

AGENDA

Ordinary Council Meeting

25 February 2014

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 25 February 2014 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
21 February 2014

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month. The exceptions for 2014 are the months of January, April and December.

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 four wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

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

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.2 PUBLIC QUESTION TIME FORM

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

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

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 25 FEBRUARY 2014

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: 10 December 2013

These minutes have been revised since public release on 13 December 2013, to make Attachments 10.2.1(a) and 10.2.1(b) confidential. These attachments relate to shade designs received for possible improvements at Jan Doo Park, and have been made confidential at the request of the supplier. These documents contain technical information, design ideas, intellectual property and a basis for the suppliers pricing structure.

Recommendation

That the Minutes of the Ordinary Council Meeting held 10 December 2013 (as revised) be taken as read and confirmed as a true and correct record.

7.1.2 Annual Electors' Meeting Held: 9 December 2013

These minutes have been amended since public release on 13 December 2013 to remove one of the questions and responses recorded under questions asked by Mr Geoff Defrenne. There was some ambiguity regarding both the question and the response given, so both parties are in agreement that the question and response should be removed from the minutes.

~~“Question 4 from Mr Defrenne~~

~~The right hand turn off towards Cygnia Cove is dangerous and should be looked at.~~

~~Response from the Acting Director Infrastructure Services~~

~~This statement was noted by the Acting Director Infrastructure Services.~~

Recommendation

That the Minutes of the Annual Electors' Meeting held 9 December 2013 (as amended) be taken as read and confirmed as a true and correct record.

7.1.3 Correction to Minutes: September 2013 Ordinary Council Meeting

It has come to the City's attention that a correction is necessary to the September 2013 Ordinary Council Meeting minutes.

An apology was made to Mr Lindsay Jamieson during Public Question Time that was incorrectly attributed to the Chief Executive Officer, as part of a broader response to questions asked by Mr Jamieson. The apology was in fact made by the Mayor.

As these minutes have already been confirmed by Council, a Council decision is required to make this amendment.

Recommendation

That the Minutes of the Ordinary Council Meeting held 22 September 2013 be amended to clarify that the Mayor made an apology to Mr Lindsay Jamieson as part of a response to a public question.

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing – Ordinary Council Meeting – 3 December 2013

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

7.2.2 Concept Briefing – Civic Triangle Tender Presentations – 2 December 2013

Representatives from Colliers International, Jones Lang La Selle, and Knight Frank made presentations to Council in relation to their Civic Triangle Tenders. Notes from this concept briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing – Local Government Reform – 10 February 2014

The Chief Executive Officer, along with John McGrath MLA, Member for South Perth, provided information to Councillors on Local Government Reform, in particular the Minister for Local Government's Proposal 06/2013. Notes from this concept briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Briefing – Stakeholder Engagement Workshop – 11 February 2014

Michelle Feenan, from Engagement Plus, provided information and answered questions regarding stakeholder engagement. Notes from this concept briefing are included as **Attachment 7.2.4**.

Recommendation

That the attached notes under items 7.2.1 to 7.2.4 on Council Briefings be noted.

8. PRESENTATIONS

8.1 PETITIONS

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

Nil.

8.2 PRESENTATIONS

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

8.2.1 Certificate of Appreciation – Poetry d'Amour

A Certificate of Appreciation was presented to the City of South Perth Libraries at the annual Poetry d'Amour evening presented by WA Poets.

8.3 DEPUTATIONS

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

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: WALGA South East Metropolitan Zone Ordinary Meeting – 27 November 2013

A report from Councillor Hawkins-Zeeb, Councillor Reid and Chief Executive Officer Cliff Frewing summarising their attendance at WALGA South East Metropolitan Zone Meeting held 27 November 2013 is at **Attachment 8.4.1**.

8.4.2 Council Delegate: PAMG Meeting – 5 December 2013

A report from Councillor Irons, Councillor Trent and Chief Executive Officer Cliff Frewing summarising their attendance at the Perth Airport Municipalities Group (PAMG) Annual General and Ordinary General meetings held 5 December 2013 is at **Attachment 8.4.2**.

8.4.3 Council Delegate: Local Implementation Committee Meeting – 13 February 2014

The minutes from the Local Implementation Committee Meeting held 13 February 2014, attended by Mayor Doherty, Councillor Hawkins-Zeeb and Councillor Trent are at **Attachment 8.4.3**.

8.4.4 Council Delegate: Rivers Regional Council Ordinary General Meeting – 19 December 2014

A report from Councillor Hawkins-Zeeb, Councillor Reid and Les Croxford (Manager Engineering Services) summarising their attendance at the Rivers Regional Council meeting held 19 December 2013 is at **Attachment 8.4.4**.

Recommendation

That the Council Delegates' Reports under items 8.4.1 to 8.4.4 be received.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Amendment No. 34 to Town Planning Scheme No. 6: Rezoning Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning. Consideration of Submissions

Location: Pt Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning
Ward: Manning Ward
Applicant: Scott Kerr, Director, Masterplan Consultants WA Pty Ltd
Owner: Carcione Nominees Pty Ltd
Date: 3 February 2014
Author: Gina Fraser, Senior Strategic Planning Officer
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 has initiated and advertised draft Amendment No. 34 to Town Planning Scheme No. 6 (TPS6). The content of the advertised Amendment document is the same as was presented to the September 2012 and June 2013 Council meetings. The Scheme Amendment process was initiated at the June 2013 meeting and, after the required Environmental Protection Authority (EPA) clearance was received, Amendment No. 34 was advertised for community submissions from 17 September to 8 November 2013.

As advertised, Amendment No. 34 would rezone the subject site from the existing Local Scheme Reserve 'Public Purposes (Telstra)', to 'Residential' and 'Highway Commercial', with R160 density coding across the whole site and Building Height Limits of 14.0 metres, 21.0 metres and 36.0 metres on various parts of the site.

In response to submissions, it is now recommended that Amendment No. 34 be modified, such that the density coding be R100 across the whole site, with Building Height Limits of 10.5 metres, 14 metres and 21 metres on various parts of the site. The mandatory site-specific design requirements being introduced by the Amendment are also recommended to be modified in response to the submissions.

The R100 density coding now being recommended is the same as the Council advised the Minister it would be prepared to consider (item 10.3.1 of April 2013 minutes). With one minor exception, the building height limits now being recommended are also the same as those supported by the Council in April 2013. The exception is the Ley Street frontage north of the telephone exchange – recommended 10.5 metre height limit, whereas Council supported a 7.0 metre limit in that location.

A detailed explanation of the recommended modifications is contained in the Report on Submissions, provided as **Attachment 10.0.1(a)**.

Officer Recommendation

That :

- (a) the Western Australian Planning Commission be advised that Council recommends that, to the extent stated in the Report on Submissions comprising Attachment 10.0.1(a):
 - (i) Submissions 1.1 to 1.9 supporting Amendment No. 34 be partially UPHELD;
 - (ii) Submissions 2.1 to 2.138 opposing Amendment No. 34 be partially UPHELD;
 - (iii) Submissions 3.1 to 3.5 from Government agencies be UPHELD; and
 - (iv) Amendment No. 34 proceed with modifications;
- (b) Amendment No. 34 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 34 document (Attachment 10.0.1(b)), as required by those Regulations;
- (c) the Report on Submissions (Attachment 10.0.1(a)) containing the Council's recommendations and a detailed assessment of the submissions be adopted and together with a copy of all of the submissions and three executed copies of the modified amending documents, be forwarded to the Western Australian Planning Commission for final determination of the submissions and for final approval of Amendment No. 34 by the Minister for Planning;
- (d) the submitters be thanked for participating in the process and be advised of the above resolution;
- (e) the applicants be provided with a copy of the Government agencies' Submissions 3.1 to 3.5 which relate to their respective services for a possible future development on the Amendment site; and
- (f) the applicants be advised that:
 - (i) The Council's support for Amendment No. 34 in a modified form is not to be construed as support for any part 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, Council Policies and prerequisite reports and studies; and
 - (ii) the required 'Staging and Access Plan' which is to be submitted at the time of a development application for Stage 1 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 allow 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

Recommendation continued

- (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.
- (iii) owing to the strength of concern expressed by submitters and also felt by the Council, any application for planning approval which might be submitted if Amendment No. 34 should reach finality, would be determined by the Council having regard, in addition to any other matter that the Council may consider, to the need:
- (A) to preclude vehicular access to and from Davilak Reserve and the storage of materials on that reserve during construction on Pt. Lot 2 as this reserve is known to be infested with phytosphthora (jarrah dieback). For this purpose, the existing boundary fence would need to be retained or replaced with a new temporary fence;
- (B) to restrict vehicular access to and from Pt. Lot 2 during construction, to the portion of the Ley Street boundary of the site north of Lot 3 Ley Street;
- (C) to submit a detailed and justified explanation of the total vehicle trips generated by the development; and a further traffic assessment to the same level of detail as provided in support of the Scheme Amendment.
- (D) for the applicant to implement measures to minimise disturbance to the neighbourhood during construction of each stage of the development, including, but not limited to the following:
- (I) management strategies to ensure compliance with requirements relating to, among other matters:
- noise and dust emission;
 - points of access to the site by construction vehicles;
 - restriction of hours of construction activity to comply with the Environmental Protection (Noise) Regulations 1997;
 - maintenance of temporary fencing along the entire perimeter of the site during construction;
 - all relevant Health Local Laws;
- (II) a Traffic Management Plan;
- (III) a plan regarding the management, coordination and on-site monitoring of the construction process;
- (IV) a strategy for responding to, and resolving neighbours' complaints;
- (E) for the applicant to meet the cost of:
- (I) redesigning and modifying the traffic signals at the Manning Road / Ley Street intersection to include a more effective pedestrian phase; to the extent of any shortfall in funding between the Main Roads grant and the actual costs of implementation;
- (II) constructing a deceleration lane in Manning Road to facilitate safe entry to and egress from the development site via Manning Road;
- (III) modification to line marking and other improvements within the Ley Street reserve necessitated by the development; and

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. Consideration of Submissions

- (F) for the applicant to submit each of the above listed management plans, strategies and transport impact assessment for the City's approval prior to the issuing of a building licence.
- (g) the applicants also be advised that owing to the extent of expenditure already incurred by the City during the processing of this Amendment, an additional amount of \$10,000 is now payable as part of the Planning Fee calculated under the City's adopted *Fees and Charges Schedule 2013/14*.

Background

This report includes the following attachments:

- Attachment 10.0.1(a)** Report on Submissions (for referral to the Minister)
Attachment 10.0.1(b) MODIFIED Amendment No. 34 for final approval

A confidential bound copy of all submissions is also available for the Council to examine in the Council Members Lounge prior to the Council agenda briefing and meeting.

This matter was last considered in June 2013, when the Council initiated Amendment No. 34 in response to the Minister's Order under Section 76 of the *Planning and Development Act 2005*. The statutory position regarding this order was explained in an information item in the 31 May 2013 issue of the Councillors' Bulletin.

Supporting documents which were attached to the June 2013 Council report on Amendment No. 34 are not attached again. These documents are still available for viewing on the web site under Minutes and Agendas for June 2013 (Agenda Item 10.0.1). Those attachments are:

- Impact Assessment Report. Masterplan Consultants WA Pty Ltd, July 2012.
- Transport Impact Assessment. Shawmac Pty Ltd, 21 June 2012.
- Telstra correspondence. 6 March 2012.
- Plan showing extent of consultation required by Policy P301 and proposed wider consultation.
- Sections 212 and 213 of Planning and Development Act.

The Amendment site is identified 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 14,150 sq. metres. The land is owned by Carcione Nominees Pty Ltd and the original proposal was prepared by consultants, Masterplan Consultants WA Pty Ltd, with supporting documents by Meyer Shircore Architects, and Shawmac Pty Ltd consulting civil and traffic engineers.

Pt Lot 2 is currently reserved under 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.

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. Consideration of Submissions

The location of the Amendment site is shown below:



Previous and current actions relating to Amendment No. 34

The full history of this site has been provided to the Council on various occasions in the past. A brief summary of the most recent and current actions relating to the site is listed below:

- 25.9.2012: Council declined to initiate Amendment No. 34.
- 12.11.2012: Applicants lodged 'Section 76' submission (appeal) with the Minister.
- 20.2.2013: Council was invited to respond to the Section 76 submission.
- 5.3.2013: Council Members' Workshop followed by April 2013 Council meeting.
- 24.4.2013: Council submission lodged with WA Department of Planning.
- 24.5.2013: City received Minister's Order to initiate Amendment No. 34.
- 25.6.2013: Council resolved to initiate and advertise Amendment No. 34.
- 15.7. 2013: Draft Amendment referred to EPA for environmental assessment.
- 5.8.2013: EPA clearance received, enabling advertising to commence.
- 17.9.2013 – 8.11.2013: Amendment No. 34 advertised for community comment.
- 25.2.2014: Council consideration of submissions.

Comment

As a result of the Minister's Order, the Council was required to initiate the Amendment process and advertise the Scheme Amendment in the form in which it was presented to the September 2012 meeting. Despite referral to the Minister for his intercession, the statutory Scheme Amendment process under the 'Town Planning Regulations' still applies, including 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

Following the required environmental assessment and clearance by the EPA, local community consultation was undertaken by the City. The community consultation

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. Consideration of Submissions

requirements are contained in the *Town Planning Regulations* and Council Planning Policy P301 'Consultation for Planning Proposals'.

The consultation process undertaken by the City is fully described in the Report on Submissions comprising **Attachment 10.0.1(a)**. On this occasion, the consultation area was substantially enlarged and 779 individually addressed letters and notices were mailed to landowners within this wider area and to relevant government agencies. Three notices were also placed on the site, inviting any person to lodge a submission.

The required minimum consultation period is 42 days. The City's practice is to round off the consultation period to the end of the week, extending it to 46 days. On this occasion, letters were mailed by a consultancy firm specialising in large printing and mailing tasks. The consultation period was extended by a further week, to a total of 53 days, being 11 days longer than the required minimum.

Considerable interest was shown by the community in the Amendment No. 34 proposals that were advertised. The submissions are fully described in the Report on Submissions comprising **Attachment 10.0.1(a)**. During the advertising period, the following individual submissions (not including petition signatories) were received:

Individual supporting submissions	9 (5.9%)
Individual opposing submissions	133 (87.9%)
Opposing petitions and submissions from community groups	5 (3.3%)
Government agency submissions	5 (3.3%)
Total submissions	152 (100%)

Supporting submissions

The 9 submitters supporting the Amendment generally agreed with the principle of the proposal, including the proposed density coding and building height limits. The main reasons for supporting the Amendment have been summarised as follows:

- Support affordable housing
- Support with design and site planning improvements
- Support inner urban infill, not urban fringe development
- Support more vibrancy
- Support economic benefit to the area
- Support progress as part of Canning Bridge Precinct Vision
- Support without retail restrictions
- Support development of the site
- Support development of this strategically important site

Some of the submitters suggested further improvements to the Amendment provisions, some of which have been supported by the City officers, with appropriate design requirements being incorporated into the recommended modifications.

Opposing submissions

The 138 submissions opposing the Amendment raised a variety of concerns which have been classified under the following general headings. The headings are arranged in the Report on Submissions in order of the number of submitters (high to low) who made the particular type of comment:

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. Consideration of Submissions

- Oppose on grounds of increased traffic and strain on infrastructure
- Oppose on grounds of out-of-character proposals
- Oppose proposed density, height and scale
- Oppose density, height and scale, but not development
- Oppose on grounds of social implications and crime
- Oppose on grounds of poor process
- Oppose on grounds of reduced property values in the area
- Oppose on grounds of overlooking, loss of privacy
- Oppose on strategic planning grounds
- Oppose proposed land uses
- Oppose on grounds of environmental impacts
- Oppose based on concept design
- Oppose on grounds of overshadowing
- Oppose in relation to public transport
- Oppose on grounds of precedent
- Oppose on grounds of loss of amenity (non-specific)
- Oppose in relation to the Canning Bridge Precinct Vision
- Oppose on grounds of public interest
- Oppose on grounds of construction noise and nuisance

In response to the opposing comments, a large number of modifications to the advertised Amendment provisions are recommended, including decreased density coding and building height limits, and additional mandatory design requirements, among other matters.

Modifications

The key modifications proposed in response to submissions are listed below:

- Reduction in proposed density coding from R160 to R100 – the recommended density coding meets with some submitters' wishes while still meeting State Government policy expectations and providing the applicant with an opportunity for a major development.
- Reduction in proposed building height limits from 14, 21 and 36 metres to 10.5, 14 and 21 metres – the recommended lower height limits will lead to a more sympathetic built form, recognising future strategic plans for the area, while still offering the applicant a variety of built form opportunities.
- Increasing the Highway Commercial zone street setback from nil to 2 metres – this recognises and responds to the hostile Manning Road and street corner environments by expanding the width of the pedestrian approach to the building, while still facilitating an active street front to the commercial components of the development.
- Increasing the proportion of larger dwellings from 25% to 40% – this meets the submitters' desire for more family accommodation close to parks and schools, while still meeting obligations under the R-Codes for a range of dwelling sizes.
- Removal of the strict limitation on shop sizes by deleting the 300 sq. metre limit on the total retail element. It is now recommended that each shop may have a floor area up to 500 sq. metres – this enables the development to be more flexible in terms of future tenancies, provides for more variety of tenancy sizes, and provides an opportunity for local retail needs to be met.
- Introducing a prohibition on car parking concessions for Residential development – although close to public transport, many occupiers will own cars and the embargo on these concessions should eliminate the possibility of overspill of parking into surrounding residential streets.

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- New and improved requirements relating to sustainable design, activated commercial street fronts, fencing around Davilak Reserve, quality of communal open space, public art, crime prevention through environmental design, method of calculating plot ratio, provision for an exceptional design feature with a maximum height of 24.5 metres at the street corner, street improvements – all of these requirements will improve the quality of the design of a future development on the site.
- Additional information and commitments by requiring a ‘Staging and Access Plan’ from the applicant at the time of a future development application – this will primarily ensure protection of Davilak Reserve as well as providing details of the proposed staging of the development.
- Submission of an Impact Assessment Report including a tree survey, water table survey and dieback survey – all suggested by submitters with obvious benefits for the site and for the environment.

In addition to the above matters, assessment of the submissions has also highlighted certain matters that will need to be examined more closely at the time of any future development application. These relate to the need to:

- protect Davilak Reserve during construction by precluding vehicular access;
- restrict vehicular access during construction to the portion of the Ley Street boundary of the site north of Lot 3 Ley Street (the telephone exchange); and
- implement measures to minimise disturbance to neighbours during construction.

Policy and Legislative Implications

Although the Scheme Amendment was initiated through a Ministerial Order, the normal statutory Scheme Amendment process is required to be, and has been, implemented as set out in the *Town Planning Regulations*. The Council is now required to consider the submissions, and must recommend to the Minister either that the Amendment proceed, with or without modifications, or that it be abandoned. In this instance, it is recommended that the Amendment **proceed with modifications**. 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 No. 34 Process	Estimated Time
Council resolution to initiate Amendment	25 June 2013
Council adoption of draft Amendment 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	15 July 2013
Public advertising period of 53 days	17 Sept to 8 November 2013
Council consideration of Report on Submissions	25 February 2014
Referral to WAPC and Planning Minister for further consideration, of the following documents: <ul style="list-style-type: none"> • Report on Submissions, including Council’s recommendation on the submissions; • Schedule of Submissions; • Bound copy of all submissions; • Council’s recommendation on Amendment No. 34; and 	Within two weeks of February 2014 Council meeting

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. Consideration of Submissions

• three signed and sealed copies of modified Amendment documents for final approval	
Minister's final determination of Amendment No. 34 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 was required. This fee was intended to cover all costs incurred since February 2011 when City officers commenced serious discussions and correspondence with the applicants regarding a Scheme Amendment, and also costs incurred by the City in connection with the applicants' 'Section 76' submission.

Due to the complexity of the related issues and processes, the estimated fee that was paid at commencement was fully expended by the City during the Amendment process. A further interim fee was requested and received from the applicants, bringing the total fee to \$40,000. This higher fee has also now been exceeded by City officers in the processing, investigation and assessment of the submissions. To cover the over-run of the fee expenditure and to cover the remaining processing of the Amendment, it is proposed that a further and final fee payment of \$10,000 be requested. This would cover report preparation, officers' attendance at Council meetings, administrative actions required to be taken after the February 2014 Council meeting; and if finally approved by the Minister, the required publication of approval notices in the *Southern Gazette* and *Government Gazette*, further mail-outs to submitters, updating of Scheme Text and Scheme Maps by the City's IT consultants, and other administrative actions.

At the conclusion of the Amendment process, the additional fee will be adjusted as necessary, by way of a refund of any unspent portion of the fee, to reflect the total actual costs incurred by the City.

Strategic Implications

This recommendation contained in this report is consistent with the [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 objectives contained in 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.

Conclusion

The Report on Submissions (**Attachment 10.0.1(a)**) fully examines the issues raised by the submitters and recommends appropriate modifications to the advertised Amendment No. 34 proposals. The modified Amendment No. 34 Report comprising **Attachment 10.0.1(b)** now provides a set of proposals which meet many of the submitters' concerns while still providing a reasonable level of activity for the site and an opportunity for a development of exceptional design quality. The Council should now recommend to the Minister that Amendment No 34, as modified, be finally approved.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Tender 23/2013 – Additions and Alterations – Animal Care Facility

Location:	City Buildings, South Perth
Ward:	Moresby Ward
Applicant:	Council
Date:	13 February 2014
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The City is required to make alterations and additions to the existing ageing dog pound facility to upgrade it to an Animal Care Facility capable of handling cats as a result of the recent introduction of the Cat Act 2011. Tenders were called for these works in October 2013.

This report outlines the tender assessment process and recommends that the Council approve the tender submitted by ZD Construction 93 Pty Ltd for the Lump Sum Price of \$663,805 excluding GST.

Officer Recommendation

That the Council accept the lump sum tender submitted by ZD Construction Pty Ltd for the additions and alterations to the City's Animal Care Facility for the amount of \$663,805.00 excluding GST.

Background

The City received a grant in 2013 from the Department of Local Government for \$256,000 to assist with an upgrade to the existing dog pound to incorporate the impounding and care of cats.

The existing dog pound is an ageing facility and this upgrade is required due to the introduction of the new Cat Act 2011 in November 2013 which requires minimum standards for the housing of animals.

The new Animal Care Facility will be a regional facility that will be utilised primarily by the City of South Perth and Town of Victoria, Park, with the City of Canning and City of Armadale also using the new Animal Care Facility for the housing of cats.

The proposed building design follows the guidelines for an animal care facility as required by the RSPCA, and will include new isolation areas for infection, quarantine areas, assessing areas and meet the new standards for housing of animals. Other new key features include an office and waiting room, new toilet and shower facilities, a secured unloading zone and connection to the sewer.

Comment

Tenders were called in the West Australian on Wednesday 30 October 2013 and closed at 2.00 pm on Thursday 14 November 2013. At the close of tenders a total of five submissions were received. However, due the extended timeline for the acceptance of submissions the City contacted the tenderers seeking an extension to their tendered price for a further thirty days. The responses resulted in one of the tenderers declaring that they would not be able to hold their price. This tender was then excluded from further consideration.

10.1.1 Tender 23/2013 – Additions & Alterations – Animal Care Facility

An initial compliance check was made of the remaining tender submissions. All tenders submitted were considered to be conforming. The prices provided by tenderers based on the Schedule of Rates and Lump Sum submitted.

Tender Submission	Price (ex GST)
1. CPG Group	\$654,454.00
2. ZD Construction	\$663,805.00
3. Palace Homes	\$679,146.00
4. Rivett CS	\$812,018.00

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

Qualitative Criteria	Weighting %
1. Industrial Relations & Safety Record	10%
2. Demonstrated Understanding to Perform on Time	10%
3. Tenderers Resources Including Plant and Current Commitments	15%
4. Relevant Experience Including Details of Similar Work	15%
5. Price	50%
TOTAL	100%

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

Tender Submission	Score
1. ZD Construction	8.68
2. CPG Group	8.58
3. Palace Homes	8.41
4. Rivett CS	7.20

All of the tenderers have a varying range of experience in the local government sector, particularly in Western Australia, and the assessment score reflects this.

