

AGENDA

Ordinary Council Meeting

24 June 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 24 June 2014 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER

20 June 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**
Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.
- **Minutes and Agendas**
As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.
- **Meet Your Council**
The City of South Perth covers an area of around 19.9km² divided into six wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

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

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES
(Attached to Agenda paper at **Appendix One**)

3.2 PUBLIC QUESTION TIME

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

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

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the May 2014 Ordinary Council Meeting questions were taken on notice from:

- Ms Carol Roe of 16 Abjornson Street, Manning
- Ms Marcia Manolas of 193 Mill Point Road, South Perth
- Mr Murray Jennings of 19 Todd Avenue
- Ms Tina Watson of 25 Norton Street, South Perth

A table of these questions, and the responses provided by correspondence can be found at **Appendix Two**.

6.2 PUBLIC QUESTION TIME: 24 JUNE 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: 27 May 2014

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 27 May 2014 be taken as read and confirmed as a true and correct record.

7.1.2 Special Council Meeting Held: 19 May 2014

RECOMMENDATION

That the Minutes of the Special Council Meeting held 19 May 2014 be taken as read and confirmed as a true and correct record.

7.2 BRIEFINGS

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

7.2.1 Concept Briefing: South Perth Foreshore Promenade Projects Held 13 May 2014

Officers of the City presented a briefing on proposals for the replacement of approximately 400 metres of river wall and pedestrian pathway either side of the Mends Street jetty on the South Perth foreshore. It is a subject of a report in this month's agenda. Notes from the Concept Briefing are included as **Attachment 7.2.1**.

7.2.2 Agenda Briefing: May Ordinary Council Meeting Held 20 May 2014

Officers of the City presented background information and answered questions on items identified from the May 2014 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing: 2014/2015 Draft Budget Held 10 June 2014

Officers of the City presented a briefing of the 2014/2015 Draft Budget. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

RECOMMENDATION

That the attached Notes under Items 7.2.1, 7.2.2 and 7.2.3 be received.

8. PRESENTATIONS

8.1 PETITIONS

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

8.2 PRESENTATIONS

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

8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing held 17 June 2014.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: Rivers Regional Council Meeting held 10 April 2014

A Report from Cr Cala and Cr Trent summarising their attendance at the Rivers Regional Council Meeting held 10 April 2014 is at **Attachment 8.4.1.**

8.4.2 Council Delegate: Local Implementation Committee Meeting held 26 May 2014

The Minutes for the Local Implementation Committee Meeting held 26 May 2014 are at **Attachment 8.4.2.**

8.4.3 Council Delegate: Twin Rivers Catchment Group Meeting held 14 May 2014

A Report from Cr Huston and Cr Reid summarising their attendance at the Twin Rivers Catchment Group Meeting held 14 May 2014 is at **Attachment 8.4.3.**

RECOMMENDATION

That the Council Delegates Reports at Items 8.4.1, 8.4.2 and 8.4.3 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 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Location: City of South Perth
Applicant: Council
File Ref: LP/801/19
Date: 2 June 2014
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

In March 2014, following consideration of River Way property owners' responses to a questionnaire, the Council endorsed draft modifications to Council Planning Policy P306 'Development of Properties Abutting River Way' for community advertising. The objective of the modifications is to improve streetscape compatibility along River Way. The draft modifications have been advertised and the resulting submissions are discussed in this report. In response to comments and suggestions contained in the submissions, the advertised draft has been slightly amended. The further amended version of Policy P306 is now presented for final adoption.

Officer Recommendation

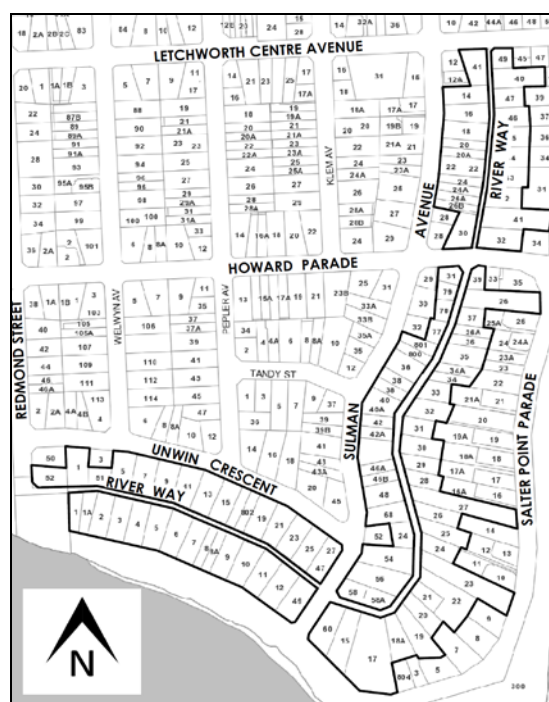
That

- under the provisions of Clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the modified Policy P306 'Development of Properties Abutting River Way', in its further amended form, comprising **Attachment 10.0.1**, be adopted; and
- the submitters be thanked for their participation in this process and advised of the Council's resolution above.

Background

This report includes **Attachment 10.0.1: Modified Policy P306 'Development of Properties Abutting River Way'** in a form suitable for final adoption. The map (right) identifies the affected properties.

In its current form, Policy P306 has been in operation more than 21 years - since October 1992. The operative Policy contains provisions requiring on-site visitor parking bays, regulates the location of vehicle crossovers and, in the case of fences on the River Way boundary, restricts construction materials to those considered visually acceptable. Corrugated fibre cement sheeting is not permitted.



10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

The recently advertised draft modified version of Policy P306 retains the provisions dealing with the matters referred to above and also contains new provisions requiring increased setbacks from River Way; and imposing further constraints on the design and materials of fences and / or retaining walls on or near the street boundary which are higher than 1.8 metres. The wording of the **additional** Policy provisions is set out below:

1.1 Street Setback - Buildings

- (a) *Buildings other than carports and garages shall be set back a minimum of 6.0 metres from the River Way boundary; and*
- (b) *Buildings that have a property boundary to Sulman Avenue and River Way shall have a further setback of 3.0 metres to any third level from the River Way boundary.*

1.2 Street Setback - Carports and Garages

Carports and garages shall be set back a minimum of 4.5 metres from the River Way street boundary.

1.6 Fences More Than 1.8 Metres High on or Near the Street Boundary

Where the finished ground level of the development site near the street boundary is higher than the street verge or footpath, a 1.8 metres high fence, measured from the finished ground level rather than as specified in Policy P350.07, may be permitted where the design of the fence minimises the visual impact on the street.

The visual impact could be minimised through the implementation of:

- (a) *Locating all or part of the fencing off the River Way street boundary;*
- (b) *Indents in the fencing design;*
- (c) *A mixture of materials, colours or finishes; or*
- (d) *The provision of landscaping between the fence and the River Way street boundary.*

In addition to the existing prohibition of corrugated fibre cement sheet fences on or near the River Way boundary, Policy clause 1.5 dealing with fencing materials is also proposed to be modified to prohibit colorbond-finished steel sheeting for fences in this location.

Comment

The full text of the modified Policy in final form is contained in **Attachment 10.0.1**. The additional provisions will more effectively protect the River Way streetscape character.

The public submissions on the draft modifications to Policy P306 are discussed in the 'Consultation' section of this report. The majority of submitters support the advertised modified version of the policy. In response to certain submitters' comments, further amendments are now recommended as contained in **Attachment 10.0.1**, being the final version of the modified Policy, presented for adoption.

Consultation

The draft modified Policy P306 'Development of Properties Abutting River Way' was advertised in accordance with the City's Town Planning Scheme No. 6 (TPS6) and Policy P301 'Consultation for Planning Proposals'. This consultation involved:

Method:

- Letters / Notices to the owners of all properties abutting River Way (107 letters).
- Letters / Notices to Manning Community Association and Salter Point Community Group.
- Newspaper notices in the *Southern Gazette* newspaper on 8, 22 and 29 April 2014.
- Notices and modified Policy displayed in Civic Centre, Libraries, and on the web site.

10.0.1 Modified Planning Policy P306 ‘Development of Properties Abutting River Way’. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Time period:

- 25 days, being four days longer than the minimum 21-day consultation period for policies.

During the consultation period, the City received 14 submissions. Twelve are from River Way or Sulman Avenue property owners, one from a Welwyn Avenue property owner and one from the Salter Point Action Group. In one instance, two similar submissions were received from one house. In percentage terms, the response from affected property owners was low, representing 11% of the total number of property owners who were individually consulted by mail. Eight of the submitters support the modified Policy as advertised, three conditionally support the modifications, and three submitters do not support the modifications. City officers are now recommending adoption of the modified Policy with minor further amendments in response to submitters’ comments.

The full submissions have been placed in the Council Members’ Lounge for their reference.

The submitters’ comments are summarised in the schedules below, together with an Officer’s response and recommendation on each issue raised.

SUBMISSIONS SUPPORTING MODIFIED POLICY P306

Submitter’s comment	Officer’s response
<p>Fully support new Policy provisions <i>Collective comments from Salter Point Action Group; owners of 7 properties in Sulman Avenue; and one River Way property:</i></p> <ul style="list-style-type: none"> • Pleased that Council is prepared to adopt planning policies to protect the community, ensuring that new development is in harmony with existing residences and provides guidelines for future developers. • Modified Policy will provide consistency for River Way setbacks and streetscape; greatly reduce building bulk; enhance appearance of the street. • Concerned about size and streetscape domination of No. 42A Sulman Avenue. Houses of this size diminish neighbours’ amenity, reduce light, air and privacy. Support Policy provisions that will prevent its recurrence and reduce visual impact on River Way for all neighbours’ benefit. • Policy modifications welcome, but too far overdue – essential River Way character has been damaged by ill-considered developments. • Increased River Way setbacks will reduce building bulk as seen from Sulman Avenue. • Fencing provisions are sound - River Way is the front boundary or only street access for many houses. • ‘New’ (visitor) parking proposal will reduce congestion in the street. <p style="text-align: right;"><i>(cont’d)</i></p>	<p>The new provisions were added to the operative Policy P306 to achieve the April 2013 petitioners’ objectives of reducing the visual impact of building bulk and enhancing streetscape compatibility. The absence of any response from 89% of the directly consulted property owners indicates that those owners have no objection to the new Policy provisions. Eight of the submitters fully support the new provisions and three further submitters generally support the proposals, but want certain changes.</p> <p>Where a dwelling relies on River Way for vehicle access, Policy provision 1.3 requires two on-site visitors’ parking bays in addition to two residential occupiers’ bays. However, contrary to the submitters’ understanding, this provision is not new. It has been in the existing policy since 1992. Therefore there is no prospect of reduced congestion in the street or increased safety for pedestrians following adoption of the modified policy.</p> <p>The new Policy provisions will not have any effect on protection of visual privacy. The Residential Design Codes contain requirements regarding visual privacy and these will continue to apply.</p> <p>The submitters’ comments are generally UPHELD.</p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<ul style="list-style-type: none"> • River Way will be safer for all residents. • There will be far less overlooking and greater protection of visual privacy. 	

