

A G E N D A

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**City of
South Perth**

**ORDINARY COUNCIL MEETING
AGENDA**

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
2. **DISCLAIMER**
The Chairperson to read the City's Disclaimer
3. **RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
4. **DECLARATION OF INTEREST**
5. **PUBLIC QUESTION TIME**

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 20 December 2005 the following questions were taken on notice: A response was provided by the Chief Executive Officer by letter dated 1 February 2006, a summary of which is as follows:

5.1.1. Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

Regarding No 11 Heppingstone Street: Now that the State Administrative Tribunal has heard the Appeal that was referred by the Minister Alannah McTiernan, is the Council going to investigate or make any attempt at all to find out why the building at 11 Heppingstone Street, South Perth was allowed to be built 95.9 sq.metres larger than allowed for a building in this area which represents a breach of 18%?

Summary of Response

The matter is still under consideration by the Minister for Planning and Infrastructure, and she is yet to hand down a final decision. Accordingly, it is too early to pre-empt any further action that the Council may or may not take with respect to this matter.

Summary of Question

Regarding No. 11 Heppingstone Street: Has the Minister for Planning and Infrastructure contacted the Council with respect to the report from the State Administrative Tribunal about the breach of the plot ratio of 11 Heppingstone Street and if so, what was her response?

Summary of Response

The Minister for Planning and Infrastructure has not contacted the City with respect to the report of the State Administrative Tribunal.

Summary of Question

Mr Drake stated: I am asking what is the plot ratio at No. 10 Jubilee Street? The written response already received stated that the developers worked out the plot ratio but have not said what it is.

Summary of Response

The City's letter dated 14 December 2005 confirms that the approved drawings show a plot ratio floor area of 585 sq. metres based upon the method of calculation which was operational at the time of approval.

5.2 PUBLIC QUESTION TIME : 28.2.2006

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1	Special Council Meeting Held:	13.12.2005
6.1.2	Special Council Meeting Held:	19.12.2005
6.1.3	Ordinary Council Meeting Held:	20.12.2005
6.1.4	CEO Evaluation Committee Held:	13.02.2006

6.2 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 P516 "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, not open to the public, 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.

Note: As per Council Resolution 11.1 of the Ordinary Council Meeting held 21 December 2004 Council Agenda Briefings, with the exception of *Confidential* items, are now open to the public.

6.2.1 Agenda Briefing - December Ordinary Council Meeting Held: 13.12.2005

Officers of the City presented background information and answered questions on items identified from the December 2005 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 6.2.1.**

6.2.2 Concept Briefing on Carcione Site - Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning, Old Mill Redevelopment Proposal and Collier Park Village Rates Update Held: 7.2.2006

Officers of the City together with external presenters gave background information and answered questions on the proposed Amendment for the Carcione Site, Lot 2 (No. 54) Manning Road NE cnr Ley Street, Manning, the Old Mill Redevelopment Proposal and the Collier Park Village Rates. Notes from the Concept Briefing are included as **Attachment 6.2.2.**

6.2.3 Concept Briefing on Underground Power, Local Government Official Conduct Bill; and Strategic Financial Plan Budget Process Held: 14.2.2006

Officers of the City presented background information/updates and answered questions on, Underground Power, Local Government Official Conduct Bill; and the Strategic Financial Plan Budget Process. Notes from the Concept Forum are included as **Attachment 6.2.3.**

7. PRESENTATIONS

7.1 PETITIONS -	A formal process where members of the community present a written request to the Council
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7.1.1 Petition received from Azeem Shah, Metro Hospitality Group with 221 signatures together with 137 questionnaire forms completed by customers of the Metro Inn generally in favour of the proposed redevelopment of the Metro Inn.

A ‘summary’ of the text of the petition reads as follows:

The petition is a YES vote in support of the new development of the Metro Hotel relocating its present bar and restaurant to the new area in the redevelopment plan. The petition has been signed by guests if they agreed and wanted a new facility. I also conducted a survey in August, September and October prior to us going public with our plans to relocate our bar and restaurant.”

RECOMMENDATION

That the petition received from Azeem Shah, Metro Hospitality Group together with 221 signatures and 137 supporting survey forms be received and it be noted that the petition has been forwarded to the Strategic and Regulatory Services Directorate to be considered together with other submissions in a report to Council on this proposal.