As a result of this process, the tender by ZD Construction Pty Ltd achieved the best score within the qualitative criteria with the assessing officers of the view that this represents the best outcome and value for the City. The nominated contractor has previously carried out work of a very high standard.

Consultation

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

Policy and Legislative Implications

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

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

The following Council Policies also apply:

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

Financial Implications

The City received a grant of \$256,000 towards the upgrading the dog pound into an Animal Care Facility. In addition, the Town of Victoria Park resolved in February 2014 to contribute \$200,000 towards the Animal Care Facility, with the Town to be indemnified from an annual rental payment to the City of South Perth for a period of 10 to 15 years.

This project has an amended budget of \$766,000 to create a state of the art facility that meets all of the conditions of the Department of Local Government's grant.

Strategic Implications

This recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 1 – Community “Create opportunities for an inclusive connected, active and safe community”.

The Corporate Plan 2013-2017 Initiative 1.1.6 Animal Care Facility relates to undertaking an upgrade of the dog pound into a new Animal Care Facility.

Sustainability Implications

This report is aligned to the objectives contained in the City's [Sustainability Strategy 2012–2015](#). The City engaged a Consultant to carry out a BCA Part J DTS Energy Efficiency Conformance Audit. The audit addressed the following issues:

- Thermal Efficiency;
- Roof and Ceiling Insulation;
- Lighting;
- Walls;
- Insulation;
- Windows and Doors
- Floors and Coverings;
- Glazing;
- Air Conditioning;
- Artificial and Natural Lighting;
- Power; and
- Hot Water Supply.

Addressing all of these areas will not only have the benefit of reducing the City's greenhouse gas emissions, but will also help reduce the cost of operating the building over time.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

Location: Lot 806 (No. 26B) Sulman Avenue, Salter Point
Ward: Manning Ward
Applicant: Grandwood Homes Pty Ltd
Lodgement Date: 14 October 2013
Date: 3 February 2014
Author: Mark Scarfone, Senior Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a single house (two storey and undercroft) on Lot 806 (No. 26B) Sulman Avenue, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Solar access for adjoining sites	R-Codes Element 5.4.2

The proposed development does not meet the deemed-to-comply standards or design principles contained in Clause 5.4.2 "Solar Access for Adjoining Sites" of the Residential Design Codes. As such, it is recommended that the proposal be refused.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and Metropolitan Region Scheme, this application for planning approval for a single house (two storey and undercroft) on Lot 806 (No. 26B) Sulman Avenue, Salter Point **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed overshadowing does not meet with the deemed-to-comply standards or design principles contained in Clause 5.4.2 "Solar Access for Adjoining Sites" of the Residential Design Codes.
- (ii) The proposed development does not meet the provisions of Clause 7 "Solar Access for Adjoining Lots" contained in Council Policy P350.1 "Sustainable Design".
- (iii) Having regard to refusal Reasons 1 and 2, the proposal conflicts with the Scheme objectives contained in Clause 1.6 of the City of South Perth Town Planning Scheme No. 6, specifically Objective (f).
- (iv) Having regard to refusal Reasons 1 and 2, the proposed development is observed to conflict with "Matters to be Considered by Council" identified in Clause 7.5 of TPS6, specifically Matters (c), (f), (i), (j) and (w).

(b) Standard Advice Notes

795B	Appeal rights - Council decision
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FOOTNOTE A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

Background

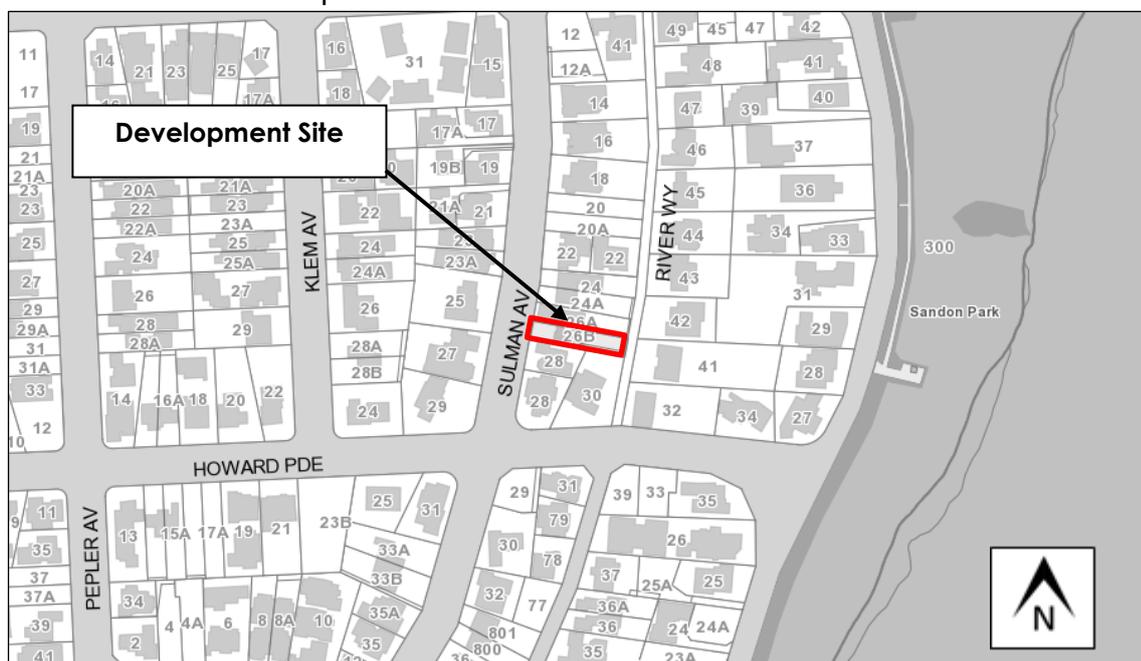
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	506 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. |

The location of the development site is shown below:



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

3. The exercise of a discretionary power

- (b) Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way, and where the proposed building height exceeds 3.0 metres;
- (c) Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.

6. Amenity impact

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

7. Neighbour comments

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

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

Comment

(a) Background

On 10 October 2013, the City received an application for a single house in a two storey plus undercroft building on a vacant parcel of land at Lot 806 (No. 26B) Sulman Avenue, Salter Point (the subject site). On 15 November 2013, the assessing officer sent the applicant a further information request outlining the various issues which were required to be addressed prior to the issue of a determination. The applicant and assessing officer met to discuss the proposed development on 26 November 2013, and revised drawings with a justification letter were received from the applicant on 17 December 2013. The revised drawings and justification letter are considered to satisfactorily address all issues other than the issue of solar access for the adjoining site, which is described in detail below.

(b) Description of the surrounding locality

The subject site is located approximately 60.0 metres north of Howard Parade, has dual frontage to Sulman Avenue to the west, and River Way to the east. This section of the street is characterised by single houses.

Figure 1 below depicts the subject site and surrounds:



(c) Description of the proposal

The proposal involves the demolition of the existing development and the construction of a single house (two storey and undercroft) on the site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.1(a)**.

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” (Permitted) land use on the subject site zoned “Residential” (Table 1 of TPS6);
- Street setback and setback of garage (R-Codes Clause 5.1.2 and 5.2.1, Clause 7.5(n) of TPS6);

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

- Side setbacks (R-Codes Clause 5.1.3, Council Policy P350.2 “Residential Boundary Walls”);
- Open space (R-Codes Clause 5.1.4);
- Garage width (R-Codes Clause 5.2.2);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3, 5.2.4 and 5.2.5, and Council Policy P350.7 “Fencing and Retaining Walls”);
- Outdoor living area (R-Codes Clause 5.3.1);
- Parking and vehicle access (R-Codes Clause 5.3.3, 5.3.4 and 5.3.5, TPS6 Clause 6.3(8) and Schedule 5, and Council Policies P350.3 “Car Parking Access, Siting and Design” and P306 “Development of Properties Abutting River Way”);
- Visual privacy (R-Codes Clause 5.4.1);
- Significant views (Council Policy P350.9 “Significant Views”);
- Building height limit (TPS6 Clause 6.1A); and
- Site works (TPS6 Clause 6.10 and Council Policy P350.7 “Fencing and Retaining Walls”).

The following planning matter, which is considered unacceptable, is discussed below:

- Solar access for adjoining sites (R-Codes Clause 5.4.2).

(d) Solar access for adjoining sites

Solar access for adjoining sites should be assessed having regard to Clause 5.4.2 of the R-Codes, as well as Clause 7 of Council Policy P350.1 “Sustainable Design”. Council Policy P350.1 clearly states that where the deemed-to-comply standards have not been addressed, the applicant should show that sensitive areas such as outdoor living areas, major openings to habitable rooms, and solar collectors on adjoining properties are not negatively impacted. As indicated in the paragraphs below, the proposed development does not meet the deemed-to-comply standards or design principles contained in Clause 5.4.2 of the R-Codes, and directly overshadow sensitive locations. For this reason, it is recommended the proposed application be refused.

The subject site is adjoined on the southern boundary by both 28 Sulman Avenue and 30 Howard Parade. Under the deemed-to-comply standards contained in the R-Codes, Clause 5.4.2 “Solar access for adjoining sites” development shall be designed so that the shadow cast at midday on June 21 does not exceed 25% of the adjoining property. As depicted on the overshadowing diagram included in **Confidential Attachment 10.3.1(a)**, the proposed development casts a shadow over 35.7% of 28 Sulman Avenue, and as such, does not meet the relevant deemed-to-comply standards.

Given the proposed development does not meet the deemed-to-comply standards, the applicant must demonstrate compliance with the relevant design principles. In this instance, the design principles are as follows:

“Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:

- **outdoor living areas;**
- *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
- *roof mounted solar collectors.”*

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

Confidential Attachment 10.3.1(a) contains a site plan and floor plan of 28 Sulman Avenue in order to indicate where the habitable room windows of this property are located, as well as showing the location of outdoor living areas. It is noted that the dwelling at 28 Sulman Avenue has three major openings to habitable rooms which face north, and each of these windows will be overshadowed by the proposed development. The uncovered outdoor living area of the dwelling, accessed from the family room, will also be overshadowed significantly at midday on June 21. Finally, an inspection of aerial photography available on Intramaps indicates the dwelling at 28 Sulman Avenue has roof mounted solar collectors above the kitchen area. These north oriented solar collectors will also be overshadowed by the proposed development.

The applicant has provided written justification for the proposal, referred to as **Attachment 10.3.1(b)**, and pages 2 and 3 of this attachment relate directly to overshadowing. The applicant's justification focuses on the difficulty of developing east-west oriented lots, and encourages the City to take into account the relevant design principles. As indicated above, the proposed development will overshadow major openings to habitable rooms, outdoor living areas and solar collectors of the adjacent dwelling, and as such, does not meet the design principles.

In their justification letter, the applicant indicates that the proposed development is consistent with the pattern of development in the focus area. City officers observe that five lots in the immediate focus area have been developed in the last ten years which have east-west orientations, and contain similar sized dwellings. The most recent approval for 26A Sulman Avenue was issued in 2013, and this dwelling is under construction. At the time of issuing the approval, 26B was vacant. In order to assist in assessing the proposal for 26A Sulman Avenue against the relevant design principles, the building designer provided a set of drawings for 26B Sulman indicating the location of outdoor living areas and major openings. The former owner signed this set of drawings, indicating he understood the acceptable development (now referred to as deemed-to-comply) standards had not been met in relation to overshadowing, however was satisfied with the proposed building design and his ability to develop his own lot. The property has since been sold to the current owners, and plans submitted as a part of this application are not the same as those previously viewed by City officers.

As indicated in detail above, the proposed development will cast a shadow onto major openings to habitable rooms, outdoor living areas and solar collectors of the adjacent dwelling, and as such, does not meet the design principles. While the proposed development is consistent with dwellings in the focus area, it does not meet the deemed-to-comply standards or design principles of the R-Codes in relation to "Solar Access for Adjoining Sites". In addition, the adjoining neighbour has raised concerns in relation to overshadowing and has submitted a written objection to the proposal. For the reasons above, City officers must recommend refusal of the application.

(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:

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

- (a) *Maintain the City's predominantly residential character and amenity.*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character.*
- (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 considered unsatisfactory in relation to Objective (f), and as such, refusal is recommended.

(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.*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act.*
- (f) *Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (x) *Any other planning considerations which Council considers relevant.*

The proposed development is considered unsatisfactory, and as such, refusal is recommended.

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, individual property owners and occupiers at Nos. 25, 26A, 27 and 28 Sulman Avenue, and 30 Howard Parade were invited to inspect the plans and submit comments during a minimum 14-day period.

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

During the advertising period, a total of five consultation notices were sent and two submissions were received, both objected to the proposal. The comments of the submitters, together with officer response are summarised below. The applicant was provided with a summary of the submitters' comments as a part of the further information request sent on 15 November 2013, and has opted not to provide individual responses.

Submitters' Comments	Officer Response
The proposed drawings contain insufficient detail to allow a comprehensive submission to be prepared. Specifically, they do not provide street setback dimensions and details of adjoining properties, including the location of windows to habitable rooms.	City officers consider all relevant information is provided on the drawings. The comment is not supported by City officers.
The proposed overshadowing does not comply with the deemed-to-comply criteria or design principles of the R-Codes and will have a negative impact on my habitable spaces and outdoor living areas.	This issue is discussed in detail in the report above. The comment is supported by City officers.
Insufficient setback from River Way resulting in safety concerns and a negative impact on the established streetscape.	The drawings submitted as a part of the original application proposed a 2.0 metre setback to River Way. As can be seen in the drawings, referred to as Confidential Attachment 10.3.1(a) , this setback has been increased to 6.0 metres which is seen as being compatible with the streetscape. The comment is acknowledged by City officers.
Obstruction of significant views having regard to City Policy 350.9 "Significant Views". Suggest increased setback to River Way, reduced height of the alfresco/terrace area and increased setback of covered terrace on upper floor.	Refer to the officer comment above. The rear setback has been increased resulting in an increased setback for the upper floor balcony. The comment is acknowledged by City officers.
The proposed parapet wall on the southern side of the development site will restrict solar access to outdoor living areas, habitable rooms and solar panels. This will also have a negative bulk impact.	The location of the boundary wall has been modified to sit directly adjacent to the neighbour's boundary wall. As such, the boundary wall no longer has an impact in terms of overshadowing and bulk. The comment is acknowledged by City officers.
The proposed development does not meet the provisions of the City of South Perth sustainable design policy and requires modification.	Part (d) of the report discusses the proposed overshadowing in detail. The proposed development is not consistent with the relevant City policy, and as such, is not supported. The comment is supported by City officers.

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

The City of South Perth is currently undertaking community consultation with respect to possible amendments to the City's planning policies in this area, and any new development should respect this proposed direction.	The comment is noted. There is no agreed direction at this time.
The bulk and scale of the development is intimidating, invasive of private space, and will result in an increase in noise levels.	The proposal complies with the applicable building height limit and with the deemed-to-comply standards of the R-Codes in relation to side setbacks and visual privacy. Noise is not a planning consideration and is otherwise governed under the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> . The comment is not supported by City officers.
The proposed development clearly covers too much of the lot and does not comply with current regulations.	The proposal complies with the deemed-to-comply standards of the R-Codes in relation to open space. The comment is not supported by City officers.
The south facing windows to the master bedroom should be treated with obscure glazing to prevent overlooking of our property.	The proposal complies with the deemed-to-comply standards of the R-Codes in relation to visual privacy. The comment is not supported by City officers.
The proposed dwelling does not comply with the revised Scheme provisions relating to height limits on sloping sites.	The revised drawings, referred to as Confidential Attachment 10.3.1(a) , comply with Clause 6.1A "Building Height Limits and Method of Measuring Height". The comment is noted by City officers.

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 some financial implications to the extent that the applicant has the right to appeal the decision which may result in expenditure.

Strategic Implications

This recommendation contained in this report is consistent with the [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 objectives contained in the City's [Sustainability Strategy 2012–2015](#). The proposed development will have a negative impact on the adjacent single house, particularly in relation to reduced solar access to the adjacent outdoor living areas, habitable rooms and solar collectors. Hence, the proposed development

10.3.1 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

is not seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it has the potential to have a detrimental impact on adjoining residential neighbours in relation to access to sunlight. Accordingly, it is considered that the application should be refused.

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

Location: Lot 32 (No. 79-79A) Angelo Street, South Perth
 Ward: Mill Point Ward
 Applicant: Stiely Design
 Lodgement Date: 21 October 2013
 Date: 3 February 2014
 Author: Mark Scarfone, Senior Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a change of use from “shop” to “use not listed” (small bar) on Lot 32 (No. 79-79A) Angelo Street South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use	TPS6 Clause 3.3(7)
Car parking provision	TPS6 Clause 7.8(1)

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and Metropolitan Region Scheme, this application for planning approval for a “use not listed” (small bar) on Lot 32 (No. 79-79A) Angelo Street, South Perth **be approved** subject to:

(a) Standard Conditions

352	Car bays - Marked and visible	550	Plumbing hidden
354	Car bays - Maintained	445	Stormwater infrastructure
427	Colours and materials - Details	660	Expiry of approval

(b) Specific Conditions

- (i) Prior to the lodgement of a building permit, the applicant is to pay the City \$17,000 as a cash payment in lieu of the onsite car parking shortfall of seven (7) bays in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development” and Clause 6.3(5) of TPS6. A tax invoice to this effect will be issued by the City.
- (ii) The operations of the venue shall occur in accordance with the approved Management Plan contained in **Attachment 10.3.2(b)** of this report.
- (iii) This planning approval does not permit the display of signage on the building or site. A separate application for planning approval will be required prior to the erection and display of any associated signage.

(c) Standard Advice Notes

700A	Building permit required	795B	Appeal rights - Council decision
705	Revised drawings required		

(d) Specific Advice Notes

The applicant shall liaise directly with the City of South Perth Environmental Health Services to ensure the proposed development meets with all relevant health related legislation.

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

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A)
Angelo Street, South Perth

Background

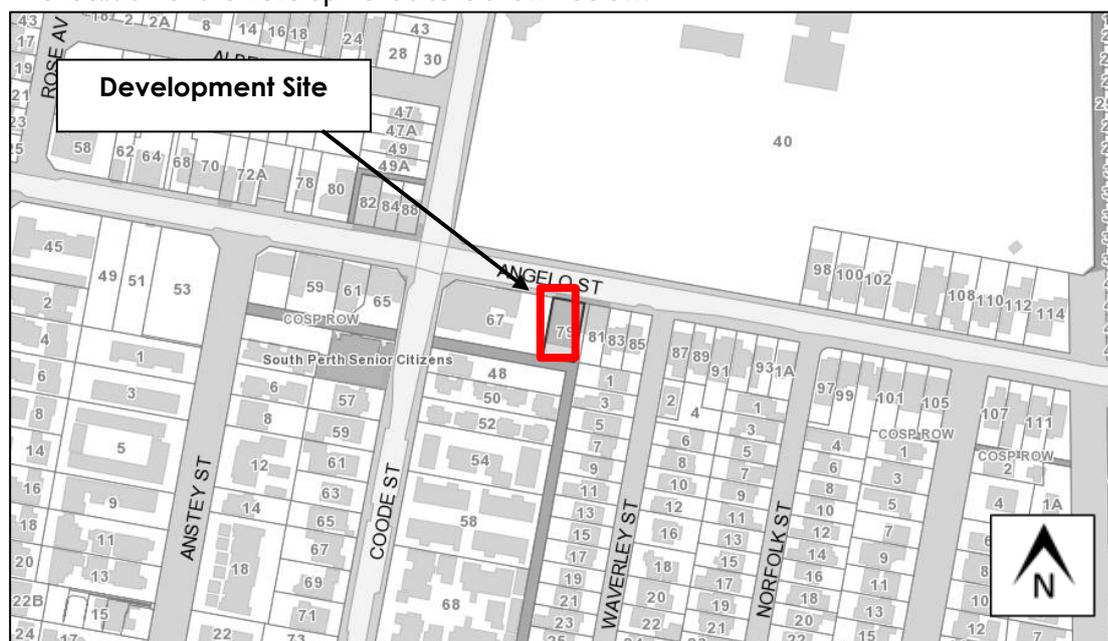
The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Density coding	R50
Lot area	549 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	0.75

This report includes the following attachments:

- Attachment 10.3.2(a)** Plans of the proposal.
Attachment 10.3.2(b) Management Plan and associated annexures.
Attachment 10.3.2(c) Applicant’s supporting correspondence dated 16 October and 18 November 2013.
Attachment 10.3.2(d) Engineering Infrastructure memo dated 31 October and associated emails of 15 November and 23 January

The location of the development site is shown below:



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

1. **Specified uses**
 - (h) Uses not listed in Table I of the Scheme being considered under Clause 3.3(7) of the Scheme.
6. **Amenity impact**

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

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

7. Neighbour comments

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

Comment

(a) Background

On 21 October 2013, the City received an application for a “use not listed” (small bar) within the existing single storey building on Lot 32 (No. 79-79A) Angelo Street, South Perth (the site).

Following the completion of the neighbour consultation period and a full assessment of the proposal by the assigned officer, a further information request was sent to the applicant on 14 November 2013. A written response, including an updated Management Plan, was received on 18 November and revised drawings were received on 16 January 2014. Copies of these documents can be found in the attachments.

(b) Description of the surrounding locality

The subject site is located between Coode Street in the west, and Waverley Street in the east. It has a frontage to Angelo Street to the north, and also has rear access via the right-of-way to the south. The subject site is located within the Neighbourhood Centre Commercial zone, and is flanked by a mix of non-residential uses, to the east and west, Wesley College to the north of Angelo Street, and residential properties to the south.

Figure 1 below depicts the subject site and surrounds:



(c) Description of the proposal

The proposal involves alterations and refurbishment of the existing building to convert it from a “shop” to a “use not listed” (small bar) on Lot 32 (No. 79-79A) Angelo Street, South Perth (the subject site), as depicted in the submitted plans referred to as **Attachment 10.3.2(a)**.

The proposed venue is described by the applicant as follows.

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

“It is the intention of Angelo Street Investments Pty Ltd to open a small bar / restaurant that provides a classy yet casual establishment for a wide local audience. - It will feature the following:

1. A casual, sophisticated bar / restaurant designed for seated conversation;
2. A full restaurant kitchen offering a tapas style menu serving fresh, modern food for lunch and dinner;
3. Premium food and beverages which attract patrons seeking a more high-end experience;
4. Restaurant table service;
5. Proposed hours of operation:
11:00AM – Midnight Monday to Saturday; and
11:00AM – 10:00pm Sunday.”

The Management Plan, referred to as **Attachment 10.3.2(b)**, describes the proposed operations of the venue in detail. The Management Plan contains details regarding the general operation of the venue, noise control measures, safety and security procedures, responsible service of alcohol, and complaint management. With regard to the proposed opening hours, it is noted that a “small bar” liquor licence to be obtained by the applicant prior to opening, requires premises to close by midnight Monday to Saturday and 10:00pm Sunday.

The proposed development is generally considered to satisfy the requirements of the *City of South Perth Town Planning Scheme No. 6 (TPS6)* and Council policies, however the following planning matters which are considered acceptable, require further examination and are discussed below:

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

(d) Land use

The proposed “small bar” does not meet the definition of any of the uses included in Table I of TPS6, and as such, is classified as a “use not listed” land use. Under the provisions of Clause 3.3(7) of TPS6 in Table I (Zoning - Land use) of TPS6, a proposed “use not listed” must be advertised to surrounding landowners prior to the City making a determination. As described in the “Neighbour consultation” section of this report, the application has been advertised to surrounding neighbours and has received a number of submissions, both supporting and objecting to the proposed use.

