential Boundary Walls”, and as such it is recommended the application be refused.

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

Location: Lot 85 (No. 11) Third Avenue, Kensington
 Applicant: Wilcon Building Services
 Lodgement Date: 18 March 2013
 Date: 3 June 2013
 Author: Mark Scarfone, Senior Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for Second Storey Additions and Alterations to a Single House on Lot 85 (No. 11) Third Avenue, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”)

The proposed development is not considered to be consistent with Objective 1, and Sub-clauses 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”).

City officers recommend approval of the proposed development with a specific condition requiring the proposed garage be converted to a carport. This condition will result in a development which is consistent with the provisions of P351.5.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Second Storey Additions and Alterations to a Single House on Lot 85 (No. 11) Third Avenue, Kensington, be approved subject to:

(a) Standard Conditions

425	Colours & materials - Matching	471	Retaining walls - Timing
200	Screening - Amended plans required	455	Dividing fences - Standards
210	Screening - Permanent	456	Dividing fences - Timing
416	Street tree - Not to be removed	340A	Parapet walls - Finish from street
390	Crossover - Standards	550	Plumbing hidden
393	Verge & kerbing works	445	Stormwater infrastructure
625	Sightlines for drivers	660	Expiry of approval
470	Retaining walls - If required		

(b) Specific Condition

Revised drawings shall be submitted to the City’s satisfaction prior to the issue of a building permit, and such drawings shall depict the conversion of the proposed garage to a “carport”, as defined in the *Residential Design Codes of Western Australia*.

Recommendation continued

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

(c) Standard Advice Notes

700A	Building permit required	709	Masonry fences require BP
705	Revised drawings required	790	Minor variations - Seek approval
725	Fences note - Comply with that Act	795B	Appeal rights - Council decision

Background

On 27 March 2013, the City received an application for Second Storey Additions and Alterations to a Single House on Lot 85 (No. 11) Third Avenue, Kensington (the “subject site”). On 7 May 2013, a further information request was sent to the applicant outlining a list of five preliminary issues which required resolution. On 25 May 2013, revised drawings were provided to the City which satisfactorily addressed all issues other than the setback of the garage to the street. Along with the revised drawings, the applicant provided written correspondence to justify the proposed garage setback and to request the application be presented to the next available Council meeting for determination.

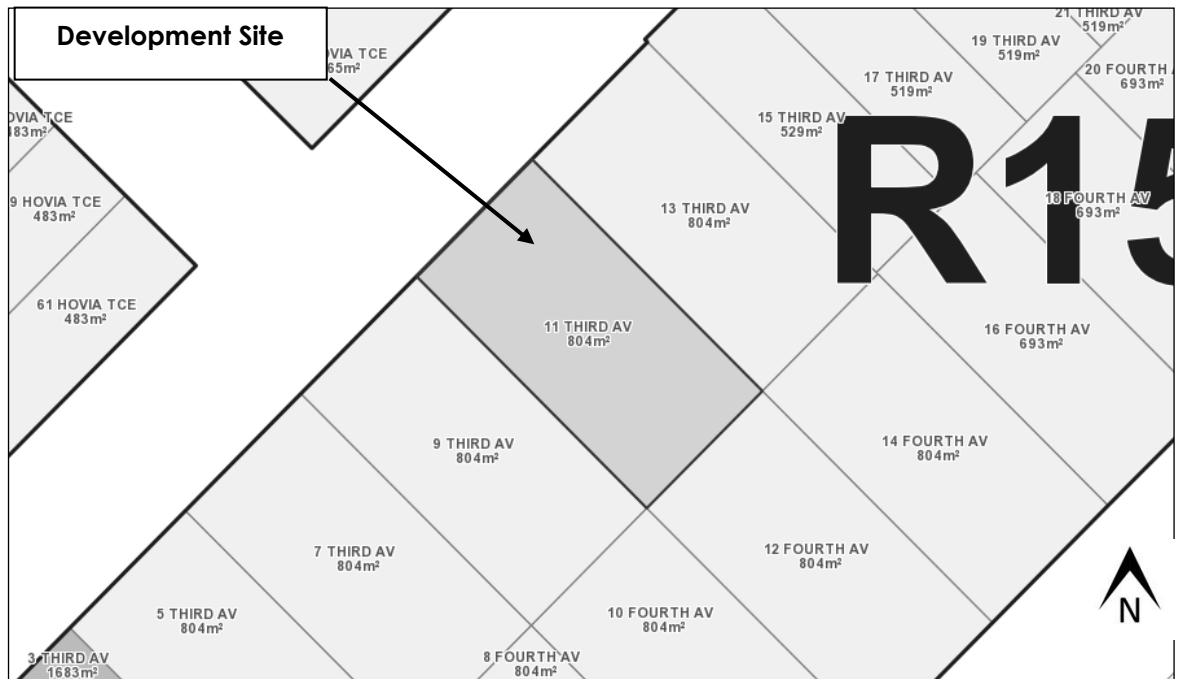
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	805 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Applicant’s supporting letter and email dated 23 and 25 May 2013.

The location of the development site is shown below:



10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

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

3. **Developments involving the exercise of discretionary power**

This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:

- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*

Comment

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

The subject site has a frontage to Third Avenue, Kensington, midway between Banksia Terrace and Lansdowne Road. This section of the street is characterised by single houses. Figure I below depicts the subject site and surrounds:



Figure I

(b) **Description of the proposal**

The proposal involves extensive additions and alterations to the existing dwelling including the following:

- The addition of a garage, study, family room, dining room, kitchen and alfresco at the ground floor;
- A second story addition, including an activity room, bathroom and two bedrooms; and
- Internal modifications to accommodate the above.

The submitted plans referred to as **Confidential Attachment 10.3.2(a)**, clearly indicate all proposed changes.

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6 (TPS6)*, the R-Codes and relevant Council policies.

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land use – “Single House” is a “P” or “Permitted” land use on the subject site zoned “Residential” (Table 1 of TPS6).
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 “Fencing and Retaining Walls”).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”).
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5).
- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Open space (R-Codes Clause 6.4.1).
- Visual privacy (R-Codes Clause 6.8.1) – *A specific condition requiring details of alfresco screening is recommended to ensure compliance with Clause 6.8.1.*
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Maximum ground and floor levels (TPS6 Clause 6.10) – *Please note a minor variation is sought by the applicant and supported in their letter of justification dated 23 May, included in **Attachment 10.3.2(b)**. The variation is considered to meet relevant performance criteria and is supported by the officer.*
- Building height limit (TPS6 Clause 6.2).
- Significant views (Council Policy P350.9 “Significant Views”).

The following planning matters, which are considered unacceptable, are discussed further below:

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
 - (iv) Sub-clause 4(a) – Averaging of front setback; and
 - (v) Sub-clause 6(a) – Garage setback.

It is considered that this aspect can be addressed through the imposition of Specific Condition (b), as recommended by City officers.

(c) Streetscape Compatibility (Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”))

Clause 7.5 of TPS6 provides a list of matters which should be taken into account by Council when making a determination. Specifically, Clause 7.5(n) states; *“The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.”*

Council P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) herein referred to as P351.5, provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City’s expectations for new developments within the “Arlington” and “Kensington” precincts. The proposed development is generally considered to comply with the provisions of P351.5, with the exception of Sub-clauses 4(a), and 6(a). These matters will be discussed in detail below:

- (i) Sub-clause 4(a) – Averaging of front setback
Sub-clause 4(a) of P 351.5 states; *“Averaging of the primary street setback prescribed in Table 1 of the R-Codes, is not permitted unless the primary*

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

street setbacks of the existing dwellings on each side of the development site fronting the same street, are less than the primary street setback prescribed in Table 1.”

In supporting correspondence provided by the applicant, included in **Attachment 10.3.2(b)**, written justification is provided in support of the reduced setback. This is summarised as follows:

- The dwellings on either side of the subject site have a reduced garage setback;
- Each of these garages has a greater bulk impact on the street than the proposed garage as they have the garage door facing the street, where the proposed garage will have two large windows of similar proportions to the main dwelling; and
- The R-Codes generally allow garages built parallel to the street to be setback 3.0 metres.

It is noted the primary street setback required for land with a density coding of R15 is 6.0 metres. The applicant proposes a minimum street setback of 2.9 metres to the garage.

A review of the property files indicates the existing single house at 9 Third Avenue, was approved, with a minimum street setback of 6.0 metres to the garage and 9.0 metres to the main building. This approved street setback was shown on both the Planning Approval drawings and the Building Licence. In the deputation to the City, the subject property owners states that the street setback as they have measured is 5.9 metres. A copy of the approved site plan has been circulated to the elected members.

The property file for 13 Third Avenue indicates the approved single house on this site has a minimum setback of 4.5 metres to the garage and 10.5 metres.

Given the approved drawings do not show averaging has been applied to 9 Third Avenue, City officers do not support averaging of front setback in this instance. As indicated in the text of Sub-clause 4(a) provided above, averaging of front setbacks is only permitted when each dwelling on either side of the development site has reduced primary street setbacks, and this is not the case for this site.