7.1.2 Petition received from Mr Rick Sneeuwjagt, 17 Banksia Terrace, Kensington and approximately 140 signatures called for a Special Electors’ Meeting to discuss the proposed Change-of-Use of the Metro Hotel.

A ‘summary’ of the text of the petition reads as follows:

“We, the undersigned, being residents of the City of South Perth, who live in the vicinity of the Metro Inn at 61 Canning Highway, request that the Council defer the decision on the application for planning approval for proposed alternations and additions to the Metro Inn. The deferral should remain until an independent traffic and parking study has been undertaken that reflects the proposal to change the Metro Hotel Use from Tourist Accommodation (Private Hotel) to public hotel including a drive-through bottle shop as part of the “Paddy Maquires” chain. We request a special meeting of electors to be held to discuss the full implications of the proposal on the area’s residential amenity including the increase number of traffic movements, provision of adequate parking, noise impacts, safety concerns, vandalism and anti-social behaviour.”

RECOMMENDATION

That the petition, calling for a Special Electors’ Meeting in relation to the Metro Hotel proposal, received from Mr Rick Sneeuwjagt, 17 Banksia Terrace, Kensington and approximately 140 be received, and it be noted that a Special Electors’ Meeting to discuss this matter has been scheduled for 13 March 2006 in the Civic Centre Main Hall, Sandgate Street, South Perth.

7.2 PRESENTATIONS -	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
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7.3 DEPUTATIONS -	A formal process where members of the community may, with prior permission , address the Council on Agenda items where they have a direct interest in the Agenda item.
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7.4 DELEGATE'S REPORTS	Delegate's written reports to be submitted to the Minute Secretary prior to 10 February 2006 for inclusion in the February 2006 Council Agenda.
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8. ANNOUNCEMENTS FROM THE CHAIRPERSON

8.1 Method of Dealing with Agenda Business

9. REPORTS

9.0 *MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS*

9.0.1 Ward Boundary and Representation Review (<i>Item 9.5.3 referred from June 2005 Council Meeting</i>)

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/502
Date:	2 February 2006
Author:	Sean McLaughlin, Legal & Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer.

Summary

The City of South Perth is required to conduct a review of its ward boundaries and system of representation every eight years pursuant to the provisions of the *Local Government Act 1995* (the LGA).

Council at its June 2005 meeting resolved to commence the implementation of the review process by requesting the Chief Executive Officer to convene a council workshop on the review, and to submit a report to council outlining the relevant matters which are due for consideration with a recommendation for the conduct of the review.

This report outlines the statutory requirements of the review, discusses the matters which are relevant to council's consideration and recommends a program for implementation of the review.

Background

Schedule 2.2 of the LGA (the Schedule) requires a local government to conduct a review of its ward boundaries and the number of councillors for each ward every 8 years.

The City last conducted a review in 1998. This review, the results of which were published in the *Government Gazette* on 22 December 1998, resulted in the City moving from a structure of five wards with three councillors in each ward to the present structure of six wards with two councillors in each ward.

As with other local government authorities, the City of South Perth is scheduled to complete a review of its ward boundaries and representation in time for any changes to be implemented prior to the 2007 local government elections.

The Local Government Advisory Board (the Board) has requested the City to submit a report on its review by 30 June 2006.

Comment

The purpose of a review is to evaluate the current arrangements and consider other options to find a system of representation that best reflects the characteristics of the district and its people. For example, in addition to reviewing the *status quo* any of the following options may also be considered:

- Change the current ward boundaries, retain the number of wards and retain the number of councillors;
- Maintain the ward boundaries but reduce the number of councillors for each ward;
- Reduce the number of wards but retain the number of councillors for each ward;
- Reduce the number of wards and reduce the number of councillors for each ward;
- Abolish the ward system but retain the same number of councillors; or,
- Abolish the ward system and reduce the number of councillors.

In its consideration of these options a local government is to have regard, where applicable, to the following matters which are set out in clause 8 of the Schedule:

- Community of interests;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and,
- The ratio of councillors to electors in the various wards.

The Board considers that the ratio of councillors to electors is always significant. It is expected that each local government will have similar ratios across its wards. The Board advises that the Minister for Local Government and Regional Development will not consider changes to ward boundaries and representation that result in ratios that have a greater than plus or minus 10% of the average councillor/elector ratio for that local government.