The subject site is located within the “Neighbourhood Centre Commercial” zone which can accommodate hospitality focused uses such as café / restaurant, tavern and hotel, subject to the relevant approvals. It is noted that a number of café / restaurants operate in the area without a negative impact on the locality. The submissions received during the neighbour consultation period generally supported the proposed use, and where concerns were raised, these related to car parking provision and operational issues, such as noise from patrons and deliveries. The proposed use is regarded as being appropriate for the location, subject to appropriate conditions, and as such, approval is recommended.

(e) Car parking

- (i) Existing development on site
79 Angelo Street contains two tenancies, the larger of the two with a floor area of approximately 270m² is the subject of this application,

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

while the smaller one, approximately 130m², is occupied by a butcher Shop. In total, these tenancies have a gross floor area of approximately 400m². Under the provisions of Table 6 of TPS6, these two tenancies would require a total of 20 car parking bays, however only five exist onsite resulting in an operating shortfall of 15 car parking bays. As the subject tenancy occupies approximately two-thirds of the total floor space, it is allocated two-thirds of the bays (three) and two thirds of the parking shortfall, giving it a nominal operating shortfall of 10 bays.

(ii) Calculation of car parking requirement having regard to Clause 6.3 of TPS6 and Council Policy P315 “Car Parking Reductions for Non-Residential Development”

In accordance with Sub-clause 6.3(2) of TPS6, where a “use not listed” is proposed, the number of car parking bays required shall be determined by Council having regard to likely demand. Based on information provided by the applicant, including the floor plan and a description of the proposed operations, City officers have determined it reasonable to calculate car parking for the majority of the site on the “café / restaurant” requirements of one bay per 5m² of dining area. The area adjacent to the proposed bar is seen as being able to accommodate a higher density of patrons, and as such, has been assessed as per the “hotel” parking requirements of one bay per 3m². City officers consider 105m² of the proposed floor space is “dining area”, and 19m² is “public bar”, resulting in a car parking requirement of 28 bays (rounded up to the closest whole number).

In order to calculate the total car parking requirement for the change of use, City officers have assessed the proposal against Council Policy P315 “Car Parking Reductions for Non-Residential Development”. The objective of the policy is to allow a reduction of the number of car parking bays required for non-residential uses where there are significant opportunities to promote alternative modes of transport, or utilise existing transport and car parking infrastructure. Based on permitted car parking reductions of Table 1 of the policy, the following factors and features of the subject site provide allowable reductions in the parking requirements:

- (A) The proposed development is within 400 metres of bus stops along Angelo Street and Coode St, allowing a percentage reduction in required bays of 15%; and
- (B) The proposed development is within 400 metres of the Angelo Street public car park No. 7 (63 bays) and Anstey Street public car park No. 8 (28 bays), allowing a percentage reduction in required bays of 15%.

Utilising the formula provided in Table 2 of the policy, and taking into account the various adjustment factors above, the figures used are as follows:

The resultant number of car parking bays subject to a cash-in-lieu payment:

$$= R(28) \times A(0.85 \times 0.85) - P(3) - S(10) = 7. *$$

* R = TPS6 car parking requirement, i.e. 28.

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

A = Applying the total adjustment factor, i.e. 0.7225 derived from Table 1 in the policy as the proposed development is within 400 metres of a bus stop and within 400 metres of 75 public car parking spaces.

P = Minus the car parking proposed to be provided onsite, i.e. 3 as explained under Item (ii) above.

S = The most recently approved onsite (or in this case, this particular tenancy) car parking shortfall (after taking into account relevant adjustment factors) unless the proposal is deemed to be a comprehensive new development.

Therefore, utilising the provisions and formulas of the policy it can be deemed that seven car bays should be subject to a cash-in-lieu payment. Specific Condition b(i) has been recommended on this basis.

(iii) How will this cash-in-lieu payment be utilised?

The proposed Scheme Amendment 30 “Car Parking and Cash-in-lieu of Car Parking Bays” to TPS6 has been adopted by Council, and is currently before the Minister for Planning for final approval.

Clause 6.3 currently restricts Council’s allocation of the cash-in-lieu payments to car parking related infrastructure, such as timed meters and additional car parks, which are in accordance with a firm proposal by Council and must be implemented within five years of the planning approval being granted. As a result, Council has not been able to effectively utilise TPS6’s cash-in-lieu provisions due to their restricted nature; instead opting to grant car parking variations in an ad hoc manner without always capturing any value from the approved car parking shortfall.

The proposed amended cash-in-lieu provision to TPS6 is as follows:

“6.3A Cash-in-lieu of car parking bays

- (3) *Before Council agrees to accept a cash payment in lieu of any deficit bays, it must have a reasonable expectation that the payment can be spent by the City:
 - (a) *to provide additional transport infrastructure in the vicinity of the development site; or*
 - (b) *to acquire land for the provision of additional transport infrastructure.**
- (4) *The amount of the cash-in-lieu payment shall be the cost estimated by Council to provide the deficit bays. The cost may include:
 - (a) *the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by Council;*
 - (b) *the cost to Council of constructing the deficit bays; and*
 - (c) *the cost to Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.**
- (5) *Any costs incurred by Council in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking planning approval.*
- (6) *The cash-in-lieu payment shall be payable in such a manner, and at such time as Council determines.*
- (7) *Cash-in-lieu payments received by Council under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to*

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

reimburse Council for any related expenses, including loan repayments which it incurs in providing and maintaining transport infrastructure.”

(iv) Comments from Engineering Infrastructure

The memorandums from Engineering Infrastructure dated 31 October and 15 November 2013, referred to as **Attachment 10.3.2(d)**, provides comment in relation to existing parking provision, guidance and pricing for any additional cash-in-lieu payment required for any additional bays eligible for cash-in-lieu payment as a result of this change of use proposal.

In general, the City’s Engineering Infrastructure department do not have any objection to the proposal on engineering grounds.

(v) Assessment of proposed car parking shortfall

As indicated above, the proposed “small bar” results in an onsite car parking shortfall of seven bays. The applicant owns and runs a venue in Ardross, and has provided a survey of its operations at these premises in order to illustrate likely customer demand. A brief statement in support of the proposed parking shortfall is also provided. A copy of this correspondence is contained in Annexure A of the Management Plan, referred to as **Attachment 10.3.2(b)**. Based on the survey provided, the applicant indicates the proposed venue will likely operate well below capacity for the majority of the day, and get busy when the surrounding businesses in the area are closed. In addition, the applicant indicates the majority of patrons will not drive to the premises, reducing the parking requirement.

City officers are aware that the majority of businesses within the Angelo Street commercial precinct operate during standard business hours. Once these premises are closed, significant numbers of public car parking bays, within 400 metres, will be available for use by patrons of the proposed “small bar”. Therefore, in the evenings it is considered the precinct can accommodate the proposed parking shortfall. Comments received during the neighbour consultation period indicate that during the day there is a lack of parking within the precinct, which in turn impacts upon the surrounding streets and local residents. As indicated by Engineering Infrastructure, management of this limited parking supply occurs through the use of timed and ticketed parking. Engineering Infrastructure has indicated management can be improved through the purchase of appropriate technology, funded partly through the recommended cash-in-lieu payment. The City’s Ranger Services has indicated it is not aware of any parking issues on residential streets surrounding Angelo Street.

Given the circumstances described above, it is considered the proposed car parking shortfall may be supported subject to the imposition of Specific Condition b(i) requiring cash-in-lieu payment prior to occupation of the building.

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

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

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

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

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

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 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.*
- (d) *Any other Council policy of the Commission, or any planning Council policy adopted by the Government of the State of Western Australia.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*
- (p) *Any social issues that have an effect on the amenity of the locality.*
- (s) *Whether the proposed access and egress to and from the site are adequate, and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site.*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality, and the probable effect on traffic flow and safety.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (x) *Any other planning considerations which Council considers relevant.*

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

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. As described in Clause 8(c) of this policy, the Director of Development and Community Services may require additional consultation where they see fit. Under the provisions of this clause, the standard “Area 1” consultation method was extended to take in additional properties. Individual property owners, occupiers and / or strata bodies on both sides of Angelo Street, between Anstey and Norfolk Street, 1, 3, 5, and 7 Waverley Street, and 48, 50 and 52 Coode Street were invited to inspect the plans and submit comments during a minimum 14-day period (however receipt of comments continued until this report was finalised).

During the advertising period, a total of 55 consultation notices were sent and 20 submissions were received. Five of the submissions came from two individuals who own multiple properties within the area. Of the submissions received, eight are in favour and nine are against the proposal, with four non-objections. Summaries of the comments from the submitters, together with the applicant and officer responses are below. It should be noted that the applicant’s response dated 18 November 2013 included in **Attachment 10.3.2(c)**, and the Management Plan referred to as **Attachment 10.3.2(b)**, contain detailed information as to how the applicant proposes to deal with some of the submitters’ comments below:

Submitters’ Comments	Applicant’s Response	Officer Response
Late night and early morning noise needs to be managed to protect the amenity of surrounding residential neighbours. Noise sources could include binning of bottles, commercial deliveries, and departure of patrons and vehicles.	Measures to reduce noise include binning glass inside, organising delivery and waste collection from Angelo Street, maintaining a closed door venue, and encouraging patrons to leave the premise in a quiet manner.	The Management Plan contains detailed information as to how noise will be minimised. As per Specific Condition b(ii), the applicant will be required to implement the Management Plan at all times and maintain an appropriate complaints’ procedure. It is considered the measures proposed in the Management Plan will minimise the noise impact of the proposed development. The submitters’ comment is noted.
Access to surrounding residential properties is often blocked by cars and trucks parked in the laneway causing frustration, leading to anger and	We will allow all deliveries to come through the front door rather than the rear door. The rear door is too narrow and will end up with dings and	The applicant’s proposal to take deliveries from the Angelo Street frontage will ensure the lane is not blocked by trucks. Parking in the right-of-way is not

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

<p>abuse.</p>	<p>scratches from deliveries anyway, whereas the front door will have wide access. Deliveries will occur before we open or during low trade times.</p>	<p>permitted by the City, and signage is likely to be installed to this effect in the near future. The submitters' comment is not supported.</p>
<p>The proposed development could lead to a reduced feeling of safety and security due to potential anti-social behaviour.</p>	<p>The proposed “small bar” is intended to trade in a similar way to a tapas style restaurant, with a focus on fine food and beverages and a conversational atmosphere. I would stand by the statement that our establishment would have no different effect on the surrounding community than a moderately high-end restaurant.</p>	<p>The applicant has provided detailed information in relation to this point in the email dated 18 November 2013. As discussed in the body of the report, the proposed land use is considered appropriate for the locality and is supported by City officers. The submitters' comment is not supported.</p>
<p>There is no additional onsite car parking which will result in customers parking in the spaces allocated to adjacent commercial premises. This will in turn have a negative impact on local business.</p>	<p>Our busiest periods for our bar are dinner time, which has double the patrons than our lunch time trade. Therefore, most of our patronage occurs after 7:00pm. At this time almost all of the neighbouring businesses are closed, and therefore their patron car parks are unused. Our venue will attract patronage from all over Perth, assuming we follow the same success of Bad Apples Bar. This means we will be bringing many people to the Angelo Street commercial precinct that normally would not go there. This provides an opportunity for exposure for neighbouring businesses to hundreds of people coming to the area.</p>	<p>The car parking provision is discussed in detail in the body of the report above. City officers recommend approval of the proposal subject to payment of an appropriate cash-in-lieu amount as detailed in Specific Condition b(i). The submitters' comment is not supported.</p>

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

<p>Traffic congestion is inevitable as a result of having an additional 120 patrons in the area and insufficient car parking to accommodate them.</p>	<p>We acknowledge that traffic congestion will increase, however as per the above point, the main patron traffic will be after most of the local businesses close. Also, only a portion of the patrons coming to our venue will be driving, the others will be walking, getting a lift with friends, or catching public transport or taxis.</p>	<p>See comments above in relation to car parking. Engineering Infrastructure do not consider traffic congestion to be an impediment to approval being issued. The submitters' comment is not supported.</p>
<p>Odours from the kitchen and associated waste will negatively impact on the amenity of surrounding residents.</p>	<p>We will seek approval from the landlord to enclose our bins in a bin enclosure to eliminate the spread of waste and odours. The bins will be washed as part of our weekly cleaning procedure to reduce odours. There will be very little odour from the kitchen. Our small kitchen only operates a very small cooking line up where we deal with a lot of fresh food and lightly cooked produce. We will install the appropriate health standard exhaust with the appropriate filters.</p>	<p>The Management Plan provides details of how waste will be treated and disposed of. The applicant will be required to comply with relevant environmental health legislation, and will be advised via an important note to liaise directly with the City's Environmental Health Services. The submitters' comment is not supported.</p>

(b) Internal administration

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

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic generated from the proposal, as well as guidance for the use of cash-in-lieu funds. This department does not see engineering issues being an impediment to the development taking place. The detailed comments from Engineering Infrastructure are contained within **Attachment 10.3.2(d)**.

The Environmental Health department indicates that further approvals from the City will be required in relation to the proposed kitchen and future operations as a food business. In addition, this department notes that further approvals will be required from the Department of Racing Gaming and Liquor.

10.3.2 Proposed Change of Use from “Shop” to “Use Not Listed” (Small Bar) - Lot 32 (No. 79-79A) Angelo Street, South Perth

Specific Condition b(i) has been recommended to deal with the cash-in-lieu issue, and Specific Advice Note (d) is recommended to alert the applicant to the fact further approvals may be required from the City.

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

The recommended condition of approval for this proposal requires the applicant to pay \$17,000 to The City in accordance with a cash-in-lieu payment required due to a parking bay provision shortfall of one (1) bay. Cash-in-lieu payments received by Council shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments which it incurs in providing and maintaining transport infrastructure.

Strategic Implications

This recommendation contained in this report is consistent with the [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 objectives contained in the City’s [Sustainability Strategy 2012–2015](#). The application involves the change of use of an existing building. The existing building will require an internal fit-out to allow it to be utilised for the proposed use. Being a non-residential land use, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

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

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

Location: Lot 13 (No. 16) Bradshaw Crescent, Manning
 Ward: Manning Ward
 Applicant: Ingrid Fay
 Lodgement Date: 6 November 2013
 Date: 3 February 2014
 Author: Erik Dybdahl, Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a change of use from “Shop” to “Café / Restaurant” (La Boussole – French Café) at a previously approved and existing mixed use commercial development located at Lot 13 (No. 16) Bradshaw Crescent, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 Clauses 7.8(1) and 6.3(4)

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and *Metropolitan Region Scheme*, this application for planning approval for a change of use from “Shop” to “Café / Restaurant” on Lot 13 (No. 16) Bradshaw Crescent, Manning **be approved** subject to:

(a) Standard Conditions

427	External Colours - Compatibility	660	Expiry of approval
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(b) Specific Conditions

- (i) The applicant is to pay the City \$6,000 as a cash payment in lieu of the onsite car parking shortfall of one (1) bay in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development” and Clause 6.3(5) of the City’s Town Planning Scheme No. 6. A tax invoice to this effect will be issued by the City.
- (ii) The hours of operation shall be limited to:
 7:00am until 3:00pm – Monday to Wednesday;
 7:00am until 9:00pm – Thursday to Saturday; and
 7:00am until 1:00pm – Sunday.

(c) Standard Advice Notes

700A	Building permit required	795B	Appeal rights – Council decision
720	Strata note - Comply with that Act	790	Minor variations - Seek approval

(d) Specific Advice Notes

The applicant is advised that:

- (i) The applicant / owner are advised of the need to comply with the City’s Environmental Health Services requirements, and obtain necessary approvals from the department prior to commencing the proposed use. The memorandum dated 5 December 2013 to this effect is enclosed.

Recommendation continued

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

- (ii) Drawings of any proposed signage shall be submitted along with a separate application for planning approval prior to the erection and display of any associated signage.
- (iii) All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.

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

Background

The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Density coding	R20
Lot area	1,445 sq. metres
Building height limit	7.0 metres
Development potential	3 single or grouped dwellings
Plot ratio limit	0.75 (Mixed development or other non-residential)

This report includes the following attachments:

- Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Engineering Infrastructure memorandum.
- Attachment 10.3.3(c)** Environmental Health memorandum.

The location of the development site is shown below:



10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

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

6. **Amenity impact**

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

The subject site has an historic shortfall of onsite car parking bays available, as detailed in the “Car parking” section below. The proposed change of use proposes an additional car parking shortfall. The amenity impact in this instance is the cumulative effect of a shortfall of onsite parking bays, thus an increased reliance on the limited available street and incidental parking off-site for which a number of businesses and patrons / customers within the vicinity will then compete.

Comment

(a) Background

In November 2013, the City received an application for a change of use from “Shop” to “Café / Restaurant” at a previously approved mixed use development comprising a combination of office, shop and residential land uses at Lot 13 (No. 16) Bradshaw Crescent, Manning.

The mixed use development, when originally approved in 2009, was granted approval despite a car parking shortfall of ten bays. Additionally, in 2011 an amended approval was applied for which included the addition and construction of an extra “Shop” tenancy onsite. The proposal for an additional “Shop” tenancy created a further car parking shortfall of 13 bays, and was approved via Council determination on the condition that a cash-in-lieu payment was received from the applicant to compensate for the shortfall of parking bays. The cash-in-lieu payment was to be used for the construction of additional off-site street parking and verge works detailed in the attached Engineering Infrastructure memorandum, referred to as **Attachment 10.3.3(b)**.

This current application proposes a change of use for one of the two ground level “Shop” tenancies to a “Café / Restaurant” use. While this proposed change of use, following officer assessment, has resulted in an increased parking requirement for the site, some concessions to the car parking requirement were identified via Council Policy P315 “Car Parking Reductions for Non-Residential Development”. Such a policy was not employed in the previous applications for the site as it was only adopted by Council in May 2013.

As the change of use application affects only one of the previously approved uses onsite, the car parking assessment (as per Table 6 of TPS6) is based solely on the change in required parking for the existing “Shop” tenancy to the proposed “Café / Restaurant” use. Parking requirements for the other uses on the site are to remain as previously approved.

The above shall be discussed further in the “Car parking” section below.

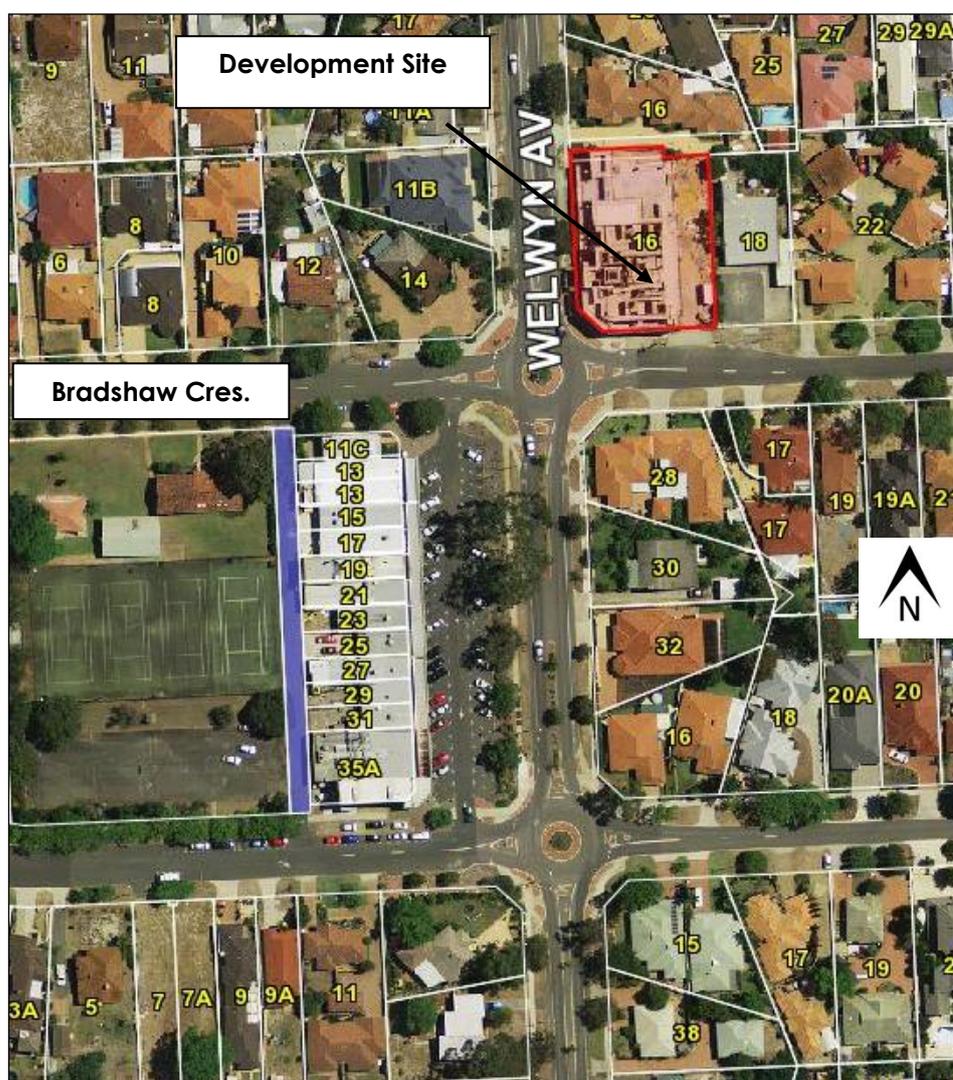
10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

(b) Existing development on the subject site

The subject site is located at Lot 13 (No. 16) Bradshaw Crescent, Manning. The existing development on the site currently features a mixed use development comprising shop, office and residential land uses. The development is still under construction and is expected to be completed by February 2014.

(c) Description of the surrounding locality

The development is on a corner site with frontage to Welwyn Avenue to the west, and Bradshaw Crescent to the south. The site is within the Welwyn Avenue Neighbourhood Commercial Centre, sited diagonally opposite public car park No. 35 (Welwyn Avenue) and numerous existing food and retail outlets within the commercial centre. The Welwyn Avenue Neighbourhood Commercial Centre is surrounded by predominantly low to medium density residential development as seen in *Figure 1* below:



(d) Description of the proposal

The proposal involves a change of land use from “Shop” to “Café / Restaurant” (La Boussole – French Café), as depicted in the submitted plans referred to as **Attachment 10.3.3(a)**, on Lot 13 (No. 16) Bradshaw Crescent, Manning. The proposed land use of “Café / Restaurant” is classified as a “P” (Permitted

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

use) land use with the “Neighbourhood Centre Commercial” zone as per Table I (Zoning - Land use) of TPS6. A “P” land use is defined as follows: “Indicates a Permitted use and means, subject to the provisions of Sub-clause (4), that the use is permitted by the Scheme.”

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and relevant Council policies, with the exception of car parking requirements. The following significant matters are discussed further in the body of this report:

- Hours of operation;
- Car parking (Clause 6.3 of TPS6); and
- Council Policy P315 “Car Parking Reductions for Non-Residential Development”.

(e) Hours of operation

The hours of operation, as conditioned above, were proposed by the applicant and have been accepted by the City as appropriate for the “Café” use. Later night operation is restricted from Sunday through Wednesday which is seen to address relevant amenity impacts such as noise and traffic on these more sensitive nights, while the café is open later from Thursday through Saturday where higher amounts of activity, noise and traffic are more acceptable and tolerated within a predominantly residential setting.

The proposed hours of operation are considered satisfactory in relation to the proposed use within the residential setting.

(f) Car parking

(i) Availability of car parking bays and the existing shortfall

The submitted plans referred to as **Attachment 10.3.3(a)**, indicate a total of 38 car parking bays available on the subject site in addition to shared incidental parking available at public car park No. 35 - Welwyn Avenue (55 bays) for non-residential land uses within the Welwyn Avenue Neighbourhood Commercial Centre. A calculation of the number of car parking bays required for the existing uses onsite, based upon TPS6 requirements, shows that a total of 63 car parking bays would be required for the currently approved uses. Hence, the officers consider that the currently approved uses are operating with an overall shortfall of 25 bays onsite. This variation was previously approved by Council in 2011 on the condition that the applicant was to provide a cash-in-lieu payment to compensate for such a shortfall to fund the construction of off-site, street parking bays and associated verge works; paid prior to the issuing of the building permit and occupation of site and detailed further in **Attachment 10.3.3(b)** and sections below.