SUBMISSIONS CONDITIONALLY SUPPORTING MODIFIED POLICY P306

Submitter's comment	Officer's response
<p>River Way between Redmond Street and Sulman Avenue should be excluded from scope of Policy</p> <p><i>River Way property owner comments:</i></p> <p>The residents' April 2013 petition was not intended to refer to the part of River Way between Redmond Street and Sulman Avenue - never included in TPS3 and different topography from the rest of River Way. Policy P306 modifications are likely to adversely affect properties along 'Redmond to Sulman' part of River Way, so this part of River Way should be excluded from the scope of the Policy.</p>	<p>In October 2013, before the policy modification process commenced, all River Way landowners were invited to respond to a questionnaire designed to inform the Council of their preferences as to the scope and content of any modifications to the Policy. An overwhelming majority of respondents along the full length of River Way want stronger streetscape controls including a 6.0 metre minimum setback for houses on both sides of the street (4.5 metres for carports / garages).</p> <p>The long-standing Policy P306 applies to the full length of River Way, including the part between Redmond Street and Sulman Avenue. The objective of the proposed modifications to the Policy is to more effectively protect the River Way streetscape character by implementing measures to reduce the bulk and scale impacts of future buildings.</p> <p>Thirty-one (31) properties have a boundary to River Way between Redmond Street and Sulman Avenue. Most of those property owners did not respond to the questionnaire, but of those who did, five support a 6.0 metre minimum street setback (4.5 metres for carports / garages) while two favour a lesser setback.</p> <p>Only one property owner in the 'Redmond-Sulman' part of River Way lodged a submission (objection) on the Policy P306 modifications. His property is on the south (river) side, where the proposed setback is 6.0 metres minimum. The currently prescribed setback is also 6.0 metres, although averaging is permitted.</p> <p>On the south side of the 'Redmond-Sulman' part of River Way, while the rear portion of some lots slopes steeply downwards, there is sufficient relatively level land for large houses while maintaining a 6 metre setback from the street. On both sides of this part of River Way, the existing houses are generally set back 6.0 metres or more. This section of the street reserve is extremely narrow (7.3 metres). Therefore, in the interest of streetscape compatibility, in common with properties further along, the proposed setbacks and additional fencing controls should apply to the 'Redmond-Sulman' part of River Way.</p> <p>Having regard to the above comments, the submitter's comment is NOT UPHELD.</p>
<p>Visitor parking requirement needs clarification</p> <p><i>River Way property owner comments:</i></p> <p>Clause 1.3 is a little ambiguous. I assume the requirement for two additional visitor parking</p> <p style="text-align: right;"><i>(cont'd)</i></p>	<p>While the existing Policy provision relating to visitor parking has been applied without difficulty since 1992, it is agreed that the wording of clause 1.3 is slightly ambiguous.</p> <p>The submitter's comment is UPHELD and clause 1.3 of Policy P306 will be modified to the effect that on-site visitor</p> <p style="text-align: right;"><i>(cont'd)</i></p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<p>bays means in all cases where there is some form of access from River Way, regardless of any alternative access from Sulman Avenue. It could, alternatively, be construed to apply only when River Way is the only access. Needs clarification.</p>	<p>parking bays accessed from River Way will be required when the major entry (front door) to a house is accessed from River Way.</p>
<p>Height limit for River Way lots (east side - Sulman Ave to Letchworth Centre Ave) should be modified to allow higher buildings</p> <p><i>River Way property owner comments:</i></p> <p>At some stage, the rules for the east (river) side of the TPS3 part of River Way were changed to reduce the permitted building height, thus giving the west side properties much greater possibilities for obtaining views than previously. This allows the latter to build three storeys above the street but east side properties only a single storey. Is there any way this could be ameliorated?</p>	<p>The City of South Perth Town Planning Scheme No. 3 'Salter Point Parade Guided Development Scheme' (TPS3) was in operation from 1974 to 2003. With a few exceptions, TPS3 did not prescribe building height limits for lots accessed from River Way, but only those accessed from Salter Point Parade.</p> <p>For most lots on the east ('river') side of River Way (Howard Parade to Sulman Avenue), the height limit was previously prescribed by the district Scheme No. 5 (1986 to 2003). Under TPS5, the height limit was 3 metres, measured from the highest point of the adjacent public footpath to the ceiling of the building.</p> <p>The current Scheme No. 6 retains the 3-metre height limit for those River Way lots, but changed the method of measurement. While height is now measured from a lower ground level point at least 6 metres from the street boundary, a second storey above street level is allowed, provided it is contained within a notional 25 degree hip roof shape. Potentially, the net effect of the TPS6 changes is to allow higher buildings on the east side of River Way than were allowed under TPS5. Furthermore, because the ground slopes downward from River Way (east side), an additional storey (or possibly two) is allowed below street level.</p> <p>On the west side of River Way, the former TPS5 allowed two storey buildings (equivalent to a 7 metre height limit). In addition, non-habitable rooms or spaces, including garages, were allowed as a (lowest) third storey where the slope of the ground was sufficiently steep. Under TPS6, the River Way (west side) height limit is 7 metres. On those lots, the allowable building height under TPS5 and TPS6 was similar. However since July 2013 when Scheme Amendment No. 17 introduced additional controls, on steeply sloping sites the allowable height as viewed from River Way has been reduced.</p> <p>In view of the circumstances outlined above, there is no justification for further amendments to the respective height controls applying to lots on the east and west sides of the section of River Way under discussion.</p> <p>Policy P306 does not control building height. Town Planning Scheme No. 6 is the instrument for controlling building height. Therefore, to meet the submitter's request, it would be necessary to implement another amendment to TPS6. However in March 2014, following consideration of property owners' questionnaire responses, the Council resolved not to implement any further changes to building height limits in Precinct 13 – Salter Point.</p> <p>Having regard to all of the above comments, the submitter's comment is NOT UPHOLD.</p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<p>Need total height limit for River Way lots (west side)</p> <p><i>River Way property owner comments:</i></p> <p>There should be a total height limit on buildings, especially third levels, to avoid the excessive bulk and scale issues on River Way caused by the redevelopment of properties that face Sulman Avenue and use River Way as rear access. Nos. 24A, 24B and 26 Sulman Avenue are particularly bad examples of development that would have been improved had the proposed amendments been in place at the time of development approval.</p>	<p>The preceding comments relating to building height limits are also applicable in response to this submitter's comments. For the reasons explained above, there is no justification for further amendments to the height controls applying to lots on the west side of River Way.</p> <p>While building height controls are not being amended again, the submitter's concern about excessive building bulk and scale is being addressed by more stringent street setback requirements in the modified Policy P306 - a minimum of 6 metres for ground and first floors and 9 metres for third levels. These measures, in combination with proposed additional controls for high fences and the modified, more stringent building height controls introduced in July 2013 (TPS6 Amendment No. 17) will have the effect of ameliorating excessive building bulk and scale.</p> <p>The submitter's comment about the need for a new building height limit is NOT UPHELD as the modifications to Policy P306 will effectively address the issue of excessive building bulk and scale.</p>
<p>Policy P306 should prescribe height limits relative to Australian Height Datum (AHD)</p> <p><i>Sulman Avenue property owner comments:</i></p> <p>I request that Council adopt Australian Height Datum as the reference point for all building height limits. This will reduce current problems where ground levels are being artificially raised and used as the datum point on the site plan.</p> <p>I hope that, when adopted, the modified Policy P306 will include AHD as well as all other proposals.</p>	<p>Policy P306 only applies to River Way properties and for those properties, Australian Height Datum (AHD) has never been used as the reference point for measuring building height. Further, Policy P306 is not the correct planning instrument for specifying the method of measuring building height. This is a function of Town Planning Scheme No. 6. Council resolved in March 2014 not to implement any further Scheme Amendments relating to building height in Precinct 13 – Salter Point.</p> <p>In any event, ground levels are not being artificially raised to the extent that landowners are circumventing the applicable TPS6 height controls. Under TPS6, building height is measured from natural ground level, not from an artificially raised ground level. Therefore there is no justification for amending TPS6 to change to AHD as the reference point for measuring building height.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>Steel fencing prohibition - wording needs amendment</p> <p><i>River Way property owner comments:</i></p> <p>Clause 1.5(d) could be construed to permit Zinalume. Further, Colorbond is a trade name. Just 'steel sheeting' would be adequate.</p>	<p>The submitter's comment is UPHELD. In clause 1.5(d) of Policy P306, the wording has been amended to clarify that, in the street setback area, 'steel sheeting with or without a surface coating' is not permitted as a fencing material.</p>

SUBMISSIONS OPPOSING MODIFIED POLICY P306

Submitter's comment	Officer's response
<p>Opposes new setback requirements</p> <p><i>River Way property owner comments:</i></p> <ul style="list-style-type: none"> • Clause 1.1. Disagree - alternative presented (see discussion below). • Clause 1.2. Disagree - alternative presented (see discussion below). <i>(cont'd)</i> 	<p>There are 52 lots abutting River Way along its full length. Forty-five (45) of the houses on those lots are set back 6 metres or further from that street, although some of their garages / carports are set back less than 6 metres. These houses, coupled with the narrow width of the street and the land contours, form the unique River Way streetscape character. On five of the other lots, which have <i>(cont'd)</i></p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<ul style="list-style-type: none"> • I fully agree that some recent houses, most notably 42A Sulman Avenue, have excessive bulk and are too close to the road, where River Way has been treated as a 'secondary street' and hence only requires a 1.5 metre setback. When combined with the slope down from Sulman Avenue, this has allowed 3 storeys to be constructed close to River Way. However, any response to the problem needs to be proportionate, not excessively detract from any other property, and reflect the reality that a number of houses have now been built in a similar manner. • A blanket 6 metre setback (new Policy clause 1.1) could have severe consequences on some properties. Although the change will not adversely affect my property because construction is complete, this property illustrates the problems. My property is an east-west subdivided lot. The subdivision created separate lots fronting Sulman Avenue and River Way. At that time, a Restrictive Covenant was placed on my lot to preserve Canning River views from the Sulman Avenue lot. The Covenant precludes any building on more than half of my lot other than at ground floor level (which has no river views). Some other lots have identical Restrictive Covenants. The value in these lots is primarily associated with river views. Any purchaser would expect to maximise views by building a large second level and even a third level if permissible. However a Restrictive Covenant combined with 6 metre front setback plus 1.5 metres rear and side setbacks to second and third levels will make the available building area impracticably small. My second level (including balcony) is only 133m² and the third level, 94m². Even these modest floor areas relied on R-Code "averaging" rules (cl 5.1.2. C2.1 [iii]). Having no building on the northern half of my lot, on the southern half I was able to push the building much closer to the street boundary than 6 metres. Outlawing 'averaging' as per the proposed Policy, would be a draconian imposition on the ability to develop my lot (and others) since both the second and third levels would be substantially reduced in area, making them barely useable. • In the Community Consultation questionnaire, my property was not listed among the most offensive, but the Consultant's report has a photo of it, as an example of 'excessively bulky'. In the photo, <i>(cont'd)</i> 	<p>boundaries to both Sulman Avenue and River Way, houses have been built fronting on to Sulman Avenue with River Way being the rear boundary. These houses are set back less than 6 metres from River Way and are therefore visually dominant. The setbacks proposed in the modified Policy P306 are being introduced in response to resident concern about the dominant impact where houses are set back less than 6 metres from River Way.</p> <p>Policy P306 should generally require adherence to a 6 metre minimum setback from River Way. However, where a lot is adjoined on both sides by houses set back less than 6 metres, a new house to be built on the intermediate lot would be unreasonably constrained and disadvantaged if required to be set back 6 metres. In that special circumstance, it would be appropriate to allow the setback of the intermediate house to be the average of the setbacks of the two adjoining houses. To this extent, the submitters' comments relating to setbacks are UPHELD and Policy P306 will be further amended accordingly.</p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<p>the north side of the house is the most prominent, so the photo does not show my property from its best aspect. The adjoining house to the south (under construction) and others have been omitted from the photo. The 'bulky' appearance of the north side wall is further accentuated by the small windows and lack of eaves, caused by the Restrictive Covenant constraints. The northern face also stands out more than normal due to the topographic position of my house, and the large vacant space on the northern end of my block.</p> <p>The eastern face (street elevation) is much less bulky, even though it is relatively close to the road (albeit not as close as other recent developments with 1.5 metre setbacks). The south side of the house is not 'bulky' at all, and is highly respectful of the neighbouring block since the third level is set back an average of about 5 metres from the southern boundary.</p> <p>An alternative design of the top floor may have reduced the 'bulk' of the building as viewed from River Way, but would have caused greater overshadowing of the adjacent lot to the south; and greater bulk over the adjacent western lot.</p> <p>I trust that the example above makes quite clear how unfair the proposed P306 Clause 1.1 could be to any future purchaser / developer of a block similar to mine.</p> <ul style="list-style-type: none"> • A variety of properties have now been developed with much less than 1.5 metre setbacks from River Way. Therefore it could be grossly unfair if future houses are forced to conform to a 6 metre minimum setback requirement, even when surrounded on both sides by properties with much smaller setbacks. Clause 5.1.2, C2.1(ii) of the R-Codes offers a fair solution to this predicament, allowing averaging of the adjacent properties' setback, and hence I strongly support its retention in P306. <p>While I fully support River Way being treated as a front setback for all properties, it is essential that the averaging provisions of the R-Codes are maintained (both local to a lot as used in my case, and relative to adjacent lots as discussed above). In this regard I suggest that the proposed Clause 1.1 should be rewritten as:</p> <p><i>"For all lots that have a boundary that adjoins River Way, that boundary shall in all cases be treated as adjoining a Primary Street in</i></p> <p style="text-align: right;"><i>(cont'd)</i></p>	

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<p><i>accordance with the R Codes. Where properties also have a boundary that adjoins Sulman Avenue, then that boundary shall also be treated as a Primary Street in accordance with the R Codes. Setback provisions as defined for Primary Streets shall apply to both boundaries."</i></p> <ul style="list-style-type: none"> • With this revised Clause 1.1, Clause 1.2 become superfluous (since the 4.5m requirement is already captured in the R-Codes Clause 5.2.1, C1.1 and the latter also allows a reasonable reduction to 3 metre if parallel access is permitted to the garage); hence I suggest deletion of the proposed Clause 1.2. • I do not support the imposition of an additional 3 metre setback from River Way for 3rd levels for properties with both Sulman Avenue and River Way frontages. This seems to discriminate against such properties i.e. no such requirement has been suggested or indeed would ever be practical for properties with only River Way frontages. 	
<p>Opposes all new Policy provisions <i>River Way property owner comments:</i></p> <ul style="list-style-type: none"> • River Way properties, particularly south side from Redmond Street to Sulman Avenue, have limited useable land. The proposed Policy will impose limitations where properties abut one particular street and change the rules for other areas of Salter Point. The Council would be obliged to respond similarly to other owners' requests in small streets elsewhere, making up new rules for every circumstance. Where one or two property owners have circumvented rules to suit their own needs, a knee-jerk reaction which punishes the rest of the owners with draconian rules, is not appropriate. • Surely Council should implement the fencing height approval and enforce it. Do not further infringe on those owners who do the right thing and have built within the rules. • The particular property that sparked debate is a rarity and has impacted on adjoining properties. However the adjoining owners had the right to negotiate with Council. If the rulings on those particular properties allowed them to build to the property line, then unfortunately that was what they could achieve by purchasing two blocks of land. <p style="text-align: right;"><i>(cont'd)</i></p>	<p><u>Proposed setbacks</u></p> <p>Since its inception in 1992, Policy P306 has applied to properties along the full length of River Way. However as discussed above, one submitter advocates exclusion of the 'Redmond-Sulman' part of River Way from the scope of the additional Policy provisions. As stated in the City Officer's response to that submission, the proposed setback provisions will not prevent construction of large houses on lots fronting the extremely narrow 'Redmond-Sulman' section of River Way and therefore in the interest of streetscape compatibility, the new setback provisions should also apply to that section of the street.</p> <p>The Policy modifications will have limited impact on properties on the east ('river') side of the street, where the required setback is currently an average of 6 metres. The new setback provisions do not provide justification for increasing the building height limit on any properties.</p> <p>The proposed setbacks from River Way reflect the majority wishes of questionnaire respondents and are not 'draconian'. Adoption of these setbacks by way of the Policy modifications will not have any bearing on possible future changes to the rules elsewhere in the district.</p> <p>Refer also to comments in response to the preceding submission.</p> <p><u>New requirements for high fences / retaining walls</u></p> <p>Two submitters object to the proposed additional requirements for fences more than 1.8 metres high. However the majority of respondents to the earlier questionnaire sought modifications to the existing fencing controls, mainly to achieve more visible landscaping.</p> <p style="text-align: right;"><i>(cont'd)</i></p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<ul style="list-style-type: none"> • On south side of River Way, owners have already been adversely affected by large rear boundary setbacks because the properties abut river foreshore land. Council now proposes to further reduce the useable building envelope by reducing ability to build to the front portion of our land. • Owners who purchased on north side of River Way did so in the knowledge that they did not buy a river view and the purchase price was substantially lower. We consider our home an investment in our future and are now being constrained by rules to suit and appease a minority. • The parking solution on such a small street is to prohibit parking on footpaths – or at least enforce that law. Designate and enforce 'no parking' areas on unsafe portions of the street. In the last 10 years we have never been able to walk along the footpath at night without many deviations onto the road to avoid parked cars - an accident waiting to happen, especially for those pushing prams. • To be equitable, if our building envelope is reduced, Council must compensate with an increase in allowable building height. • Council should be proactive, not reactive. For the benefit of one or two property owners affected by a development that stretched the rules, we are all being punished unfairly by Council's reaction, instigated by a vocal minority of owners pushing their own agenda. • River Way is a very unique street and we have no privacy on the river side of our property. If Council implements more height restrictions and requires open fencing, we will have nowhere private to entertain, especially during strong southerly winds. • We most definitely do not support the Policy changes and expect the Council to disallow them. The by-laws have not been made on a street-by-street basis, but by a process that is fair to all. <p><i>Welwyn Avenue property owner comments:</i></p> <ul style="list-style-type: none"> • Opposed to proposed increase in required setbacks - not applied to existing properties. • Although existing setback requirements have led to a streetscape character vastly different from other Salter Point streets and streets elsewhere in the district, that appearance is unique to River Way. <p style="text-align: right;"><i>(cont'd)</i></p>	<p>Many lots on the north and west ('inland') side of River Way slope upwards from that street fairly steeply. To create level and useable front gardens, a number of the houses have retaining walls on the street boundary with free-standing solid brick or other masonry fences directly above them. The combined height is often well in excess of 1.8 metres, making these composite structures visually dominant and detracting from the aesthetic character of the street. With the object of ameliorating the dominant visual impact of high structures of this kind in the future, clause 1.6 is being added to Policy P306.</p> <p>Above retaining walls on or near the street boundary, Clause 1.6 still allows 'solid' fences of sufficient height to achieve visual privacy for the occupiers of the house, but only if one or more design measures are implemented to minimise the visual impact on the street. To achieve this objective the Policy offers measures (setbacks; indents; varied materials, colours, finishes; landscaping) that could be employed in any combination.</p> <p>The new provisions in clause 1.6 are not unduly onerous. 'Solid (not open-style) fences will still be allowed to the extent permitted by the R-Codes.</p> <p>Having regard to the preceding comments, the submitters' comments on the proposed additional fencing requirements are NOT UPHeld.</p> <p><u>Visitor parking requirements</u></p> <p>Refer to comments in response to previous submission expressing the view that the visitor parking requirement needs clarification.</p> <p>The submitters' comments relating to visitor parking are PARTIALLY UPHeld. Clause 1.3 of Policy P306 will be modified to the effect that on-site visitor parking bays accessed from River Way will be required when the principal entry door to a house is accessed from River Way.</p> <p>In response to the comments about unauthorised parking in River Way, the City Rangers have provided the following comments:</p> <p><i>"We have investigated the concerns from some of the residents in regards to vehicles parking over the footpath along River Way. This week (commencing 26.05.2014), several residents have been notified that it is an offence under the City's Parking Local Law to park a vehicle over a footpath. The Rangers will continue to monitor the area and enforce. The Rangers are on duty from 7am – 7pm Monday to Friday and 9am-5pm Saturday and Sunday. If any of the residents have any issues with illegal parking in the area, please phone 9474 07777."</i></p>