With respect to the issue of reduction of councillors, it should be noted that section 2.17 of the LGA provides that where the method of filling the office of mayor is election by electors the council is to consist of between 5 and 14 councillors.

The Board suggests that in relation to the other four factors some may have less relevance than others to the particular situation of a local government; accordingly it is for each local government to decide which of the four factors have the most relevance to the assessment of its options.

Section 2.3 of the *Local Government Act* also enables a local government to consider changing the names of its wards pursuant to the review process if it considers it appropriate.

Upon completion of the review, the local government is required to prepare and deliver a report to the Board pursuant to clause 9 of the Schedule. The review process is concluded when a favourable recommendation goes from the Board to the Minister who can then make a recommendation to the Governor for the making of the appropriate order.

Discussion Paper

A Discussion Paper has been prepared which outlines the review process and the various factors for council's consideration - see **Attachment 9.0.1**

The Paper presents an analysis of the current situation and discusses a number of options for change together with a commentary on potential implications of the proposed changes.

The Discussion Paper was initially discussed at a council briefing conducted on Tuesday 6 December 2005 and as a result, certain changes were made to the document. It is considered that the document as amended is now in a position to be advertised for public comment. Council is not committed to any proposal contained in the document but is merely seeking feedback from the community on the general subject matter.

Consultation

The procedural requirements for the consultation phase of a review are set out in clause 7 of the Schedule.

These consist of giving local public notice advising that the review is being carried out and providing a period for receiving submissions of not less than six weeks.

In carrying out the review the local government is to consider any submissions made to it before it may make any decisions concerning changes to its ward boundaries and representation.

Copies of the Discussion Paper which canvasses the matters for consideration under the review will be made available at the Civic Centre and on the City's website.

Policy and Legislative Implications

The review is being conducted in accordance with the relevant provisions of the *Local Government Act 1995*.

Financial Implications

The financial implications of the City changing its system of representation are regarded as being of minor significance.

Strategic Implications

The proposed review process is consistent with Strategic Goal 5: Organisational Effectiveness

To be a professional, effective and efficient organisation

OFFICER RECOMMENDATION ITEM 9.0.1

That the Chief Executive Officer:

- (a) give local public notice of the review of the ward boundaries;
- (b) receive public submissions relating to the review; and
- (c) provide a further report to Council at its May 2006 meeting following the community consultation process.

9.0.2 Proposed Closure of Right-of-Way No. 88 contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como: Consideration of submissions

Location: Right-of-Way No. 88, Como
 Applicant: Council
 File Ref: ROW 88
 Date: 1 February 2006
 Author: Sarah Brown, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