It is important to note that Council Policy P315 “Car Parking Reductions for Non-Residential Development” was not applied or considered in previous approvals related to the site, as this policy was only adopted by Council in May 2013. The application of this policy shall be demonstrated and discussed further below.

(ii) Additional shortfall as a result of the proposed change of use

Based on provisions of Table 6 of TPS6, which indicates the minimum required parking bays for non-residential land uses for particular land uses and zones, the current “Shop” tenancy has a parking bay

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

requirement of seven bays based on the gross floor area (GFA) of the tenancy (one per 20m² of GFA). The proposed “Café / Restaurant” has a parking bay requirement of 12 based on the dining floor area (one per 5m² of dining area). Officers therefore consider the proposed change of use to impose an additional car parking shortfall of five bays based on the parking assessment of the subject site.

(iii) Applying cash-in-lieu provisions of Council Policy P315

This parking shortfall of five bays, as a result of the change of use, has been assessed against Council Policy P315 “Car Parking Reductions for Non-Residential Development”. The objective of the policy is to allow a reduction of the number of car parking bays required for non-residential uses where there are significant opportunities to promote alternative modes of transport, or utilise existing transport and car parking infrastructure. Based on permitted car parking reductions of Table 1 of the policy, the following factors and features of the subject site provide allowable reductions in the parking requirements:

- (A) The proposed development is within 400 metres of bus stops along Manning Road and Marsh Avenue, allowing a percentage reduction in required bays of 15%;
- (B) The proposed development is within 50 metres of the Welwyn Avenue public car park No. 35 (55 bays), allowing a percentage reduction in required bays of 20%; and
- (C) The development provides “end-of-trip” facilities for bicycle users, allowing a percentage reduction in required bays of 10%.

Utilising the formula provided in Table 2 of the policy, and taking into account the various adjustment factors above, the figures used are as follows:

Resultant number of car parking bays subject to cash-in-lieu payment:
 $= R(12) \times A(0.612) - P(4.4) - S(2) = 0.944 (1).$ *

* $R =$ TPS6 car parking requirement, i.e. 12.

$A =$ Applying the total adjustment factor, i.e. 0.612 derived from Table 1 in the policy as the proposed development is within 400 metres of a bus stop / station.

$P =$ Minus the car parking proposed to be provided onsite, i.e. 3 as explained under Item (ii) above.

$S =$ The most recently approved onsite (or in this case, this particular tenancy) car parking shortfall (after taking into account relevant adjustment factors) unless the proposal is deemed to be a comprehensive new development.

Therefore, utilising the provisions and formulas of the policy it can be deemed that one car bay should be subject to a cash-in-lieu payment.

(iv) How will this cash-in-lieu payment be utilised?

The proposed Scheme Amendment 30 “Car Parking and Cash-in-lieu of Car Parking Bays” to TPS6 has been adopted by Council and is currently before the Minister for Planning for final approval.

Clause 6.3 currently restricts Council’s allocation of the cash-in-lieu payments to car parking related infrastructure, such as timed meters and additional car parks, which are in accordance with a firm proposal by Council and must be implemented within five years of the planning approval being granted. As a result, Council has not been able to

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

effectively utilise TPS6’s cash-in-lieu provisions due to their restricted nature; instead opting to grant car parking variations in an ad hoc manner without always capturing any value from the approved car parking shortfall.

The proposed amended cash-in-lieu provision to TPS6 is as follows:

“6.3A Cash-in-lieu of Car Parking Bays

- (3) *Before Council agrees to accept a cash payment in lieu of any deficit bays, it must have a reasonable expectation that the payment can be spent by the City:*
 - (a) *to provide additional transport infrastructure in the vicinity of the development site; or*
 - (b) *to acquire land for the provision of additional transport infrastructure.*
- (4) *The amount of the cash-in-lieu payment shall be the cost estimated by Council to provide the deficit bays. The cost may include:*
 - (a) *the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by Council;*
 - (b) *the cost to Council of constructing the deficit bays; and*
 - (c) *the cost to Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.*
- (5) *Any costs incurred by Council in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking planning approval.*
- (6) *The cash-in-lieu payment shall be payable in such a manner, and at such time as Council determines.*
- (7) *Cash-in-lieu payments received by Council under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments which it incurs in providing and maintaining transport infrastructure.”*

(v) Comments from Engineering Infrastructure

The memorandum from Engineering Infrastructure, referred to as **Attachment 10.3.3(b)**, provides comment and further details in relation to the previous approval and intent for the previous cash-in-lieu payment, as was a condition of approval for the subject site development. The comments also provide guidance and pricing for any additional cash-in-lieu payment required for any additional bays eligible for cash-in-lieu payment as a result of this change of use proposal.

In relation to the previous cash-in-lieu payment, the following design plan for Welwyn Avenue includes:

- Three parking bays on the existing verge immediately adjacent to the path;
- Bollards to separate parking vehicles and pedestrians;
- Adjustments to the kerb line to complete the bays; and
- Road markings.

The design for Bradshaw Crescent includes:

- Provide a further two bays with the removal of the former service station crossing;
- Kerb realignment between the crossings; and

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

- Bollards to separate parking vehicles and pedestrians.

“The intent of the former cash-in-lieu payment was to provide as many bays at the site as the funds allowed, with the remaining balance going towards constructing additional bays in Jarman Avenue. The Jarman Avenue bays would be some 210 metres from 16 Bradshaw Crescent and would be integrated into the works associated with the Manning Hub redevelopment. On that basis, we would expect to have expended about \$24,000 (of the \$44,000 paid by the owner as per the 2011 approval) by the end of February 2014 with the balance (\$20,000) to be expended within the next four years (June 2017) as part of the Manning Hub Redevelopment”.

In relation to any additional parking bay requirements as a result of the current proposal for “change of use”, the following directive was issued by Engineering Infrastructure:

“If this change of use application results in a greater parking demand, than the previous use the shortfall of bays should be “cash-in-lieu” of parking bays of at least \$6,000 per individual bay.”

(vi) Operating hours and incidental parking considerations

In addition to car parking concessions enabled via Council Policy P315, the applicant has also stressed and asked Council to consider the proposed hours of operation and expected café busy times.

The applicant submits:

“It is also to be noted that at the café’s busiest times (evenings and weekends) the buildings offices will be closed thus freeing up a majority of bays onsite for café patrons as required.”

Officers deem this a valid consideration given the office tenancies are expected to close at approximately 5:00pm during the week, and to be closed over the weekend, therefore allowing other land uses on the site to utilise parking bays that are no longer in use by the office tenancies.

(vii) Conclusion

In this instance, it is considered that the proposal does not comply with the parking requirements of the City’s TPS6, however a condition of approval is recommended to demonstrate compliance and thereby rectify this matter.

Hence, in considering Sub-clauses (iii) and (v) above, officers recommend the parking shortfall be approved provided the City requests a cash-in-lieu payment for one (1) car bay at a cost of \$6,000 to the applicant / landowner as is reflected in the recommended Specific Condition b(i) of approval for this proposal.

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

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

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

- (a) *Maintain the City's predominantly residential character and amenity.*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls.*
- (f) *Safeguard and enhance the amenity of residential areas, and ensure that new development is in harmony with the character and scale of existing residential development.*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*

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

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

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
 - (i) *The preservation of the amenity of the locality.*
 - (p) *Any social issues that have an effect on the amenity of the locality.*
 - (q) *The topographic nature or geographic location of the land.*
 - (r) *The likely effect of the proposal on the natural environment, and any means that are proposed to protect or to mitigate impacts on the natural environment.*
 - (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

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

Consultation

(a) **Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies within the vicinity of the proposed development were invited to inspect the plans and submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 17 consultation notices were sent and despite a number of landowners phoning to request further details of the

10.3.3 Proposed Change of Use from “Shop” to “Café / Restaurant” - Lot 13 (No. 16) Bradshaw Crescent, Manning

proposal, no formal submissions / objections to the proposal were received throughout the consultation period and to date.

(b) Internal administration

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

- The Manager, Engineering Infrastructure was invited to comment on vehicle movements and parking generated from the proposal. Comments are discussed in the “Car parking” section above, and a copy of the original memorandum is contained in **Attachment 10.3.3(b)**.
- The Environmental Health Services department provided comments with respect to change rooms, kitchens and noise. This department raises no objections, subject to the recommended conditions and important notes. A copy of such comment is contained within **Attachment 10.3.3(c)**.

Accordingly, planning conditions and / or important notes are recommended to respond to the comments from the above officers.

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

The recommended condition of approval for this proposal requires the applicant to pay \$6,000 to the City in accordance with a cash-in-lieu payment required due to a parking bay provision shortfall of one (1) bay. Cash-in-lieu payments received by Council shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments which it incurs in providing and maintaining transport infrastructure.

Strategic Implications

This recommendation contained in this report is consistent with the [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 objectives contained in the City’s [Sustainability Strategy 2012–2015](#). Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours subject to a cash-in-lieu payment for the one car bay shortfall. Accordingly, it is considered that the application should be conditionally approved in accordance with the recommended conditions of approval above.

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

Location: Lot 272 (No. 27) River Way, Salter Point
 Ward: Manning Ward
 Applicant: Dale Alcock Homes
 Lodgement Date: 17 October 2013
 Date: 3 February 2014
 Author: Erik Dybdahl, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a single storey, single house with ancillary accommodation, on Lot 272 (No. 27) River Way, Salter Point.

Council is being asked to consider and determine the application as delegation does not extend to approving applications in areas situated within *Precinct 13 – Salter Point*, in accordance with the City’s Strategic Direction 6 “Delegation from Council DC690 *Town Planning Scheme 6*” Sub-clause 3(a); detailed further below.

In conjunction with the abovementioned delegation, Clause 6.1A “Building Height Limits and Method of Measuring Height” was added to the Town Planning Scheme (replacing Clause 6.2) which defined new methods of measuring building height for various building designs, and specified additional supporting information and drawings required for developments within *Precinct 13 - Salter Point*.

The proposed dwelling and subject site (with frontage to Salter Point Parade) has been assigned a building height limit of 3.5 metres, and while the proposed development is compliant with the provisions of the City’s *Town Planning Scheme No. 6* (particularly Clause 6.1A) and the *2013 Residential Design Codes*, the proposed roof pitch is considered excessive in comparison to the existing roof designs along the Salter Point Parade streetscape; a street characterised by flat and low angle pitched roof forms and design.

Council is asked to consider the application, which is recommended for approval subject to conditions.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and *Metropolitan Region Scheme*, this application for planning approval for a single storey single house on Lot 272 (No. 27) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions

390	Crossover - standards	470	Retaining walls - If required
427	Colours and materials - Details	471	Retaining walls - Timing
377	Screening - Clothes drying	455	Dividing fences - Standards
393	Verge and kerbing works	456	Dividing fences - Timing
578	New titles prior to building permit	550	Plumbing hidden
660	Expiry of approval	445	Stormwater infrastructure

Recommendation continued

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

- (b) Specific Conditions**
 Revised drawings shall be submitted to the City as part of the building permit application, and such drawings shall incorporate the following:
 (i) A reduced roof pitch of no greater than 20 degrees.
- (c) Standard Advice Notes**
- | | | | |
|------|---------------------------|------|----------------------------------|
| 700A | Building permit required | 790 | Minor variations - Seek approval |
| 705 | Revised drawings required | 795B | Appeal rights - Council decision |

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1130sq. metres
Building height limit	3.5 metres
Development potential	2 dwellings
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
Attachment 10.3.4(b) Additional supportive drawings as per Clause 6.1A(9)(a) of TPS6.

The location of the development site is shown below:



10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

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

3. The exercise of a discretionary power

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
 - (i) have been assigned building height limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2(2) of the Scheme.

Comment

(a) Background

In October 2013, the City received an application for a single storey single house, with ancillary accommodation, on Lot 272 (No. 27) River Way, Salter Point (the subject site).

The subject site is within *Precinct 13 - Salter Point* and has a prescribed building height limit of 3.5 metres based on its location and frontage to Salter Point Parade. As such, the development application must be determined by Council as "Delegation from Council DC690 *Town Planning Scheme 6*" prescribes that the officer's power of delegation does not extend to applications in areas situated in *Precinct 13* with prescribed building height limits of 3.0 metres, 3.5 metres and 7.0 metres respectively.

Following the officer's assessment, the proposed development is deemed generally compliant with provisions of the *2013 Residential Design Codes* and relevant elements of the City's TPS6, in particular, the prescribed building height limit of 3.5 metres and associated provisions and additional requirements contained within Sub-clause 6.1A(9) "Building Height Restrictions in *Precinct 13 - Salter Point* of TPS6; discussed in more detail in the "Building height" and "Significant views" sections below.

Despite compliance with the abovementioned scheme provisions and design elements, when considering the existing streetscape of Salter Point Parade, the proposed roof pitch (24° 43') is considered an excessive deviation from the existing established roof forms within the streetscape, characterised by predominantly flat and low angle pitched roofs. A reduction in the proposed roof pitch shall also further alleviate any potential obstruction of views to the Canning River from adjoining residences. Hence, the recommended condition is intended to address both of these elements.

As building height and subsequent roof form are considered the only contentious elements of this development, other design and policy considerations have been omitted from discussion as they are deemed compliant with the *Residential Design Codes* and relevant clauses of the Scheme. The above shall be discussed further in the sections below.

(b) Existing development on the subject site

At the time of development application lodgement Lot 272 (No. 27) River Way, Salter Point was in the process of subdivision into two green titles; one to retain an existing dwelling with frontage to River Way, and the other, a large (1,130m²) vacant lot with frontage to Salter Point Parade, to be the site

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

of the proposed single house with ancillary accommodation. Subdivision approval has since been granted by the Planning Commission, and the subsequent clearance has been issued by City officers as of 6 January 2014 (titles from Landgate issued 4 February 2014).

The site photograph below (Site Photo I) shows the vacant subject lot as viewed from Salter Point Parade, displaying the vacant lot and subject site in the foreground, with the retained dwelling and lot (hidden by dense vegetation) in the background.

Site Photo I - As viewed from Salter Point Parade.

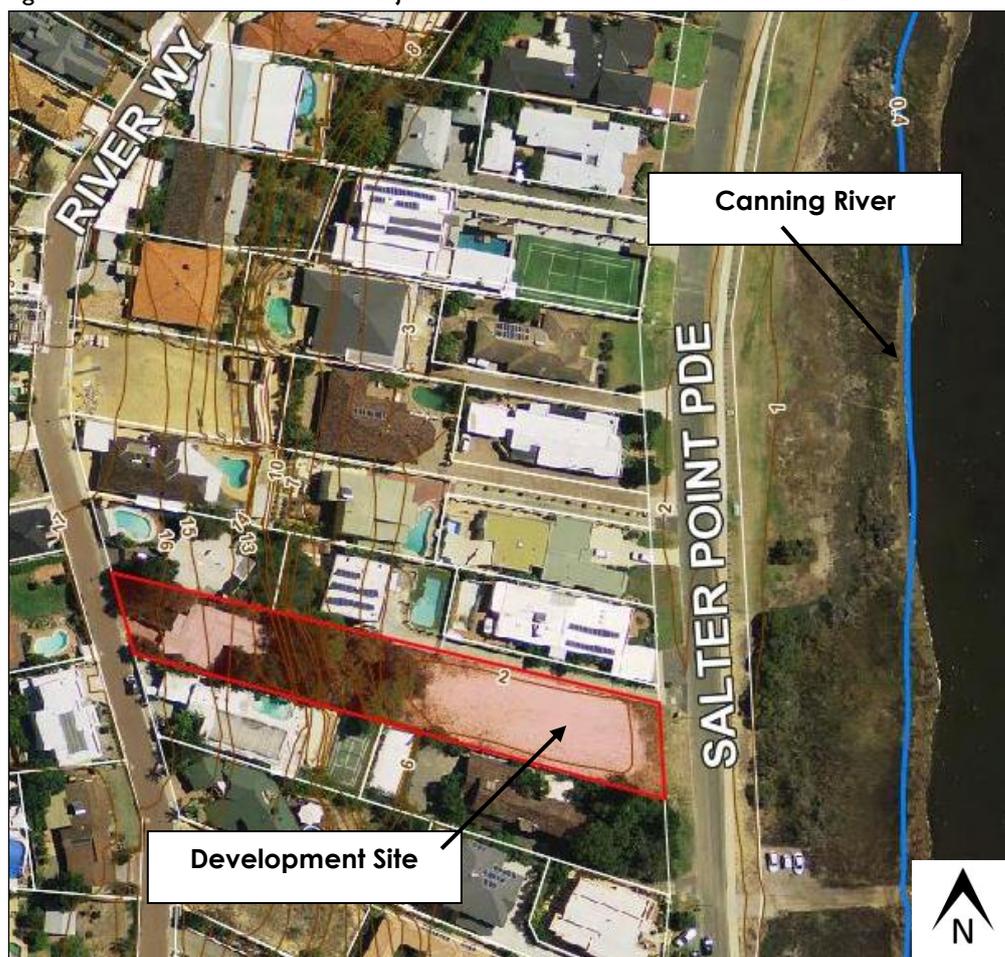


(c) Description of the surrounding locality

The site has frontage to Salter Point Parade, as well as views of the Canning River to the east. The focus area is characterised by large residential single houses on large lots. The subject site is situated on relatively low land abutting the river reserve, with steeply rising ground levels and higher finished property levels to the west. The subject site and many of the adjoining properties share views of the Canning River.

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

Figure 1 below illustrates the subject site in the context of its surrounds:



(d) Description of the proposal

The proposal involves the construction of a single storey single house, with attached ancillary accommodation on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.4(a)**.

The proposal complies with the relevant elements of the Scheme, R-Codes and relevant Council policy, however some site specific considerations and potential contentious elements require further discussion below which include:

- Building height;
- Significant views; and
- Ancillary accommodation.

(e) Building height

The building height limit for the site is 3.5 metres, and the proposed building height is 3.03 metres (as measured in accordance with provisions of Clause 6.1(A) from the highest point of ground level under the building envelope to the top surface of the roofing material above the relevant “building height wall”). Therefore, the proposed development complies with Clause 6.1A “Building Height Limit and Methods of Measurement” of TPS6. However, in the case of the subject site, the proposed roof pitch is not consistent or reflective of the characteristic flat roofs and low pitch roof forms within the Salter Point Parade streetscape focus area.

The proposed 24°43’ roof pitch results in a central ridge height of 6.3 metres, which is greater than double the proposed building height. Considering the

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

ridge height and its potential to obstruct views of the Canning River from adjoining properties, as well as the character of roof forms within the streetscape, a reduced roof pitch of no greater than 20° is recommended as a condition of approval to address both of these issues, reducing any potential obstruction of views and bringing consistency of roof forms within the streetscape.

Development within this area of Salter Point, requires additional supportive drawings and information to demonstrate the height and design of a dwelling will not obstruct significant views (not just simply the building height) as per Sub-clause 6.1A(9). These elements will be explored further in the “Significant views” sections below, as well as other evidence to demonstrate views will not be impacted significantly.

(f) Significant views

Council Planning Council Policy P350.9 “Significant Views” at times requires the consideration of the loss of significant views from neighbouring properties. The neighbouring properties to the rear of the subject site currently enjoy views of the Canning River (significant views). Therefore it is important, through design requirements and policy mechanisms, to ensure such views are maintained where possible.

Sub-clause 6.1A(9) “Building Height Restrictions in *Precinct 13 – Salter Point*” of TPS6 seeks to ensure that views of the Canning River from adjoining properties within the Salter Point area are protected where new development is proposed. The provisions of the sub-clause are as follows:

“In Precinct 13 - Salter Point, on any land which has been assigned a building height limit of 3.0 metres, 3.5 metres or 6.5 metres, a person shall not erect or add to a building unless:

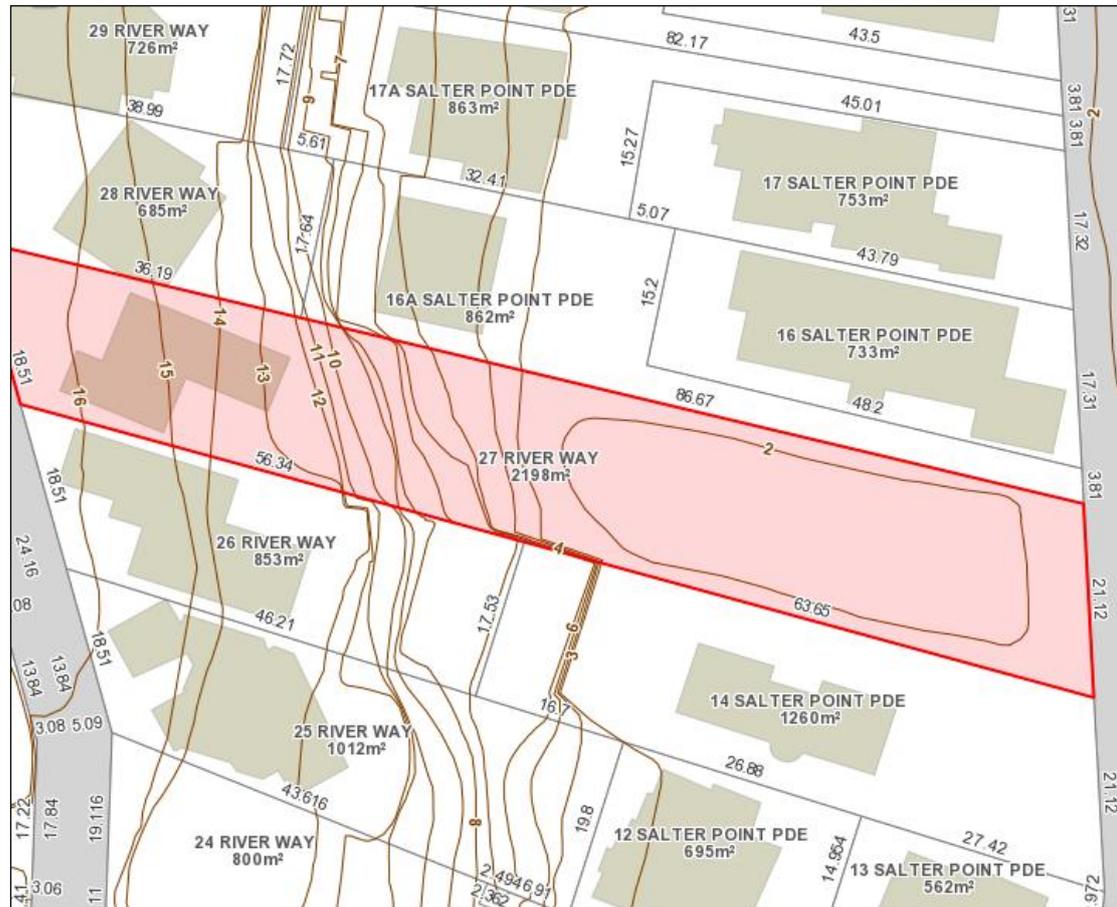
- (a) *Drawings are submitted showing to Council’s satisfaction:*
 - (i) *the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;*
 - (ii) *the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and*
 - (iii) *sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed.*
- (b) *Notice has been served upon the owners and occupiers of lots potentially affected in relation to views of the Canning River.*
- (c) *Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.”*

As such, the applicant was required to provide additional drawings required in Sub-clause (a) above, and notices to affected neighbours were issued as per Sub-clause (b). These supportive documents and drawings, including an additional streetscape montage, can be found in **Attachment 10.3.4(b)**. The sight line drawing from the rear property shows that the houses toward the rear of the property are at a sufficient ground level and finished floor level to have uninterrupted sight lines of the Canning River (if not already obstructed by existing vegetation). The following Intramap extract also shows the location of such rear properties and corresponding ground levels. A very steep incline is noted towards the rear of the subject site, giving much higher ground levels for those properties to the west of the subject site. It is noted that the initial

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

ground levels of these rear properties begin at approximately 13.0 metres, bringing sight lines well above the proposed development.