If approved, the proposal will result in a garage sitting 1.5 metres forward of the adjoining garage on 13 Third Avenue and 3.1 metres forward of the garage at 9 Third Avenue. As such, the officer's view is that it will not sit comfortably within the immediate area.

In addition, while Sub-clause 4(a) requires an assessment of the adjoining properties only, it is considered appropriate to take into account the streetscape character in determining if a reduced setback is appropriate. In this instance, the local focus area comprises of the dwellings on either side of the street, between Banksia Terrace and Lansdowne Road. A site inspection by City officers reveals the predominant character of buildings in the focus area, is of large setbacks to the primary street. Where there is an incursion into the front setback, this is generally by structures such as carports and verandahs which have less of a bulk impact on the street.

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

Given the above, the proposed garage setback is not considered to comply with Sub-clause 4(a), and is not supported.

(ii) Sub-clause 6(a) – Garage setback

Sub-clause 6(a) of P351.5 states; “Garages are to be setback in line with the ground storey façade of the dwelling or further.”

In their supporting correspondence, contained in **Attachment 10.3.2(b)**, the applicant provides written justification in support of the garage alignment. This is summarised as follows:

- (1) *Carports are permitted within the front setback area, however these do not provide a high level of security to the owners of the dwelling. The owners of the dwelling would prefer that passers-by cannot determine if the house is occupied at any given time.*
- (2) *The dwellings on either side of the subject site have garages forward of the dwelling, and as such the proposal is in line with the streetscape character.*
- (3) *The proposed garage has been designed to match the existing building.*
- (4) *The proposed garage has been located to reduce the impact on the existing house, enabling the character of the house to be viewed from the street.*
- (5) *The parallel parking will allow for visitors vehicles to be parked off the street reducing local congestions.*

Officers consider that locating the garage in line with, or behind the building setback line, is a key element in reducing perceived building bulk. While officers acknowledge there are examples of garages protruding forward of the dwelling within this street, the predominant streetscape character is of carports in the front setback area, or garages setback behind the setback line. Sub-clause 6(a) of P351.5 does not detail the instances where garages would be appropriate forward of the building line, and it is understood that this is because residents and consultants involved in the development of the policy did not see this as a desirable outcome. The proposed garage setback is not considered to comply with Sub-clause 6(a), and is not supported.

Sub Clause 6(b) of P351.5 indicates that visually permeable single and double carports are permitted within the front setback area. Specific Condition (b) has been recommended, requiring the applicant to provide revised drawings converting the garage to a carport, prior to the issue of a building permit.

(iii) Conclusion

The proposed development is not considered to be consistent with Objective 1, Sub-clauses 4(a), and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) and as such, it is recommended Specific Condition (b) be included. The conversion of the garage to a carport will ensure the proposed development is consistent with the predominant character of the focus area, and is consistent with the provisions of P351.5.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development.

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

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

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended Specific Condition (b) be included as a part of the approval.

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

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

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

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended Specific Condition (b) be included as a part of the approval.

Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, the property owners at 13 Third Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period. No submission was received during this time.

Information notices were sent to landowners and occupiers at 9 Third Avenue, and 10, 12 and 14 Fourth Avenue in accordance with Council Policy P360 "Informing the Neighbours of Certain Development Applications".

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

10.3.2 Proposed Second Storey Additions and Alterations to Single House - Lot 85 (No. 11) Third Avenue, Kensington

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed dwelling has been designed having regard to solar passive design principles with internal and external living areas located on the northern side of the lot.

Conclusion

The proposed development is not considered to be consistent with Objective 1, and Sub-clauses 4(a), and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). It is recommended the proposal be conditionally approved, and Specific Condition (b) be included to ensure the proposed development is consistent with the predominant character of the focus

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

Location: River Way and Salter Point Parade, Salter Point
Applicant: Mr Michael Cazalet, River Way, Salter Point (petition organiser)
File Ref: LP/209
Date: 4 June 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The City received a petition in April 2013, requesting changes to planning provisions for River Way and Salter Point Parade properties, to address concerns relating to the protection of views of the Canning River and streetscape.

City officers have investigated the petitioners' concerns and propose to undertake preliminary consultation regarding a possible amendment to the building height controls in Town Planning Scheme No. 6 (TPS6) relating to properties in River Way and Salter Point Parade. The Scheme Amendment would moderately reduce the maximum permissible height of dwellings fronting directly onto Salter Point Parade and more effectively protect views from other dwellings.

Officer Recommendation

That

- (a) preliminary consultation be implemented in accordance with clause 9.8(3) of Town Planning Scheme No. 6 to the extent required by Council Policy P301 'Consultation for Planning Proposals' regarding a possible Scheme Amendment for the following purposes:
 - (i) deletion of clause 6.2(2);
 - (ii) amending the Scheme Map – Legend for the purpose of reducing the 3.5 metre building height limit to 2.8 metres;
 - (iii) inserting provisions applicable to land assigned a building height limit of 2.8 metres, requiring that building height is to be measured in the manner prescribed in clause 6.2(1) with the following variations:
 - (A) In addition to the standard requirements in clause 6.2(1)(b), the ground level reference point for measuring building height shall be located within the 2.8 metre building height limit area; and
 - (B) The highest point of the roof shall not be higher than 2.0 metres above the horizontal plane at the 2.8 metre building height limit;
 - (iv) amending the Scheme Map – Building Height Limit for Precinct 13 – Salter Point for the purpose of:
 - (A) increasing the building height limit of the affected portion of Lot 931 (No. 11) Salter Point Parade from 3.0 metres to 6.5 metres; and
 - (B) decreasing the building height limit of the affected portion of Lot 19 (No. 32) River Way from 6.5 metres to 3.0 metres; and
- (b) following receipt of submissions resulting from the preliminary consultation referred to in part (a), a report be presented to the next available Council meeting containing a recommendation as to whether or not the Scheme Amendment should be initiated.

Background

In April 2013, the City received a petition expressing concern about recently approved developments in River Way and Salter Point Parade, Salter Point. The text of the petition reads:

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

“We, the undersigned, say that several developments have been approved recently in the Salter Point area that residents believe do not meet streetscape character or significant view provisions in the current Town Planning Scheme. The undersigned request that the City of South Perth be asked to engage with the Salter Point foreshore community to develop policies that address community concerns about changing streetscapes and loss of significant views and amenity in the area.

Now we ask the Councillors to instruct the Planning Department to suspend all development approvals in the area bounded by the Canning River, Sulman Avenue and Hope Avenue until the intent of the development regulations as originally established in the scheme 3 subdivision plan, the special nature of the district and the respect and reasonable wishes of all residents are taken into account.”

At the April 2013 meeting, the Council resolved to forward the petition to the Director, Development and Community Services for consideration.

The location of the subject area is shown below.



City officers have investigated the matters referred to in the petition and a subsequent letter received from the petition organiser. The petitioners are seeking changes to the existing controls relating to:

- Streetscape character.
- Protection of views.
- Planning assessment processes.

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

In response to the petition, this report now presents the City officers' findings and recommended actions.

Comment

(a) Current and Previous Statutory Planning Provisions

The following provisions currently apply exclusively within the 'River Way Precinct':

Town Planning Scheme No. 6

- Scheme Maps - Building height limits of 3.0, 3.5 and 6.5 metres applied to various parts of the 'River Way Precinct'.
- TPS6 clause 6.2(2) - Additional height restrictions and requirements within the 3.0, 3.5 and 6.5 metres building height limit areas, to prevent signification obstruction of views to the Canning River from buildings on neighbouring land. This clause is proposed to be renumbered as clause 6.1A(9) in Amendment No. 17, which will change and clarify the manner in which the building height is measured. Amendment No. 17 was adopted by Council on 27 November 2012 and is currently awaiting final approval from the Minister for Planning.

Council Policy P306

- Additional requirements for fencing, visitor car parking and vehicle crossovers for properties abutting River Way.

Prior to gazettal of TPS6 in April 2003, the following provisions applied:

Town Planning Scheme No. 3

- Town Planning Scheme No. 3, also known as the Salter Point Parade Guided Development Scheme, operated from 29 March 1974 until it was revoked by TPS6 on 29 April 2003. Amongst other provisions, TPS3 set a preferred subdivision plan; prescribed maximum height limits (including roofs) above Australian Height Datum for Salter Point Parade properties; and required landowners subdividing lots to contribute towards the costs of constructing roads and other works. The extent of the TPS3 Scheme Area is shown below.