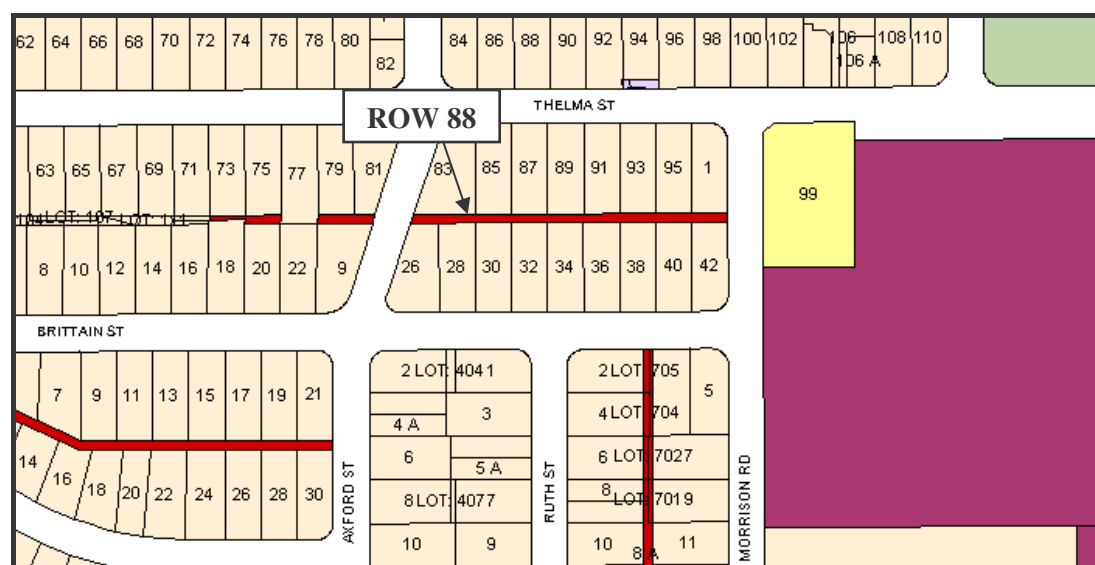
Summary

Advertising of the proposed closure of Right-of-Way No. 88 is complete. The Council now needs to assess the submissions received as a result of the advertising and make a recommendation to the Minister for Lands. The officer recommendation is for the Council to recommend to the Minister for Lands the closure of Right-of-Way No. 88 to the extent shown in Attachment 9.0.2(c).

Background

(a) Location

Right-of-Way No. 88 (ROW 88) is contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como as shown on the map below.



(b) June 2005 resolution

On 28 June 2005, the Council resolved to commence procedures to close Right-of-Way No. 88, including providing the adjoining owners the opportunity to comment on the proposal.

Following the June meeting the statutory advertising procedures were carried out and are reported on in the Consultation section below. Council must now consider the submissions received from advertising and then adopt a resolution which will form a recommendation to the Minister for Lands.

(c) Condition and usage

As advised in the June 2005 report to Council on this matter, the right-of-way is mostly sandy and at the time of inspection on 10 May 2005 it was largely covered

with new grass growth, while the westernmost portion is gravel. In May it was observed that there was minor damage to portions of the right-of-way caused by water draining through the lane. Some of this has since been temporarily fixed with bitumen left over from road reconstruction in the area during 2005.

There is evidence of recent vehicle use, although it is difficult to determine exactly which property(s) is the destination(s) and whether usage is regular. Five properties access the right-of-way via gates; one gate is suitable for pedestrian access and one gate is to Council's drainage sump. The three remaining gates are suitable for vehicle use, however there are no carports or garages accessed from those gates.

At the time of inspection in May and November there was some rubbish in the right-of-way. The City's Parks and Environment Department advised in May that unsealed right-of-way's are increasingly being used as dumping grounds for rubbish, which the City clears when neighbours contact the City. These right-of-ways also require mowing to keep long dry grass from becoming a fire hazard.

Comment

(a) The proposal

The proposal is to close the right-of-way. The closure plan approved for advertising in June 2005 entailed a "50/50 split", allowing all properties abutting the right-of-way an opportunity to purchase land. Following consultation, however, the proposal has been modified to take account of the Water Corporations requirements and the submissions of adjoining land owners. These are discussed in detail in the Consultation section below.

(b) Future Process

Should the Council resolve as per the officer recommendation, the City will then finalise the documentation necessary to request the Minister for Lands to close the right-of-way. This will conclude the Council's part of the closure process. The Department for Planning and Infrastructure will then assess the request and make a recommendation to the Minister for Lands. Following the Minister's decision, the closure will be implemented by the Department for Planning and Infrastructure.

Consultation

Consultation has been undertaken in accordance with the requirements of Section 52(3) of the *Land Administration Act* (as amended). Section 52(3) requires that the owner of the right-of-way, owners of land adjoining the right-of-way and the public utilities be given notice of the proposal.

(a) Owner of the Right-of-Way

The owner of the right-of-way is to be consulted according to section 52(3)(i) of the *Land Administration Act* (as amended), except if the local government owns the land. The City of South Perth is the owner of the subject land, therefore, no notification was required in this regard.

(b) Service Authorities

The service authorities were notified on 7 July 2005 for a minimum of 30 days in accordance with section 52(3)(iii) of the *Land Administration Act* (as amended). The plan advertised to the service authorities is shown at **Attachment 9.0.2(a)**. Following is a summary of responses.

Service Authority	No Objection or Objection	Further Comments
Alinta Gas	No objection	No requirements
DPI - WAPC, Metro South East	No objection	No requirements, subject to Water Corporations requirements.
Telstra	No objection	No assets in the vicinity.
Water Corporation	Objection	Objection is because there is a sewer main within the closure area. No objection if: (a) proposed boundaries are a minimum of 1.5 metres from the centre line of access chambers. (b) easement is placed on the certificate of title covering the existing width of the right-of-way and provided free of cost to the Water Corporation. (c) any construction within the easement is to be to Water Corporations specifications.
Western Power Corporation	No objection	No requirements

The Water Corporation's objection can be resolved by meeting the requirements listed in their letter. Those requirements have been, or can be met in the following ways:

- The recommended distribution of the land takes account of the need for boundaries to be a minimum of 1.5 metres from the centre line of access chambers.
- The easement will be provided for when the land is subdivided, should the Minister agree to the closure.
- All land owners were advised of Water Corporation's specifications should they owners be considering building within the area which is to be covered by an easement.