Intramap extract – Adjoining property locations and ground level contours.



It is also evident that properties immediately adjoining and on either side of the subject site are will not be impacted, in terms of existing views, as these properties sit at a similar front setback and have ground and finished floor levels very close to that of the proposed dwelling. This is further illustrated in the additional “Streetscape Montage” drawing included in **Attachment 10.3.4(b)**, which has superimposed the proposed dwelling between the adjoining dwellings demonstrating the consistency of ground and floor levels.

In addition to the supportive drawings of **Attachment 10.3.4(b)**, photographic evidence below (Site Photo 2) also shows that many views and property sight lines to the Canning River are already significantly obstructed from adjoining properties by existing dense and tall vegetation, particularly properties to the rear and south-west of the subject site.

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

Site Photo 2 – Shows the extent and height of vegetation on adjoining lots.



Perhaps most at risk, if at all, of a potential loss of views is No. 16A Salter Point Parade, situated immediately north west of the subject site and directly behind No. 16 Salter Point Parade. The property currently enjoys predominantly uninterrupted views of the river over the house in front and vacant subject site from its 1st and 2nd floor balconies as the below photo (**Site Photo 3**) demonstrates (taken during a site visit from the 1st floor balcony). It is clear that these views become heavily obstructed by the existing vegetation to the south at No. 14 Salter Point Parade and that uninterrupted views over the subject site are simply apparent because the site is undeveloped and vacant. Any development on the subject site would be expected to impact these views somewhat yet the proposal and recommended condition (reduced roof pitch) are expected to further protect these views allowing consistent views from the 1st and especially 2nd floor balconies of the Canning River.

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

Site Photo 3 – View from 1st floor balcony of No. 16A Salter Point Parade.



Furthermore, no written objection to the loss of those views has been lodged with the City. Hence, it can be considered that following the officer's assessment, the provision of supportive drawings and imposition of the recommended condition of approval, the proposed development complies with Council Policy and Scheme provisions. Given this, it can be concluded that Sub-clause (c) above can be satisfied in that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.

(g) Ancillary accommodation

The proposed single house incorporates attached ancillary accommodation to the rear of the house providing an additional entry, kitchen, bedroom and bathroom facilities to the dwelling; denoted in the ground floor plan included in **Confidential Attachment 10.3.4(a)**. The proposed ancillary accommodation is desired by the property owner so that she can live with, and care for her aged mother.

Assessment of ancillary accommodation is conducted in accordance with Clause 5.5.1 "Ancillary Dwellings" of the R-Codes. The proposed ancillary accommodation is deemed generally compliant with such provisions in terms of the minimum lot size, plot ratio area, and other general considerations of the R-Codes. However, as the property is not within 800 metres of a train station or 250 metres of a high frequency bus route, amended plans were required that demonstrated the provision of an additional car bay onsite. The **Confidential Attachment 10.3.4(a)** site and floor plan now demonstrate the provision of this additional bay in tandem with the proposed double garage. The additional car bay provision did require a slightly increased setback of the proposed dwelling (to accommodate a minimum 4.5 metre setback of

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

the bay) but was easily accommodated due to the extent of the lot and is not expected to impact the visual harmony of property setbacks within the streetscape.

With the provision of the required additional parking bay, the proposed ancillary accommodation now satisfies the relevant provisions of the R-Codes and is deemed compliant and acceptable to officers.

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

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

- (e) *Ensure community aspirations and concerns are addressed through Scheme controls.*
- (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 considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the 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.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

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

Neighbour Consultation

As no variations were proposed for the development, consultation was completed in accordance with the provisions of Sub-clause 6.1A(9)(c), and notice was served upon the owners and occupiers of lots potentially affected in relation to views of the Canning River for comment and an opportunity to view the proposed plans. The properties involved in the consultation process included Nos. 28 and 26 River Way, as well as Nos. 16, 16A and 14 Salter Point Parade. 27 River Way was omitted from the consultation, as it is the same owner of the subject site.

10.3.4 Proposed Single Storey Single House with Ancillary Accommodation - Lot 272 (No. 27) River Way, Salter Point

Despite a number of adjoining owners and occupiers coming into the City offices to view the proposed plans, no formal submissions were made and most were generally satisfied the proposal would have little impact upon views to the Canning River.

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 recommendation contained in this report is consistent with the [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 objectives contained in the City’s [Sustainability Strategy 2012–2015](#). This determination has negligible sustainability implications.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it will not have a detrimental impact on adjoining residential neighbours and streetscape, provided the proposed conditions of approval are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Old Mill Precinct

Location: City of South Perth
Ward: Mill Point Ward
Applicant: Council
Date: 7 February 2014
Author / Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide an update on the status of this project and in particular to note that the various studies previously authorised by Council have now been completed and to propose a future direction in relation to the Tram House and Millers Pool upgrade.

Officer Recommendation

That:

- (a) that Council notes the completion and the results of the studies conducted in relation to the Old Mill precinct concept as previously authorised; and
- (b) receive a report at a future Council meeting on suggestions to further progress elements of the Old Mill Precinct concept, particularly in regard to:
 - (i) the Tram House; and
 - (ii) the Millers Pool component of the project;in accordance with the comments made in this report.

Background

The Old Mill Precinct project has been in the planning development stage over the past 8 years or so and during this time has been the subject of a number of Council workshops, reports and decisions. The concept has also been the subject of extensive community consultation. Further, a detailed research has been conducted on the principle historical elements of the concept and more recently, a number of studies have been conducted. A summary of the progress made over the last few years is provided below.

September 2010

At the September 2013 Ordinary Council Meeting (Item 10.0.1 refers), Council endorsed the Old Mill Precinct proposal solely for the purpose of conducting community consultation. The proposal was advertised in November for a period of 45 days and a Public Information Forum was held on Saturday 20 November 2010 which was attended by approximately 250 residents. A total of 428 written responses were received on the concept.

February 2011

Following the conclusion of the community consultation process a Council Members' Concept Forum was held on 1 February 2011 at which the results of the consultation process were presented to Councilors in attendance. At that meeting, the following outcomes were agreed:

1. to refer the Old Mill Precinct Redevelopment Plan to a joint Design Advisory Consultants / Architect Garry Lawrence Workshop for further review;
2. to consider progressing construction of Tram House as Stage 1 with provision in the 2011/2012 Budget; and

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3. a further workshop be held to discuss the future direction following completion of the DAC / Garry Lawrence Workshop

April 2011

At the April 2011 Ordinary Council Meeting (Item 10.0.3 refers), the Council resolved the following:

“That Council notes the results of the community consultation and agrees in principle to progress the Concept Plan in stages as follows:

- (a) *by authorising Garry Lawrence to:*
 - (i) *upgrade the Concept Plan as a result of the community consultation (including DAC) feedback;*
 - (ii) *prepare a detailed financial budget for the Millers Pool component of the concept prior to further consideration; and*
 - (iii) *prepare a detailed financial budget for the Tram House component of the Concept Plan, with a view to progressing it as a “stand alone” building that can be constructed in the short term with the understanding that it will be incorporated into the larger Gallery/Museum in the longer term should the City commit itself to this project; and*
- (b) *authorise the Administration to pursue other components of the Plan and report back to Council prior to 30 September 2011.*

October 2011

The preliminary results of the joint DAC / Garry Lawrence assignment were provided by Garry Lawrence at a Councillor Briefing Session held on Monday, 3 October 2011.

Garry Lawrence provided an update on the Old Mill Project covering the following topics:

- Revised Concept Design following DAC Comment
- Preliminary Approvals and Service Infrastructure
- Preliminary Cost for Tram Enclosure; and
- Preliminary Cost for Millers Pool

The outcomes from the briefing session were presented to the November 2011 Ordinary Council meeting for consideration.

November 2011

At the November 2011 Ordinary Council Meeting (Item 10.0.1 refers) the Council resolved the following:

“That

- (a) *.....*
- (b) *consideration of the Old Mill Precinct proposal be deferred to a future Council meeting pending the receipt of legal advice on the following issues:*
 - (i) *If Council adopts the revised Concept Plan detailed in the report,*
 - (A) *does this bind the Council to these plans should it wish to deviate from them at some time in the future or chooses to re-visit the Master Planning Process entirely; and*
 - (B) *does the issues stated in the report on various land dealings and proposed funding, but not part of the recommendation, also bind the Council to any specific course;*
 - (ii) *if Council wishes to progress with the construction of any of the buildings in an approved Master Plan, are Expressions of Interest required as*

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detailed under the conditions of the Local Government Act; and does the adoption of the Concept Plan bind the Council to Garry Lawrence and Associates as the lead consultant;

- (iii) is a formal agreement required to appoint Garry Lawrence & Associates to project manage the studies proposed in the recommendation and any negotiations he will undertake with any government department or body on behalf of the Council and would such outcome be binding on the Council;
- (iv) would any agreement outline any obligations required under the Local Government Act and subsidiary legislation such as any disclosures of financial interest regarding any part of the project; and
- (v) who owns the Intellectual Property (IP) rights of the Concept Plan; and if it is established that they belong to Garry Lawrence & Associates, how can the Council be protected should they wish to on-sell to a third party developer at some stage in the future, who may not be of the Council's choice.

February 2012

Legal advice on the issues raised at the November 2011 Council Meeting was received and a response was provided at the February 2012 Ordinary Council Meeting (Item 10.0.1 refers). The legal advice confirmed that there were no 'fatal flaws' in the planning process adopted to date and the responses to the concerns raised were satisfactorily addressed.

The Council resolved the following:

"That

- (a) *Council notes the Confidential legal advice provided by McLeods Solicitors;*
- (b) *the following studies be conducted to provide essential information to advance the Old Mill Precinct Concept Plan:*
 - (i) *Heritage Council Conservation Plan and Impact Study;*
 - (ii) *Study to obtain approval under Section 18 of the Aboriginal Heritage Act 1972; and*
 - (iii) *Environmental Study incorporating acid sulphate soil study, Dewatering Study, Public Environmental review (if required) and all other work necessary to obtain the approval of the Swan River Trust and Department of Water and other related State Agencies.*
- (c) *if Council decides to proceed with the project, approves Lawrence Associates Architects to prepare detailed specification for the Tram Enclosure to tender standard and project manage the various studies, including to proceed with the relocation of the Western Power Fibre optic cable; and*
- (d) *Council considers a further report on the completion of the works detailed in (b) and (c) above.*

October 2013

At a Councillor Briefing Session held 30 October 2013, the results of the above studies were presented to Councillors.

- (i) **Heritage Council Conservation Plan and Impact Study**
 - The intent of the Conservation Plan was that the cultural heritage significance of The Old Mill will be retained, protected and recognisable and that necessary conservation work on the fabric of the place will be achievable, including restoration of the fabric to its original form and detail where possible and reasonable.

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- 22 recommendations (Policies) were developed for the owners to ensure the Old Mill is conserved and have been categorised into those requiring “Immediate Attention”, “Urgent” and “Medium Term” works.
- (ii) **Study to obtain approval under Section 18 of the Aboriginal Heritage Act 1972**
- The intent of the Survey and Consultation was to assess the potential impacts of the proposed Old Mill redevelopment on the Swan River Aboriginal site.
 - The survey involved:
 - Examination of existing ethnographic database
 - Consultation with Aboriginal consultants
 - Inspection of the project area
 - Report and Section 18 notice preparation
 - Consent to the “Use the land for Purpose” signed by State Minister Collier in August 2013.
- (iii) **Environmental Study incorporating acid sulphate soil study, Dewatering Study, Public Environmental review (if required and all other work necessary to obtain the approval of the Swan River Trust and Department of Water and other related State Agencies.**
- Acid Sulfate Soils (ASS) Assessment conducted at the Millers Pool site -
 - Field and laboratory tests reveal ASS may exist at the within the expanded Millers Pool site.
 - Represents a potential environmental hazard and will require neutralisation if uncovered.
 - Requirement for a Acid Sulfate Soil and Dewatering Management Plan to be prepared for approval prior to construction works.
 - Dewatering Assessment, Millers Pool site –
 - Highly likely to be required during construction of Millers Pool.
 - Groundwater likely to require some treatment due to environmental exceedance in some categories.
 - Soil Waste Classification, Millers Pool site –
 - Under current plan it is estimated that 20,000 m³ of soil is required to be excavated to construct Millers Pool.
 - With some treatment, most of the excavated soil could be re-used for top dressing and fill by the City.
 - This will save considerable budget due to high disposal costs.
 - Geotechnical Assessment, Old Mill Precinct –
 - Stiffened raft footings considered appropriate due to soil structure (loose to very loose alluvial sand).
 - Light piled system recommended for Tram Enclosure to negate need for dewatering on this aspect of the project.
 - Dewatering Management Plan and possibly an ASS Management Plan required prior to construction in the remainder of the site.
- (iv) **Heritage Impact statement**
- The intent of the Heritage Impact Statement is to identify the impact upon the heritage values of the existing Old Mill Precinct of the proposals for new development, including new landscape treatment and substantial upgrading of the context at the South Perth

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Peninsula.

- No adverse impacts determined over 11 identified issues.

Now that these studies have been completed, the City is now in a position to consider what action should be taken in relation to the Tram House and Millers Pool.

Comment

Tram House

The Tram itself has now been restored and is presently located at the Perth Electric Tramways Society's (PETS) workshops at Whiteman Park. PETS owns the tram and the costs of the restoration have been managed by the South Perth Historical Society (SPHS). The City has made a financial contribution to the restoration costs.

The City has entered into an arrangement with PETS and the SPHS that when the restoration is complete, the City will house the tram at a suitable location and in suitable accommodation to minimise vandalism and to provide protection from the weather.

In July 2009 Council considered a report (10.2.1) on the results of a review of the most obvious locations where the tram could be accommodated and concluded that the preferred location was to consolidate historical / tourism heritage activities within the Old Mill Precinct. Part of the reasoning for this decision was to boost the appeal of the Old Mill as a tourist destination (as visitor numbers are declining) and that the tram could be incorporated into the "Old Mill precinct concept" which was also being developed and considered at that time.

An integral part of the Old Mill precinct concept is a Gallery / Museum located on the south west corner of the project. The concept plans for this facility shows an integrated tram house that is part of this building. The estimated cost of the Gallery / Museum incorporating the tram house is in the order of \$15M - \$18M No funds have been set aside in the short, medium or long term for the costs of providing a Gallery / Museum and as a consequence, the tram house has been designed so that it can form part of the building when it is built at a later time. It is possible that external funding contributions for the Museum / Gallery can be obtained to minimize the costs to the City but there are no current indications that this could be achieved.

Funds totaling \$550,000 have been provided in the current budget for the Tram House which will go a long way towards providing the total costs of the tram house – estimated at \$676,000. A large part of these costs are in relation to the provision of tracks on which the tram is positioned and provision of associated floor reinforcement.

An advantage of building the tram house at its preferred location is that the cost of building the tram house together with track infrastructure would not be lost as it will eventually form part of the Gallery / Museum as the structure would form part of the new building.

A disadvantage of locating the tram at a "temporary location" elsewhere would be that the costs involved in provision of a structure would be lost when the tram was relocated to a tram house at its eventual destination.

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In addition, by building the tram house at its preferred location in the short term, the building will be isolated for a considerable period of time before the Gallery / Museum is completed. The building may look odd and attract vandalism.

If the tram house is not constructed, alternative arrangements will have to be made to accommodate the tram house until an integrated facility can be built. There are two main options:

1. An alternative (temporary) location within the existing Old Mill precinct
2. Tram to remain at Whiteman Park. There are two further options here:
 - 2.1 The tram to remain at the PETS Workshop site or
 - 2.2 Relocate the tram to the Whiteman Park Museum on temporary display until such time that the Gallery / Museum is constructed.

It is recommended that these options be researched and the results presented back to Council for consideration.

Millers Pool

Millers Pool is another important component of the “Old Mill precinct concept” as it provides the historical connection between the Old Mill and the delivery of flour to Perth when the Mill was operational. At that time Millers Pool was much larger than it currently is and its size was significantly reduced by infilling in the late 1950’s when the Narrows bridge was built. The current pool and surrounding area is presently unattractive and consists of largely stagnant water and is in desperate need of upgrading.

The current design of the expanded pool reflects what the pool originally looked like but is not identical to its historical shape.

The Millers Pool project can be regarded as a ‘stand-alone’ component or a first stage of the “Old Mill Precinct” concept. If approval was given to proceed with this part of the concept, all other stages, if any, would need to go through their own independent approval processes.

The current design proposal involves excavation of 20,000m³ of soil and increasing the size of the Pool significantly but not to its original size. It would however more appropriately resemble the original Millers Pool therefore providing the historical context on which the Old Mill precinct is based (see **Attachment 10.4.1(a)**). The project involves connecting the Pool directly with the Swan River at ground level with a pedestrian bridge connecting the western and eastern sides of the connection (see **Attachment 10.4.1(b)**).

This design provides for the pool surrounds to be paved making the area much more attractive for pedestrians. The pool design has been modified as a result of discussions with the Design Architects Committee (DAC) to include swan sedges and a ‘soft edge’ on the northern side. Importantly, the Pool design includes a short boardwalk reach which is a representation of a channel that used to exist on which the boats delivering the flour travelled from the Mill to the Pool.

Having regard for existing budget provisions, in order to proceed with the project in its current form, the scope of the project would need to be limited to partial completion by construction of the minimum amount of river wall work necessary to protect the new river connection and bridge and limit the amount of surrounding paving and possibly feature boardwalk. A Preliminary budget estimate for the full

10.4.1 Old Mill Precinct

amount of the work is \$5.8 million plus GST. The current budget provides an amount of \$700,000 for this component of the project with further funds of allocated in the Long Term Financial Plan for 2014/15 of \$1,050,000. Additional funds could be re-allocated to this project if the construction of the tram house was deferred.

An internal review of this component of the project has been conducted and has concluded that in ideal conditions and unlimited funds the concept would be relevant and acceptable. However, the review concluded that funds in the order of \$6M could not be justified at this time. Further, the current design involves the removal of a number of mature existing trees that should ideally be avoided.

It is suggested that further design work occurs that:

- Reduces the size of the current design of Millers Pool;
- Reviews the design of surrounding features;
- Reduces the cost of Millers Pool;
- Minimises (or ideally eliminates) the need to remove existing mature trees; and
- Retains the important historical features of the original design (ie pool boardwalk).

It is anticipated that this work can be conducted in house as there is a wide range of data that already exists on this project.

Consultation

As indicated in the background to this report, there has already been significant city wide community consultation in relation to the Old Mill Precinct concept. Further local consultation will be required when Council approves the final design plans. The Swan River Trust will also be required to be consulted.

Approvals have already been obtained under Section 18 of the Aboriginal Heritage Act.

Policy and Legislative Implications

There is no specific City policy in relation to this proposal, but the development of the Old Mill Precinct concept and elements of it have been progressed over a number of years. There is a legislative process that requires approvals and these will be addressed on a needs basis.

Financial Implications

Funds have been provided on the current budget and future draft budgets to progress the two elements which are the subject of this report. This report only proposes that further internal (and limited external advice) is required to further progress the planning phase of the first stage of the concept. There is, therefore, only very minor funding implications to progress to the stage recommended.

Strategic Implications

This recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 4 Places – “Develop, plan and facilitate vibrant and sustainable community and commercial places” and more specifically:

- Item 4.4 – “Engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City”

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In addition, the development of the Old Mill precinct concept is directly related to the City's [Corporate Plan 2013-2017](#), Item 4.1 – *Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses*” and specifically:

- Item 4.1.1 – *“Progress the Old Mill Redevelopment”*

Sustainability Implications

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

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1. Area 9a, 9b and 10 Local Area Traffic Management Study

Location: City of South Perth
Applicant: Council
Date: 15 January 2014
Author: Catherine Deady - Traffic Technical Officer
Les Croxford Manager Engineering Infrastructure
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

A Concept Briefing was held with Council on 24 July 2013 to provide an overview of the Area 9a, 9b & 10 Local Area Traffic Management (LATM) study and the results of the Working Party's deliberations and to receive a Draft of the LATM Study. From the Concept Briefing the intention was to release the Draft for public feedback before returning to Council for endorsement as amended if necessary. This report summarises the key findings and recommendations LATM Study and provides comment on the feedback received as a result of the Draft being released to the public.

Officer Recommendation

That Council adopt the Area 9a, 9b & 10 Local Area Traffic Management Study at **Attachment 10.5.1(a)**.

Background

In January 2013, the City engaged Shawmac Consultants to undertake a LATM study for the Area 9a, 9b & 10 traffic precincts. The Area 9a, 9b & 10 traffic precincts are bounded by South Terrace, Labouchere Road and the Kwinana Freeway and are shown at Figure 1 below.

Figure 1 – Study Area



10.5.1. Area 9a, 9b and 10 Local Area Traffic Management Study

There are a total of 19 roads that comprise the study area, including major local roads such as Labouchere Road, South Terrace, Coode Street and Henley Street. Coode Street, sections of Labouchere Road, Henley Street and sections of Saunders Street are classified as “Local Distributors” which provide vital transport connections to South Terrace and sections of Labouchere Road (District Distributor) and Canning Highway (Primary Distributor) respectively.

In January 2013, the City invited members of the community to nominate to be part of a working party for the Areas 9a, 9b and 10 traffic study. Community members were enlisted via advertisements in the Southern Gazette. Ultimately, a working party comprising six local residents, two City Officers and one representative from Shawmac Consultants was formed.

In April 2013, the City distributed a concept plan and questionnaire which was developed in conjunction with the working party to residents and businesses within the study area. In total, 476 responses were received. These provided valuable feedback on the working party’s draft recommendation and anecdotal information from users in the area over broad spectrum of community concerns relating to traffic and transport issues.

The study objectives for the project included but were not limited to the following:

- To assess and manage traffic movements within City of South Perth in order to enhance safety and amenity for all road users;
- To ensure management strategies minimise potential conflicts between road users;
- To ensure that management strategies are appropriately applied to the functional classification of the roads and are consistent with the road environment and minimise impacts on mobility throughout the area;
- To encourage the appropriate usage of distributor class roads; and
- To highlight crash problem areas and provide comment on improving safety.

The copy of the *final* LATM study for Areas 9a, 9b & 10 is at **Attachment 10.5.1(a)**.

Comment

Traffic Volumes

A review of the existing traffic volumes and patterns was undertaken for Areas 9a, 9b & 10. Traffic flows are generally consistent with the road classification according to Main Roads WA Functional Road Hierarchy. This would therefore suggest that there is not a significant problem with non-local traffic utilising local roads for ‘rat-running’ or thoroughfares.

As the roads in the study area consist of a range of both higher order (Primary Distributor and District Distributor A) and lower order roads (Local Distributor and Access Road), a review of the existing traffic patterns in the area indicate traffic is being distributed effectively and efficiently.

Speed Data

Vehicle speed surveys conducted indicate that at several locations within the study area the 85th percentile (or operating) speeds are in excess of the nominated speed limit of 50 km/h and can be considered to be excessive and undesirable, particularly in the residential areas. The 85th percentile speed is defined as that speed at which 85% of vehicles travel at or below, and is the commonly used measure of speed in traffic studies.

10.5.1. Area 9a, 9b and 10 Local Area Traffic Management Study

As a result of the above speed surveys, several strategies outlined in the proposed mitigation measures have been developed to specifically target this driver behaviour.

Public Transport

The bus routes servicing the study area have been sourced from the Public Transport Authority (PTA). The study area is generally well serviced by convenient and regular bus services, with a large proportion of residents being within a 400 metre walk to a road along which a bus services operates. This achieves the Western Australian Planning Commission's Liveable Neighbourhoods policy requirement for walkable catchments and the short distance and frequency of the buses should both be factors that encourage local residents to utilise public transport when they can. The City also works in conjunction with the PTA to provide accessible and attractive bus stop facilities for the community.