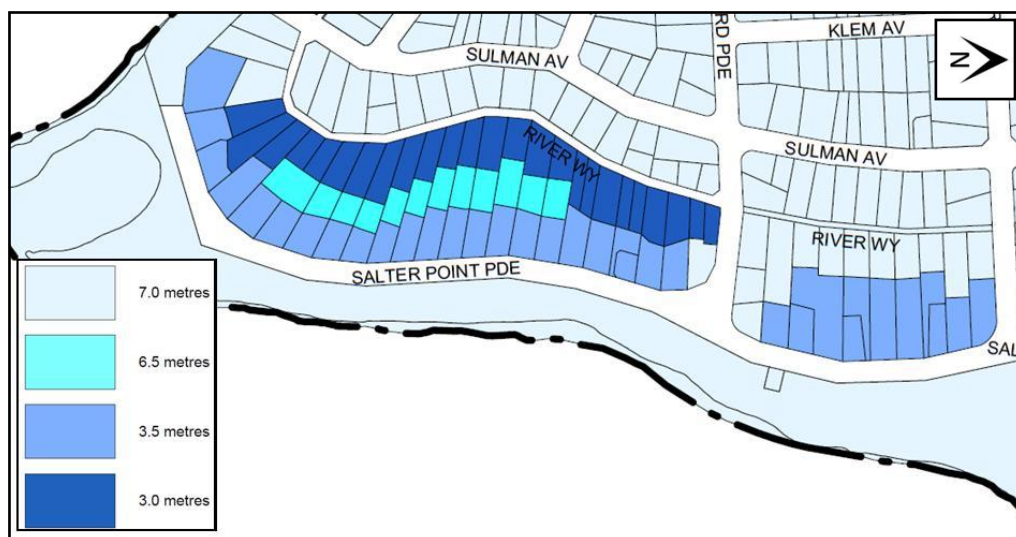
In summary, TPS3 set a maximum height limit of 11.5 metres above AHD (street numbers 1 to 21 Salter Point Parade) and 6.85 metres above AHD (street numbers 22 to 26 and 28 to 42 Salter Point Parade). The subdivision

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

approval for lots within the 11.5 metres area required a more restrictive height covenant for the front lot, in cases where the original lot was subdivided into three new lots. TPS5 set the height limits for the River Way properties. The TPS5 height limits were similar to the current TPS6 limits for River Way properties.

In the 'River Way Precinct', the building height limits imposed by TPS6 were intended to achieve the same outcomes in terms of total building height as the limits imposed by TPS3 and TPS5. However, unlike TPS3, TPS6 does not include roofs in building height measurement. Under TPS6, the total height of buildings on the Salter Point Parade 'front' lots can be slightly higher than was previously possible under TPS3.

TPS6 sets a building height limit (walls only) of 3.5 metres for the front Salter Point Parade lots (street numbers 1 to 26 and 28 to 42), 6.5 metres for the middle Salter Point Parade lots (street numbers 8 to 21), 3.0 metres for eastern side River Way lots (street numbers 18 to 39) and 7.0 metres for all other properties, measured in accordance with clause 6.2(1). An extract of the Building Height Limit Scheme Map for Precinct 13 – Salter Point is shown below.



(b) Findings - Streetscape and Views

River Way (streetscape)

- The residences originally constructed on the 'original lots' between Sulman Avenue/Unwin Crescent and River Way faced onto Sulman Avenue/Unwin Crescent, with rear fences along the western/northern side of River Way.
- 9 of the 21 'original lots' between Sulman Avenue and River Way fronting Sulman Avenue have been subdivided in a 'side by side' manner with the rear of the house facing River Way, compared with 6 'original lots' subdivided in a 'front and back' manner with a house fronting Sulman Avenue and another housing fronting River Way. The remaining 6 'original lots' have not been subdivided further.
- One of the 14 'original lots' between Unwin Crescent and River Way fronting Unwin Crescent has been subdivided in a 'side by side' manner with the rear of the house facing River Way, compared with 7 'original lots' subdivided in a 'front and back' manner with a house fronting

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Unwin Crescent and another housing fronting River Way. The remaining 6 'original lots' have not been subdivided further.

- The design and bulk of buildings varies significantly along River Way.
- Along River Way, there is no consistent 'desired' streetscape character.
- River Way is dominated by high fences and parking structures on both sides of the street.
- Most properties have reduced street setbacks compared to other R20-coded streets within the district.

River Way (views)

- It is impractical to require a new building on the eastern side of River Way that complies with the prescribed 3.0 metres building height limit to be further reduced in height under the provisions of clause 6.2(2) to avoid obstructing views from the residences on the western side of River Way.

Salter Point Parade (views)

- Eight new buildings approved under TPS6 have been built on Salter Point Parade properties (all located south of Howard Parade).
- A review of the development approvals issued for Salter Point Parade properties since April 2003 has identified that buildings are mostly higher under TPS6 height controls than under the former TPS3 that prescribed absolute height limits above AHD for the entire building including the roof.
- A review of these applications has highlighted the difficulty in applicants preparing the necessary sight line plans referred to in TPS6 clause 6.2(2) and officers and Council Members determining whether views are significantly obstructed.
- The on-site inspection did not conclusively determine whether River Way residents' views were significantly obstructed by newer developments on Salter Point Parade.
- The boundaries between the 3.5, 6.5 and 3.0 metres building height limit areas on the Scheme Maps do not always align with the property boundaries.

Petition area north of Letchworth Centre Avenue (streetscape and views)

- The City has not identified any special characteristics in the portion of the petition area north of Letchworth Centre Avenue that warrant the introduction of a precinct streetscape policy or modifications to the operative building height limits.

Construction restrictions (relates to views)

- All buildings are required to have a minimum habitable room floor level of 2.3 metres above AHD, in accordance with clause 6.9(2) of TPS6. The 2.0 metre ground level AHD contour is generally located adjacent to the footpath on the eastern side of Salter Point Parade.
- The minimum ceiling height required by the Building Code of Australia for a residence is 2.4 metres.
- The City's Building Services department has advised that the minimum pitch for a tile roof is 15 degrees or 12.5 degrees with sarking (additional weather protection). Metal roofs can be nearly flat (a minimal slope is required for drainage).
- For a hipped roof, the ridge height is higher when the building is wider and when the angle of the roof is steeper.
- Based upon the Salter Point Parade lot dimensions, it is anticipated by City officers that most new buildings in Salter Point Parade will be

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

approximately 15 metres wide. A building 15 metres in width with a 15 degree roof pitch will have a roof height of 2.0 metres.

(c) Conclusions and Actions

- Streetscape design requirements are not warranted for buildings abutting River Way. Accordingly, the City does not support the preparation of a streetscape policy. The design of buildings proposed within this area will continue to be assessed using the City-wide streetscape policy - Policy P302, which generally requires a new building to demonstrate external design, material and colour compatibility with neighbouring buildings.
- It is too late to initiate a 'front and back' subdivision pattern for Sulman Avenue / River Way properties, because most properties have already been subdivided, most in a 'side by side' configuration.
- The City officers support replacing the existing clause 6.2(2) provisions with more prescriptive and restrictive height controls, so that officers and/or Council Members will not need to make discretionary decisions in relation to whether a proposed building significantly obstructs views. The height limits of the 'front' Salter Point Parade properties will be moderately reduced, to maintain views from the 'middle' lots and those on the eastern side of River Way.
- The neighbour consultation procedures advocated by the petitioners are not supported, as the consultation procedures required by Council Policy P301 are considered to be quite satisfactory.
- For assessment and determination of development applications for River Way and Salter Point Parade properties, there is no need to withdraw the officers' existing delegated authority. The City's Planning Officers will receive a briefing on the new method of measuring building heights generally, including the existing Salter Point requirements, once the soon-to-be-gazetted Amendment No. 17 is in operation.
- To implement the actions referred to above, there is no need to engage a consultant. The high cost involved is not warranted in this instance.