There were no other requirements from any of the other service authorities that need to be addressed.

(c) Adjoining Landowners

All landowners adjoining the right-of-way were notified of the proposal by direct mail on 31 August 2005 for a minimum of 30 days in accordance with section 52(3)(ii) of the *Land Administration Act* (as amended). The City's Policy P104 'Neighbour and Community Consultation in Town Planning Processes' requires that owners of all properties abutting the entire length of the right-of-way be consulted, whether the right-of-way is to be partially or fully closed.

Landowners were provided with a copy of the proposed closure plan (copy shown at **Attachment 9.0.2(b)**), and information about the costs and process of the closure. (Please note that the plan was updated to show the correct locations of the sewer manholes/access chambers as identified on plans provided by the Water Corporation.) The responses are summarised as follows:

- 11 property owners would like to have the right-of-way closed and would like to purchase land.
- 2 property owners would like to have the right-of-way closed but do not wish to purchase land.
- 1 owner does not want the right-of-way closed for the reason that it will cost money and it is unnecessary to close the right-of-way.

The land offered to the two property owners who do not wish to purchase land has been reallocated to an owner willing to purchase the land, where this has been possible.

The owner objecting to the closure has not provided any evidence to support the statement that it is “unnecessary to close the right-of-way”, however it is fair that the owner chooses not to purchase land. As such the land has been reallocated to an owner willing to purchase land.

The owners of two properties have not responded to the advertising. Part of the advertising includes information on the purchase price of the land. Owners must indicate their willingness to purchase land; land cannot be allocated to properties unless the owners have indicated their willingness to purchase land. Therefore, again, where it has been possible to do so, the land has been reallocated to an owner willing to purchase the land. The money paid for the purchase of the right-of-way land is received by the Department for Planning and Infrastructure. There is no ability for the City to recoup administration costs associated with the closure process.

As a result of the situation explained above, a short portion of the right-of-way at the eastern end will remain open [refer to **Attachment 9.0.2(c)**].

(d) Manager, Engineering Infrastructure

The City owns land at No. 36 Brittain Street used for the purpose of a drainage sump. This property presently has a development potential of 2 dwellings. Purchasing the additional right-of-way land does not increase the development potential, should the land become surplus to the City’s requirements in the future. If the Council chose to purchase this share of the right-of-way, the Council would be subject to paying the purchase price and other costs, like all the other landowners. The purchase price is currently estimated at \$805.30, which is likely to increase slightly during the course of the lengthy closure procedure. If the Council wanted to purchase land, the land allocation would change from the advertised plan. Furthermore, based on the allocation of land to the drainage sump, this would not meet the Water Corporation requirement to keep boundaries 1.5 metres from the sewer access chamber and the City would need to negotiate with the owner of No. 91 Thelma Street for a mutually agreed alternative boundary.

The Manager, Engineering Infrastructure, advises that, as the additional land does not increase the development potential of No. 36 Brittain Street (should the property become surplus in the future) and there is an alternative adjoining owner willing to purchase the land, there is no value in the Council purchasing the land.

Policy and Legislative Implications

Comments in relation to the *Land Administration Act 1997* (as amended) and the City’s policies have been provided elsewhere in this report.

Financial Implications

The closure of this right-of-way will reduce maintenance costs to the City.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City’s unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.0.2

That ...

- (a) pursuant to Section 52 of the *Land Administration Act 1997* (as amended) Council resolves to request the Minister for Lands to partially close Right-of-Way No. 88 contained within the block bounded by Thelma, Morrison, Brittain and Axford Streets, Como, described as being portion Canning Location 41 and being the portion coloured green on Plan 4740(2) and on Certificate of Title Volume 554 Folio 63, to the extent indicated on the plan as **Attachment 9.0.2(c)**, and following the closure, the land be allocated in the manner indicated on the plan as **Attachment 9.0.2(c)**.
- (b) all affected owners of land be advised of Council’s resolution.