Crash History-Roads and Intersections

The City obtained historical crash data from MRWA to inform the traffic modelling and study report. The crash data obtained from MRWA is for the 5-year period from 1 January 2008 to 31 December 2012. It was identified that several intersections within the study area may potentially satisfy the crash frequency eligibility criteria for either both, or one, of the National and State Black Spot Programs.

Parking

Kerb side parking is in high demand along the roads that have high density living. The Preston Street Shopping precinct was highlighted as having a low turnaround of customer parking due to the lack of parking controls in the precinct.

A dedicated meeting was arranged with the working party members to address the parking concerns in the study area.

Recommendations

As a result of the review of the existing traffic and crash data on each of the roads contained within the study area, and following consultation with the community and working party, a suite of LATM measures were developed. These LATM measures incorporate best practice traffic engineering and safe systems principles which represent a balanced approach between meeting community expectations and maintaining a balanced and efficient traffic and transport network.

Some of the proposed treatments or additional studies noted in the Area 9a, 9b & 10 study for consideration by Council in future annual budgets are as follows:

Capital Works Program for 2014/2015 and Beyond

- Consider the provision of traffic management at the intersection of Preston Street and Mary Street;
- Consider designating the Preston Street Shopping precinct a 40km/h zone;
- Consider preparation of a comprehensive parking management strategy;
- Consider the provision of traffic management treatment on Preston Street between Labouchere Road and McDonald Street;
- Consider the removal of the rubberised road humps on Melville Parade and replace with another traffic management treatment;
- Consider the provision of traffic management on Robert Street between Alston Avenue and Saunders Street; and
- Consider the provision of traffic management on McDonald Street between South Terrace and Preston Street.

10.5.1. Area 9a, 9b and 10 Local Area Traffic Management Study

Consultation

This plan has been prepared through consultation with the local community. The City advertised within the Southern Gazette for expressions of interest from members of the community to form a working party for the Area 9a, 9b & 10 traffic study. The working party formed for this study included City officers, one Consultant from Shawmac and six community representatives. The City held five working party meetings over a six month period:

- Working Party Meeting 1 (6th February 2013): Outlined the scope and objectives of the study. Discussed the local community concerns in relation to traffic and transport issues within the study area;
- Working Party Meeting 2 (20th February 2013): Consideration of parking issues and prioritisation of issues raised;
- Working Party Meeting 3 (25th February 2013): Consideration of traffic management treatments;
- Working Party Meeting 4 (25th May 2013): Summary of Questionnaire results; and
- Working Party Meeting 5 (16th July 2013): Draft report discussed.

One questionnaire was also distributed to residents, owners and businesses within the study area.

- *Questionnaire*: Proposed mitigation measures to improve road safety and traffic management in the study area. A total of 476 responses were received.

The feedback received provided valuable anecdotal information from the road users in the area, and identified a broad spectrum of community concerns relating to traffic, transport, road safety, pedestrian access and cycling throughout the network.

Draft Report Community Feedback

Shawmac presented the *draft* Area 9a, 9b & 10 LATMS to Council at a Council Briefing held on Wednesday 24 July 2013. The *draft* report was then advertised for public comment, with the consultation period ending 23rd September 2013.

The City received two responses from the local/broader community. The two public comments received and responses from the City are summarised at **Attachment 10.5.1(b)**.

Two comments were upheld and amendments were made in the *final* report. One amendment was a grammatical error and the final amendment was related to an item raised by the Working Party.

Several comments in relation to parking were noted and amendments to the report were not required as the comments do not support the City's best practices.

Policy and Legislative Implications

Policy P510 Traffic Management Warrants. The objective of this Policy is to ensure that requests for traffic management within the City are assessed in an equitable and fair manner a set of criteria addressing such issues as traffic speed, traffic volume, crash history, road layout, vulnerable users (i.e. pedestrians), activity generators and amenity will be used by the City's Administration to determine the warrants for traffic management in a local area.

Financial Implications

The City allocated funding in the 2012/2013 annual budget to engage a consultant to prepare the Area 9a, 9b & 10 LATM study. The annual budget for 2013/2014 has

10.5.1. Area 9a, 9b and 10 Local Area Traffic Management Study

allocated funding, totalling \$70,000, to facilitate implementing some of the priority measures identified in the Area 9a, 9b & 10 LATM study. This funding is currently under review and may be reallocated.

All of the other identified key actions resulting from the Area 9a 9b & 10 LATM study will be identified for funding in future annual budgets.

Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#), Direction 1 - Community “*Create opportunities for an inclusive, connected, active and safe community*” and Direction 5 – Infrastructure and Transport “*Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community.*”

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic and transport needs of the community, whilst ensuring that local resident concerns are taken into account.

10.5.2 Salter Point Paths - Capital Works Program

Location:	City of South Perth
Ward:	Manning Ward
Applicant:	Council
Date:	15 January 2014
Authors:	Paul Edwards, Traffic and Design Coordinator Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Acting Director Infrastructure Services

Summary

This report provides detail on a number of projects that have been through the consultation process as required by Policy P103 'Communication and Consultation', but the issues addressed as feedback cannot be resolved within the project and therefore very likely to be readdressed by the aggrieved residents during the construction phase. Referring the projects to Council with the recommendation that the works be progressed as detailed on the concept plans should, if adopted, avoid unacceptable delays in work scheduling.

Officer Recommendation

That: Council endorses:

- a) The Concept Plan for a footpath on the southern side of Howard Parade as outlined on **Attachments 10.5.2(a and b)**;
- b) The Concept Plan for a footpath on the western side of Sulman Avenue between Hope Avenue and Howard Parade as outlined on **Attachment 10.5.2(c)**; and
- c) The implementations of the works proceed as soon as is practicable.

Background

A technical review of the entire footpath network of Salter Point along with resident consultation has been recently completed by the City in conjunction with Opus International Consultants. The final Opus report is supplied as **Attachment 10.5.2(d)**.

Two footpath projects (Howard Parade – **Attachments 10.5.2(a and b)** and Sulman Avenue – **Attachment 10.5.2(c)**) have now progressed through the pre-construction consultation phase and based on adverse feedback to the projects have been referred to Council for determination.

Comment

The City has long had a commitment to promoting alternative modes of transport along with providing better access for all persons. These goals are encapsulated within Council Policy's P501 Paths – Provision and Construction and P107 - Disability Access.

Policy P501 Paths – Provision and Construction sets out the construction standards to be observed in the construction of required footpaths within the City including width of path, materials of construction and the provision of paths by road classification. The Policy identifies that on a residential access street a footpath would as a minimum be located on one side and similarly with the local distributor road. Having determined a need exists the provisions of the Policy would prevail. The Policy also authorises the Director of Infrastructure to resolve which side of the road reserve a path is to be placed or remain where only one path is required.

More importantly The Disability Access and Inclusion Plan (DAIP) 2012 – 2016 also include the following Policy Statement;

10.5.2 Salter Point Paths - Capital Works Program

The City of South Perth's mission of 'working together to create a City for everyone' aligns the DAIP 2012-2016 with the City of South Perth's Strategic Plan 2010-2015 priorities, namely:

- Create opportunities for a safe, active and connected community
- Plan and develop safe, vibrant and amenable places
- Improve accessibility to a diverse and interconnected mix of transport choices

Further the City of South Perth sees an accessible and inclusive community as one in which all City functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

The City recognises that all people are valued members of the community who make a variety of contributions to local social, economic and cultural life. The City believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community life.

The City of South Perth believes that all people should be supported to remain in the community of their choice.

While the suburb wide survey undertaken highlights there is community support for the construction of new footpaths, the majority of submissions received in relation to these two proposed projects raise objections to the proposed side of a given road a footpath is to be constructed. The Concept Plans distributed as part of the Inform letter detailed the path on the south side of Howard Parade and the west side of Sulman Avenue. Predominantly the feedback was from south side residents of Howard Parade wanting the path to be located on the north side and the same pattern of response was received from Sulman Avenue residents.

There is a certain amount of subjectivity in relation to what side any given footpath is planned. The aim is always to ensure that the path is located on the side that provides the best overall connectivity to other paths and infrastructure.

A summary of submitter's comments and the officer response has been included as **Attachment 10.5.2(e)**.

Consultation

The proposed Capital Works have been assessed as a Level 1 Consultation under Policy P103 Communication and Consultation in which the City commits to inform affected property owners on intended works and to receive and consider any feedback in respect to the works. This process was undertaken with the affected property owners of Howard Parade and Sulman Avenue.

With very few exceptions Engineering Infrastructure projects would be assessed as a Level 1 Consultation (Inform) as prescribed in Policy P103 'Consultation and Communication'. The other levels of consultation are:

- Level 2 – Consult;
- Level 3 – Involve; and
- Level 4 – Collaborate.

In accordance with Level 1 consultation the City commits to seek feedback from affected property owners, to assess the feedback received and advise formally whether the feedback has influenced the decision process and the extent if any how the feedback has affected the project.

10.5.2 Salter Point Paths - Capital Works Program

A number of submissions were received as feedback. However, on review of this feedback, it was evident that it could not be addressed through changes to the project without causing unnecessary delays and difficulties with program scheduling. This feedback has therefore been referred to Council for noting, but with a recommendation to continue with the project as planned.

The City would normally expect to have completed this process without having to resort to referring an already approved budget item to Council for determination. As a Road Authority there are no avenues of appeal to a decision of Council carrying out their statutory responsibilities.

Policy and Legislative Implications

Council at its November 2012 meeting declared its support for road safety by becoming a signatory to the Declaration for Road Safety (a WALGA initiative).

The following is an extract from the Officer Report 10.5.1. *“The Declaration for Road Safety stands as a voluntary opportunity for Local Government, and other agencies, to demonstrate a political commitment to work towards zero road fatalities and serious injuries, and to participate in a sector wide leadership approach. It does not commit Local Governments to actions beyond current resources, standards or means, but provides a statement of intent and acknowledges the moral and ethical role Local Governments have in their communities. Essentially, the Declaration provides an opportunity for local leaders to pledge to future generations that every road death is one too many”.*

The City of South Perth Disability Access and Inclusion Plan 2012-2016 and associated Policy P107 Disability Access aim to align with the City’s Strategic Plan with the goal of delivering the following outcomes;

- Create opportunities for a safe, active and connected community
- Plan and develop safe, vibrant and amenable places
- Improve accessibility to a diverse and interconnected mix of transport choices

Financial Implications

The full cost of the works is reflected in the 2013/2014 Infrastructure Capital Works budget. Should the works not proceed the funds allocated to the projects would be available for redistribution through a Budget Review.

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.”*

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic transport and road safety needs of the community.

10.5.3 Aquatic Centre Proposal

Location: City of South Perth
Ward: Manning Ward
Applicant: Council
Date: 7 February 2014
Author / Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to bring to Councils attention a number of unrelated events that involve the possible future use of George Burnett park and propose a course of future action.

Officer Recommendation

That

1. That Council determine whether or not the grant offered by the Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development should be accepted by the City.
2. If the Council determines that under the circumstances, the City should **accept** the grant offered by the Assistant Minister:
 - (a) the Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development and the Member for Swan, Steve Irons be thanked for their advice that the City has been successful in obtaining funding for an aquatic centre feasibility study; and
 - (b) Council members hold an informal briefing session to determine:
 - (i) the form and content of the feasibility study; and
 - (ii) how the study should be conducted.
3. If the Council determines that under the circumstances, the City should **not accept** the grant offered by the Assistant Minister:
 - (a) the Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development and the Member for Swan, Steve Irons be thanked for their advice that the City has been successful in obtaining funding for an aquatic centre feasibility study and be advised that:
 - (i) the City does not see any benefit in conducting a feasibility study for an aquatic facility; and
 - (ii) seek their approval to use the funds for the provision of shade at the George Burnett Skate Park.
 - (b) no further action be taken in relation to the proposal to conduct a feasibility study for future provision of an aquatic facility.
4. That Andrew Ross, the founder and Executive Chairman of the Wave Park Group be thanked for his proposal to construct a Wave Pool at the George Burnett Park and advised that Council whilst impressed with the proposal, does not feel that George Burnett Park is an appropriate location for such a facility.

Background

The proposal for an aquatic centre to be either provided or facilitated by the City of South Perth has been the subject of discussion over many years. A summary of recent Council deliberations and decisions on this topic is provided below.

July 2011 Council meeting

Following consideration of a notice of motion, the Council resolved the following (Item 12.1 refers):

10.5.3 Aquatic Centre Proposal

- “That*
- (a) a community survey be carried out to established whether ratepayers want an Aquatic Centre to be established within the City of South Perth. The cost of the community survey be capped at \$10,000; and*
 - (b) the outcome of the survey be the subject of a report to the earliest available Council meeting.”*

September 2011 Councillors’ Briefing

In response to the July resolution of Council, a Councillor Briefing Session was held on 6 September 2011 at which the Manager Community Culture and Recreation provided a presentation which included comments on the proposal to survey residents regarding provision of a pool:

- Results of the Family and Children’s Services Study 2011 indicated some support for the provision of aquatic facilities in the City as a large number of people travel outside of the City to access these facilities;
- The addition of a swimming pool in the redevelopment of the George Burnett Leisure Centre received a high level of support; and
- As a result of the findings in the Family and Children’s Services Study it was questioned whether a survey of residents was still necessary at this stage.

The Members present generally agreed that another survey to gauge support for a pool in the City of South Perth was not required at this point as the Family and Children’s Services Study had indicated that there was support. It was considered that a report should be prepared which included the results of the study and also provided more detailed facts and financial information. There was general agreement that this information was required prior to surveying the community any further on the issue.

September 2011 Council Meeting

At the September 2011 Ordinary Council Meeting, the Council was presented with the findings and recommendations of the completed Family and Children’s Services Study (Item 10.1.1 refers). A summary of the report is as follows:

The City identified the area of families and children as a priority and this target group was listed in the Corporate Plan as a key focus area. Consultants, Key Research were commissioned to undertake a comprehensive research study regarding the gaps, as well as the current and future provision of children’s services and facilities catering to children aged 0-12 years in the City of South Perth. The study was aligned with the City’s strategic objective to develop, prioritise and review services and delivery models to meet changing community needs. Following the Research Study the findings were the subject of a report presented by the consultants ‘Key Research’ to an Elected Member Concept Forum held on 6 September 2011 (referred to above).

The objectives of the Family and Children’s Services Study included:

- Investigate the provision of current services, facilities and programmes in the City of South Perth and determine how they could be improved;
- Ascertain support for new services and programmes and how they should be introduced;
- Determine priorities for improvement and implementation; and
- Explore the specific needs of the Aboriginal and Torres Strait Islander group

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It was noted that a significant number of respondents travel out of the City of South Perth to access facilities for families and children, although the majority of these services were generally aquatic centre based or for other sports or physical activity not necessarily provided in the City.

There was a very high level of support for the redevelopment of the George Burnett Leisure Centre. The addition of a swimming pool/aquatic centre was the most popular service or facility suggested as an improvement. Children's activities and programmes were also mentioned by a significant number of respondents as an additional service for the redevelopment of the George Burnett Leisure Centre.

There was also a very high degree of support for each of the proposed developments:

(In order of highest level of support):

- Development of natural play spaces in City of South Perth parks (86% either support or strongly support)
- Development of community gardens/food gardens in selected areas in the City (71% either support or strongly support)
- A dedicated playgroup facility in the City of South Perth (67% either support or strongly support)

At the September 2011 meeting the following course of action was proposed:

Proposed Action

Following analysis by officers of the study findings, listed below are the suggested actions and critical areas that the City should focus on in the short to medium term. It is important to note that as the City is not a service provider in this area, but rather a service facilitator, the recommendations listed below are mainly focused on working with and partnering with the relevant service providers to ensure that the needs and expectations of the community are met as much as possible:

- *Continue to partner and work with children's health providers, such as the Department of Health, to lobby and ensure that child health facilities and services are meeting the community's needs within the City of South Perth, including the provision of child health nurses and clinics;*
- *Encourage reputable service providers of childcare, including after-school care to establish centres within the City of South Perth;*
- *Maintain effective lines of communication and relationships between stakeholders and community organisations such as the Gowrie, Ngala, Southcare, Moorditj Keila and others in the City of South Perth;*
- *Continue to support and nurture the growth and development of the Early Years Working Group; and*
- *Ensure that with the construction, upgrade or redevelopment of community facilities such as Manning Hub and the George Burnett Leisure Centre, future needs of children and families are taken into consideration including extensive consultation with the relevant stakeholders and service providers.*

Work commenced in order to address some of the issues in the community related to the provision of services and facilities for families and children. The Early Years Working Group was established in October 2010 and it continues to grow and has now extended to running special events, including an event for playgroups.

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Amendments were made to the Town Planning Scheme to facilitate child care providers establishing businesses in the City of South Perth and in addition, the sale of the former Como Kindergarten and Child Health Clinic to a well-known child care provider was a great result for the local community in terms of providing much needed child care spaces.

At the September 2011 Ordinary Council Meeting, the Council resolved the following:

“That the ‘Proposed Course of Action’ as identified in Report Item 10.1.1 of the September 2011 Council Agenda be implemented.

It is important to note that the ‘Proposed Course of Action’ as shown above did not include any reference to aquatic facilities, and as a consequence, no further action has been taken in relation to any aquatic centre proposal.

September 2011 Department of Sport & Recreation (DSR) correspondence

In September 2011, correspondence was received from the DSR advising that it became aware of an election campaign which promoted the provision of an aquatic facility within the City of South Perth. The correspondence (**Attachment 10.5.3** refers) advised that:

Due to the close proximity of existing aquatic facilities, it would be unlikely the department would recommend funding an additional aquatic facility in this area in the foreseeable future.

There was no need to consider this correspondence further as the Council had, by adopting the resolution referred to above, agreed that an aquatic facility was not a priority.

George Burnett Leisure Centre (GBLC) – upgrading and extensions

The following range of studies and reports commissioned by the City has identified a need to construct extensions to better meet the needs of the community and provide for a more vibrant centre:

- Recreation Needs Study - George Burnett Park, Shirley Barnes & Associates (2001);
- Community Facilities Needs Study 2004, Creating Communities;
- Physical Activity Plan 2009, Jill Powell & Associates.

In January 2010, the City was unsuccessful in its funding application to the Department of Infrastructure, Transport, Regional Development and Local Government for \$3,688,000 as part of the Regional and Local Community Infrastructure Program - Strategic Projects (RLCIP-SP). As part of the application process the City engaged Jill Powell & Associates to develop a design study, concept plans and an estimated project cost for the redevelopment of GBLC. The project cost was estimated at \$5,996,430.

Initial meetings with DSR indicate the project is eligible for funding as part of the Community Sporting and Recreation Facilities Fund (CSRFF). The funding would cover sports related items of the facility such as sports hall, fitness rooms, store rooms, first aid rooms, change rooms and toilets. Priority for the funding would be assessed against other projects within the area. Although possible, it is not likely

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that LotteryWest would contribute funding to this project given other community based projects in the area such as the Gowrie Centre and Manning Hub.

In November 2012, the City again engaged Jill Powell & Associates to develop a feasibility study for the redevelopment of GBLC, in preparation for a funding application to DSR.

In summary the proposed upgrades and extensions include:

- Additional sports court (multi use);
- Fitness room and gymnasium;
- Aerobics room;
- Additional storage;
- Additional toilets;
- Children's area/crèche;
- Secure outdoor play area;
- First Aid Room;
- Disability access throughout;
- Secure office/reception area.

The City will prepare a CSRFF application in line with the City's Long Term Financial Plan.

The City's Corporate Plan 2013-2017 at item 1.4.1 contains reference to the redevelopment of GBLC in the years 2015-16 and 2016-17 (after the Manning Hub facility has been funded) and funding of \$3.75M in 2016/17 and \$2.5M in 2017/18 is provided in the City's Long Term Financial Plan for this project in these years.

Strategic Plan and Corporate Planning process

As part of the need to comply with the Department of Local Governments "Integrated Planning and Reporting Framework" requirements, the City recently embarked on a major exercise to review its existing Strategic Plan, Corporate Plan and Long Term Financial Plan.

This exercise involved a number of workshops involving elected members, adoption of draft plans and inviting comments from the community.

As a consequence, Council adopted the following plans:

- Strategic Plan 2013 – 2023 in December 2012
- Corporate Plan 2013 – 2017 in March 2013
- Long Term Financial Plan 2013 – 2023

There is no reference to provision of an aquatic facility in the Strategic or Corporate plans. There are no funds provided in the Long Term Financial Plan for the provision of an aquatic facility.

2013 Commonwealth election campaign

During the course of the 2013 Commonwealth election campaign, the City became aware of a commitment made by the member for Swan, Steve Irons to secure funding of \$45,000 for the City to conduct an Aquatic Centre survey. This funding proposal was not initiated or sought by the City. The City is concerned that whilst the funding support is appreciated, conducting a major feasibility study to find out something that is already known may also give rise to expectations in the

10.5.3 Aquatic Centre Proposal

community that cannot be realised without a significant overhaul of the City's strategic and financial plans.

If the grant is accepted (see below) and a further survey is conducted, care will need to be taken as to its format, message and content. For example, should the location be determined (ie George Burnett Leisure Centre or somewhere else?), when would the facility be provided and does this mean that planned provision of sports facilities in the City's Strategic and Corporate plans need to be reviewed?

December 2013 Letter from Hon Jamie Briggs MP

The City has received a letter from Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development on 11 December 2013, confirming the provision of funding towards the Australian Government's election commitment of \$45,000 to the City of South Perth Aquatic Centre Feasibility Study project through the Community Development Grants programme.

The letter advises that a representative of the Department of Infrastructure and Regional Development will be in contact with the City shortly to discuss the assessment process and the information that the City will need to provide to support the assessment, so that the arrangements for funding can be finalised and grant payments can commence.

Regional Development Australia Funding Round 5 Grant.

In July 2013 the City made a successful application to Regional Development Australia for a grant of \$94,500 to provide a much needed permanent shade structure to the George Burnett Skate park.. A media event occurred in August 2013 (refer to **Attachment 2**) which celebrated the successful grant application for the City of South Perth.

There was a change in Government in September 2013 when the Liberal Party / Coalition won the Federal election. In December 2013, the City was advised that the previously successful grant for the shade structure to the George Burnett Skate park and approved by the former Labour government would not now be honoured by the current government. As a consequence, without the necessary external funding, the shade structure has not been installed.

In the City's view, the proposal to install the shade structure is a far better use of funds than conducting another feasibility study into the provision of an aquatic centre.

December 2013 Wave Park Group

In December 2013, a proposal was received from Andrew Ross, the founder and Executive Chairman of the Wave Park Group. A copy of the presentation was referred to and circulated to Councillors on 5 December 2013.

The Wave Park Group proposed that a wave pool be constructed on George Burnett Park on land which would be made available on a lease basis. The construction and operational costs of the facility would be borne by the Wave Park Group.

The wave pool would require land of approximately 7.1 hectares (34% of the Reserve) which would be leased to the Group. Essentially the wave park would

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consume a very large portion of the park and would require fencing of approximately 1 km around its perimeter. The length of the facility would be approximately 250 metres and the width of the facility would be approximately 150 metres. The skate board park would need to be relocated to another location within the park. The facility would not cater for children of 5 years and under.

Whilst there is no doubt that this proposal is very significant and attractive (and would be extremely popular with many sections of our community) it is considered that its proposed location in a local park in the inner metropolitan area is not appropriate. The facility would be far more suitable on land designated for Regional Sports Facilities.

Local Government Reform – Aqualife

On the basis that amalgamation with the Town of Victoria Park (and the northern portion of the City of Canning) occurs next year as the State Government plans, there will be an aquatic facility within the new local government area known as *Aqualife* at Somerset Street in East Victoria Park. This facility, whilst quite old, has recently been modernised during the period 2004 to 2008 at a cost of approximately \$11M.