10.0.1 Modified Planning Policy P306 'Development of Properties Abutting River Way'. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Submitter's comment	Officer's response
<ul style="list-style-type: none"> • While the minimum setback causes some street parking, River Way typically has only local traffic, so traffic flow is generally not compromised. Since vehicle speeds are limited, there is little problem where single-lane traffic flow occurs. • It would be difficult to argue that emergency vehicle access is compromised by street parking. • A proposed new Policy provision states that street boundary fences higher than 1.8 metres may be permitted where designed to 'reduce the visual impact to the street'. It would be preferable to require such fences to 'appeal to the existing unique ambience of the area'. <p>The Policy Statement provides no reason to justify introducing the policy objectives. If the justification is to try to introduce a uniform appearance across streets all over the city, then the Council's intentions are somewhat misguided.</p>	

SUBMISSIONS ON AMENDMENT NO. 42 (MODIFIED BUILDING HEIGHT)

Submitter's comment	Officer's response
<p>Fully support decision not to initiate TPS6 Amendment No. 42 (modified building height controls)</p> <p><i>Collective comments from Salter Point Action Group; and owners of 4 properties in Sulman Avenue</i></p> <ul style="list-style-type: none"> • Support Council's decision not to change building height limits. Status quo protects all current and future residents. • Maintaining existing building height limits for Salter Point Parade properties provides certainty and consistency for all residents in the area. • Development along Salter Point Parade has been orderly and therefore existing building height limits for those properties should not be changed. • Existing height restrictions for Salter Point Parade properties are easily calculated and they provide sensible guidelines for those property owners. 	<p>In June 2013 the Council endorsed preliminary consultation regarding possible amendments to the TPS6 building height provisions applicable in Salter Point. If implemented, the main effect of Scheme Amendment No. 42 would have been to impose more restrictive height limits on Salter Point Parade properties. However, in March 2014, following consideration of questionnaire responses from property owners about the contemplated proposals, the Council resolved that:</p> <p><i>"(a) No further proposals for changes to the building height limits applicable only in Precinct 13 – Salter Point be prepared;</i></p> <p><i>(b) The Council is not prepared to initiate proposed Amendment No. 42 to TPS6; and</i></p> <p><i>(c) The submitters be thanked for their participation in this matter, be advised of the Council's decision as set out in parts (a) and (b) and that no further action will be taken regarding the Scheme Amendment."</i></p> <p>These submitters support Council's decision not to initiate Amendment No. 42 to TPS6 but the comments do not relate to the matter currently under consideration, being modifications to Policy P306 to more effectively protect the streetscape character of River Way.</p> <p>The comments are NOTED.</p>

10.0.1 Modified Planning Policy P306 ‘Development of Properties Abutting River Way’. Consideration of submissions and final adoption (Item 10.0.2 Council Meeting 25 March 2014 refers)

Policy and Legislative Implications

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. In connection with the River Way issues there was also significant community engagement (workshop and questionnaire) prior to advertising the draft Policy modifications for comment.

The ‘Policy modification’ process as it relates to the draft Policy P306 is set out below, together with the dates of key stages and an estimate of the time-frame associated with the remaining stages:

Stages of Advertising and Adoption of Policy P306	Time-Frame
Council resolution to endorse draft modified Policy P306 for advertising.	25 March 2014
Public advertising period of 25 days. (Note: The minimum advertising period is 21 days)	8 April to 2 May 2014
Council review of draft modified Policy P306 in light of submissions received and resolution to adopt modified Policy in its final form.	24 June 2014
When adopted, publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council’s resolution.	Within 2 weeks of June 2014 Council meeting

Financial Implications

This matter has limited financial implications to the extent of the cost of advertising draft Policy P306 in the manner outlined above, and the publication of another notice in the “*Southern Gazette*” newspaper following approval of the modified policy in its final form.

Strategic Implications

This matter relates to [Strategic Community Plan 2013–2023](#), Direction 3 “Housing and Land Uses” which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

Sustainability Implications

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

Conclusion

The modified policy will assist landowners, applicants, City officers and Council Members in assessing applications and will reduce the bulk and scale of future buildings and other structures constructed adjacent to River Way. For reasons of clarity and equity, the Policy has been further amended in response to certain comments from submitters. Council should now adopt the modified Policy P306 in the form of the attachment to this report.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street, Como.

Location: City of South Perth
Applicant: Mr Robin J Orton
File Reference: ROW 124
Date: 2 June 2014
Author: Trinh Nguyen, Planning Officer
Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider a request to initiate the process towards naming the Right-of-Way No. 124 which is owned by the City of South Perth. The recommendation is that the 'naming' process be initiated for this right-of-way.

Officer Recommendation

That....

- (a) the Council recommends to the Geographic Names Committee that Right-of-Way No. 124 (situated within the block bounded by Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street) be named 'Gum Lane';
- (b) the owners of the properties relying on the right-of way for primary pedestrian and vehicle access be advised of the Council's recommendation to the Geographic Names Committee; and
- (c) When the Geographic Names Committee has made its decision, the owners of all properties abutting the right-of-way be advised of the approved name.

Background

This report includes **Attachment 10.3.1:** Extract from Minutes of October 2010 Council Meeting (Agenda Item 10.0.2)

Location

Right-of-Way No. 124 runs from Manning Road to Wooltana Street in the block bounded by Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street, Como as indicated on the map (**Figure 1**) below.

10.3.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcumbe Street, Wooltana Street and Clydesdale Street, Como.



Figure 1 – Location of Right-of-Ways

Previous right-of-way naming

The Department of Land Information’s Geographic Names Committee is the approval body for the naming of any public road or right-of-way and they have strict guidelines that need to be followed when recommending a name.

Right-of-Way No. 123 is situated in the next block to the west of the subject ROW 124, as indicated in **Figure 1** above. At its August 2008 meeting the Council resolved to recommend to the Geographic Names Committee that ROW 123 be named ‘Tulip Lane’. That name was approved by the Geographic Names Committee.

Right-of-Way No. 124 naming request

The request to name ROW 124 was received from Mr Robin Orton, the owner/occupier of Lot 88 (No. 38A) Manning Road, Como. Mr Orton advises that:

‘It is difficult to find our houses [all three owners at 38 Manning Road] as it is not obvious that access to our properties is via ROW 124.’

Condition and usage of right-of-way

Having investigated the site and surrounds, officers note the following:

- There is no vehicular access onto ROW 124 from Manning Road. Access is obstructed by bollards as seen in the photograph below.

10.3.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcombe Street, Wootana Street and Clydesdale Street, Como.



- Vehicular access to Nos. 38A, 38B and 38C Manning Road is only provided via ROW 124, entered from Wootana Street. The width of ROW 124 is only sufficient for one vehicle. Vehicles travelling in opposite directions cannot pass one another.



10.3.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street, Como.

Considering the above, officers are of the opinion that the request to name ROW 124 is reasonable, and recommend the naming process be initiated by Council.

Comment

ROW 124 is bitumen paved and kerbed for its entire length. The ROW provides essential primary vehicular and pedestrian access to the properties discussed above. This is a valid reason to support naming of the right-of-way. The benefit of naming is that it simplifies instructions to visitors to dwellings with vehicular access from the right-of-way. If a name is approved, the postal address of the three affected properties is likely to be changed to refer to the name of the right-of-way.

The Geographic Names Committee has a policy on naming laneways and short roads (quoted in the 'Policy and Legislative Implications' section of this report).

At its May 2010 meeting, Council resolved as follows:

“That the CEO develop a list of suitable names for use on future roads and Rights-of-Way within the City of South Perth and the list be presented to Council for adoption”.

In response to the above resolution, a report was presented to the October 2010 meeting. At this meeting, the Council resolved as follows:

“That ...

- (a) the recommended list of names for future naming of public roads and rights-of-way within the City of South Perth, as contained in Report Item 10.0.2 of the October 2010 Council Agenda, be adopted;*
- (b) on all future occasions when a new name is required for a public road or right-of-way, the Council will select a name from the adopted lists referred to in part (a) above, for recommendation to the Geographic Names Committee; ...”*

The officer report and Council resolution are contained in the extract from the Minutes of the October 2010 Council meeting, comprising **Attachment 10.3.1**. The following names from the approved list referred to above are suitable for ROW 124:

- a. 'Nivea'*
- b. 'Gum'*
- c. 'Fuchsia'*
- d. 'Boree'*
- e. 'Pratia' and*
- f. 'Flannel'*

Council needs to recommend one of these names to the Geographic Names Committee.

Consultation

The only properties which have a frontage to ROW 124 and rely on it for essential primary vehicular and pedestrian access are Nos. 38A, 38B and 38C Manning Road. Hence it was appropriate to only consult these owners. Although there are a number of properties which have secondary vehicular and /or pedestrian access from the right-of-way, the primary (occupier and visitor) access to these properties is from either Edgumbe Street, Clydesdale Street or Manning Road. All of the other properties abutting ROW 124 have Edgumbe Street, Manning Road or Clydesdale Street postal addresses.

A letter was sent to the owners of Nos. 38A, 38B and 38C Manning Road, asking them to provide the City with a written statement either supporting or objecting to the naming of ROW 124. If the naming was supported, the owners were asked to select two names (from the approved list) in order of preference. The responses are summarised as follows:

10.3.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcombe Street, Woollana Street and Clydesdale Street, Como.

Submitter 1	Owner/occupier	<ul style="list-style-type: none"> • Support. • Prefers 'Gum', then 'Fuchsia'.
Submitter 2	Owner	<ul style="list-style-type: none"> • Support. • Prefers 'Nivea', then 'Gum'. • Understands neighbours have chosen 'Gum' as first preference, and is happy to go with this.
Submitter 3	Owner/occupier	<ul style="list-style-type: none"> • Support. • Prefers 'Gum', then 'Boree'.

Further consultation with the Geographic Names Committee will be carried out when Council has decided on the preferred name for ROW 124.

Policy and Legislative Implications

Council does not have a policy to guide decisions as to whether or not naming of particular right-of-ways will be supported, but does have a list of preferred names, as discussed above.

The Geographic Names Committee policy titled "Policy and Standards for Geographical Naming in Western Australia (2013)" provides the following guidance for the naming of rights-of-way:

"The increase in urban density in new developments and urban redevelopment has resulted in many narrow short lanes and rights-of-way requiring names. Laneways shall be named if a name is required for addressing purposes or has been created as a public road by survey. The naming of such roads is supported with a preference for use of the road type LANE and short names consisting of no more than six letters."

Financial Implications

Should Council resolve to name ROW 124, Engineering Infrastructure Services advises the City will pay for the sign and installation irrespective of cost (not more than \$250 each).

Strategic Implications

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

Sustainability Implications

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

10.3.3 Review of planning policy P350.01 Sustainable Design

Location: City of South Perth
Ward: Como/Manning/Mill Point/Moresby Ward
Applicant: Council
Date: 24 June 2014
Author: Mark Carolane
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

The City's Sustainable Design planning policy (P350.01) has been reviewed with reference to comparable policies from Perth, Melbourne and New South Wales. The energy efficiency requirements of the Building Code of Australia (BCA) and the Green Star building rating tools were also reviewed as they provide rationale for the proposed approach to planning policy for environmentally sustainable design.