(d) Recommended Scheme Amendment - Building Height Limits

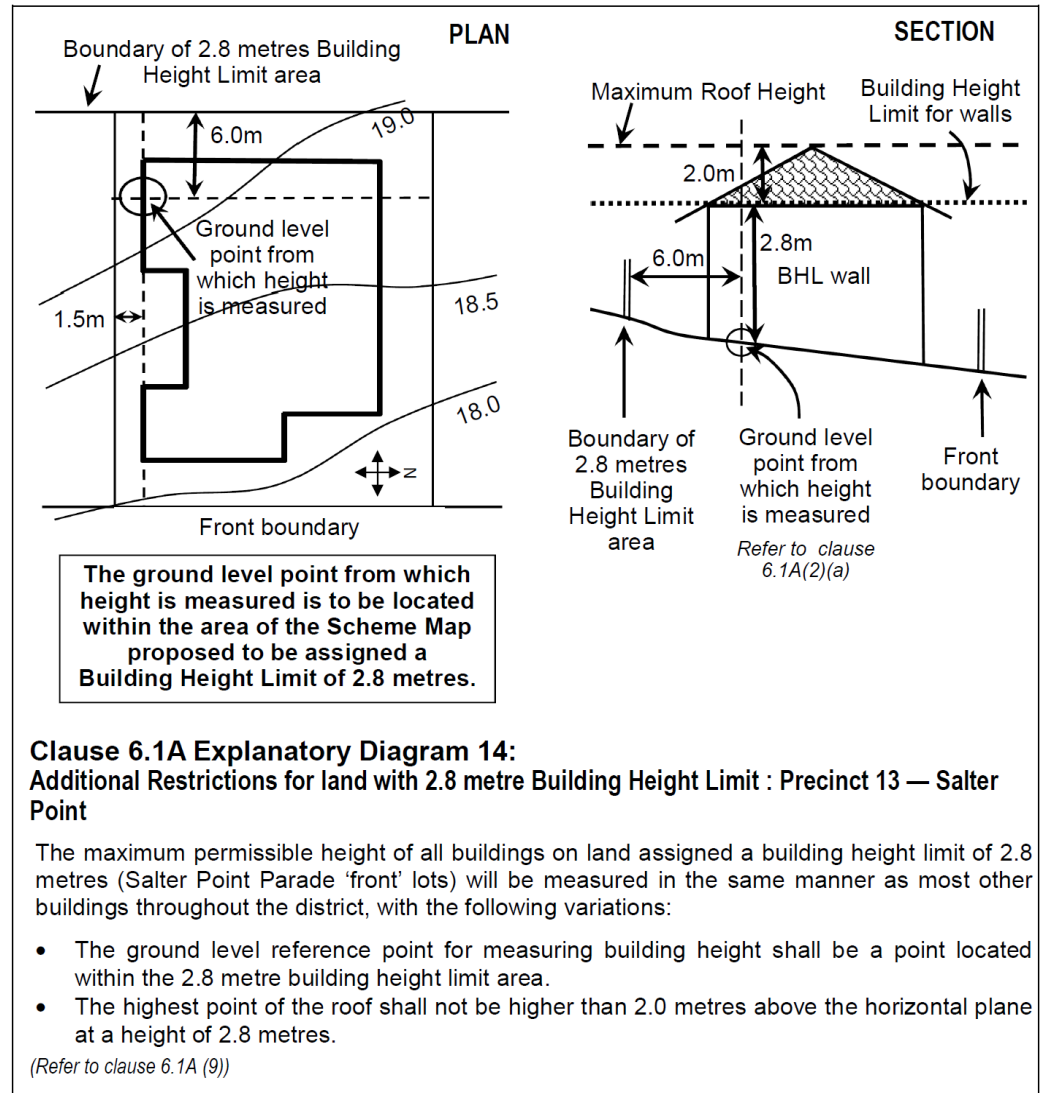
The City proposes to delete the existing provisions contained within clause 6.2(2) of TPS6 and to only retain prescriptive height controls which do not involve the exercise of discretion. The Scheme Amendment is proposed to achieve the following:

- The maximum permissible height of all buildings for land assigned building height limits of 6.5 metres and 3.0 metres (Salter Point Parade 'middle' lots and eastern side River Way lots respectively) will continue to be measured in the same manner as other buildings throughout the district.
- The building height limit for the highest walls shall be reduced from 3.5 metres to 2.8 metres.
- The maximum permissible height of all buildings on land assigned a building height limit of 2.8 metres (Salter Point Parade 'front' lots) will be measured in the same manner as most other buildings throughout the district, with the following variations:
 - The ground level reference point for measuring building height shall be a point located within the 2.8 metre building height limit area.
 - The highest point of the roof shall not be higher than 2.0 metres above the horizontal plane at a height of 2.8 metres.

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

- The portion of Lot 931 (No. 11) Salter Point Parade currently assigned a building height limit of 3.0 metres will be amended to 6.5 metres.
- The portion of Lot 19 (No. 32) River Way currently assigned a building height limit of 6.5 metres will be amended to 3.0 metres.

The following diagram demonstrates the proposed height controls for all buildings on land to be assigned a building height limit of 2.8 metres:



The proposed Scheme Amendment will achieve the following objectives:

- A maximum prescriptive height limit will apply, as in the rest of the district, providing certainty for landowners.
- The assessment of the development applications will be less complex for applicants, City officers and Council Members.
- The proposed height restrictions will maintain adequate views of the Canning River and Perth hills from adjoining properties.
- The roof height restriction will give the owners of most new buildings constructed along Salter Point Parade the option of selecting tiles as a roofing material.
- The height restriction still provides sufficient flexibility in regards to building designs and materials.

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- Minor anomalies will be rectified on two lots where the existing lot boundary does not coincide with the existing boundary between different height limit areas.

The wording in the Officer Recommendation in this report is suitable for implementation of the required 'preliminary consultation' which precedes a Council decision as to whether or not to implement an actual Scheme Amendment. Before initiating a statutory Scheme Amendment, the Planning Officers will more closely consider certain technical issues relating to the operative effect of the Amendment in all situations. This may lead to some refinements to the current wording in the Officer Recommendation, in the course of formulating the text of the Scheme Amendment. Issues to be examined further, among others, include:

- replacement of 'like with like' in accordance with existing Scheme provisions; and
- method of controlling the height of structures such as lighting poles for tennis courts.

Consultation

If the Council supports the recommendation in this report, preliminary consultation will be undertaken by the City as required by clause 9.8(3) of TPS6. Clause 9.8(3) states that "in the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned."

As the petition was not signed by every affected landowner, the City will carry out preliminary consultation to the extent required by Council Planning Policy P301 'Consultation for Planning Proposals'. A notice will be mailed to all owners of land within the subject area and adjacent properties within 'Area 1'. The minimum consultation period is 21 days.

Following this consultation, a report on the resulting submissions will be referred to another Council meeting for consideration. At that meeting, the Council will need to decide whether or not to formally initiate a Scheme Amendment for the purpose requested or for a modified purpose.

Policy and Legislative Implications

The statutory Scheme Amendment processes are set out in the *Town Planning Regulations 1967*.

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

Financial Implications

As the proposed Amendment to building height limits affects many properties, all costs (officers' time, administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne by the City.

10.3.3 Petition requesting changes to protect views and streetscape for land in River Way and Salter Point Parade, Salter Point

Strategic Implications

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

Sustainability Implications

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

Conclusion

In response to the petition, the City recommends that preliminary consultation be undertaken towards a possible Scheme Amendment relating to the building height controls in the ‘River Way Precinct’. The City considers that the proposed course of action will assist landowners, applicants, City officers and Council Members in assessing applications; will sufficiently protect views.

Design restrictions relating to streetscape compatibility are not necessary and would not be effective. Therefore the City does not support the creation of any new streetscape policy.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Swan River Foreshore River Walls – Public Liability Risk Review

Location: City of South Perth
Applicant: Council
Date: 10 June 2013
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

In response to concerns regarding the sustainability of ongoing maintenance of the Swan River Foreshore, the City commissioned a public liability risk review from the Local Government Insurance Service of Western Australia. This review identifies, assesses, and provides treatment suggestions for public liability risks, hazards and issues concerning the river walls and immediate foreshore area of the Swan River South Perth Foreshore.

Officer Recommendation

That Council agree to

- (1) Continue with existing controls specifically the inspection and maintenance program and isolation fencing; and
- (2) Improve existing controls through asset management practices, documentation of inspection and maintenance programs and conduct a review of warning signage at the South Perth Foreshore;
- (3) In conjunction with the Swan River Trust, review the risk treatments that can be applied to Sections 2 and 4 with consideration of risk reduction, operational practicality, cost, ease of implementation and ongoing maintenance; and
- (4) Forward a copy of the Swan River Foreshore River Walls Public Liability Risk Review to the Minister for the Environment and the General Manager of the Swan River Trust for information.

Background

The river walls of the Swan River Foreshore have been in place for over fifty years and in response to erosion and environmental factors have been subject to ongoing maintenance and upkeep by the City and the Swan River Trust.

The City has been addressing the river wall erosion issue through its inspection and maintenance program, engaging specialist consultants for condition report and seeking funding from State and Federal Governments. However, the current maintenance efforts by the City are not sustainable as high tides and storms result in fill material from behind the river walls being continually secreted out to the River.

In August 2012 the Council resolved to install safety fences at two locations along the Swan River to prevent physical harm to third parties as the river walls were deemed to be beyond economic repair with replacement the only option.

Following on from the Council's resolution, the City commissioned Local Government Insurance Services (LGIS), Western Australia to provide a report identifying, assessing, and providing treatment suggestions for public liability risks,

10.5.1 Swan River Foreshore River Walls – Public Liability Risk Review

hazards and issues concerning the river walls and immediate foreshore area of the Swan River South Perth Foreshore. A copy of the report can be found at **Attachment 10.5.1**.

Comment

A site inspection of the South Perth Foreshore was conducted by LGIS on 9 January 2013. Four distinct foreshore sections were covered, with a focus on river walls and the immediate foreshore area:

Section 1: Ellam Street to Wesley College Boat Shed

Section 2: Wesley College Boat Shed to West Beach

Section 3: West Beach to narrows Bridge

Section 4: Narrows Bridge to Boat Ramp / Jetty (No. 1380)

On inspection, isolated areas were noted to contain damage to river wall capping and to the face of the river wall, there was also evidence of soil behind the wall eroding and subsiding due to the action of water overlapping the wall. In some locations, erosion is impacting beyond the immediate foreshore and degrading existing path infrastructure. The condition of the walls is consistent with their age and the environmental forces they are exposed to.