This facility is located only 6.3 kms from the George Burnet Leisure Centre in comparison to a distance of 7 kms to the George Burnet Leisure Centre from Mill Point.

The net operating loss of the Aqualife Centre for the 2012/13 financial year was significant with a net cash operating loss of \$2.3M (excluding depreciation in excess of \$250,000).

Statistics kept by the Town of Victoria Park reveal that 13% of users of this facility live within the City of South Perth. This would presumably mean that if a new facility was provided within the City, some of these users of the Aqualife Centre would use the new facility resulting in greater losses at the East Victoria Park facility.

One of the promoted benefits of local government reform is the opportunity to minimise or avoid duplication of facilities and this could be viewed as a good example of this principle.

Comment

Aquatic Facility

It is clear from the Council reports, resolutions and actions referred to in the “Background” above over the past few years that whilst community surveys conducted on behalf of the City have resulted in a level of support for an aquatic facility to be located within the City, there is also an acceptance at Council level that there is not a sufficient demand, priority (or funds) to justify such a facility.

This position has been confirmed by Council in actions by adoption of resolutions, the adoption of the City’s Strategic Plan, Corporate Plan and Long Term Financial Plan none of which mention either the provision of or a survey for an aquatic facility. This is considered important because it demonstrates that when these major corporate documents were adopted by Council, approximately 12 months ago in mid-2013, (and in the case of the Strategic Plan) after being advertised to the

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community for comment, there was no consideration given to the provision of an aquatic facility.

In terms of priority, these plans identify the following facilities for completion (subject to land sales occurring):

- Manning Community Hub
- Ernest Johnson clubrooms and facilities
- George Burnett Leisure Centre expansion to incorporate full sized courts and gym
- Relocation of South Perth Bridge Club

Given the significant capital costs associated with the provision of an aquatic centre, the City (ignoring the potential impact of amalgamations) could only inject funds into such a project at the expense of these previously identified projects.

George Burnett Leisure Centre

Whilst not the only location where an aquatic facility could be located, the George Burnett Leisure Centre appears to be the most favoured location. The existing recreation facility however is a “Claytons” recreational facility which because of its design and features does not operate satisfactorily or economically. The priority is to modify the ‘dry areas’ to a satisfactory standard to make the centre more attractive and economical to operate. Funding is provided in the City’s Long Term Financial Plan for such extensions after the Manning Hub facility has been completed.

Neighbouring aquatic facilities

In addition to the Aqualife Centre there are a number of other nearby facilities:

City of Belmont	<p>Belmont Oasis Leisure Centre</p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 50 m by 8 lane Olympic sized indoor heated pool. L shaped to accommodate both 50m and 25 m lanes. • Indoor lagoon irregular shaped heated pool with beach entry. <p>These facilities are part of a Recreation Centre offering a range of other facilities.</p> <p>Age: 45+ years. The original pools were installed in the late 1960’s. The facility was redeveloped in 1993. Minor upgrades to the facilities have taken place since 1993.</p> <p>Annual operating surplus/loss: The facility is a City of Belmont asset. However, it is leased and managed by Belgravia Leisure. Information regarding Belgravia’s annual operating surplus/loss is not publicly available.</p> <p>Driving Distance from the GBLC: 10.6 kms</p>
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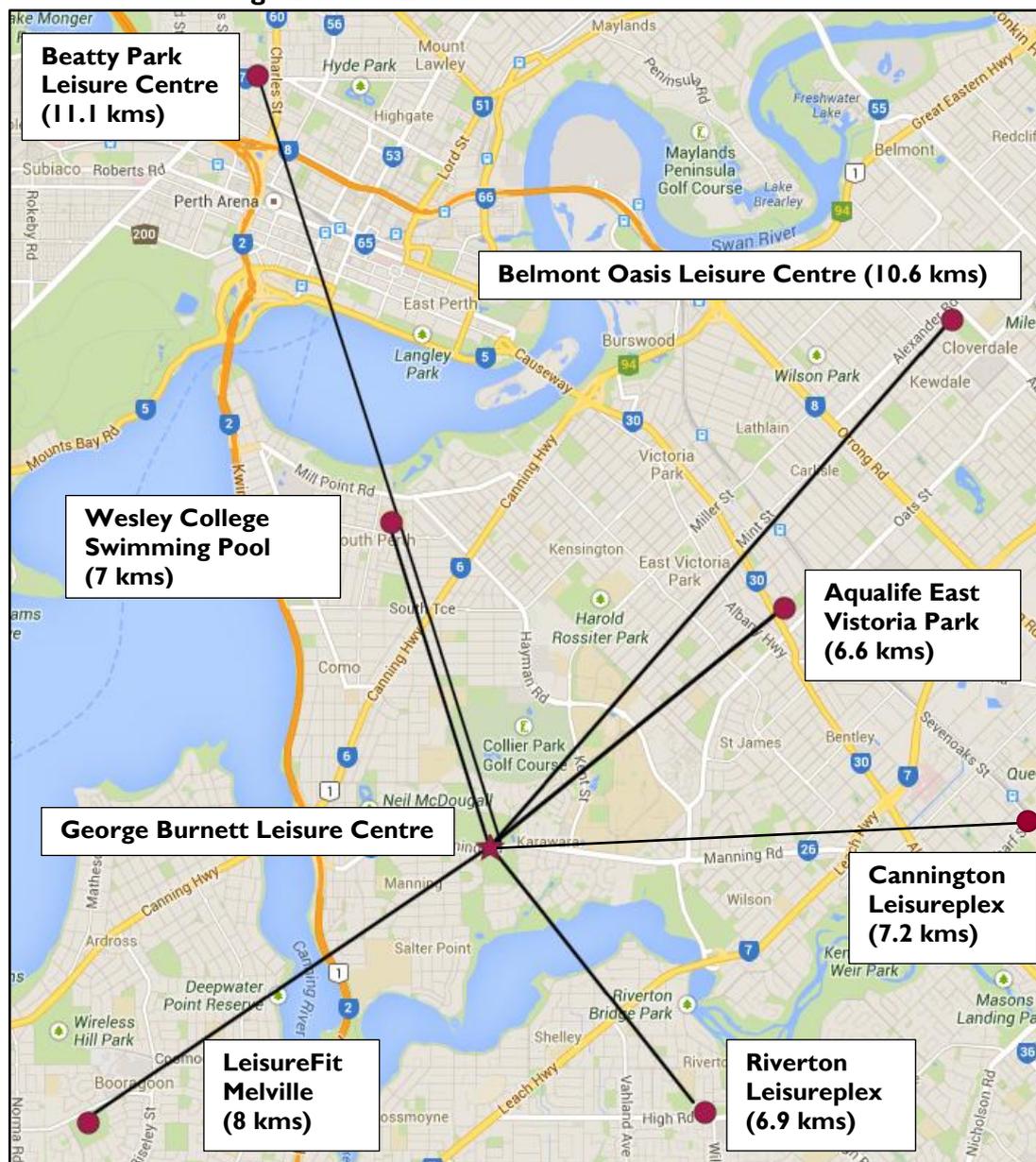
<p>City of Canning</p>	<p><i>Cannington Leisureplex</i></p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 25 m by 10 lane indoor heated pool • 25 m by 3 lane leisure and walk pool (with beach access) • Waterslide • Outdoor splash pad • Wellness Centre (Spa, Sauna, Steam) <p>These facilities are part of a new Recreation Centre offering a range of other facilities.</p> <p>Age: 16 months</p> <p>Annual operating loss: - \$1,821,827 (10 months of operations in 2012/13 – this includes \$731,000 depreciation)</p> <p>Driving Distance from the GBLC: 7.2 kms</p>
	<p><i>Riverton Leisureplex</i></p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 50 m by 8 lane Olympic sized indoor heated pool. • 25 m by 3 lane leisure pool • Deep pool • Hydrotherapy pool <p>These facilities are part of a Recreation Centre offering a range of other facilities.</p> <p>Age: 12 years</p> <p>Annual operating loss: - \$1,094,045 (includes \$615,517 depreciation)</p> <p>Driving Distance from the GBLC: 7.7 kms</p>
<p>City of Melville</p>	<p><i>Melville Aquatic Fitness Centre</i></p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 50m x 8 lane indoor heated pool • 25 m Leisure pool with beach access <p>These facilities are part of a Recreation Centre offering a range of other facilities.</p> <p>Age: 13 years (Built in 2001)</p> <p>Annual operating loss: Approximately \$268,000 (2012-2013 Budget)</p> <p>Driving Distance from the GBLC: 10.1 kms</p>

10.5.3 Aquatic Centre Proposal

<p>City of Vincent</p>	<p>Beatty Park Leisure Centre</p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 25 m by 8 lane indoor heated pool • 50 m by 10 lane outdoor heated pool • 30 m by 6 lane outdoor heated pool • 12 m by 12 m 'learn to swim' outdoor heated pool • Toddler indoor heated pool <p>These facilities are part of a Recreation Centre offering a range of other facilities.</p> <p>Age: Outdoor pools 50 years (refurbished last year) Indoor pools 20 years (retiled last year)</p> <p>Annual operating loss: For the swimming pools only \$1,223,765 (2012/2013 budget).</p> <p>Driving Distance from the GBLC: 11.1 kms</p>
<p>Wesley College Sports Club</p>	<p>Wesley College Sports Club Pool</p> <p>Aquatic facilities:</p> <ul style="list-style-type: none"> • 50m by 8 lane outdoor heated pool <p>These facilities are part of a Recreation Centre offering a range of other facilities.</p> <p>Age: 50+ years</p> <p>Annual operating surplus/loss: This information is not publically available.</p> <p>Driving Distance from the GBLC: 7 kms</p>

On this basis, previous surveys have consistently shown that the residents of the City of South Perth are well served by the availability of nearby aquatic facilities if needed.

Figure 1: Map of neighboring aquatic facilities with distances from the George Burnett Leisure Centre



Grants

Whilst the receipt of external grants is always attractive, they should only be accepted if they are consistent with corporate objectives. The City does not believe that a grant to conduct a feasibility study is consistent with corporate objectives. The offer should therefore be respectfully declined.

Consultation

As indicated in the report, a study was recently conducted in 2011 by Key Research who were commissioned to undertake a comprehensive research study regarding the gaps, as well as the current and future provision of children's services and facilities catering to children aged 0-12 years in the City of South Perth. This study revealed that there was a demand for a pool within the City.

Policy and Legislative Implications

There are no policy or legislative implications in relation to studies for or provision of an aquatic facility.

Financial Implications

As mentioned earlier in this report no funds have been provided in the City's recently adopted Long Term Financial Plan 2013 – 2023 for the provision of an aquatic facility. On the basis that the City would be required to make a sizeable contribution to such a facility (if not the whole contribution if DSR declined to make a contribution), a thorough review of the plan would be necessary. This would inevitably mean that the provision of other sports and recreation facilities currently identified and communicated to the community would be affected.

It would also be sending the wrong message to the community. The existing Strategic, Corporate and Financial plans are less than 12 months old and have been developed in conjunction with the community.

It is estimated that a basic indoor 25m pool would cost in the range of \$8-10M (without complementary facilities) and for an indoor 50m pool, the cost would be within in the range of \$12-13M. In both cases a general allowance of 10-15% for site conditions should be allowed. In the event that such a facility was to be located at the George Burnett Leisure Centre, the site allowance costs could be more because of the presence of contaminated material as the park was the location of an old refuse site. A minimum of \$15m in capital costs would therefore appear to be required.

In addition, significant operating costs would also be required to maintain the aquatic facility. Information gleaned from enquiries with neighbouring Local Governments have revealed that these will vary from \$500,000 upwards and possibly higher than \$1M per annum.

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 recommendation is also consistent with the City's Corporate Plan and Long Term Financial Plan.

Sustainability Implications

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

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - January 2014

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 February 2014
Author / Reporting Officer: Michael J Kent
Director Financial & 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

10.6.1 Monthly Financial Management Accounts - January 2014

being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

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

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

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

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2013/2014 Adopted Budget and the 2013/2014 Amended Budget including the introduction of the capital expenditure items carried forward from 2012/2013.

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 components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) & 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 January 2014 is \$42.62M which represents some 100% of the \$42.57M year to date budget. Revenue performance is very close to budget in most areas other than identified items below which are addressed in the Q2 Budget Review. Parking infringement and meter parking revenues were both significantly better than budget expectations. Cat registration revenue has exceeded full year expectations due to a higher number of people taking out lifetime registrations.

10.6.1 Monthly Financial Management Accounts - January 2014

Interest revenues are 12% below budget expectations to date due to low prevailing interest rates and lower volumes of cash in Reserves (as discussed in item 10.6.2). An unbudgeted fuel rebate and a distribution from LGIS have also been adjusted in the Q2 Budget Review. Planning revenues are still well ahead of budget target - due to the receipt of unbudgeted revenues for several large developments and a \$30K fee received for TPS Scheme 6 Amendment 34. Building Services revenues are now on budget.

Collier Park Village revenue is close to budget expectations but Collier Park Hostel revenue is now 15% unfavourable to budget due to less than anticipated receipts from commonwealth subsidies as residents depart the facility and rooms are not re-released. Hostel revenue will continue to decline as the residents depart resulting in decreased commonwealth subsidies, maintenance fees and retained bonds. Projected revenue to date of closure for the year may only be in the vicinity of \$1.2M versus a full year budget of \$1.8M. This has been adjusted in the Q2 Budget Review.

Road grant revenue is 12% less than expected due to the reduced funding pool from the WALGGC. Some unbudgeted plant trade-in revenue has also been adjusted in the Budget Review. Golf Course revenue is 4% ahead of budget after another solid monthly performance on green fees. Infrastructure Services revenue overall is close to budget for the year to date with a small unfavourable variance on waste management levies after the reversal of some commercial services levied in error.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**. Relevant items are adjusted in the Q2 Budget Review (presented as Item 10.6.4 in this agenda).

Operating Expenditure to 31 January 2014 is \$29.00M which represents 96% of the year to date budget of \$30.19M. Operating Expenditure is 2% under budget in the Administration area, 1% over budget for the golf course and 6% under in the Infrastructure Services area (largely as a result of revised depreciation costs).

Variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and are not considered significant - with the exception of unfavourable variances on cleaning costs as a result of new tender rates coming into effect. This has been adjusted in the Q2 Budget Review. The other exception is the Collier Park Village which has been impacted by an \$80K increase in the cost of gas to operate the water boilers that service the 169 independent living units. Alinta Gas have advised that they have discovered that they have been significantly under-billing the village for gas usage for some time (their error) and whilst having agreed not to retrospectively adjust for prior years, the (correct) current charges are substantially higher than has been budgeted for and this has not been factored in setting monthly maintenance fees.

Whilst some variable costs are reducing as Collier Park Hostel residents are relocated, other fixed costs continue to be incurred at the same level irrespective of the number of remaining residents. Preliminary modelling has shown that operating costs to date of closure may reach \$2.0M in total. Adding back non cash costs infers an operating deficit (loss) for the year (or until date of closure) of approximately \$700K. Of this, \$260K was recouped from the CPH Capital Reserve in December, \$130K remains available in that Reserve at present and \$287K will be required to be provided from Municipal Funds to meet the operating deficit. This has been provided for in the Q2 Budget Review.

10.6.1 Monthly Financial Management Accounts - January 2014

In the Infrastructure Services operations area, parks maintenance is now on budget. Street tree maintenance has accelerated ahead of budget and remedial action has been implemented to bring this line item more into line with the approved budget. There is a favourable variance on environmental management activities due to delays on the Perth Water vision and the birdlife revegetation project.

Non cash depreciation expenses for path and drainage network assets are now well below budget following a review of the useful lives of our road, path and drainage networks as part of the City's ongoing asset management strategy. Useful lives for each of these asset categories have been revised to reflect the guidelines of the International Infrastructure Asset Management (IIAM) manual. Accordingly, the budgets for infrastructure asset depreciation have been revised downwards in the Q2 Budget review. This does not have a cash flow impact but it affects the calculation of certain asset sustainability ratios and the operating surplus ratio. These ratios are expected to improve as a consequence of this adjustment.

Plant management continues to provide a challenge - although cash costs are only 4% over budget allocation, recoveries against jobs are still below budget expectations. Charge out rates are currently being reviewed and adjusted by the Engineering Infrastructure team.

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 0.9% under the budget allocation for the 229.5 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)**. Relevant items are adjusted if necessary in the Q2 Budget Review.

Capital Revenue is disclosed as \$0.95M at 31 January - 4% under the year to date budget of \$0.99M. These revenues related to the lease premiums and refurbishment levies on units at the Collier Park Village and receipt of an unbudgeted grant. Both the grant and associated expenses are addressed in the Q2 Budget Review - as is the timing of major land sale proceeds. Details of any capital revenue variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Expenditure at 31 January is \$5.54M representing 76% of the year to date budget - which represents 30% of the total capital works budget completed although some capital projects will be deferred in the Q2 Budget Review.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. These figures now include the Carry Forward Works approved by Council in October. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the completion of the October management accounts onwards. This report was presented as Item 10.6.4 in January 2014.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	110,000	50,689	46%	555,000
Major Community Projects	99,500	60,516	61%	4,589,750
Financial & Information	336,250	166,467	50%	760,000
Develop & Community	320,000	285,611	89%	678,400
Infrastructure Services	6,076,000	4,574,734	75%	10,870,141
Waste Management	63,750	115,412	181%	415,000
Golf Course	288,010	286,327	99%	389,060
UGP	0	0	-%	0
Total	7,293,510	5,539,756	76%	18,257,351

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 [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 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 January 2014

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 06 February 2014
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

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

Officer Recommendation

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

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

Background

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

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

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

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

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

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

effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$54.5M (\$55.4M last month) compare favourably to \$52.7M at the equivalent stage of last year. Reserve funds are \$1.0M lower 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 but \$0.9M less for the CPH as residents depart the facility and transfer their accommodation bonds. The Asset Enhancement Reserve is \$0.6M higher although the major transfers to that reserve of land disposal proceeds are yet to occur. The Sustainable Infrastructure Reserve is \$0.3M higher whilst the Waste Management Reserve is \$1.8M lower after a budgeted transfer back to the Municipal Fund. The Future Building Reserve is \$0.3M higher. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is \$0.6M lower after funding the 2014 YTD operating deficit.

Municipal funds are some \$2.7M higher due to excellent rates collections and delayed cash outflows for some major capital works.

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 \$19.5M (compared to \$20.3M last month). It was \$16.8M at the equivalent time in the 2012/2013 year. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$53.7M compared to \$50.1M at the same time last year. This is due to higher cash investments relating to municipal funds (\$4.7M increase) partly offset by less accumulated cash backed reserves (\$0.9M decrease).

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

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

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2014

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

Total interest revenues (received and accrued) for the year to date total \$1.05M. This compares to \$1.38M at the same time last year. Prevailing interest rates are significantly lower and appear likely to continue at current low levels.

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

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

The weighted average rate of return on financial instruments for the year to date is 3.82% with the anticipated weighted average yield on investments yet to mature now sitting at 3.56%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25% since the August 2013 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

Effective management of accounts receivable to convert debts to cash is also an important part of business management. Details of each major debtor's category classification (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 January 2014 (after the due date for the third instalment) represent 88.1% of rates levied compared to 87.6% at the same stage of the previous year.

The positive rates collection profile to date suggests that we should enjoy similar collections to the 2012/2013 year which indicates a good acceptance of our 2013/2014 rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies will provide strong encouragement for ratepayers to meet the rates obligations in a timely manner.

Another long term outstanding rates debt that had reached the 'sale of property stage' was settled this month.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$0.9M at month end (\$1.9M last year). Pension Rebate Receivable represents around \$0.5M of this in both years - and this can only be claimed when eligible ratepayers make their qualifying 50% contribution, which can be any time up to 30 June.

GST Receivable is \$0.4M lower than the balance at the same time last year whilst UGP and Sundry Debtors are substantially lower. Most other Debtor categories are at similar levels to the previous year.

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

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.37M was collected by 31 January with approximately 99.6% of those in the affected area having now paid in full. Of the remaining 23 properties all have now made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

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

Since the initial \$4.55M billing for the Stage 5 UGP Project, some \$4.14M (or 90.5% of the amount levied) has already been collected with 78.2% of property owners opting to settle in full and a further 21.3% paying by instalments so far. The remainder (0.5%) 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 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 [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 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:	05 February 2014
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

Officer Recommendation

That the Listing of Payments for the month of January 2014 as detailed in **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.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

10.6.3 Listing of Payments

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

10.6.4 Budget Review for the Period ended 31 December 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 February 2014
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2013/2014 Adopted Budget for the period to 31 December 2013 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Officer Recommendation

That, following the detailed review of financial performance for the period ending 31 December 2013, the budget estimates for Revenue and Expenditure for the 2013/2014 Financial Year, (adopted by Council on 16 July 2013 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

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

Absolute Majority Required

Background

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

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

10.6.4 Budget Review for the Period ended 31 December 2013

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

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

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

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

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review
Attachment 10.6.4 (1)

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

- Items funded by transfers to / from existing Cash Reserves shown as
Attachment 10.6.4 (2)

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Long Term Financial Plan (LTFP) or until contractors / resources become available, they may be returned to a Reserve for use in a future year. Where significant transactions supporting transfers to Reserves cannot be finalised within a particular financial year, both the transaction and the related transfers are eliminated in the Budget Review process.

There is no impact on the Municipal Surplus for these items as funds have been previously provided. There may however, be cash flow implications.

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

10.6.4 Budget Review for the Period ended 31 December 2013

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 16 July 2013. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. Where the scope of particular capital projects has exceeded the allocated budget, savings from completed projects may also be re-deployed to address that particular funding shortfall.

This section also includes amendments to “Non-Cash” items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City’s cash resources. In the Q2 Budget Review, the City has adjusted the useful lives and depreciation allocation for certain classes of infrastructure, (namely the road network, path network and drainage network) to reflect the guidelines contained in the International Infrastructure Management Manual (IIMM) manual.

- Special Budget Review - Included with **Attachment 10.6.4 (1)**

In this review, the City has also included a further ‘Special Budget Review’ which addresses a very significant but unanticipated financial impact on the City’s 2013/2014 Budget - that is, the closure of the Collier Park Hostel.

Closure of Collier Park Hostel Facility

As the City progresses towards the closure of the facility in accordance with the October 2013 Council decision, there will necessarily be a series of adjustments made to budgeted annual revenue streams, variable operating costs and some transitional costs directly related to the closure of the facility. All resident’s refundable accommodation bonds are 100% cash backed in the Collier Park Hostel Accommodation Bonds Reserve. However, funds available in the Collier Park Hostel Reserve will be fully exhausted before the operational losses to the date of closure can be completely recouped. Accordingly, a one-off municipal contribution of some \$287,500 will be required to meet this deficit.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

The adopted budget at 16 July 2013 showed a projected Closing Position at the conclusion of the 2013/2014 year of \$754,416.

The Q1 Budget Review amendments resulted in a (\$30,500) change to the projected Closing Position. Furthermore, at the Q1 Budget Review, a (\$252,066) adjustment to the estimated 2013/2014 Budget Opening Position was made. This adjustment resulted from calculating the Budget Opening Position in accordance with the Department of Local Government's guideline using final audited numbers rather than the estimated numbers used in determining the Budget Position at budget adoption date.

After allowing for Q1 Budget Review amendments and the Opening Position adjustment, the revised Budget Closing Position was \$471,850.

The amendments contained in the attachments to this report will result in a further net change of \$290,250 to the projected 2013/2014 Budget Closing Position as a consequence of the review of operations. After adopting the changes recommended in the Q2 Budget Review, the projected 2013/2014 Closing Budget Position will be \$762,100 (a total increase of \$7,684 since budget adoption).

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

The impact of the proposed amendments in the Q2 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not to any previous amendments). Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2012/2013 year end accounts.