9.1 GOAL 1 : CUSTOMER FOCUS

9.1.1 Corporate Priorities Progress

Location:	City of South Perth
Applicant:	Council
File Ref:	A/CM/6
Date:	10 February 2006
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide a half yearly report to Council on the progress made towards achieving the Goals and Strategies identified in the Strategic Plan.

Background

An important part of corporate management is to monitor progress of organisational targets and where necessary take corrective action to achieve those targets where they are still considered appropriate.

The Strategic Plan covers the period 2004-2008 and was adopted by Council on 27 July 2004 following a period of public consultation and input. Funding for the 'strategies and actions' within the Strategic Plan is contained in the City Strategic Financial Plan which covers the period 2005/2006 to 2009/2010 and the annual budget.

Comment

Comments on the progress made towards achieving the Strategies contained in the six Goals identified in the Strategic Plan are detailed on the attachments to this report. **Attachment 9.1.1** refers.

In addition community consultation has been conducted and community input sought in respect of many of the individual actions contained in this Progress Report.

It is important to note that the Progress Report only covers those actions commenced or continued during the review period. The Progress Report may not necessarily include actions completed during the first year of the Strategic Plan ie 2004/2005. The actions therefore only generally relate to a six month period of a Plan that has a life of four years.

Consultation

Considerable consultation has occurred during the development and implementation of both the Strategic Plan and the Strategic Financial Plan and Annual Budgets. The consultation has taken the form of in-house working parties and input, community focus group input, public advertising and in terms of the Strategic Plan, completion of a comprehensive community survey.

Policy Implications

The Strategic Plan is one of the most important Corporate documents that Council produces and it is considered important that Council is aware of the progress made towards achieving the targets and monitors progress.

Financial Implications

There are no direct financial implications in respect of this progress report.

Strategic Implications

Progress towards achievement of Corporate targets is an important Council and Management function.

OFFICER RECOMMENDATION ITEM 9.1.1

That the six-month Progress Report on achieving the goals and strategies contained within the Strategic Plan be noted and received.

9.2 GOAL 2: COMMUNITY ENRICHMENT

9.2.1 South Perth Hospital 50th Anniversary

Location:	City of South Perth
Applicant:	South Perth Hospital
File Ref:	AL3/20
Date:	15 February 2006
Author/Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is in response to a request from the South Perth Hospital Board seeking a contribution towards the publication costs of a book on the history of the South Perth Hospital.

Background

The history of the hospital is titled "*Hands that Heal*". The Board of the hospital has written to Council seeking a contribution of \$6,000 towards the publication costs of the history.

It is the boards intention to freely distribute to all those who attend the book launch a copy of the book.

Comment

Late last year the City was approached by the hospital requesting we host a function in recognition of the hospital's 50th Anniversary in 2006. Unfortunately due to Council facilities proposed to be renovated around the time of the proposed function the City was unable to assist.

In normal circumstance, it is suggested that given the nature of the community service provided and the close working relationship that exists between the City and the hospital, favourable consideration would have been given by the City to host the event in recognition of the significant achievement obtained. The request could not be considered because of unavailability of the City Reception area. As a result, the hospital has made alternative arrangements to hold the event at the Royal Perth Golf Club where satisfactory function areas to hose such a launch exist.

It is anticipated that several hundred community members who have been associated with or contributed to the success of the hospital will be in attendance at the book launch. This book, not only relates the history of the South Perth Hospital which was officially opened on 22 April 1956 by Hon ARG Hawke MLA but to the whole of the City. This is a great opportunity to acknowledge the hospital's role in the City's community amenities, and links extremely well with the existing literature that displays the history of the City of South Perth.

It is also suggested that the funding contribution is justified on the basis that the hospital demonstrated its status as a "good corporate citizen" when it contributed a total of \$15,000 of the total cost of approximately \$50,000 for the acquisition and installation of the May Gibbs statue in Windsor Park.

The alternative and current request seeking funding to assist with the publication of the “Hands that Heal” book is a way of Council being able to contribute in celebrating this worthy achievement.

The \$6,000 requested represents 50% of the publishing costs of the estimated number of books that will be given away at the anniversary function.

Consultation

N/A

Policy and Legislative Implications

This report indirectly refers to the Funding Assistance Policy P202.