At multiple locations there are examples of attempted repairs and treatments to the walls and surrounds (including infilling, returfing, concreting, signage and isolated fencing).

In the short term, the study recommended that the City of South Perth:

- Continue its existing controls specifically the inspection and maintenance program and isolation fencing; and
- Improve its existing controls through asset management practices, documentation of inspection and maintenance programs and conduct a review of warning signage at the South Perth Foreshore.

The study also recommended that the City of South Perth, in conjunction with Swan River Trust:

- Review the risk treatments that can be applied to Sections 2 and 4 with consideration of risk reduction, operational practicality, cost, ease of implementation and ongoing maintenance.

In the view of LGIS, the 'replace and/or repair of the river walls' treatment option presents the most effective option.

The condition of the Swan River walls – particularly on the northern and Como foreshores - has been of increasing concern. The walls in certain areas have deteriorated to such an extent that replacement is the only feasible option. During the recent state election campaign the Liberal Party committed \$1.35 million to upgrading the walls in the vicinity of Mends Street Jetty where the wall to the east has collapsed and is now fenced. This contribution is now being sought from the government.

Consultation

The Swan River Trust and the Minister for the Environment are well aware of the condition of the Swan River walls along the northern foreshore.

Policy and Legislative Implications

The Swan and Canning River Management Act 2006 provides that the Swan River Trust and the relevant Local Authority are jointly responsible for the control, management and maintenance of the river walls and river park shoreline.

Financial Implications

Replacement of walls is extremely expensive at approximately \$6000 per linear metre. Significant effort is made in sourcing government funding through grants, etc. Unfortunately, funds for this purpose are limited – the Swan River Trust has typically only \$1 million per annum for all 21 Local Governments within the metro area.

Strategic Implications

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

The recommended actions are also consistent with the [Corporate Plan 2013-2017](#), Objective 5.4 “Advocate for and facilitate effective management of Swan and Canning River foreshore infrastructure” and strategic initiative 5.4.1 “Complete the Kwinana Freeway Foreshore Management Plan and continue to undertake improvement works and pursue grant funding opportunities for upgrading and replacement of northern and western foreshore river walls”.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). It is the City’s objective to provide infrastructure that is fit for purpose, safe, cost effective and meets the current and future needs of the community.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - May 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 13 June 2013
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

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

Officer Recommendation

That

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

Background

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

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

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater).

10.6.1 Monthly Financial Management Accounts - May 2013

Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

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

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

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

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

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

Comment

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

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

Operating Revenue to 31 May 2013 is \$44.74M which represents just under 100% of the \$44.80M year to date budget. Revenue performance is very slightly behind budget expectations overall although there are some individual line item differences either way.

10.6.1 Monthly Financial Management Accounts - May 2013

Meter parking and infringement revenue are now in line with budget expectations. Reserve interest revenues are consistent with the (revised) budget expectations whilst Municipal Fund interest revenue is likely to be 1% behind budget by year end. Rates revenue is now ahead of budget because of additional interim rates and higher interest revenues and administration fees from the instalment payment options whilst UGP instalment revenue is below expectations due to more property owners paying UGP charges upfront. Debt collection cost recoveries are also ahead of budget but are offset by additional collection costs. Property rental income, including recoverable utilities costs, is also very close to budget at this stage of the year.

Planning revenues are now 6% ahead of budget target - assisted by the receipt of revenues relating to an unbudgeted DAP application. The full year target for planning revenues appears likely to be achieved at this stage. Building Services revenues are now 1% ahead of budget and the revised full year target appears attainable based on current performance. Fiesta revenue is some \$30K under budget following the delayed acquittal of budgeted sponsor contributions. It is expected that this timing difference will reverse by 30 June 2013.

Collier Park Village revenue is close to budget expectations whilst Collier Park Hostel revenue is 1% unfavourable to budget due to lesser than anticipated receipt of commonwealth subsidies.

Golf Course revenue is now 1% ahead of budget after another strong monthly performance on green fees - with the full year target very likely to be attained.

Infrastructure Services revenue overall is on budget for the year to date. The largest revenue item in the Infrastructure area is waste management levies which are on target - albeit that the budget target for Transfer Station entry fees has not been achieved. There are also some additional contributions revenues for third party private works - which have resulted in some additional costs being incurred in the recoverable works area. Nursery revenue is currently 23% below budget.

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

Operating Expenditure to 31 May 2013 is \$44.68M which represents 99% of the year to date budget of \$45.21M. Operating Expenditure is 3% under budget in the Administration area, 5% over budget for the golf course and 1% under in the Infrastructure Services area.

For most administration areas, cash operating expenses are typically on budget or favourable to budget due to a combination of factors including favourable timing differences on invoicing by suppliers for materials, savings on utilities, currently vacant staff positions and less than budgeted allocations of corporate support costs. Garden maintenance and minor building maintenance at the Collier Park Village and Hostel are both favourable to budget at present which helps offset the weaker revenue performance in these areas.

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

10.6.1 Monthly Financial Management Accounts - May 2013

Streetscape maintenance is now only 1% over budget as the program comes back towards budget expectations after earlier accelerated works associated with the street tree maintenance program.

Building maintenance activities are 10% favourable to budget due to earlier delays in sourcing contractors as required but this favourable timing difference has been reversing for the past few months.

In the Engineering Infrastructure area, maintenance activities on paths, drainage and bus shelter maintenance are now only 3% under budget with the earlier timing difference having corrected over the last month. Anticipated charges for street lighting appear to now be likely to slightly exceed the revised budget.

Fleet operating costs are currently showing as 19% unfavourable. Approximately 1/3 of this variance is attributable to under recovery of budgeted plant hire charge-out. The remaining 2/3 of the unfavourable variance relates to higher than budgeted costs for repairs and servicing - contributed to by a number of larger unplanned tyre replacements and some unexpected major plant item repairs.

Cash operating expenses and recoveries in the overheads area for the Engineering Infrastructure area are very close to budget. Recoveries against jobs for overheads in the City Environment area are significantly behind budget and will require reallocation back against the specific service areas such as parks maintenance to rectify this at year end.

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

Golf Course expenditure is currently unfavourable to budget by 5% overall. Items including accelerated spending on some maintenance activities and unplanned consultancy costs associated with the Island Nine upgrade have contributed to the over spend. Remedial actions have had some effect in reducing course maintenance costs back to a level closer to budget expectations to avoid further depletion of the golf course cash reserves - however electricity costs have been problematic. It is believed that a satisfactory resolution to the problem has been identified and is in effect from now on.

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 0.8% under the budget allocation for the 228.9 FTE positions approved by Council in the budget process. Factors impacting this include vacant positions in the process of being filled, staff on leave and timing differences on receipt of agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**. Capital Revenue is disclosed as \$1.96M at 31 May - 19% under the year to date budget of \$2.43M. However, this is largely due to the disposal of the Vista St land which was settled in mid - June (after this reporting period). Details of capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 May is \$8.98M representing 76% of the year to date budget. The table reflecting capital expenditure progress versus the year to date

budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards (refer Item 10.6.4)

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	96,000	31,045	32%	186,000
Major Community Projects	350,000	240,401	68%	600,000
Financial & Information	894,000	706,183	79%	900,000
Develop & Community	770,000	725,151	94%	770,000
Infrastructure Services	9,329,500	6,846,305	72%	9,760,512
Waste Management	161,250	112,546	70%	165,000
Golf Course	217,510	288,959	133%	236,014
UGP	0	27,901	-%	0
Total	11,818,260	8,978,491	76%	12,617,526

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 12 June 2013
Authors: Michael Kent and Deborah Gray
Reporting Officer: Michael Kent, Director Financial and Information Services

Summary

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

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

Officer Recommendation

That Council receives the 31 May 2013 Statement of Funds, Investments and Debtors comprising:

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

Background

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

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

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

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

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

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2013

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 \$43.79M (\$45.26M last month) compare favourably to \$40.94M at the equivalent stage of last year. Reserve funds are \$2.9M higher overall than the level they were at the same time last year - reflecting \$1.1M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.3M higher. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Technology Reserve is \$0.1M higher. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.3M and \$0.5M higher respectively. The CPGC Reserve is also \$0.3M lower after funds were applied to the Island Nine project. The Future Transport Reserves is \$0.1M higher whilst various other reserves are modestly lower.

Municipal funds are almost the same as at this time as a consequence of the timing of cash outflows on capital projects despite collections from rates being ahead of last year's excellent result so far.

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$6.7M (compared to \$9.0M last month). It was \$6.8M at the equivalent time in the 2011/2012 year. **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$43.4M compared to \$38.8M at the same time last year. This is due to higher cash investments as a consequence of good collections - but a lesser balance of cash held in the Municipal bank account.