The review has found that the BCA requires a high minimum standard of environmental performance for houses. Rather than duplicate those requirements, it is recommended that a new planning policy P350.01 be adopted to require minimum standards of environmental performance for large commercial and multiple-residential developments.

In addition to the revised planning policy, supporting information has been drafted to inform potential applicants regarding sustainable design principles and relevant City policy, and unstable material and acid sulfate soils, which occur in parts of the City. This will ensure that the City remains a leader in promoting and facilitating high quality environmentally sustainable development.

Officer Recommendation

That Council endorse the review of P350.01 Sustainable Design (Attachment 10.3.1(a)) including the recommendations:

- A. that the BCA requirements are sufficient for housing in the City of South Perth and that a six star rating represents a high minimum standard of environmental performance for houses.
- B. That the City make available on its website information for applicants and developers regarding sustainable design principles for residential developments (Attachment 10.3.1(b)).
- C. That Council endorse new draft planning policy P350.01 Sustainable Design (Attachment 10.3.1(c)) for advertising for community comment, in accordance with Town Planning Scheme No. 6 Clause 9.6(2), as follows:
 - (a) *The Council ... shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft planning policy may be inspected, the subject and nature of the draft planning policy, and in what form and during what period (being not less than 21 days) submissions may be made.*
 - (b) *The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.*
 - (c) *Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*
- D. That the City make available on its website information for applicants and developers regarding unstable material and acid sulfate soils (Attachment 10.3.1(d)).

This report includes the following attachments:

- Attachment 10.3.1(a): Review of P350.01 Sustainable Design
- Attachment 10.3.1(b): draft brochure text – Building a Sustainable House
- Attachment 10.3.1(c): Proposed draft planning policy P350.01 Sustainable Design
- Attachment 10.3.1(d): draft text for City website regarding acid sulfate soils

10.3.3 Review of planning policy P350.01 Sustainable Design

Background

The *City of South Perth Corporate Plan 2013-2017* requires the review and expansion of the Sustainable Design Policy (strategic initiative 3.3.4). The review (Attachment 10.3.1(a)) compared the existing planning policy P350.01 and supporting City policies to policies from Perth, Melbourne and New South Wales.

The energy efficiency requirements of the Building Code of Australia (BCA) and the Green Star building rating tools are also outlined in Attachment 10.3.1(a) as they provide rationale for the proposed approach to planning policy for environmentally sustainable design.

Comment

The existing planning policy P350.01 provides detailed rationale for why the City should encourage residents to reduce the amount of resources consumed in building and operating their homes. However, no specific development approval conditions are required by the policy and in practice the policy is not often used by planning officers assessing development applications.

To comply with the energy efficiency requirements of the BCA, houses are rated (using approved software) for reducing heating and cooling loads. The minimum energy efficiency standard for new housing to comply with the BCA is six stars out of a possible 10. It is recommended that the BCA requirements are sufficient for housing in the City of South Perth and that a six star rating represents a high minimum standard of environmental performance.

The *City's Sustainability Action Plan 2012-2015* includes initiative H4.1: *ESD principles promoted to planning and development applicants*. It is recommended that a revised and updated brochure be made available on the City's website containing information on sustainable house design. The draft brochure at Attachment 10.3.1(b) will assist applicants to meet the requirements of the BCA by designing an energy efficient and comfortable home. Subject to Council approval, the brochure will be desktop published before being uploaded to the City's website.

For non-residential development and multiple-residential development, some local governments and the Metropolitan Redevelopment Authority require Green Star ratings to be achieved. Green Star is one of a number of rating tools available to measure the environmental performance of buildings. Green Star is a holistic rating tool that assesses the total environmental impacts of a building. It provides best practice benchmarks on the design, construction and fitout of buildings and is widely accepted throughout the Australian property and construction industry.

It is recommended that Council adopt a planning policy to require Green Star or equivalent ratings. The proposed draft planning policy at Attachment 10.3.1(c) applies to most developments with a gross floor area of more than 1,000m² and requires achievement of at least a four star Green Star rating, or equivalent. The policy allows flexibility where Council is satisfied that a more appropriate rating tool than Green Star exists and will be applied to achieve equivalent or greater performance standards than required by Green Star.

In addition to reducing environmental impact, Green Star rated buildings can be high value properties for both owners and tenants. Promotion of Green Star allows the City to leverage the Green Star brand to promote the City's sustainability program.

In addition to sustainable design, P350.01 addresses unstable material and acid sulfate soils, which occur in some parts of the City. It is important for the City to provide appropriate information on these matters. The text at Attachment 10.3.1(d) is recommended to be

10.3.3 Review of planning policy P350.01 Sustainable Design

uploaded to the City's website as information for development proponents in high risk areas.

Consultation

The sustainable design policies of other local governments in Perth and the Metropolitan Redevelopment Authority have been reviewed, as discussed in Attachment 10.3.1(a). The City of Fremantle has also been consulted regarding the experience of implementing a requirement for Green Star ratings.

The City of Fremantle provided advice that has assisted in the drafting of the proposed new P350.01 (Attachment 10.3.1(c)). The City advised that expertise is available within the property industry to assist developers achieve Green Star ratings, and that Green Star appears to be well established and accepted in the industry. The City also advised that it has had no major problems to date regarding compliance with the sustainable design planning policy.

The proposed draft policy at Attachment 10.3.1(c) will be advertised for community comment as described in the recommendation, above.

The Department of Environment Regulation provided advice regarding acid sulfate soils, including their extent within the City of South Perth, management implications and referral requirements. The proposed approach to providing information on acid sulfate soils is in line with local government best practice in Western Australia.

Policy and Legislative Implications

The proposed new draft planning policy P350.01 is consistent with the City of South Perth Sustainability Strategy 2012-2015, policy P202 Energy Conservation and policy P208 Ecologically Sustainable Building Design. Together these policies provide strategic direction for sustainability initiatives and guide the City's actions regarding a range of sustainability issues.

Financial Implications

Achieving Green Star ratings can increase the cost of development. However, there is evidence to show that Green Star rated buildings perform better than non-rated buildings in terms of ease of sale and rent, tenant retention and improved occupancy rates.

The proposed new P350.01 (Attachment 10.3.1(c)) introduces a minimum standard to improve environmental performance while allowing flexibility for developers to meet the requirement in a cost-effective way.

Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#):

- Direction 2 – Environment “*Enhance and develop public open spaces and manage impacts on the City's built and natural environment*”
- Direction 3 – Housing and Land Uses “*Accommodate the needs of a diverse and growing population*”
- 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](#).

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Tender 9/2014 – South Perth River Wall Replacement

Location: City of South Perth
Applicant: Council
Date: 6 June 2014
Author: Geoff Colgan, Acting Manager City Environment
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

This report considers submissions received from advertising Tender 9/2014 for “South Perth Promenade River Wall Replacement”.

The report outlines the assessment process used during the evaluation of the tenders received and recommends acceptance of the tender that provides the best value for money and quality outcome for the City.

Officer Recommendation

That the Lump Sum tender of \$1,818,022.80 ex GST submitted by MMM (WA) Pty Ltd for the South Perth Promenade River Wall Replacement (Tender 9/2014) be accepted.

Background

Approximately 400 metres of river wall either side of the Mends Street jetty on the South Perth foreshore has deteriorated beyond reasonable repair and therefore requires replacement. It is the City’s intention to replace the cast concrete wall with a limestone block wall of similar design to that constructed along Mounts Bay Road adjacent to the old Swan Brewery building.

In the lead up to the 2013 State Election, the Government announced that if re-elected they would commit \$1.35 million to the replacement of river walls on the South Perth foreshore. Following the election a grant of \$500,000 was received from the Swan River Trust in 2013/2014, with a further commitment of \$500,000 being announced by the Minister for Environment; Heritage on 14 May 2014 to be made available in 2014/2015. Indications are that the remaining \$350,000 will be made available to the City in 2015/2016.

Comment

Lump sum tenders were called in the West Australian on Saturday 3 May 2014. A mandatory site meeting was held at 10:00am on Tuesday 13 May to ensure prospective tenderers were fully acquainted with the task required. Tenders closed at 2:00pm on Tuesday 27 May. At the close of tenders four submissions were received. They were from the following companies:

1. Advantearing Civil Engineers
2. BMC Civil
3. Italia Stone Group Pty Ltd
4. MMM WA Pty Ltd

10.5.1 Tender 9/2014 – South Perth Promenade River Wall Replacement

An assessment panel (Panel) was established to review the tender submissions and recommend a preferred tender to Council for approval. The Panel comprised of representatives from the Swan River Trust, the City and the City's coastal engineering consultants.

An initial compliance check of the tender submissions was made by the Panel, which all tenders passed.

The four tenders were then assessed against the specification. The specification calls for (among other items) the following works and considerations:

- Construction of a continuous reinforced concrete footing to the details specified;
- Requirement to address the issues of potential acid sulphate soils (PASS) which may be exposed when constructing the footings;
- Inclusion of an allowance for bunding to protect the excavation to allow the footing to be appropriately constructed;
- Inclusion of an allowance for dewatering the excavation to allow the footing to be appropriately constructed;
- Requirement to address compaction of the sub-grade to ensure the footing is stable and therefore long lasting,

All of these specified requirements are considered by the City to be essential to ensure the wall:

- Does not fail in the future;
- Is long lasting (at least 60 years);
- Can be raised in the future, if necessary, due to river level rise.

At this stage of the assessment process it became apparent that only one submission (MMM Pty Ltd) met the specification and in particular, the key considerations listed above. As a result, the other three submissions were not considered further.

The price submitted by MMM Pty Ltd based on a Lump Sum contract is listed below.

Table A - Tender Submission and Price

Tender Submission	Price (ex GST)
MMM WA Pty Ltd	\$1,818,022.80

The price submitted by MMM is below the pre-tender estimate for the construction component of the project of \$1,906,250 ex GST.

The tender was then assessed by the Panel in more detail against the qualitative criteria as established below.

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in specification.	30%
2. Work methodology & program	30%
3. Referees	10%
4. Price	30%
TOTAL	100%

10.5.1 Tender 9/2014 – South Perth Promenade River Wall Replacement

MMM's responses to the qualitative criteria were scored, weighted and incorporated into the selection criteria matrix. The final weighted score appears below.

Table C - Weighted Score

Tender Submission	Score
MMM WA Pty Ltd	8.30

It is the Panel's considered opinion that MMM meets all of the requirements of the works. They have provided a comprehensive tender which demonstrates their capability to complete the requested works to the required standard. They have significant experience in the construction and maintenance of coastal protection structures and are well known to the City, having successfully completed similar, albeit smaller, river wall projects in the past.

In conclusion, the City has confidence that MMM Pty Ltd will deliver the contract within the timeframe requested, to the required standard and is therefore recommended to Council for acceptance.

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*.

The general Conditions of Contract forming part of the Tender Documents states among 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

A budget estimate of \$ 2,073,525 ex GST has been established for this project to cover the cost of the construction contract (preferred tender of \$1,818,022.80), plus supervision fees and contingency.

The City has received the first instalment of \$500,000 ex GST from the Swan River Trust, with the second instalment of \$500,000 ex GST due early in the 2014/2015 financial year.

The City's contribution of \$1,073,525 ex GST has been allocated in the Long Term Financial Plan and will be made available for this project in 2014/2015.

Strategic Implications

This recommendation contained in 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” and in particular 5.4 “Advocate for and facilitate effective management of Swan and Canning River foreshore infrastructure”*

Sustainability Implications

Appropriate management of river wall infrastructure is considered important as it ensures the community is able to maximise its enjoyment of foreshore open space. This river wall will be constructed to consider the potential long term effects of sea level rise due to climate change.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Mayor's Allowance

Location: City of South Perth
Ward: Como/Manning/Mill Point/Moresby Ward
Applicant: Council
Date: 29 May 2013
Author: Phil McQue
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to conduct the annual review of the Mayors allowance and to take this opportunity to review the process of how the cost of private mileage is accounted for.

Officer Recommendation

That

- (a) With effect from the 2014/15 financial year the Mayoral allowance will be set at \$60,000 inclusive of private vehicle usage calculated as follows:

Maximum allowance payable	\$60,000
Amount allocated to vehicle usage	\$ 3,000
Maximum balance of allowance payable	\$57,000

- (b) Revised Policy 649 relating to Mayoral Vehicle (**Attachment 10.6.1**) be adopted
- (c) With effect from the 2014/15 financial year the allowance for the Deputy Mayor be set at \$15,000

Background

Allowance

The Council typically reviews the allowance payable to the Mayor (and Deputy Mayor) prior to the commencement of a new financial year and it is suggested that this occur again at this time. Whatever the allowance payable to the Mayor is set at, the allowance for the Deputy Mayor is set at 25% of the amount as per the Local Government Act Regulations.

The annual allowance is currently set at \$54,000 (the maximum payable for a local government such as the City of South Perth which is located in Band 2 is \$60,000). The maximum allowances are set by Regulation and the Bands are set by the Salaries and Allowances Tribunal.

The CPI for the 12 months ended 31 March is 3.1% and on this basis, it is fair and reasonable that the allowance should be increased at least by \$1675 to \$55,675 to maintain parity. It is however suggested that subject to the following comments relating to treatment of private mileage costs, and as the City of South Perth is the largest local government within Band 2, the allowance should be set at the maximum allowance payable.

10.6.1 Mayor's Allowance

Private Mileage

The Council has adopted an unusual policy and practice for treatment of the cost of private mileage relating to the use of the Mayoral vehicle. Under current Policy 649 (Mayoral Vehicle), the Mayor is required to maintain a log book of private mileage. Every 6 months, this log is passed to the Finance Department which calculates the cost of the mileage and submits an invoice to the Mayor for payment. When paid, this amount is then reimbursed to the Mayor and the charge added to the base allowance (currently \$54,000).

The value of reimbursement over recent years averages out at \$3,000 per year. It is therefore proposed that this figure be used as a basis for calculation of future years allowances and that the Mayors allowance, with effect from 1 July 2014 be calculated as follows:

Maximum allowance payable	\$60,000
Amount allocated to vehicle usage	\$ 3,000
Balance of allowance available	\$57,000

It is suggested that the value of the Mayors allowance be incorporated into the gross value of the allowance, and as there is only a small variation in the estimated value of the balance available and the calculated minimum that should be paid, the full allowance of \$60,000 be paid without the need for the unusual mileage calculations.