TABLE 1: (Q2 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	316,000	(409,250)	(93,250)
Financial & Information Services	155,000	(230,000)	(75,000)
Development & Community Services	165,000	(42,000)	123,000
Infrastructure Services	879,700	(906,700)	(27,000)
Opening Position	0	(0)	0
Accruals Movements	0	(0)	0
Special Review Items	650,000	(287,500)	362,500
Total	\$2,165,700	(\$1,875,450)	\$290,250

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

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

TABLE 2: (CUMULATIVE IMPACT OF ALL 2013/2014 BUDGET ADJUSTMENTS)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	335,500	(558,250)	(252,750)
Financial & Information Services	433,000	(355,000)	78,000
Development & Community Services	220,000	(87,000)	133,000
Infrastructure Services	1,771,700	(1,832,700)	(61,000)
Opening Position	0	(252,066)	(252,066)
Accruals Movements	0	(0)	0
Special Review Items	4,150,000	(3,787,500)	362,250
Total Change in Adopted Budget	\$6,910,200	(\$6,650,450)	\$7,684

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

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated budget closing position has only moved from the \$754,416 estimated closing position to \$762,100 after including all budget movements to date. This projected closing position is still quite modest and will need to be closely monitored during the remainder of the year.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - and emphasising proactive identification and response to apparent financial variances. 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.

10.6.5 Special Budget Review to Resource Local Government Reform

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 12 February 2014
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

As part of the local government reform process, the Department of Local Government has issued a local government reform toolkit which identifies the specific tasks that all local governments are required to undertake to facilitate a smooth, well informed and well-resourced transition to a new larger local government entity that can deliver enhanced services to ratepayers and residents as a consequence of operational efficiencies and economies of scale.

Irrespective of the reform model that is ultimately selected (amalgamation or boundary changes), it is incumbent upon each existing local government to facilitate the process of reform in a way that puts our ratepayers and residents in the 'most advantaged' position after the transition is completed.

The City's administration has identified a realistic and justifiable resource requirement that is necessary to allow our City to achieve this outcome in line with the Department of Local Government's timeline for Stage 1 of the reform process (by 30 June 2014).

Officer Recommendation

That an amount of \$250,000 be allocated to provide additional resources to ensure that the City can effectively and successfully meet the Department of Local Government's timeline for Stage 1 of the local government reform process.

Absolute Majority Required

Background

To effectively undertake the administrative tasks of preparing for local government amalgamation whilst also ensuring service continuity to our community, the City will need to add additional staff resources dedicated to the reform process and will also need to engage specialist consultants in some disciplines. Attachment 10.6.5 illustrates the Local Government Reform Governance Framework and gives some indication of the various project teams that will need to be resourced to compile and deliver the information to support the decisions of the Local Implementation Committee (LIC).

Comment

During the period leading up to the commencement of the new (post reform) local government entities there are a number of important precursor activities that all existing local governments must actively participate in. These include:

Stage 1:	Feb 2014 - July 2014	Review & Due Diligence Phase
Stage 2:	Aug 2014 - Mar 2015	Planning Phase
Stage 3:	Apr 2015 - Jun 2015	Mobilisation and Activation Phase
Stage 4:	July 2016 - Dec 2015	Implementation and Improvement Phase

Regardless of the ultimate reform model / boundary change position that the Minister selects, the City has an obligation to its community to diligently progress

10.6.5 Special Budget Review to Resource Local Government Reform

each of the above activity stages - whilst continuing to deliver appropriate services to its community.

The City recognises and commits to this platform - but also recognises that its capacity to effectively deliver this outcome is directly related to its resource capacity.

The Local Government Reform Toolkit requires that the City has successfully undertaken the following activities by 30 June 2014 (and these will be validated through the Local Government Implementation Committee by 30 June 2014).

This list is indicative – but not exhaustive:

- Put in place an integrated Project Planning Framework
- Audit & document the 'current state' of the Organisation's:
 - Business Systems
 - Customer Service Models
 - Governance Models (Policy, delegations)
 - Contracts / Legal Arrangements, Licences (software etc)
 - Property Ownership (land, leased facilities, CPV etc)
 - Procurement arrangements (tenders, agreements, termination dates etc)
 - Risk Management Processes and Insurances
 - Marketing / Brand Management / Communications
 - Finance (Chart of Accounts, LTFP, Financial Statements, Budget)
 - Financial Position (Loans, Reserves, Fees & Charges, Revenue Growth options etc)
 - Asset Management & Asset Valuation Perspectives

If for no other reason, a clear understanding of the current state of each of matters is critical to facilitate the harmonisation of existing arrangements between the different entities (as they are currently configured). Whilst the City (and the Town) has existing resources that can contribute towards the attainment of this objective, it must be recognised that meeting these requirements to a best practice standard will require the partnering organisations to supplement their existing resources with additional internal resources. In some other cases, specialised external contractors may need to be engaged to achieve the required outcome.

It has been identified that the City will require additional resources - both in terms of additional FTE staff and in terms of funding to access additional consultancy resources.

After critical analysis, the City believes that the following cost areas are relevant to the reform process in Stage I (and in the main) are likely to continue into the 2014/2015 year:

Staff Costs:

- Reform Project Coordinator
(coordination of the reform effort and ensuring that all deadlines are met)
- Support Staff
(to do the operational work in relation to matters such as identifying software licensing, property leases, contract obligations / termination dates etc)
- Providing back fill for certain existing staff positions that will be actively engaged in completing components of the reform work.
(including modelling the financial impacts of assuming part of the former City of Canning)

10.6.5 Special Budget Review to Resource Local Government Reform

Providing short term backfill for specialist staff (eg Rates Officer) who may be seconded into the reform project team for a specific purpose.

Administrative support for the Local Implementation Committee.

Consultant Costs:	Specialised reviews Process documentation / process mapping
Occupancy Costs:	Office space, data and technology costs for additional staff and / or consultants
Communications:	Additional communication with residents regarding the reform process.

The administration is of the view that an amount of \$250,000 should be made available as an allocation for the remainder of this year to support the progression of the Local Government Reform Toolkit obligations. Any unspent funds at 30 June 2014 would be carried forward into the new year and applied against the next phases of the reform obligations.

Consultation

Funding options and Budget amendments have been discussed with responsible managers within the organisation prior to the proposed amendment being included in this report.

Policy and Legislative Implications

The progress of the City in meeting the prescribed timeframes for each milestone in the reform phases will be monitored by the Metropolitan Reform Implementation Committee (MetRIC). In developing its Local Government Reform Toolkit, the Department of Local Government has clearly identified and recognised that the process of transition to reform will have significant resource implications. It also recognises that the quality of the final outcome will be influenced by the available funding and organisational 'agility' - that is the capacity to use those funds to access the best consultants in a timely manner and to have clear specifications of what is required from them to ensure a best value outcome. **Attachment 10.6.5** is instructive in relation to this matter as the five areas shown as Project Management Areas 1 to 5 (PM1 to PM 5) at the bottom of the attachment reflect the work that the Local Government Reform Toolkit requires all local governments to undertake.

Financial Implications

To effectively undertake the administrative tasks of preparing for local government amalgamation whilst also ensuring service continuity to our community, an amount of \$250,000 will need to be allocated to support the City's obligations in progressing essential preparatory work ahead of the reform process. This funding requirement will result in the City's estimated Closing Position (after the Q2 Budget Review) at 30 June 2014 being reduced to \$512,100.

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 Special Budget Review to Resource Local Government Reform

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - and emphasising proactive identification and response to apparent financial variances. 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.

10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Ward: Not applicable
Applicant: Council
Date: 3 February 2014
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 months of November and December 2012, and January 2013.

Officer Recommendation

That the report and **Attachments 10.6.6(a), (b) and (c)** relating to delegated determination of applications for planning approval during the months of November and December 2013, and January 2014, 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 November 2013, forty-four (44) development applications were determined under delegated authority at **Attachment 10.6.6(a)**.

During the month of December 2013, sixty-eight (68) development applications were determined under delegated authority at **Attachment 10.6.6(b)**.

During the month of January 2014, forty-five (45) development applications were determined under delegated authority at **Attachment 10.6.6(c)**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Strategic Implications

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

Sustainability Implications

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

Work in Progress

10.6.7 Annual Tender 31/2013 - Provision of Bulk Kerbside Collection Service

Location: City of South Perth
Applicant: Council
Date: 3 February 2014
Author: Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 31/2013 for the 'Provision of Bulk Kerbside Refuse Collection services up to June 2015.

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

- a) the bid of D & M Waste Management for the First Collection: Green Waste only of Tender 31/2013 *Provision of a Bulk Kerbside Collection Service*, be accepted for the unit rate of \$116,000; and
- b) tenders be readvertised no later than May 2014 for the provision of bulk kerbside collection services comprising two separate green waste collections and one hard waste collection for 2014/2015.

Background

A Request for Tender (RFT) 31/2013 for the 'Provision of bulk kerbside collection services' was advertised in the West Australian on Wednesday 4 December 2013 and closed at 2pm Thursday 19 December 2013.

The RFT is for the supply and management of sufficient plant and labour to undertake the four collection services as defined in the table below. The contract is for the period March 2014 to June 2015 and does not allow for any extension of time.

TABLE A – Collection Methodology and Dates

Collections	Type	From	End
First collection	Green waste	3 March 2014	11 April 2014
Second collection	Green waste	1 August 2014	19 September 2014
Third Collection	Hard waste	1 September 2014	9 October 2014
Fourth Collection	Green waste	13 April 2015	15 May 2015

All materials collected are transported to a tipping place outside of the City for either processing or disposal. The green waste collection, if not contaminated by non-approved dumping, is effectively an "all in collection service" with the green waste transported direct to the SMRC Canning Vale mulch operations or if necessary another green waste processor. By way of contrast the hard waste collection service requires the collection and transportation of the separated components to various designated locations:

10.6.7 Annual Tender 31/2013 - Provision of Bulk Kerbside Collection Service

- Metal products (including white goods and household appliances of a recyclable nature) to Auscon Metals Armadale or comparable scrap metal merchant;
- General waste to the WA Landfill Services Transfer Station Kewdale or any other site as nominated by the City;
- E Waste to the Sims Approved Recycling Facility; and
- Mattresses to the Eastern Metropolitan Regional Council (EMRC) facility in Hazelmere.

Comment

Tender documentation was collected by seven waste contractors. At the close of the Tender advertising period on the 19 December 2013, five tender submissions had been received from three registered companies (three conforming and two alternative tenders).

WA Recycling Services had submitted, in addition to their conforming tender, two Alternative Tenders. Alternative One was based on extending the collection period. Alternative Two was based on a rate per tonne service and also extending the collection period. The Alternative Tenders were not accepted as they do not provide any advantage to the City over the compliant tenders.

D&M Waste Management made reference within their conforming tender of an Alternative Tender but omitted to supply a separate Tender document in the form required by the City. For probity reasons the Panel was unable to accept it as an alternative bid.

The three compliant tenders and their total price submissions are tabled below.

TABLE B - Tender Submissions and Prices

	Tender	Tender Price (Ex. GST)
1.	Steann Pty Ltd	\$659,850
2.	WA Recycling Services/Western Maze	\$467,000
3.	D & M Waste Management	\$562,000

The Panel assessed in detail the considerable variances in pricing of each of the tender submissions to attempt to ascertain the reasons. The schedule of tendered prices is based on 4 collections (one hard waste and three green waste) over a one and a half year period and is listed in Table C below.

TABLE C - Tender Prices for Four Collections over One and a Half Years

Collections	Steann P/L	WA Recycling	D & M Waste Management
First Collection - Green waste	\$151,250	\$94,000	\$116,000
Second Collection - Green waste	\$151,250	\$94,000	\$58,000
Third Collection - Hard waste	\$201,600	\$185,000	\$330,000
Fourth Collection - Green waste	\$155,750	\$94,000	\$58,000
Totals	\$659,850	\$467,000	\$562,000

10.6.7 Annual Tender 31/2013 - Provision of Bulk Kerbside Collection Service

The Tenders were reviewed by an Evaluation Panel (Panel) and assessed according to the qualitative criteria outlined in the RFT. The qualitative criteria are listed in Table D below:

TABLE D - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Price	40%
2. Referees & Experience	20%
3. Plant & Staff	20%
4. Collection Methodology	20%
Total	100%

The final weighted score of each tender received is noted in Table E below.

TABLE E - Weighted Score and Tender Prices for the four scheduled services

	Tender	Weighted Score
1.	D & M Waste Management	7.9
2.	Steann Pty Ltd	7.8
3.	WA Recycling Services	6.8

The Panel's initial assessment of the bids has resulted in D & M Waste Management achieving the highest score. Reference checks advise that D & M Waste Management has successfully delivered similar services for other local authorities.

The Panel is concerned about what appears to be considerable misunderstanding in the quantities of green waste and hard waste to be collected, despite the previous three year's collection data included in the specification. The prices submitted by Steann and WA Recycling are essentially equivalent to the prices they each submitted for a similar RFT in 2013 (Tender 12/2013). The assessment of this tender was the subject of a report to Council in July 2013 (Item 10.6.7). At that time, the City was not satisfied with the prices submitted by Steann nor the references obtained for WA Recycling.

D & M Waste Management has submitted a bid for the First Collection – Green Waste that is slightly more than WA Recycling and considerably less than that submitted by Steann. This price is close to that expected by the Panel, however their prices for the Second and Fourth Collections - Green Waste are half that of the First Collection. In addition their rate for the Third Collection - Hard Waste is 78% greater than WA Recycling and 38% higher than Steann. The Panel is therefore reluctant to recommend the full bid from D & M Waste Management, because the prices submitted for the second, third and fourth collections do not reflect the expect tonnages.

The City needs to proceed with the First Collection - Green Waste, which is scheduled to commence in March. As a result, the Panel is prepared to recommend the First Collection - Green Waste only by D & M Waste Management because it represents the best value and service quality for the City.

10.6.7 Annual Tender 31/2013 - Provision of Bulk Kerbside Collection Service

Accordingly, it is recommend that:

1. the bid of D & M Waste Management for the First Collection: Green Waste only of Tender 31/2013 *Provision of a Bulk Kerbside Collection Service*, be accepted for the unit rate of \$116,000; and
2. tenders be readvertised no later than May 2014 for the provision of bulk kerbside collection services comprising two separate green waste collections and one hard waste collection for 2014/2015.

D & M Waste Management has suggested (in their tender documentation) a capped rate for nominated tonnages for each collection and then a variable rate if the nominated tonnage is exceeded, should be considered as an alternative price scheduling methodology. The nominated tonnages would be based on historical data. The Panel believes this could be a solution to ensure more even and competitive tender bids. As a result, the City will consider revising its tender documentation prior to re-tendering the remainder of this contract to achieve more competitive pricing for this contract.

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).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The full cost of the works is reflected in the 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 [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 a waste service to maximise on the recycling potential of the verge side pickup. 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 services.

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 COUNCILLOR GLENN CRIDLAND – LOCAL GOVERNMENT REFORM

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 25 February 2014:

Motion

That Council

1. Request the City Officers to prepare a City of South Perth (“City”) submission to the Local Government Advisory Board (“LGAB”) rejecting the Minister's Proposal 06/2013 so that the submission may be lodged with the LGAB before 13th March 2014;
2. Authorise the preparation and delivery of the City's presentation to the LGAB rejecting the Minister's Proposal;
3. Authorise the preparation of and delivery of correspondence to the Minister requesting he withdraw Minister's Proposal 06/2013 and requesting a clear explanation of why the promised \$200,000 for local government reform has not yet been provided to the City; and
4. Endorse the preparation of community information materials rejecting the Minister's Proposal and the holding of a public meeting on the matter.

Reasons for Motion

On 2nd October, the City held a Special Council Meeting and resolved to submit a conditional proposal to the Local Government Advisory Board (“LGAB”) to amalgamate the districts of City of South Perth and the Town of Victoria Park in their entirety (including the entire Burswood Peninsula). The City's conditional proposal also suggested nominal change the boundaries of the districts to incorporate that area of the City of Canning presently located to the north west of Leach Highway; and change the boundaries to incorporate that area of the City of Belmont known as Balbuk Reserve.

The City's amalgamation proposal to the LGAB involved the abolition of both the City of South Perth and Town of Victoria Park and creation of a new City. It was expressly conditional on the whole Burswood Peninsula being retained by the new City. The City and Town of Victoria Park were the only local governments that submitted a joint proposal to the LGAB.

The Minister supported and congratulated City and Town of Victoria Park on their cooperative approach to implementing State government policy. The Minister promised councils \$200,000 to assist in the initial stages of implementing the State Government's policy.

The City has not received the promised \$200,000 or an explanation as to the City's follow-up correspondence on the matter. Those funds could have been used to defray at least a small amount of the ratepayers' resources already spent by the City in responding to the State Governments policy platform.

The Minister has now submitted a proposal (06/2013) to the LGAB affecting the City. The Minister's proposal is fundamentally inconsistent with the City's conditional proposal that the Minister had earlier supported.

Under the Minister's proposal,

- the City is abolished while the Town of Victoria Park would remain, expand and takeover the entirety of the City,
- until new elections, the residents of the City are left without any representatives and are governed by our neighbours councillors in Victoria Park,
- the largest ratepayer is transferred out of Victoria Park, and
- residents of both the City and Town of Victoria Park are stripped of their right to vote on any proposed changes.

The Minister's proposal must be opposed before the LGAB.

It is concerning that the Minister has so fundamentally changed his position with respect to the City of South Perth and has not even provided the promised small amount of funding.

The City now relies on the independence and good judgement of the LGAB and that the Premier is a man of his word in that there will be no forced amalgamations.

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.1.1 Questions from Councillor Trent

At the 10 December 2013 Ordinary Council Meeting, a question from Councillor Trent was taken on notice. In a letter dated 23 December 2013 the Manager Governance and Administration provided a response to Councillor Trent's question as follows:

“Question 1

With reference to the AICD course, can you please confirm the cost of the course and the content of the course?

Response

AICD course is \$6145 for AICD members and \$8605 for non AICD members. Please find enclosed a printout of the modules covered by the Company Directors Course.”

Please note: The referenced enclosure is available at:

<http://www.companydirectors.com.au/Courses>.

13.2 QUESTIONS FROM MEMBERS

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

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

17. RECORD OF VOTING

ITEM 3.1 REFERS

Mayor's Activity Report – December 2013 and January 2014

Date	Activity
January 2013	
Friday, 31 January	Arthur Kyron's farewell cocktail party + CEO
	Meeting with Member for South Perth – Local Government Reform +CEO + Cr Glenn Cridland
	Canning Bridge Reference Group meeting + CEO + Director Development and Community Services
	CEDA WA Trustee Welcome Back Breakfast 2014 + CEO
Thursday, 30 January	WALGA: Metropolitan Reform Implementation Policy Forum
	Meeting to discuss Canning Bridge Reference Group meeting for the following day + CEO, + Director Development and Community Services + Strategic Urban Planning Adviser
Wednesday, 29 January	Hon Peter Collier MLC + CEO
Tuesday, 28 January	Mayor/CEO weekly meeting
Sunday, 26 January	Australia Day Committee - The Boatshed Restaurant
	Speak at Australia Day Celebration Zone
	City of Perth Citizenship/ Australia Day ceremony
	City of South Perth Australia Day Citizenship and Awards ceremony + Crs Kevin Trent, Colin Cala and Michael Huston.
Thursday, 23 January	Mosquito Group meeting
	Conversation with Robert Gordon
	Australia Day discussion with Manager Community Culture & Recreation, Civic Functions & Ceremonies Officer + Arts Events Coordinator
Wednesday, 22 January	Mayor/CEO weekly meeting
Tuesday, 21 January	Australia Day lunch – Government House + CEO
	Amendment No 40 Deputation to WAPC + Cr Kevin Trent
Monday, 20 January	Amendment No 40 discussion with Director Development and Community Services & Strategic Urban Planning Adviser
Friday, 17 January	Old Mill Theatre - Milly Awards

9 – 17 January	LOA
Wednesday, 8 January	Mayor/CEO meeting
Friday, 3 January	Meeting Robert Gordon
	Meet the Community
Wednesday, 1 January	City of Canning New Year's Day Celebrations - Shelley Beach
December 2013	
Monday, 23 December	Staff Xmas Party + Cr Kevin Trent, Fiona Reid
	Tony Crook MLA meeting + Manager Governance and Administration
	South Perth Primary School Final Assembly + Cr Kevin Trent
Wednesday, 18 December	Kensington Primary School Year 7 Graduation+ Cr Kevin Trent
	WALGA meeting
	JP's Christmas Function + Acting CEO + Cr Cheryle Irons
	Meeting with Premier Barnett + CEO & Mayor, Town of Victoria Park + Manager Governance and Administration
	Present Prizes at Kensington Primary School graduation + Cr Kevin Trent
Tuesday, 17 December	Mayor/Acting CEO weekly meeting
	Baptistcare Meeting + Acting CEO
	Present awards at Curtin Primary School Year 7 graduation ceremony
Monday, 16 December	Como IGA Xmas morning tea
Sunday, 15 December	Dog Walkers' Group
	Spiritual Video Discourse
	Scouts WA Christmas Luncheon
Friday, 13 December	Ben Wyatt Community Sundowner + Cr Kevin Trent
	Carson St School Year 7 Graduation
Thursday, 12 December	Cygnets Morning Melodies Concert + Cr Kevin Trent
	WALGA: Metropolitan Reform Implementation Policy Forum
Wednesday, 11 December	Meeting Helen Hardcastle

	ICAG meeting
Tuesday, 10 December	Council meeting
	South Metropolitan Health Service Information Forum – Murdoch University
	Mayor/Acting CEO weekly meeting
	Homereader & Volunteer Christmas Party
Monday, 9 December	Annual Electors' General Meeting
Saturday, 7 December	South Side Symphony Orchestra concert
Thursday, 5 December	Wesley College Speech Night + Cr Fiona Reid
	DLG : New Mayors, Presidents and Deputies - Workshop
	Thank a Volunteer Day Breakfast + Cr Kevin Trent
Wednesday, 4 December	Storytime Xmas Party @ South Perth Library
	Heritage Council's 2013-14 Heritage Grants Program Announcement
Tuesday, 3 December	December Council Briefing
	South Perth Seniors Christmas Party + CEO
	Wendy Duncan –WA Nationals + CEO
Monday, 2 December	Briefing by short list of potential consultants – Appointment of the Real Estate Consultants for Civic Triangle
	Millennium Kids DVA Anzac Day Grant & Aboriginal Reference Group + Cr Sharron Hawkins-Zeeb
	Mayor/CEO weekly meeting

Council Representatives' Activity Report – December 2013 and January 2014

Date	Activity
January 2014	
Tuesday, 14 January	SMRC: Launch of the Better Bins Kerbside Collection Program – Cr Glenn Cridland
December 2013	
Thursday, 19 December	Rivers Regional Council - Cr Fiona Reid + Cr Colin Cala
	Southcare Board meeting - Cr Kevin Trent
Tuesday, 17 December	Collier Primary School Year 7 Graduation ceremony – Cr Kevin Trent
Monday, 16 December	Buddhist Centre - Meeting John Waite – Director – Cr Kevin Trent.
	Collier Primary School graduation - + Cr Kevin Trent
Thursday, 12 December	Manning Primary School Graduation – Cr Sharron Hawkins-Zeeb
Thursday, 12 December	Rivers Regional Council presentation to the Kelmscott Primary School students art award
Tuesday, 10 December	Rivers Regional Council Audit Committee – Crs Kevin Trent + Colin Cala
Sunday, 8 December	South Perth Bridge Club Inc. – Cr Kevin Trent
Friday, 6 December	Penrhos Junior School Speech Day and Secondary School Speech Night - Cr Kevin Trent
Friday, 6 December	City of Melville 2013 Mayoral Dinner – Cr Fiona Reid
Friday, 6 December	Penrhos Junior
Thursday, 5 December	PAMG – Crs Cheryle Irons and Kevin Trent
Wednesday, 4 December	Kensington Primary School Graduation - Cr Kevin Trent