Financial Implications

If the administration building was not in the process of being refurbished and Council agreed to host such a function, costs incurred would have been charged to the Functions Account where sufficient funds exist to finance this expenditure. The Donations budget could accommodate a funding request of this amount with a less than 1% overspend. It is therefore suggested that the funding request be approved.

Strategic Implications

This report aligns with Goal 2 “Community Enrichment” *to foster a strong sense of community and a prosperous business environment.*

OFFICER RECOMMENDATION ITEM 9.2.1

That the South Perth Hospital Board be advised that in response to their request in relation to the hospital’s 50th anniversary, that Council is prepared to contribute \$6,000 towards the publication costs of the history of the South Perth Hospital titled “*Hands that Heal*”.

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

9.3.1 Reconsideration of Refusal of Planning Approval for Proposed Two Storey Single House. Lot 581 (No. 156A) Lockhart Street, Como.

Location: Lot 581 (No. 156A) Lockhart Street, Como
 Applicant: Mr E J & S E Nolan
 File Ref: 11/6708 / LO1.156A
 Date: 1 February 2006
 Author: Frank Polglaze, Planning Officer
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

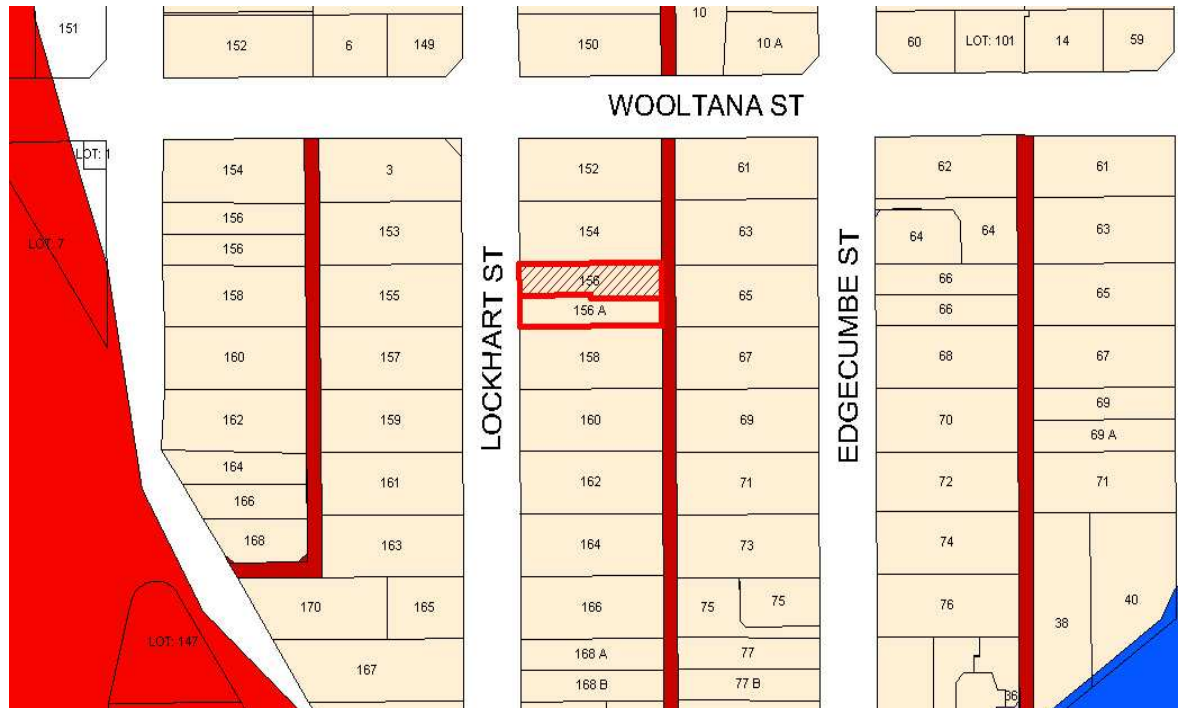
Summary

On 6 December 2005, planning approval was refused under delegated authority for a two storey Single House on Lot 581 (No. 156A) Lockhart Street, Como. The application was refused on the basis of the proposed dwelling having vehicular access to the primary street, rather than exclusively from the rear right-of-way as is required by clause 3.5.4 “Vehicular Access” of the Residential Design Codes. The applicant has submitted another application and has requested that it be referred to a Council meeting for a review of the decision made under delegated authority. The Officer’s report recommends that the original decision should stand, as that decision is consistent with clause 3.5.4 of the Residential Design Codes.