On this basis the value of the allowance payable to the Deputy Mayor would be \$15,000.

Comment

There would necessarily be consequential adjustments to Policy 649 – relating to Mayoral Vehicle. These changes result in amendment to clauses headed “Mayoral Vehicle” and the deletion of clause “Private use of motor vehicle” as reflected in the attached revised Policy 649 (**Attachment 10.6.1**) and marked up version of the policy.

Consultation

In establishing the new fees, allowances and expenses framework, the Salaries and Allowances Tribunal carried out extensive consultation. This included advertising for public submissions, gathering information on fees, allowances and expenses currently paid to Elected Members; collecting data on the role and time commitments of Elected Members, and interviewing Mayors, Presidents, Councillors, Chief Executive Officers and representatives of the Western Australian Local Government Association.

Policy and Legislative Implications

In accordance with section 5.63 of the Local Government Act 1995, Councillors are not required to disclose an interest in a matter relating to a fee, reimbursement of an expense or an allowance as described above.

The determination of the Salaries and Allowances Tribunal has been implemented through Section 7B of the Salaries and Allowances Act 1975 (the SA Act). Sections 5.98 to 5.100 of the Local Government Act 1995 were amended, as were the Local Government (Administration) Regulations 1996, with effect from 1 July 2013, to complement the changes to the SA Act. The recommendations in this report are consistent with these changes.

Financial Implications

If the recommendations are adopted, provision will need to be made in the 2014/2015 Annual Budget for Council Member Entitlements.

10.6.1 Mayor's Allowance

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The recommendations in this report promote accountability of resource, whilst also recognising the time Council Members are required to put into effectively fulfilling their duties and providing some form of financial compensation.

10.6.2 Tender 7/2014 – Provision of Bulk Kerbside (Verge side) Collection Services.

Location: City of South Perth
Applicant: Council
Date: 6 June 2014
Authors: Craig Barker, Waste and Fleet Coordinator
Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of tender 7/2014 for the “Provision of bulk kerbside collection services”.

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

Officer Recommendation

That Council accepts the schedule of rates tender with an estimated annual contract value of \$458,250 (ex. GST) submitted by Steann Pty Ltd for the provision of “Bulk Kerbside Collection Services” (Tender 7/2014), for the period from the 11 August 2014 through to 31 May 2015.

Background

The annual verge side bulk rubbish collection is essential to the waste management program of the City. The term verge side collection service is frequently used in the waste industry to represent the collection of bulk waste (hard waste and green waste) placed on the verge by the home owner or resident as part of an approved and periodic waste collection program.

The City’s verge side collection is divided into six areas and each area takes approximately one week to complete. The whole of the verge side collection program is usually completed within 36 working days.

The Council at its July 2013 meeting (Item 10.6.7) resolved to carry out a separated hard waste collection in August 2013 and at the November 2013 meeting (Item 10.0.2) approved a single separated green waste collection service in March of 2014 and one separated hard waste and two separated green waste collection services in the 2014/2015 financial year.

Since July 2013 the City has undertaken a hard waste collection service for \$194,250 (August 2013 Steann Pty Ltd) and a green waste collection service for \$116,000 (March 2014 D & M Waste Management). Both services were delivered effectively by the respective contractors.

In a departure from previous years and anticipating a heavier than usual load, the City will be trialling eight areas rather than six for the new contract. Two areas based on Manning/Salter Point/Waterford and Kensington/Collier will be split to create the additional areas.

10.6.2 Tender 7/2014 – Provision of Bulk Kerbside (Verge side) Collection Services.

The City is anticipating similar hard waste tonnage as per previous collections, however additional time is required due to the separate collection of refrigerator and air-conditioner units for degassing, to meet the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995. The hard waste collection also consists of a combination of old furniture, stoves, sundry junk items, general domestic waste including mattresses, and electronic waste.

The verge side collections will be implemented between 7:00am and 5:00pm Monday to Friday, and on Saturdays between 7:00am and 4:00pm. No verge side collections will be permitted on Sundays.

At least ten working days prior to the collection dates, all affected residents will receive a pamphlet advising them of the impending collection dates and requirements.

The request for tender (RFT) is based on a schedule of rates for the supply and management of sufficient plant and labour to undertake the three collection services as defined in the Table A below. The contract is for the period August 2014 to May 2015 and does not provide for any extension of time.

Table A – Verge side collections schedule

Collections	Type	Start Date	Completion Date
First collection	Green waste	11 August 2014	19 September 2014
Second Collection	Hard waste	22 September 2014	14 November 2014
Third Collection	Green waste	13 April 2015	15 May 2015

Comment

The RFT for the ‘Provision of a bulk kerbside collection service’ (Tender 7/2014) was advertised in the West Australian on Saturday 3 May 2014.

At the close of the Tender advertising period, four (4) submissions from three (3) registered companies had been received. D & M Waste Management had submitted in addition to their conforming tender an alternative tender based on a capped tonnage rate. KRS Contracting submitted an alternative tender, based on a tonnage rate, without a conforming submission, which is not in accordance with the RFT. As a result, the alternative submission could not be considered. A brief examination of the KRS non-conforming bid and the alternative bid from D & M Waste Management does not appear to provide any advantage over the compliant fixed price tenders.

The two compliant tenders are listed below Table B:

Table B – Tender submissions

	Company
1	Steann Pty Ltd
2	D & M Waste Management

10.6.2 Tender 7/2014 – Provision of Bulk Kerbside (Verge side) Collection Services.

The weighted score and total contract value of each tender received is noted in Table C below:

Table C – Estimated tender prices

Tender Submission	Estimated Tender Price (Ex GST)
Steann Pty Ltd	\$458,250
D & M Waste Management	\$427,000

The schedule of tendered prices based three collections (one x hard waste and two x green waste) over a one year financial period as listed in Table D below:

Table D – Estimated tender prices for each of the three collections

Collections	Type	Steann P/L	D & M Waste Management
First collection (Spring)	Green waste	\$132,000	\$116,000
Second collection (Spring)	Hard waste	\$194,250	\$195,000
Third collection (Autumn)	Green waste	\$132,000	\$116,000
Estimated Total Annual Cost		\$458,250	\$427,000

The tenders were reviewed by an evaluation panel (Panel) and assessed according to the qualitative criteria outlined in the RFT. The qualitative criteria are noted in Table E below:

Table E - Qualitative Criteria

Qualitative Criteria	Weighting %
Referees and Experience	20%
Plant and staff	20%
Collection Methodology	20%
Price	40%

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

Table F – Weighted Scores

Tender Submission	Weighted Score
Steann Pty Ltd	9.07
D & M Waste Management	8.85

The tender submitted by Steann was not the lowest price of the two compliant tenders received however it did record the highest score of 9.07 in the evaluation matrix due to collection methodology and strong reference checks.

It should be noted that when collecting the bulk hard waste items for recycling or further treatment every effort must be taken to minimise the risk of damage to items. It is imperative that refrigerators are stood upright and electronic waste transported in non compacting vehicles.

10.6.2 Tender 7/2014 – Provision of Bulk Kerbside (Verge side) Collection Services.

The City has a duty of care from an occupational safety and health perspective that manual handling activities undertaken by the contractor during the collection is minimised. D & M has indicated that much of the separated bulk waste collection will be undertaken manually, whereas Steann, in their previous contracts with the City has utilised purpose modified lifting equipment.

The Panel considers Steann's submission methodology is better in these areas, which is reflected in their overall score.

The Panel could have recommended to split the contract to take advantage of the lower green waste collection price offered by D & M, however with the hard waste collection immediately following the green waste collection in September it would have introduced a further level of complexity in managing the contract that is considered to be undesirable.

The City has previous experience with Steann undertaking hard waste collections, whereas the only contract to date with D & M has been a green waste collection.

Steann has previously been the sole provider to the City for combined verge side collection services since the introduction of the service and the separated hard waste collection service of August 2013. Their past performance has exceeded the contract specification.

In summary, the tender received from Steann Pty Ltd contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the RFT. It is therefore recommended that the tender from Steann Pty Ltd be approved by Council. The service as recommended is not impacted by any comparable service undertaken by the Town of Victoria Park nor be a hindrance to the delivery of a similar service by a combined authority.

Consultation

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

Tender 7/2014 'Provision of a bulk kerbside refuses collection service', was advertised in the West Australian Newspaper on Saturday 3 May 2014.

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*.

The general Conditions of Contract forming part of the Tender Documents states among 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 tender of Steann Pty Ltd, if approved, has an estimated budget implication of \$458,250 (ex GST) for the 2014/2015 financial year, which is consistent with the proposed budget allocation.

Strategic Implications

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

Sustainability Implications

This 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.

10.6.3 Tender 8/2014 – Services Relating to the Reveal of Municipal Solid Waste

Location: City of South Perth
Applicant: Council
Date: 6 June 2014
Authors: Craig Barker, Waste and Fleet Coordinator
Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

This report considers submissions received from advertising Tender 8/2014 for “Services Relating to the Reveal of Municipal Solid Waste”.

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

Officer Recommendation

That Council accepts the schedule of rates tender with an estimated annual contract value of \$1,575,000 (ex. GST), submitted by Perth Waste Green Recycling for *Services Relating to the Reveal of Municipal Solid Waste* (Tender 8/2014) for the period from 1 July 2014 through to 30 June 2016.

Background

The reveal and disposal of municipal solid waste (MSW) from the City is an essential budget item in the waste management program.

For the past four years WA Landfill Services (WALS) Kewdale has been the nominated disposal site for all City MSW (excluding recyclables) collected each week through the weekly domestic, commercial and the street and public places waste services conducted by TransPacific Cleanaway. This contract terminates on 30 June 2014 and the City needs to have new arrangements in place for a facility to receive and then dispose, by whatever means possible, all of the municipal solid waste delivered to the facility by or on behalf of the City.

The Request for Tender (RFT) was on the basis of a two year period with a possible extension for a further two years, having regard for future local government reform implications. The RFT is for a facility owner to receive all MSW collected in the City through the weekly household waste collections, the annual hard waste verge side collection and the Collier Waste Transfer Station and then to dispose of the waste at an approved site.

The current contract operates on a single gate price inclusive of an annual CPI price escalation allowance. The contracted gate price includes all State fees and levies and Commonwealth charges for carbon pricing.

The City’s other major waste contract is for the Collection of Domestic and Commercial Waste. This requires the contractor (currently Cleanaway) to transport the waste collected to a site nominated by the City that would be located, for the purpose of pricing, in one of three zones determined by the City. Zone 1 covers any metropolitan facility within a nominal distance of 20 kilometres from the City, Zone 2 any facility within 40 kilometres and Zone 3 any metropolitan facility beyond 40 kilometres.

10.6.3 Tender 8/2014 – Services Relating to the Reveal of Municipal Solid Waste

The rate for bin pick up increases significantly if the contractor is required to transport the collected waste to a facility within an outer zone. The WALs Waste Transfer Facility is within Zone 1 but there are occasions, such as the Saturday after public holidays, or on Sunday, when collection vehicles have been directed to Mindarie Regional Council landfill site (a Zone 2 facility). An estimate of the increase in the annual cost of collection if all domestic waste trucks were directed to a Zone 2 site would be \$141,000 on a daily routine basis.

The Town of Victoria Park currently operates under a contract arrangement with Cleanaway to collect household waste and transport to the Mindarie Regional Council Neerabup Resource Recovery Facility (also a Zone 2 facility) which results in increased costs of disposal to that organisation.

Comment

A RFT for “Services Relating to the Reveal of Municipal Solid Waste” (Tender 8/2014) was advertised in the West Australian on Saturday 3 May 2014.

At the opening of tenders on the Tuesday 27 May, four submissions had been received from:

- West Australian Landfill Services Pty Ltd;
- Southern Metropolitan Regional Council;
- Perth Waste Green Recycling; and
- Cleanaway.

All of the tender submissions were from operators who have reveal facilities within Zone 1. Three of the submissions (the exception being Southern Metropolitan Regional Council) were from facility owners who transported the deposited waste to a remote landfill site. The tender of Southern Metropolitan Regional Council was submitted as an alternative tender without submitting a conforming tender, which means that it is non-compliant and therefore cannot be considered. The alternative tender only considered the MSW delivered by the Cleanaway domestic pickups and did not include waste generated through the transfer station or the bulk verge side collection services as required by the RFT.

The remaining three tender bids are listed in the Table below in ascending order of fee. It should be noted that the three bids all have landfill as the end outcome and therefore subject to the State Landfill Levy payable by the facility operator to the State Waste Authority. The current Landfill Levy of \$28 per tonne is included in the tender price, but no provision has been made for the increase in the Levy from January 1 2015 i.e. a further \$27 per tonne to \$55 per tonne.

Table A – Schedules of rates submitted

Tender Submissions	Price (Ex. GST)
Perth Waste Green Recycling	\$105.00 per tonne
Cleanaway	\$115.00 per tonne
West Australian Landfill Services	\$116.63 per tonne

The following is a brief description of the Facilities and Service provided by each of the tenderers and a general observation of the suitability of the facility for the City’s purposes.

Perth Waste Green Recycling

The site in Bibra Lake comprises a transfer station and materials recovery facility (MRF) and is approximately 21 kilometres from the centre of the City of South Perth. Travel time to the site is estimated to be 28 minutes, with an overall turnaround time of 1.2 hours. Waste delivered to the transfer station or the back end of the MRF is transported to a remote landfill operated by a third party. The tenderer has advised they will have a landfill operation in place during the life of the contract.

Cleanaway

The site is located in Collier Road at the corner of Tonkin Highway and comprises a transfer station and a MRF and is approximately 23 kilometres from the City. Travel time to the site is estimated to be 31 minutes, with an overall turnaround time of 1.3 hours. Waste delivered to the transfer station or the back end of the MRF is transported to a remote landfill operated by Cleanaway.

West Australian Landfill Services (WALS)

The transfer station is located in Kurnall Road Welshpool and is approximately 12 kilometres from the City. The transfer station is heavily used being the closest commercial facility to the CBD. The City has received priority entry rights in the past and as result enjoyed reduced wait time within the transfer station. Travel time to the site is estimated to be 19 minutes with an overall turnaround time of 0.9 hours. Waste delivered to the transfer station is transported to a remote landfill operated by WALS.