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

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

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

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2013

25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$2.00M. This compares to \$2.20M at the same time last year. Prevailing interest rates have been significantly lower for much of the year - and appear likely to keep continue trending downwards. It is evident that interest revenue will now be close to budget targets by year end - after this was addressed in the next Budget Review.

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

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

The weighted average rate of return on financial instruments for the year to date is 4.64% with the anticipated weighted average yield on investments yet to mature now sitting at 4.12% (compared with 4.18% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.75% since the December Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of April 2013 (after the due date for the final instalment) represent 97.5% of rates levied compared to 97.2% at the equivalent stage of the previous year.

This result not only reflects good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods but, more importantly, reflects the proactive collection efforts of the City's Rates Officer. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies have provided strong encouragement for ratepayers - as evidenced by the collections to date.

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

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$2.47M at month end (\$1.79M last year). GST Receivable is \$0.8M higher than the balance at the same time last year but Sundry Debtors are slightly lower than last year due to outstanding contributions for building works, road works, Fiesta events whilst Pension Rebate Claims and Balance Date Debtors are significantly lower.

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

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.35M was collected by 31 May with approximately 98.3% of those in the affected area having now paid in full and a further 1.8% opting to pay by instalments. The remaining few properties were disputed billing amounts which have been pursued by external debt collection agencies as they were not satisfactorily addressed in a timely manner. Collections now represent 99.4% of the billed amount - including interest and charges.

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

Since the initial \$4.54M billing for the Stage 5 UGP Project, some \$3.80M has already been collected with 83.6% of property owners opting to settle in full and a further 24.7% paying by instalments so far. The remainder (1.5%) have yet to make a satisfactory payment arrangement and collection actions are currently underway.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2013

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

Sustainability Implications

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

10.6.3 Listing of Payments

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 11 June 2013
Authors: Michael Kent and Deborah Gray
Reporting Officer: Michael Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 May 2013 and 31 May 2013 is presented to Council for information.

Officer Recommendation

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

Background

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

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

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

Comment

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

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

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout

10.6.3 Listing of Payments

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

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

- **Non Creditor Payments**

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

10.6.4 Capital Projects Review to 31 May 2013

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

Summary

This report tables a schedule of actual financial performance in delivering approved capital projects to 31 May 2013. Officer comments are provided on the significant identified variances as at the reporting date.

Officer Recommendation

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 May 2013, as per **Attachments 10.6.4(1) and 10.6.4(2)**, be received.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 76% of the year to date target - and 71% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

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

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

Some of the currently incomplete capital expenditure reflects projects that are proposed to be carried forward into the new year - a process which is important not

10.6.4 Capital Projects Review to 31 May 2013

only for workforce continuity but also in effectively managing organisational cashflows.

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
Date: 3 June 2013
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

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

Officer Recommendation

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

Background

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

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

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

Comment

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

Consultation

During the month of May 2013, fifty-seven (57) development applications were determined under delegated authority at **Attachment 10.6.5**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Sustainability Implications

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

10.6.6 Annual Tender 5/2013 - Supply of truck mounted sweeping services

Location: City of South Perth
Applicant: Council
Date: 31 May 2013
Author: Fraser James, Tenders and Contracts Officer
Reporting Officer: Les Croxford, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 5/2013 for 'The Provision of Truck Mounted Sweeping Services'.

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

Officer Recommendation

That Council accepts the tender submitted by Envirosweep for 'The Provision of Truck Mounted Sweeping Services' in accordance with Tender Number 5/2013 for the period of supply up to 30 June 2015 inclusive.

Background

A Request for Tenders was recently called for 'The Provision of Truck Mounted Sweeping Services'. Tender 5/2013 was advertised in the West Australian on Saturday 6 April 2013.

At the close of the tender advertising period three (3) submissions from registered companies had been received which are tabled below.

Tenderer	Estimated Tender Price (GST Exclusive)
Envirosweep	\$299,813
Specialised Sweeping Services	\$379,250
Clean Australia Environmental Solutions	\$491,458

This tender forms part of the City's annual supply tenders. The provision of truck mounted sweeping services is essential to facilitate the completion of the 2013/2014 street sweeping maintenance program.

Comment

Tenders were invited as a Schedule of Rates Contract based on a series of fixed schedules. The schedules do not include the district sweep which is undertaken each quarter by the Town of Victoria Park under a negotiated Memorandum of Understanding. The Town of Victoria Park does not have the capacity to undertake the additional street sweeping listed in Tender 5/2013. The estimated contract value was determined using a schedule of rates based on a series of fixed price schedules of sweeping to be done during the 2013/2014 financial year. (The City does not guarantee that this amount of sweeping will be done during the contract period).

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

Table A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Experience and Capacity	20%
2. Personal	10%
3. Plant	10%
4. Price	60%
Total	100%

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

Table B - Weighted Score and Estimated Tender Prices

Tenderer	Estimated Tender Price (GST Exclusive)	Weighted Score
Envirosweep	\$299,813	8.9
Specialised Sweeping Services	\$379,250	7.3
Clean Australia Environmental Solutions	\$491,458	5.6

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

The tender submitted by Envirosweep was the lowest of all tenders received and recorded the highest score of 8.9 in the evaluation matrix. The recommended tenderer has undertaken similar work for other local authorities such as the City of Rockingham, City of Nedlands, Town of Mosman Park, Town of Claremont and Mindarie Regional Council. They have also completed work for Leighton Contractors, John Holland Group, Transfield, Thiess, Boral and Downers.

Based on the assessment of all tenders received for Tender 5/2013, this report recommends to Council that the tender from Envirosweep be accepted for the period of supply up to 30 June 2015 inclusive in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B.

Consultation

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

The City has sought advice from the WALGA Tender Advice Bureau in preparing this Tender.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

10.6.6 Annual Tender 5/2013 - Supply of truck mounted sweeping services

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

Financial Implications

Full cost of the works reflected in the tender has been provided in the current 2013/2014 Operations and/or Capital Works Budgets.

Strategic Implications

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

Sustainability Implications

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

The service will strengthen the City's Engineering Infrastructure team by ensuring that they have access to a wide range of sweeping services at competitive rates.

10.6.7 Annual Tender 8/2013 – Provision of Catering Services

Location: City of South Perth
 Applicant: Council
 File Ref: Tender 8/2013
 Date: 3 June 2013
 Author: Sabrina Bruni, Arts and Events Coordinator
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

This report considers submissions received for Tender 8/2013 for the provision of catering services for a range of meetings and functions held at the City of South Perth.

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

Officer Recommendation

That Council accepts the tender submitted by Ultimo Catering for the 'Catering Services for a range of meetings and functions held at the City of South Perth' in accordance with Tender Number 8/2013 for the period of supply up to 30 June 2015 inclusive.

Background

A Request for Tenders was recently called for the 'Catering Services for a range of meetings and functions held at the City of South Perth'. Tender 8/2013 was advertised in the West Australian newspaper on Saturday 13 April 2013.

At the close of the Tender advertising period five (5) submissions from registered companies had been received as listed below:

		Ultimo Catering	WA Venue Catering	Innovations	By Word of Mouth	Acclaimed
	Description	Price per meal				
A	Council Dinners	\$49.00	\$ 48.00	\$33.50	\$ 47.50	\$ 51.00
B1	Casual Civic Receptions	\$16.50	\$ 24.00	\$13.50	\$ 21.50	\$ 18.00
B2	Formal Civic Reception	\$24.00	\$ 29.00	\$16.50	\$ 24.00	\$ 30.00
B3	VIP Reception	\$30.00	\$ -	\$24.00	\$ 35.00	\$ 48.00
C	Formal Meal	\$60.00	\$ -	\$53.00	\$ 65.00	\$ 75.00

This tender forms part of the City's annual supply tenders and is for a period of two (2) years, expiring on 30 June 2015. This contract will be subject to a performance review to be conducted every two months, from the start of the contract. Finally, the Contract pricing is fixed annually for a period of (24) months.

Comment

The estimated contract value was determined by the previous year (2012/2013 financial year) annual spend, plus CPI on catering services. The City does not guarantee that this amount of catering service will be available during the contract period.

10.6.7 Annual Tender 8/2013 – Provision of Catering Services

WA Venue catering chose not to provide a quotation for catering service types B3 and C, however the tender was still considered as all other qualitative selection criteria had been adhered to.

The Tenders were reviewed by an evaluation panel comprising the Arts & Events Coordinator, Corporate Projects Officer (on behalf of the Manager of Governance & Administration) and the Civic Functions & Ceremonies Officer. The submissions were assessed according to the qualitative criteria outlined in the Request for Tender. For ease, the qualitative criteria are detailed in Table A below.