The tenders were reviewed by an evaluation panel and assessed according to qualitative criteria outlined in the RFT. The qualitative criteria are listed in Table B below:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
Compliance with the tender documents	10%
The Tenderer's demonstrated capacity to successfully carry out the services referred to in the Agreement	25%
The Tenderer's relevant past experience, corporate structure and personnel	25%
Price	40%

The Panel members assigned a score to each criterion in line with the score descriptions in Table C below.

Table C – Score Description

Score	Description of Score
0	Inadequate or non-appropriate offer, many deficiencies, does not meet criterion
2	Poor offer, some deficiencies, only partially meets criterion
4	Marginal offer, few deficiencies, almost meets criterion
6	Acceptable offer, no deficiencies, meets all criterion
8	Good offer, exceeds criterion
10	Excellent offer, greatly exceeds criterion

Following assessment the weighted score of each tender received and the estimated annual contract value was determined and is listed in Table D below.

Table D - Weighted Score and Estimated Annual Contract Value

Tender Submissions	Estimated Annual Contract Value (GST Exclusive)	Weighted Score
Perth Waste Green Recycling	\$1,575,000	8.80
Cleanaway	\$1,725,000	8.42
West Australian Landfill Services	\$1,749,450	8.36

The tender submitted by Perth Waste Green Recycling satisfies all of the requirements, is the cheapest and has been assigned the highest weighted score. As a result, it is recommended to be accepted by Council.

It is important to note that all Resource Recovery Facilities have a designed throughput and that there may be times when loads may have to be diverted to other sites and in particular landfill sites. Following amalgamation it would be an advantage for the new entity to have available the option of several methods of disposal as each will have their own financial advantages or contractual obligation. The tender as recommended represents a significant reduction in cost to that currently being met by the Town of Victoria Park. This tender provides the new entity with options which the City believes is prudent management.

Consultation

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

Tender 8/2014 “Services Relating to the Reveal of Municipal Solid Waste”, was advertised in the West Australian Newspaper on Saturday 3 May 2014.

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*.

The general Conditions of Contract forming part of the Tender Documents states among 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

Collection of refuse is an essential service and the Schedule of Rates and anticipated Annual Contract Value for the service is in line with the budget allocation. The contract documentation does allow for a “rise and fall” based on CPI on an annual basis.

Strategic Implications

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

Sustainability Implications

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.

10.6.4 Local Government Reform: Governor's Orders

Location:	City of South Perth
Ward:	Not applicable
Applicant:	Council
Date:	9 June 2014
Author:	Amanda Albrecht, Executive Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report seeks Council endorsement of:

- a name for the new Local Government Entity
- ward boundaries
- ward names
- the number of Elected Members (resulting in a change to the recently adopted Memorandum of Understanding); and
- the method of election of the Mayor.

Once endorsed by the Council, the City will prepare a letter to the Local Government Advisory Board (LGAB) with this information, for possible inclusion in the Governor's Orders for Local Government Reform.

Officer Recommendation

That Council:

1. notes the recommendations of the Local Implementation Committee;
2. notes the decisions of the Town of Victoria Park Council of 10 June 2014;
3. recommends to the Local Government Advisory Board that:
 - a. the name of the new Local Government Entity be City of South Bank;
 - b. each ward be represented by two Elected Members; and
 - c. the Popular Elected Member model be adopted (section 2.11(a) of the Local Government Act 1995 refers), with respect to the election of the Mayor;
4. recommends to the Local Government Advisory Board that either:
 - a. the new Local Government Entity be divided into six wards, with the boundaries outlined in **Attachment 10.6.4 (b)**; and
 - b. the names of the new wards be: Edwards, Collier, Mitchell, McDougall, Centenary and Wyong, as designated in **Attachment 10.6.4 (b)**;

OR

- c. the new Local Government Entity be divided into five wards, with the boundaries outlined in **Attachment 10.6.4 (c)**; and
- d. the names of the new wards be: Edwards, Collier, Mitchell, McDougall and Raphael, as designated in **Attachment 10.6.4 (c)**;

If recommendations 4 (a) and (b) are adopted:

5. authorises the Mayor and the Chief Executive to sign an amended Memorandum of Understanding with the Town of Victoria Park, to reflect the decision of the City of South Perth Council in relation to the number of wards and requests that the Town of Victoria Park to reconsider its position in relation to the number of wards for the new Local Government entity.

Background

The Local Government Advisory Board has requested that the Town of Victoria Park and the City of South Perth (the Town and City) provide any relevant information for inclusion in the development of the necessary Local Government Reform Governor's Orders.

The Local Implementation Committee met on 26 May 2014 to consider matters relating to:

- a name for the new Local Government Entity
- ward boundaries
- ward names
- the number of Elected Members
- the method of election of the Mayor

and has made the following recommendations to both Councils.

Note: The decision by the City of South Perth Council to withdraw from participation in the Local Implementation Committee was made by Council on 27 May 2014 following the last meeting of the Committee held on Monday 26 May 2014. As a matter of procedure, the Local Implementation Committee recommendations are therefore being put forward to this Council meeting for consideration. However, as a consequence of the Council decision in May 2014, the City will not participate in any further meetings of the Local Implementation Committee or the Metropolitan Reform Implementation Committee in their current form.

Comment

I. A name for the new Local Government Entity

Over the last couple of months, the Town and City have embarked on a process to develop a name for the new local government entity. This has included a community workshop to brainstorm possible names, consultation with Elected Members to establish a short-list of names, and consultation with the broader community in the form of a 'naming survey'. An analysis of the results from the community survey can be found at **Attachment 10.6.4 (a)**. The most popular results of this consultation have been collated below:

Name	Votes
South Bank	1306
South Park	1002
Yaragan	527
Curtin	504
Twin Rivers	293

Based on the above results, the Local Implementation Committee, at its meeting held 26 May 2014, resolved as follows:

Local Implementation Committee Recommendation

Moved: Mayor Vaughan

Seconded: Councillor Hawkins-Zeeb

That the Local Implementation Committee endorse the name "South Bank" to their respective Councils for consideration for approval prior to 13 June 2014.

CARRIED

2. Ward boundaries, names and the number of elected members

The Council has considered a number of ward mapping scenarios over the past couple of months, through a variety of different channels. These options have included five and six ward scenarios, and have all been based on the assumption that the new local government entity will include the entirety of the Burswood Peninsula, and the area from the City of Canning north of Leach Highway (consistent with the joint submission lodged with the Local Government Advisory Board by the Town and City).

At the meeting held 26 May 2014, the Local Implementation Committee considered two ward scenarios in closer detail: a six ward scenario and a five ward scenario (these two ward scenarios were prepared by Town of Victoria Park Councillor John Bissett at a workshop held with City of South Perth Councillors on 7 May 2014). The Local Implementation Committee is recommending to the Council that it proceeds with the six ward scenario, **Attachment 10.6.4 (b)** refers. (The Town of Victoria Park has subsequently resolved that it prefers the five ward proposal.)

The Local Implementation Committee considers that each ward should be represented by two Elected Members. The Local Implementation Committee considers that having 12 Elected Members and a Mayor will allow for effective succession planning, ensuring that sufficient Elected Members continue on the Council with adequate knowledge of current and historic issues. A body of 12 Elected Members, and a Mayor results in a quorum of 7 (out of 13) Elected Members, which is more resilient during periods of leave of absence or sickness amongst Councillors. The Local Implementation Committee also considered that a larger Council provides better representation for the Community.

This number also provides a reasonable reduction in Elected Member representation from the existing combined total of 18 (9 South Perth and 9 Victoria Park Elected Members) to 13. The number of elected representatives for the City of South Perth reduced from 13 to 9 at the last election held in October 2013. Therefore, the overall reduction in Elected Members from the 2013 to the 2015 elections would be from 21 to 13, which is a decrease of 38 percent.

The Local Implementation Committee, at its meeting held 26 May 2014, resolved as follows:

Local Implementation Committee Recommendation

Moved: Councillor Bissett

Seconded: Councillor Hawkins-Zeeb

That the Local Implementation Committee recommends a six (6) ward formation, with two Councillors representing each ward for the new entity and present to the respective Councils for endorsement and recommendation to the LGAB.

CARRIED

The Local Implementation Committee has also given consideration to possible names for these new wards. The Committee considers that it would be best for the new wards to have completely new names, to represent the formation of the new local government entity. The new names derive from local parks and recreation areas within the proposed ward boundaries.

10.6.4 Local Government Reform: Governor's Orders

The Local Implementation Committee, at its meeting held 26 May 2014, resolved as follows:

Local Implementation Committee Recommendation

Moved: Councillor Hawkins-Zeeb

Seconded: Mayor Doherty

That the Local Implementation Committee approves the six (6) ward names as follows and presents to the respective Councils for endorsement and recommendation to the LGAB:

Ward 1: Edwards

Ward 2: Collier

Ward 3: Mitchell

Ward 4: McDougall

Ward 5: Centenary

Ward 6: Wyong

CARRIED

Attachment 10.6.4 (b) shows the assignment of the above ward names.

The Town of Victoria Park Council Decision – 10 June 2014

The Town of Victoria Park Council considered the Local Implementation Committee's recommendations at its Council meeting held 10 June 2014. With regard to the ward boundaries, names and number of elected members, the Town of Victoria Park Council did not adopt the Local Implementation Committee Recommendation.

The Town of Victoria Park Council resolution was as follows:

Town of Victoria Park Council Decision

Moved: Councillor Bissett

Seconded: Councillor Oliver

That Council:

1. Advises the Local Government Advisory Board by 13 June 2014 that the name of the potential new local government should be 'South Bank City Council'.
2. Advises the Local Government Advisory Board by 13 June 2014 that the preferred Ward structure for the potential new local government should be a five (5) ward structure identified as the five ward scenario plan dated 6 June 2014.
3. Advises the Local Government Advisory Board by 13 June 2014 that the preferred elected representative structure for the potential new local government is 11 elected members, comprising two (2) Councillors from each Ward (10) and a Mayor (1).
4. Advises the Local Government Advisory Board by 13 June 2014 that the method of Mayoral election should be by popular election.
5. Endorses the Memorandum of Understanding as contained within the Appendices, with modification to reference to a five (5) Ward model.

CARRIED (6/2)

A copy of the ward boundary map approved by the Town of Victoria Park Council can be found at **Attachment 10.6.4(c)**. (Note: This is the five ward scenario developed by Town of Victoria Park Councillor John Bissett with the City of South Perth Councillors at the workshop held 7 May 2014 and subsequently considered at the following Local Implementation Committee meeting held on 26 May 2014).

The ward names proposed by the Town of Victoria Park for the five ward scenario are Edwards, Collier, Mitchell, McDougal and Raphael.

The Town of Victoria Park has advised the Local Government Advisory Board of the Council decision.

3. The method of election of the Mayor

The Memorandum of Understanding endorsed by the Council in April 2014 (Item 10.6.1 refers), included reference to the election of the Mayor by popular vote. It is appropriate to seek Council's explicit agreement to this clause, for inclusion in the recommendations to the LGAB for Governor's Orders.

The Local Implementation Committee, at its meeting held 26 May 2014, resolved as follows:

Local Implementation Committee Recommendation

Moved: Mayor Vaughan

Seconded: Mayor Doherty

That the Local Implementation Committee recommends the Popular Elected Member model to the respective Councils for recommendation to the LGAB.

CARRIED

Note: The Popular Elected Member model refers to section 2.11 of the Local Government Act 1995, which states that the Mayor may be:

- elected by electors of the district under Part 4; or
- elected by the council from amongst the councillors under Schedule 2.3, Division I.

4. The Memorandum of Understanding

A memorandum of understanding (MoU) between the Town of Victoria Park and the City of South Perth was endorsed by the Council in April 2014 (Item 10.6.1 refers). The MoU outlined the following clauses in relation to the above:

"Elected Representation

Elected member representation is based on the following:

- I. the Ward structure be considered and preferably not based on the existing Local Government boundaries;*
- II. creation of up to five (5) Wards within the new Local Government comprising two (2) Councillors per Ward;*
- III. ward boundaries be retained for four (4) years (one single term) from the creation of the new entity, following which a further review be conducted; and*
- IV. the election of a popularly elected Mayor."*

If the Council adopts the Local Implementation Committee Recommendation for the new entity to consist of six wards, the MoU will need to be amended. If this option is adopted by Council the Town of Victoria Park Council should be given the opportunity to review its position. If, on review, it agrees that a six ward option is preferred the CEO and Mayor should be given the authority to sign the amended Memorandum of Understanding.

If Council adopts the six ward model and the Town of Victoria Park does not change its position, the decision on the number of ward boundaries will be left to the Local Government Advisory Board to determine. Similarly under this option, should the Local Government Advisory Board determine that a six member ward system should prevail, the CEO and Mayor should be given the authority to sign the amended Memorandum of Understanding.

If Council adopts the five ward model, then no change to the Memorandum of Understanding is required.

10.6.4 Local Government Reform: Governor's Orders

The Local Implementation Committee, at its meeting held 26 May 2014, resolved as follows:

Local Implementation Committee Recommendation

Moved: Councillor Bissett

Seconded: Councillor Potter

That the Local Implementation Committee approves the amendments to clause 10c of the Memorandum of Understanding to reflect the decisions on Ward Names, Ward Boundaries, and Election of the Mayor contained in these minutes.

CARRIED

Consultation

A name for the new Local Government Entity

A community workshop was held on Wednesday 12 March 2014 to consider possible names for the new local government entity. Invitees included representatives from P&C Groups, Local Chambers, Victoria Park Collective, Community Garden, Rotary, Chinese Community, Royal Perth Golf Club, Perth Zoo, South Perth Historical Society and others. Over 25 names were put forward by this group.

Councillors from the Town and City were then asked to assist in establishing a short-list of names for consultation with the broader community. Councillors considered and voted on the 25 names identified above, and the following short-list was prepared: Curtin; Yaragan; Twin Rivers; and South Bank.

Consultation with the Town and City communities on a new name commenced on 1 April 2014. Feedback was sought on the shortlist of names, but residents were also asked for suggestions regarding other possible names. Consultation closed 16 May 2014. The Local Implementation Committee considered analysis of the results of the community survey on 26 May 2014, prior to putting forward final recommendations to the respective Councils.

Ward boundaries, names, the number of elected members and the method of electing the Mayor

The Council and the Local Implementation Committee has been extensively consulted in the preparation of the different ward mapping scenarios. Various options have been in circulation since early March 2014. A comprehensive workshop to discuss alternative ward boundary options was held for City of South Perth Councillors on 7 May 2014. The community are not required to contribute to either the ward boundaries or name in a boundary adjustment/Local Government Reform situation.

Policy and Legislative Implications

Once determined, the new name and ward boundaries will form part of the Town and City's proposal for Governor's Orders to establish the new local government entity.

The Memorandum of Understanding between the Town of Victoria Park and the City of South Perth will be amended.

Financial Implications

There are a number of financial implications associated with the formation of a new name, and ward boundaries. To date these have included public consultation and marketing costs, as well as internal staffing costs. The Council has previously made funding available for local government reform activities (Item 10.6.5 February 2014 Ordinary Council Meeting refers).

10.6.4 Local Government Reform: Governor's Orders

Overall (for the Town and City combined), there will be a reduction in the number of Elected Members from 18 to 13 which will result in an overall reduction in Elected Member allowances being paid. A larger Council may result in the new local government moving into a higher band which would result in increased payments but this has not yet been confirmed.

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](#).

10.6.5 Monthly Financial Management Accounts - May 2014

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 15 June 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 10.6.5(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.5(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 10.6.5(6)(A) & (B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.5(7)** be received.

Background

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

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

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

10.6.5 Monthly Financial Management Accounts - May 2014

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 10.6.5(1)(A) & 10.6.5(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.5(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.5(3)**
- Summary of Capital Items - **Attachment 10.6.5(4)**
- Schedule of Significant Variances - **Attachment 10.6.5(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.5(6) (A) & (B)**
- Rate Setting Statement - **Attachment 10.6.5(7)**

Operating Revenue to 31 May 2014 is \$46.83M which represents some 99% of the \$46.85M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement and meter parking revenues remain slightly favourable to budget after being adjusted in the Q3 Budget Review. Cat registration revenue has exceeded full year expectations due to a higher number of people taking out lifetime registrations.

Interest revenues are 3% below budget expectations even after the Budget Review adjustment which was required as a consequence of low prevailing interest rates. Interim rate revenue is on budget and further interim schedules are unlikely to be issued in the lead up to the triennial revaluation of GRVs.

10.6.5 Monthly Financial Management Accounts - May 2014

Planning revenues are 19% ahead of budget target - due to the receipt of fees for four DAP processes. Since DAPs were introduced, the City has had only 12 referrals - of which four occurred in May. Building Services revenues are currently 3% below budget expectations. Fiesta and Australia Day sponsorship / grants were each \$40K less than budgeted.

Collier Park Village revenue is close to budget expectations. With the Collier Park Hostel no longer operating, no further revenues can be received - and no further costs are expected. The Q3 Budget Review adjustment (additional to the one made in the Q2 Budget Review) is reflected in the negative revenue budget for May.

Road grant revenue is close to budget. Golf Course revenue is now 1% under budget. Infrastructure Services revenue overall is close to budget for the year to date.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.5(5)**.

Operating Expenditure to 31 May 2014 is \$44.95M which represents 98% of the year to date budget of \$46.03M. Operating Expenditure is 3% under budget in the Administration area, 3% under budget for the golf course and 2% under in the Infrastructure Services area.

Variances in operating expenditures in the administration area largely relate to the reflection of Q3 Budget Review adjustments or timing differences on billing by suppliers and are not considered significant - with the exception of some favourable variances in relation to consultancies.

There were also favourable timing differences in relation to library purchases and planning consultants. The other exception was the Collier Park Village which has incurred higher than expected costs for power, gardens and grounds maintenance.

Whilst the Collier Park Hostel is no longer operating as a facility, a budget adjustment was made in the Q3 Budget Review - and this causes a favourable monthly variance as it is brought to account.

In the Infrastructure Services operations area, parks maintenance is now slightly below budget as is minor park works. Street tree maintenance has been brought back closer to budget - with remedial action being successfully 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 were adjusted in the Q3 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 were revised to reflect the guidelines of the International Infrastructure Asset Management (IIAM) manual.

Plant management continues to provide a challenge - although cash costs are only 3% over budget, recoveries against jobs are still 6% below budget expectations. Charge out rates have been reviewed and adjusted by the Engineering Infrastructure team but these may require further tweaking.

10.6.5 Monthly Financial Management Accounts - May 2014

As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (including temporary staff where they are being used to cover vacancies) is currently around 0.8% under the budget allocation for the 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 10.6.5(5)**.

Capital Revenue is disclosed as \$2.88M at 31 May - 11% under the year to date budget of \$3.25M. This difference relates to contributions to the Animal Care Facility from the Town of Victoria Park and one relating to the Manning Men's Shed, both of which will now be received in 2014/2015. Details of the capital revenue variances may be found in the Schedule of Significant Variances - **Attachment 10.6.5(5)**.

Capital Expenditure at 31 May is \$9.43M representing 80% of the year to date budget. This figure represents 71% of the (revised) total capital works budget after some capital projects were deferred in the Q2 & Q3 Budget Review. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. These figures include the Carry Forward Works approved by Council in October 2013.

Where appropriate adjustments were made in the Q3 Budget Review for known variances on capital expenditures - including recognising savings, recognising where project budgets have been over-run and acknowledging projects deferred until 2014/2015. Reflection of these amendments in the management accounts in May has caused some irregular variances – but this timing aspect is eliminated in the year to date figures.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	475,000	175,205	37%	815,000
Major Community Projects	522,000	195,387	37%	572,000
Financial & Information	606,250	432,904	71%	715,000
Develop & Community	473,400	524,971	111%	473,400
Infrastructure Services	9,145,632	7,539,834	82%	9,827,132
Waste Management	258,750	188,286	72%	415,000
Golf Course	368,685	367,000	100%	389,060
UGP	0	3,183	-%	0
Total	11,849,717	9,426,770	80%	13,206,592

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Sustainability Implications

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

10.6.6 Monthly Statement of Funds, Investments and Debtors at 31 May 2014

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 14 June 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 May 2014 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.6(1)**
- Summary of Cash Investments as per **Attachment 10.6.6(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.6(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 \$47.3M (\$50.4M last month) compare favourably to \$43.8M at the equivalent stage of last year. Reserve funds are \$0.3M lower overall than the level they were at the same time last year - reflecting \$1.6M higher holdings of cash backed reserves to support refundable monies at the CPV but \$2.1M less for the CPH as departing residents have fully transferred their accommodation bonds. The Asset Enhancement Reserve is \$3.1M higher mainly through the receipt of part of the Ray St land disposal proceeds. The Sustainable Infrastructure Reserve is \$0.1M higher whilst the Waste Management Reserve is \$1.8M lower after a budgeted transfer back to the Municipal Fund. The Future Building Reserve is \$0.1M higher and the Future Municipal Works Reserve is \$0.3M lower. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is \$0.7M lower after funding part of the 2014 operating deficit.

Municipal funds are some \$3.7M 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 \$10.3M (compared to \$13.6M last month). It was \$6.7M at the equivalent time in the 2012/2013 year. **Attachment 10.6.6(I)**.

(b) Investments

Total investment in money market instruments at month end was \$48.6M compared to \$43.5M at the same time last year. This is due to higher levels of cash investments relating to municipal funds (\$5.4M increase - although \$2.5M of this should have been transferred back to the operating bank account on the last day of the month to offset the apparent \$1.7M overdraft but the transfer was not completed on the correct day). Cash backed reserves are \$0.2M lower.

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

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

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

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At 31 May that limit was slightly exceeded in relation to National Bank (25.7%) because it was not considered appropriate

10.6.6 Monthly Statement of Funds, Investments and Debtors at 31 May 2014

to pay a call-back penalty when the relevant investment was to mature in early June. The portfolio is now back within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.6(2)**.

Total interest revenues (received and accrued) for the year to date total \$1.62M. This compares to \$2.00M 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 3.74% with the anticipated weighted average yield on investments yet to mature now sitting at 3.46%. 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 10.6.6(3)**. Rates collections to the end of May 2014 (after the due date for the final instalment) represent 98.1% of rates levied compared to 97.3% at the same stage of the previous year.

The positive rates collection profile to date has ensured that we will experience a better collection than the 2012/2013 year - with the KPI of 95% by year end already having been comfortably exceeded. This 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 provide strong encouragement for ratepayers to meet their rates obligations in a timely manner.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.3M at month end (\$2.2M last year). Pension Rebate Receivable represents around \$0.1M of this amount but 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 \$0.9M lower than the balance at the same time last year whilst UGP and Sundry Debtors are slightly lower. Most other Debtor categories are at similar levels to the previous year.

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

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.37M was collected by 31 May with approximately 99.6% of those in the affected area having now paid in full. The remaining 19 property owners 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 \$4.59M billing for the Stage 5 UGP Project, some \$4.26M (or 92.9% of the amount levied) has already been collected with 80.3% of property owners opting to settle in full and a further 19.3% paying by instalments so far. The remainder (0.4%) have yet to make satisfactory payment arrangements or have defaulted on the arrangements and collection actions are currently underway.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

10.6.6 Monthly Statement of Funds, Investments and Debtors at 31 May 2014

Sustainability Implications

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

10.6.7 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	15 June 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 May 2014 and 31 May 2014 is presented to Council for information.

Officer Recommendation

That the Listing of Payments for the month of May 2014 as detailed in **Attachment 10.6.7**, 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 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.

10.6.7 Listing of Payments

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

- **Non Creditor Payments**

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Sustainability Implications

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

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the May 2014 Ordinary Council Meeting questions were taken on notice from:

- Councillor Huston

A table of these questions, and the responses provided by correspondence can be found at **Appendix Three**.

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



Mayors Activity Report – May 2014

Date	Activity
Thursday, 29 May	Local Government reform Meeting with John McGrath MLA + CEO
	Local Government reform Meeting with Peter Best + CEO
	St Columba's Primary - meet Principal Allen McMahon
Wednesday, 28 May	Councils for democracy – City of Cockburn + CEO
	Opening address: Swan Canning Riverpark Leadership Forum - Discovering our Rivers
Tuesday, 27 May	May Council meeting – Mayor’s portrait unveiling
	Photo taken with Girl Guides
	AIIA WA Executive Lunch Forum: Local Government Reform Agenda + CEO + Manager Legal and Governance
	Mayor/CEO weekly meeting
Monday, 26 May	Friends of Mosaic
	L.I.C. MEETING – Town of Victoria Park + CEO
	USA Memorial Day – Kings Park
	WALGA : Metro Reform Breakfast + CEO + Crs Kevin Trent and Fiona Reid
Friday, 23 May	Meeting Kensington Primary Principal - Bruce Macauley
	Meeting Clontarf Principal - Julie Hornby
Thursday, 22 May	Meeting Principal Daine Burnett - St Pius Primary
Wednesday, 21 May	Meeting Gowrie WA - CEO Tonia Westmore
	Biggest morning tea
	South Perth Library: Read book for National Simultaneous Storytime
	McDougall Kindergarten – Meeting Teacher and President Management Committee
Tuesday, 20 May	May Agenda Briefing
	Mayor/CEO weekly meeting + Deputy Mayor
	WALGA: Meet the Minister for Environment, Hon Albert Jacob MLA

Monday, 19 May	Special Council meeting – Stage 2 Civic Triangle Sale Process
	WALGA: Metropolitan Reform Strategy Meeting + CEO
	Inaugural Curtin Sustainability Lecture and Showcase
Sunday, 18 May	Lathlain Community Day
LOA – 3 – 18 May	
Friday, 2 May	Meeting – Paul Lakey, President UDIA (WA)
	Mayor Meet the Community
Thursday, 1 May	Mayor/CEO weekly meeting
	Vandalised Tree 20 Hensman Street - Photo Southern Gazette + Streetscapes and Environmental Supervisor

Council Representatives' Activity Report - May 2014

May 2014	Activity
Tuesday, 27 May	Canning/South Perth Local Emergency Management Committee – Crs Veronica Lawrance and Kevin Trent
Thursday, 22 May	CEDA: Airports of the future – Cr Kevin Trent
Monday, 19 May	RAC: The Future of Infrastructure for WA - Australian Government Perspective – Cr Glenn Cridland
Sunday 18 May	Manning Memorial Bowling Club AGM – Cr Glenn Cridland
Friday, 16 May	Guinness World Record - Jamie Oliver Food Foundation - Most Participants in a cookery lesson in 24 hours Record Attempt by Manning Primary School – Cr Hawkins-Zeeb
Tuesday, 13 May	Presented South Perth Cup @ Collier Park Seniors Golf Club – Cr Glenn Cridland
Monday, 12 May	Department of Local Government: Metropolitan LG Reform/State Budget - Minister Tony Simpson – Cr Kevin Trent and Sharron Hawkins-Zeeb
	WALGA: Mayor's and CEO's Strategy meeting – Cr Kevin Trent and Sharron Hawkins-Zeeb
Thursday, 8 May	SERCUL – Crs Hawkins-Zeeb
Monday, 5 May	Citizenship ceremony – Crs Glenn Cridland, Kevin Trent and Veronica Lawrance
Saturday, 3 May	Sumptuous High Tea to launch the Ladybird Foundation – Cr Veronica Lawrance

APPENDIX TWO - ITEM 6.1 REFERS

6.1 PUBLIC QUESTION TIME: 27 May 2014

1. Ms Carol Roe of 16 Abjornson Street, Manning Received enquiry: 21 May 2014	Response provided by: Mark Taylor, Acting Director Infrastructure Services
<p>[Preamble]</p> <p>In the CSRFF funding report by City officers dated 7/3/2013, an application from Hensman Park Tennis Club to replace perimeter fencing was addressed. Total cost of the project was \$44,260. That application was not granted funding by DSR.</p>	
<p>1. After reading the recent CSRFF report dated 9/5/2014, I ask: Under what policy / program has the City since decided to award \$40,000 for fencing and retaining remedial works to the said club?</p>	<p>The City has determined that the fence and retaining walls between the Hensman Tennis Club and the City's kindergarten, drainage sump and reserve (Hensman Reserve) requires replacement. The Club wanted to replace the whole perimeter fence including this area. To achieve this, the City has worked with the Club to share the costs of the fence and retaining wall replacement.</p>
<p>2. When was that decision made, according to what process and by whom was it authorised?</p>	<p>City officers are allocated budgets for reserves and building maintenance and delegated authority to expend these budgets to complete maintenance works. The staff members responsible for these budgets have authorised the works.</p>