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting Factor
Local Supplier	5%
Scope of Service	25%
Referees (testimonials)	10%
Experience	40%
Price	20%
Total	100%

The weighted score and estimated contract value of each tender received is noted in Table B below. In order to include WA Venue Catering in the selection process, and to better reflect the best outcome for the City, the evaluation is to be split according to the below service type groups:

- Supply of Catering Services for categories A,B1 & B2
- Supply of Catering Services for categories B3 & C

TABLE B - Weighted Score and Estimated Tender Prices

Supply of Catering Services for categories A, B1 & B2 in order of highest weighted score:

Tenderer	Annual Estimated Tender Price (GST Exclusive)	Weighted Score
Ultimo Catering & Events	\$89,500.00	7.88
By Word of Mouth	\$93,000.00	7.20
Innovations	\$63,500.00	7.13
WA Venue Catering	\$101,000.00	6.37
Acclaimed	\$99,000.00	5.71

Supply of Catering Services for categories B3 & C in order of highest weighted score:

Tenderer	Annual Estimated Tender Price (GST Exclusive)	Weighted Score
Ultimo Catering & Events	\$90,000.00	8.36
By Word of Mouth	\$100,000.00	7.51
Innovations	\$77,000.00	7.13
Acclaimed	\$123,000.00	5.64
WA Venue Catering	N/A	N/A

10.6.7 Annual Tender 8/2013 – Provision of Catering Services

Based on the Panel's evaluation, the tender from Ultimo Catering represented the highest rated assessment against the qualitative selection criteria and in addition, Ultimo Catering recorded the highest weighted score against all categories.

Based on the assessment of all tenders received for Tender 8/2013, this report recommends to Council that the tender from Ultimo Catering be accepted for the period of supply up to 30 June 2015 in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B.

This report also recommends that the caterers, By Word of Mouth and Innovations should remain on a quotation panel that may be invited to quote on unique events that occur outside of the City's regular calendar of events, or where Ultimo are unavailable to provide a catering service.

Consultation

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

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

Financial Implications

The full cost of the works is reflected in the draft 2013/2014 operating budget and will be taken into account during formulation of the 2014/2015 operating budget.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). A key criteria of the Catering Tender was that the contractor should at all times place a priority on fresh, locally produced (within Western Australia), nutritionally balanced cuisine.

10.6.8 Annual Tender 11/2013 - Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths

Location: City of South Perth
Applicant: Council
File Ref: Tender 11/2013
Date: 3 June 2013
Author: Fraser James, Tenders and Contracts Officer
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 11/2013 for the 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths'.

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

Officer Recommendation

That Council accepts the tender submitted by Cobblestone Concrete for the 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths', in accordance with Tender Number 11/2013 for the period of supply up to 30 June 2014 inclusive.

Background

A Request for Tenders was recently called for the 'Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths'. Tender 11/2013 was advertised in the West Australian on Saturday 27 April 2013.

At the close of the Tender advertising period four (4) submissions from registered companies had been received which are tabled below:

Tenderer	Estimated Tender Price (GST Exclusive)
Nextside P/L	\$196,900
Cobblestone Concrete	\$197,800
Dowsing Concrete	\$267,800
Cobblestone	\$315,900

The replacement of existing concrete slab footpaths with in-situ concrete footpaths is essential to facilitate the completion of the 2013/2014 capital works and maintenance program. This tender forms part of the City's annual supply tenders and is for a period of supply of one (1) year, expiring on 30 June 2014. Subject to satisfactory performance, there is scope to renew the Contract for a further twelve (12) months to 30 June 2015.

Finally, the Contract pricing is fixed for the first twelve (12) months period of supply, thereafter subject to "Rise and Fall" but not exceeding the changes in CPI (for Perth) as published by the Australian Bureau of Statistics.

10.6.8 Annual Tender 11/2013 - Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths

Comment

Tenders were invited as a Schedule of Rates Contract. The estimated contract value was determined using 3,000 square metres of path as the notional quantity of path to be replaced during the 2013/2014 financial year (the quantity of pathway is an estimate only and the City does not guarantee that this amount of path will be replaced during the contract period).

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

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to do the service on time	20%
2. Conformity with tender specification	10%
3. Referees	10%
4. Price	60%
Total	100%

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

TABLE B - Weighted Score and Estimated Tender Prices

Tenderer	Estimated Tender Price (GST Exclusive)	Weighted Score
Cobblestone Concrete	\$ 197,800	9.1
Nextside P/L	\$196,900	8.9
Dowsing Concrete	\$267,800	7.2
MMM (WA) Pty Ltd	\$315,900	5.7

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

The tender submitted by Cobblestone Concrete recorded the highest score of 9.17 in the evaluation matrix. Nextside P/L was slightly lower in price but did not score as high in the evaluation. The recommended tenderer has previously undertaken similar work for the Town of Vincent, Town of Cottesloe, City of Subiaco, Town of Cambridge and they have expressed their satisfaction with the current level of service and quality of work undertaken by Cobblestone Concrete.

Based on the assessment of all tenders received for Tender 11/2013, this report recommends to Council that the tender from Cobblestone Concrete be accepted for the period of supply up to 30 June 2014 in accordance with the Schedule of Rates and estimated contract value (GST Exclusive) as noted in Table B. Subject to satisfactory performance over the one year period of supply, there is scope to renew the Contract for a further 12 months to 30 June 2015.

Consultation

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

10.6.8 Annual Tender 11/2013 - Replacement of Existing Concrete Slab Footpaths with Poured In-Situ Concrete Footpaths

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

Financial Implications

The full cost of the works is reflected in the 2013/2014 capital works and maintenance budgets and will be taken into account during formulation of the 2014/2015 annual budget should the City decide to renew the Contract for a further 12 months.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This tender will ensure that the City is provided with the best available service to complete the works identified in the 2013/2014 annual budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable maintenance of the City's slab path network.

The service will strengthen the City's Infrastructure Services Directorate by ensuring that it has access to a quality slab path replacement at highly competitive rates.

10.6.9 Development Application Plans Viewed Online

Location: City of South Perth
Applicant: Council
Date: 29 May 2013
Author: Vicki Lummer, Director Development and Community Services
Michael Kent, Director Information and Financial Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report explains the requirements for the City to allow development application plans to be viewed by the general public on line. It also details timeline and costs for the project.

Officer Recommendation

That

- (a) a project team working in conjunction with the relevant consultants commence the development of a project plan and time line to deliver the functionality to allow online viewing of development applications by 31 October 2013.
- (b) A funding allocation of \$20,000 be considered in the 2013/2014 budget to facilitate the delivery of this project

Background

At the March 2013 Council meeting the following motion was carried:

That the City:

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

This report is consistent with the resolution.

Comment

There are a number of issues that have needed to be considered before this initiative can be progressed (including - but not necessarily limited to):

- The most preferred format for plans to be submitted
- Gaining the applicant's consent to make the plans available online
- Uploading and routing of plans online
- Document version control and storage requirements
- Record keeping obligations
- Supplementary and supporting information (for example traffic reports, streetscape photographs or other consultants reports)
- Whether existing software can be modified, 'shelf' software can be acquired, or a separate 'work around' could be developed

As an initial measure, it was determined that the most informed manner to approach the research about this proposal was to learn from the experiences of a peer local government that has already implemented this initiative - so a site visit was undertaken to the City of Vincent.

Following this site visit and other information gathering and investigation, it has been determined that the most effective format for capturing, circulating and viewing the plans at a suitably high resolution is PDF format. The reason for this is that it is a

10.6.9 Development Application Plans Viewed Online

widely used and accessible technology that does not require the use of specialised software to view plans. It also assists with remote access because PDF is very efficient in compressing documents to a file size that facilitates faster download times.

The City of Vincent requires applicants to submit plans electronically in PDF format and this would be the approach recommended for the City to take. If plans can only be submitted as hardcopy, they could be scanned and uploaded. However, this is not generally recommended as it is resource intensive and the resolution quality of the plans is poorer.

City staff need to upload the electronically submitted PDFs to the website using an FTP application. There is no technology cost associated with this - only staff time. In order to allow public access to the plans on the City website, a new landing page would need to be created for this feature - but the cost of doing so is relatively modest, so it would primarily be a matter of securing developer time. A potentially more significant resourcing issue would be the preparation of all of the explanatory material, related links and reference materials in a web-suitable format. This would require a commitment of staff time within the Planning Services area to create the information and maintain it.

The City has investigated possible copyright implications with allowing public access to plans and has recently introduced a new consent form that applicants complete upon submission of their development application meaning that potential risks from implementing the public viewing of plans online are mitigated. All current development applications require a consent form to be signed to make plans available on-line for public comment (where consultation is required).

At present, the City of Vincent has not considered the matter of integration of their online lodgement process with their electronic document management system. However from the City of South Perth's perspective, integration with HP Trim to facilitate ease of access and storage (and to comply with statutory record keeping obligations) is a critical matter - and one that warrants further investigation if this initiative is to proceed.

The administration will also need to establish and enforce file naming conventions to ensure the integrity of the records database and facilitate ease of access.

Should Council desire to progress this initiative, there will need to be provision made for technical consultants to work with City staff on the project for:

Integration with core corporate applications (Authority)	2 - 3 days
Training of staff	3 - 5 days
Integration with document management system (HP Trim)	5 days
Website modification and testing	2 days

These consulting days would not be concurrent as there would be significant precursor work to be undertaken by Records, IT and Planning Services staff before and between the different consultant's interventions.