<p>2. Mrs Marcia Manolas of 193 Mill Point Road, South Perth Received enquiries: 26 May 2014</p>	<p>Response provided by: Mark Taylor, Acting Director Infrastructure Services</p>
<p>[Preamble]</p> <p>In the February 2014 Council Meeting, there was discussion and Council agreed to Table the original Certificates of Titles relating to Sir James Mitchell Park showing the resumption orders and the legal opinion by Daryl Williams QC. Council was to approach Landgate and obtain copies of the original Certificate of Titles with the annotation of resumption purpose for Sir James Mitchell Park from Ellam St. to Mends St. I have gone through the Council Minutes and cannot find any reference to any discussions to Sir James Mitchell Park Certificate of Titles or tabling of any of the above documents.</p>	
<p>1. Can Council advise me where the discussion appears in the Minutes?</p>	<p>The Council did receive the documentation at the February 2014 Meeting for noting purposes only.</p>
<p>2. Has Council obtained copies of the original Certificate of Titles showing the annotation of the resumption orders?</p>	<p>No.</p>
<p>3. Have the Certificate of Titles been tabled together with the QC Opinion, and if not, when will they be tabled for the public to have access?</p>	<p>The QC opinion was not sought by the City and therefore will not be released publically by the City.</p> <p>All members of the public can access the Certificate of Titles via Landgate, custodian of all Certificate of Titles.</p>
<p>[Preamble]</p> <p>The Telstra Tower (proposed to be installed near Coode Street at Sir James Mitchell Park) has been been rejected by the State Minister.</p>	
<p>4. Does it go to the Federal Minister on appeal or does it go to the Federal Minister as a matter of course?</p>	<p>We are not sure of the answers to the question at this time but we will research it and convey a written answer to Mrs Manolas as quickly as we can.</p>

<p>3. Mr Geoff Defrenne of 24 Kennard Street, Kensington Received enquiries: 27 May 2014</p>	<p>Response provided by: Cliff Frewing, Chief Executive Officer</p>
<p>[Preamble] The council has voted it agrees in principle to amalgamate the City of South Perth with the Town of Victoria Park.</p>	
<p>I. Has the city prepared a business case to amalgamate the City of South Perth with the Town of Victoria Park?</p>	<p>Local Government Reform is a State Government initiative which commenced in 2009.</p> <p>In July 2013, the State Government announced a range of proposed changes to local government arrangements in metropolitan Perth following the conclusion of the Robson Report.</p> <p>In response, local governments were then invited to lodge proposals with the Local Government Advisory Board between by October 2013. The State Government also finalised its model and formally submitted its proposal to the Board in November 2013, which would reduce the number of metropolitan local governments from 30 to 15, effective from 1 July 2015.</p> <p>The Local Government Advisory Board then commenced a number of Inquiries into the 34 proposals received.</p> <p>Whilst a business case was not prepared by the City, it was considered important that the City participate in the reform process. The City and Town of Victoria Park prepared a joint submission to the Local Government Advisory Board that focused on the financial sustainability of the proposed local government that also addressed the proposals detrimentally impacting the City and its residents, including proposals by the Minister for Local Government and City of Perth.</p>

2. If a business case has been prepared, will that business case be made available to the public?	Refer 1.
3. Has the city prepared a list of pro's and con's to the residents of the City of South Perth if the two councils amalgamate?	No.
4. Will a list of pro's and con's be made available to the public so they may assess the list?	Refer 3. Information contained in submissions on this topic is available to the public.
5. What is the estimated cost to amalgamate the two councils?	<p>Due to the existing uncertainty with the State Government process and the unknown form of the new local government to be recommended by the Local Government Advisory Board, the City has not quantified the amalgamation costs, however empirical evidence from other local government amalgamations infers that the cost is approximately \$7M per amalgamation.</p> <p>The City has and will continue to lobby on behalf of its residents for the State Government to fund the entire amalgamation costs given this is a State Government initiative.</p>
6. What is the estimated cost to amalgamate the two councils in year 1, year 2, year 3?	Refer 5
7. What is the estimated savings of amalgamating the two councils in year 1, year 2, year 3, year 4, year 5?	Refer 5
8. If the two councils amalgamate, it is rumoured that reserves each council has will be spent in the respective council areas.	The Memorandum of Understanding developed and executed by both local governments in April 2014 states that "All existing specific cash reserves and restricted funds will be maintained into the future for their current specified purpose and within the originally prescribed geographic boundaries".

9. Is there any legal basis for the reserves to be spent in the respective areas?	Yes. Governor's orders prepared by the Minister for Local Government can determine where reserves are to be spent.
10. Can either council bind the future council to spend reserves in the current respective areas?	Refer 9.

4. Mr Tony & Ms Pauline Thurston of 19 Carr Street, South Perth Received enquiry on 27 May 2014	Response provided by: Vicki Lummer, Director Development and Community Services
[Preamble] With regard to the new Development application for a Dan Murphy's on Como Hotel site, there will be great impact to the amenity of South Perth & Como in particular. The development proposed is very large in scale (the Dan Murphy's proposed will be approximately 3.5 times of the current B.W.S) & will attract customers & traffic (from an area of up to 14km away I have been told).	
1. How can the current traffic system & in particular Canning Hwy, South Terrace & Norton streets cope with such a high volume retail outlet being introduced?	The development application has only been received a week ago. The full assessment of the application has not yet been undertaken and so questions 1 & 2 cannot be answered at this stage.
2. Are there enough car parking bays available to support this scale & size business being proposed? Are there any parking concessions being proposed by the applicant & if so to what extent?	Refer 1.
3. What effort & resources will the Council be applying to ensure that the development application is "not muscled through" & that the community concerns in relation to traffic noise, close interfacing with residential dwellings are all strongly researched, challenged & communicated by Council in their reports to D.A.P?	The report to the Development Assessment Panel will include the concerns raised by the Community during the submission period.

5. Mr Murray Jennings of 19 Todd Avenue, Como Received enquiry on 27 May 2014	Response provided by: Vicki Lummer, Director Development and Community Services
<p>1. Given the scale, magnitude & potential impact on amenity of the proposed Dan Murphy's can the Council advertise this more prominently to encourage wider comment & views from the community?</p>	<p>We have expanded the consultation to an "area 2" consultation (Under Policy P301 Consultation for Planning Proposals) and the letters have already gone out to surrounding residents and there will also be a sign on site and an online advertisement.</p>
<p>2. Can the Mayor in the Southern Gazette or by way of brochures or leaflets to residents proactively encourage & effectively inform the community of this very important proposal & the need for public comment by the outlined date?</p>	<p>Refer 2.</p>
<p>3. To what extent do we see the Council "protecting" the iconic Heritage identity of the Como Hotel, which has long been an iconic landmark of the local community? When was the last time the hotel was evaluated against its current heritage categorisation??? Can the Council request a re-evaluation of this building to safeguard against the threat that the hotel will all but disappear at the cost of a big box liquor super store?</p>	<p>The current development application will be assessed to ensure compliance with all of the City's development requirements, including those relating to heritage protection. In this regard, the City will examine relevant provisions of Council Policy P313 'Local Heritage Listing'.</p> <p>The hotel was last evaluated in 2006. The 'Category C' classification was recommended to be retained for the Como Hotel. However, this was never ratified by the Council. The previous Council evaluation was in June 2002.</p> <p>No heritage assessment is proposed for this site at present. However, if appropriate, the Council may resolve to commission a heritage consultant to undertake new heritage assessment of the site at any time.</p>

6. Phil Watson of 25 Norton Street South Perth Received enquiry on 27 May 2014	Response provided by: Vicki Lummer, Director Development and Community Services
<p>[Preamble]</p> <p>On the 27th August 2013 the South Perth Council strongly opposed & rejected the Town Planning Scheme No.6 Amendment 40 to rezone Lot 6 (No. 148) South Terrace, South Perth, from the 'Residential' zone with a density coding of R40, to the 'Highway Commercial' zone with a density coding of R80. This was with an 11:1 vote as the Council held the view that it was not in the public's best interests on planning grounds as well as on many other levels. Since then, it was then referred to the Minister for Planning for final determination who on the 19th of February decided to overturn the Council's decision & the views of the local community & re-zone Lot 6. As a result, this has paved the way for a development application for a Dan Murphy's.</p>	
<p>1. Is the Council still of the view that the proposed Dan Murphys application does not meet the planning guidelines of the city?</p>	<p>Amendment 40 was not based on the Dan Murphy's application. Amendment 40 sought, as has been read out in the preamble, to rezone the lot from residential to highway commercial. So the Council's view was on Amendment 40 rather than the Dan Murphy's development..</p>
<p>2. Will Council continue to support the views of the community by independently opposing the Development application & request time to present a deputation to the Development Assessment Panel like they did at the WAPC re-the rezoning application?</p>	<p>The Development Assessment Panel does allow for deputations to be made before the item is considered and there is a separate process that deputations need to follow for that to take place and that's a process through the Department of Planning.</p>
<p>[Preamble]</p> <p>Throughout the planning determination process for Lot 6 South Terrace Como, it was acknowledged that Council showed a willingness to work closely with the Save Como Action group which represented the views of hundreds of local residents in Como & South Perth. This was very much appreciated by everyone. It demonstrated that local issues that have large scale implications to the community need to be addressed in such a collaborative manner by the Council.</p>	
<p>1. Are the Council willing to continue to work closely with the Save Como Action group & local residents to convey to the Development assessment panel that the South Perth & Como community are opposed to this application on many fronts ie. traffic congestion, lack of parking availability, contrary to strategic policy, increased residential interface/impacts, compromised Heritage listed iconic hotel?</p>	<p>The city officers are more than willing to assist the community in getting their views forward to the Development Assessment Panel.</p>

7. Tina Watson of 25 Norton Street South Perth Received enquiries on 27 May 2014	Response provided by: Vicki Lummer, Director Development and Community Services
<p>1. Now that there is development application being lodged to demolish the existing B.W.S Bottleshop & make changes to the existing iconic Como hotel what is the likely timeline / time frame from the period of advertisement of the D.A to the time in which the D.A.P will assess the case?</p>	<p>The Development Assessment Panel meeting is expected to be held approximately 90 days after the City received the application (16 May 2014). Accordingly, the meeting is likely to be held in mid-August.</p>
<p>[Preamble] The Save Como Action group intends to arrange a public meeting to actively inform residents of the Development application for the Dan Murphy's & the detail of it.</p>	
<p>2. Can the Council make the plans more accessible so that ratepayers or interested parties can view them on-line as opposed to currently by appointment only at the Council?</p>	<p>The City requires the consent of the copyright owner of the plans to make the plans available to view on this website. The City invited the applicant last week to provide their consent. This consent has not yet been obtained.</p>
<p>[Preamble] Many residents will be very keen to hear more on the proposed Development application & the views of Council specifically to these plans. Many Council representatives have been asked to make independent recommendations on certain application stages such as environmental, heritage, parking, traffic, health services etc.</p>	
<p>3. How soon can the Council call a Special Electors meeting once the 100 signatures are obtained. Can these representatives also attend & provide some insight & opportunity for feedback ? Will various community residents or groups be able to present ?</p>	<p>A Special Electors meeting should be called after the assessment of the application has been undertaken and feedback received through community consultation. The comments on the application from the view point of heritage, environment, parking and traffic can then be made available.</p>

APPENDIX THREE- ITEM 13.1 REFERS

13.1 QUESTIONS FROM MEMBERS – MAY 2014

Questions from <i>Councillor Huston</i>	Received 27 May 2014
<p>1. Are the Annual Leave, Long Service Leave, Special Leave and like entitlements of all staff of the City of South Perth fully funded regardless of the amalgamation process and various other amalgamation proposals and regardless of whether a staff member is whatever their status might be: casual, full-time, part-time, fixed term, etc?</p>	
<p>Response provided by <i>Michael Kent, Director Financial and Information Services</i></p> <p>The City's accounts disclose Provisions for Annual Leave & LSL on our balance sheet – it's currently in the vicinity of \$3.1million. The combination is around about a 2/3:1/3 split between annual and long service leave. In relation to the question of “is it physically backed by cash” – the City had used a practice in the past to quarantine the funds relating to these entitlements as restricted cash. This practice of removing such funds from the calculation of the Budget Opening Position for the next year has now been disallowed by the Department – although the City believes that it is a good and responsible financial management practice. I am seeking confirmation from the Department of Local Government to see if they would accept the alternative approach of actually creating a cash-backed reserve relating to employee entitlements rather than just recording a provision in the accounts. Even this approach has its own peculiarities in that the City is required only to disclose the net present value of the entitlements rather than the current dollars.</p> <p>Following advice from the department further information or solutions may be brought to Council for consideration.</p>	
<p>2. Will the administration please obtain and make available to the public (perhaps via inclusion in the City collection) the Certificates of Titles for all of the lots and land that make up the Sir James Mitchell Park and other South Perth (opposite Perth) foreshore areas and ensure that those Titles have attached to them all of the annotations in regard to resumption and any other matter in the history of those Titles?</p>	
<p>Response provided by <i>Cliff Frewing, Chief Executive Officer</i></p> <p>Of the 46,000 residents in the City of South Perth I am only aware of one resident who is interested in the Certificate of Titles and annotations. So for that reason I am not inclined to commit resources to participate in the task that Cr Huston suggested without a council resolution. What I am prepared to do however for that person who provided the administration with the copies of Titles, is to provide a copy of those copies in the front foyer for any other resident who wishes to inspect those Titles at any time during working hours.</p> <p>I also draw your attention to the fact that, consistent with the response to a similar question in March, the response to that question was as follows: <i>The City considers that it is better for members of the public to access and view a duplicate copy of the original Title from Landgate as they are the custodians of the register, not local government.</i></p>	