As an alternative to the above, modification to existing software or new 'shelf' software may be suitable. Investigations are continuing in this regard. The 'in-house' work identified in this report is basically common to all options. Other funding opportunities are being identified. For example, the City will be making an application for NBN funding and this seems to be one of the many potential applications that can be implemented with such funding.

10.6.9 Development Application Plans Viewed Online

The commitment of Planning Officer time would involve creating the supplementary information, Records Officer time for investigating and testing integrations and Communications staff time in reviewing and posting the new content to the City website. Probably the largest commitment of time will be in preparing web friendly content in relation to our planning process and requirements as this would be a critical precursor to the (future) online lodgement of plans.

Assuming budget provisions can accommodate this project beginning in July 2013, it is anticipated that online viewing of plans by the public could potentially be occurring as early as the end of October 2013.

As a future opportunity, following the election of the new Council in October, the City could move to electronic agenda papers created using the InfoCouncil software and distributing the papers via a MDM (mobile device management) solution with Council Members using an application known as PDF Expert that can be used on an iPad.

The new process suggested above whereby plans are submitted in PDF formatted would make it relatively simple to transition to this enhanced method of delivering agenda papers where plans are hyperlinked directly from the agenda papers. This could be facilitated from the same file storage location whether the audience was public or Council members thereby removing the need for duplicate copies of the document.

Consultation

There is no community consultation required for this project to be implemented, however, City officers have consulted with a neighbouring local government that has implemented such an initiative and have had preliminary discussions with relevant technology partners.

Policy and Legislative Implications

The City has investigated possible copyright implications with allowing public access to plans and has recently introduced a new consent form that applicants complete upon submission of their development application.

Financial Implications

The cost of implementing the above project is considered to be in the vicinity of \$20,000 plus additional commitment of officer time.

Strategic Implications

This report relates to item 6.4.3 of the City's Corporate Plan 2013-2017 - Electronic Development Application System.

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The provision of information in an electronic format reduces the need to consume paper resources and is therefore considered a more sustainable method of information delivery.

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR LAWRENCE

I hereby apply for Leave of Absence from all Council Meetings for the period 9 July to 2 August 2013, inclusive

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

13.1.1 Questions from Cr Reid

At the 28 May 2013 Ordinary Council Meeting, four questions from Councillor Reid were taken on notice. In a letter dated 13 June 2013 the Chief Executive Officer provided responses to Councillor Reid's questions as follows:

Summary of Questions

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

Question 1

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

Question 2

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

Question 3

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

Question 4

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

Summary of Response

Response 1

The Old Mill precinct is a very significant site, rich with local and aboriginal heritage and history and it has been recognised by the City for a considerable time that the area, given its strategic location (even more so now given the development of the nearby Elizabeth Quay project), is underutilised and in need of enhancement. The Old Mill Concept Plan has been thoroughly considered by Council on many occasions over a long period of time, has been the subject of extensive community consultation and funds have been allocated in successive budgets for research, investigations, surveys and progressive implementation. As a result, this project is significantly more advanced than the South Perth Foreshore Project. The Old Mill Concept Plan, which has been adopted by Council in principle, may be implemented independently as and when funds become available.

Response 2

Yes. Estimates of the costs of the project to the east of the Narrows have been included in reports to Council. As previously indicated in reports to Council, it will not be possible for the City to independently fund the entire project and there is no intention that this should occur. The only way in which this project will proceed in its entirety is if significant grant funding or other sources of funding are obtained.

Response 3

Yes. As mentioned above, the Old Mill project, is significantly more advanced than the South Perth Foreshore Project and has been approved in principle by Council. The third and last study authorised by Council in February 2012 in relation to the Old Mill Concept is currently being assessed by the Aboriginal Materials and Cultural Committee and approval is anticipated by the end of next month. It would not be appropriate to allocate all funds from this project or works otherwise associated to the whole of the South Perth foreshore to a single project in Mends street. That is not the intention of South Perth Foreshore Project.

Response 4

No. As indicated above, the Old Mill project is significantly more advanced than the South Perth Foreshore Project and has already been approved in principle by Council. The draft South Perth Foreshore Project has not yet been released for community consultation. It would, therefore, not be appropriate at this stage to reallocate funds to a project which has not yet been subject to a thorough community consultation process, has not been agreed to by Council (even in a concept form), and which has not yet reached the stage of being adopted by Council in principle. In addition, there are clearly no components of the project that can, at this stage be determined as financially feasible because the components are unknown. As a consequence, no Business case has yet been conducted of any component of the South Perth Foreshore Project.

13.2 QUESTIONS FROM MEMBERS

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

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

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

16. CLOSURE

17. RECORD OF VOTING

ITEM 3.1 REFERS

Mayor's Activity Report – May 2013

Date	Activity
Thursday, 30 May	Christopher Bailey's 'Limited Skies' exhibition + Crs Betty Skinner & Chris McMullen
	WALGA: Meet Minister for Local Government, Hon Tony Simpson MLA + CEO
	Como Schools' Cell Principals' meeting
	BNI Skyscrapers
Wednesday, 29 May	Sundowner: local sports persons @ Manning Memorial Bowling Club – Inclusion WA
	Southcare: Social Inclusion - use of social media to promote organisations
Tuesday, 28 May	Council meeting
	Mayor/CEO weekly meeting
Monday, 27 May	Lay wreath @ USA Memorial Day, Kings Park
Friday, 24 May	Signing of final Ray St settlement documents with Simon Verco from Century Settlements + CEO
	Australia's Biggest Morning Tea @ Wesley College
Thursday, 23 May	Preston St meeting with traders
	Close Millennium Kids & Swan Canning Riverpark Forum
	CEDA: Gender equity and productivity - setting the national scene - Women in Leadership, Part I + Crs Betty Skinner & Sharron Hawkins-Zeeb
Wednesday, 22 May	Open Millennium Kids & Swan Canning Riverpark Forum
Tuesday, 21 May	May Council Briefing
	Mayor/Acting CEO meeting
Monday, 20 May	ABC Phone interview – Constitutional Recognition
	Aboriginal Engagement Strategy Working Group Thank you lunch
Sunday, 19 May	Manning Memorial Bowling Club AGM
	RSPCA Million Paws Walk
Saturday, 18 May	WAYO - 1001 Arabian Nights

Thursday, 16 May	West TV interview (Channel 44) - Constitutional Recognition
	National Volunteer Week - thank you afternoon tea
	Schools function meeting with CEO + Manager, Community Culture and Recreation + Arts/Events Coordinator
	Meet WALGA CEO
Wednesday, 15 May	Photo op with Mayor of Victoria Park
	CEO Evaluation Meeting – Manager Human Resources + Cr Ian Hasleby
Tuesday, 14 May	Special Council Meeting Local Government Reform & Briefing: Long Term Financial Plan Update and Capital Projects Overview 2013/14
	Mayor/CEO weekly meeting
Saturday, 11 May	Amanda Young Foundation Charity Ball
Friday, 10 May	Meeting SUN Project with John McBain
	Meeting Member for South Perth + CEO
	Meeting owners IA Norfolk St + Director Infrastructure
	Rotary Club of Mill Point Breakfast
Thursday, 9 May	Committee for Perth: Perth in Focus + CEO + Cr Sharron Hawkins-Zeeb
	WA Institute of Public Administration - WI FI Work
Wednesday, 8 May	Tour of CSIRO Kensington + CEO + Crs Betty Skinner, Ian Hasleby and Bill Gleeson
	Meeting Reform with Mayor & CEO Town of Victoria park + CEO
Tuesday, 7 May	Mayor/CEO weekly meeting
	World Asthma Day hot air balloon launch
Monday, 6 May	Citizenship ceremony
Wednesday, 3 May	Present certificates at Youth Week Photo Comp Presentation
	Mayor Meet the Community
Thursday, 2 May	Briefing - Joint City of South Perth & Town of Victoria Park on Local Government Reform
	Mayor/CEO weekly meeting
	Photo shoot – new portraits + Graphic Design Officer

Council Representatives' Activity Report – May 2013

May 2013	Activity
Thursday, 30 May	Rivers Regional Council - Deputy Mayor, Cr Kevin Trent + Crs Colin Cala and Fiona Reid
Tuesday, 28 May	RAC breakfast with Executive Director AAA, Canberra - Deputy Mayor, Cr Kevin Trent
18 – 23 May	LGMA – Hobart – Crs Ian Hasleby, Bill Gleeson
Tuesday, 14 May	South Perth Cup @ Collier Park Golf Club – Cr Ian Hasleby
Wednesday, 8 May	South Perth Urban Walkabout Map Launch + Cocktail Party - Deputy Mayor, Cr Kevin Trent + Crs Betty Skinner, Ian Hasleby, Sharron Hawkins-Zeeb and Glenn Cridland
Tuesday, 7 May	Black Swan Theatre: Death of a Salesman – Cr Rob Grayden