Drawings of the proposed development are provided as *Confidential Attachment 9.3.1a*) to this report.

Background

Zoning: Residential
 Density coding: R20
 Lot area: 478 sq. metres
 Height limit: 7.0 metres



In accordance with normal procedure, the Notice of Determination issued under delegated authority offered a right of review at a Council meeting if the applicant was aggrieved by that decision. The owner has requested that this review process be implemented.

Comment

The explanatory text for “Element 5” of the R-Codes dealing with vehicular access, states that:

“The advantages of not having vehicles access directly from the primary street are:

- *The streetscape will be more attractive;*
- *There will be fewer driveways and so more space for kerbside parking for visitors; and*
- *There will be fewer conflicting movements of vehicles.”*

The R-Codes Performance Criteria clause 3.5.4 P4 “Vehicular Access” states the following:

“Vehicular access provided so as to minimise the number of crossovers, to be safe in use, and not detract from the streetscape.”

The refused application for No. 156A Lockhart Street proposes vehicular access from Lockhart Street. It was determined by the City’s Officers that the Performance Criteria could not be met as the proposed development does not require a crossover for vehicular access to Lockhart Street, as vehicular access is available to the lot from the rear right-of-way. As no crossover is necessary for vehicular access onto Lockhart Street, a crossover onto Lockhart Street cannot be said to minimise the number of possible crossovers.

The applicants have lodged a submission dated 21 December 2005 in support of the request for reconsideration of their proposal. **Attachment 9.3.1(b) refers.**

Applicant’s Comments	Officer Response
<p>My wife is recovering from an illness and has limited mobility. For this reason I intend to install a lift in our new home. I feel that it would be much easier for her to transfer her weekly shopping from the garage to the nearby lift rather than having to carry it across the back garden to the house.</p>	<p>Comments relating to the physical status of the property owners are not relevant ‘Planning’ matters and should not be considered in the determination of the application.</p> <p>An alternative design could be prepared which incorporates vehicular access from the right-of-way while also integrating the garage into the main body of the dwelling. Such a design solution would have addressed the concerns raised by the applicant.</p> <p>The comments of the applicant are valid in reference to the design that is the subject of the current application.</p> <p>Taking into account all of the factors referred to above, the issues raised by the applicant are not supported.</p>
<p>Extra Parking would be available for family when visiting with young children.</p>	<p>Additional parking space can be incorporated into a design where a parking structure is accessed from a rear right-of-way in the same way that additional space can be incorporated into a design where a car parking structure is accessed from the public street. Furthermore, such a design solution provides for additional kerbside parking as advocated by the Codes due to the absence of a crossover.</p> <p>Accordingly, the comments of the applicant are not supported.</p>

Applicant's Comments	Officer Response
<p>We feel the overall appearance of the residence would be enhanced by having street access.</p>	<p>The Codes state that the proportions of driveway to the front of a lot affects the visual quality of the street. As such it cannot be said that the streetscape will be enhanced by the residence having street access.</p> <p>It is widely accepted that garages and parking areas can be highly intrusive within the streetscape (particularly where narrow lot subdivision is prevalent) and it is on this basis that modern urban design trends have moved towards removing such structures from the public street and locating them to the rear of a development site.</p> <p>While the existing streetscape has many examples of vehicular access onto Lockhart Street, based upon the design provisions that have now been incorporated into the Codes, this should change over time as new dwellings are constructed and the associated parking structures are located away from the public street.</p>

Conclusion

It should be noted that a previous re-consideration (230 Coode Street) relating solely to the matter of vehicular access to the primary street, where a paved right-of-way is available, was referred to the December 2005 Council meeting. With respect to the earlier application, Council permitted vehicular access from the primary street.

The application was refused on the basis of the proposed dwelling having vehicular access to the primary street, rather than exclusively from the rear right-of-way as is required by the Acceptable Development standards for clause 3.5.4 "Vehicular Access" (A4.1) of the Residential Design Codes. The Performance Criteria for clause 3.5.4 (P4) requires that it be demonstrated that the number of crossovers be minimised. As it is possible for this site to have no crossovers by having vehicular access from the rear right-of-way, it cannot be said to have minimised the number of crossovers. As such, and in line with the provisions of the Residential Design Codes, the recommendation is for the original reason for refusal to stand.

Consultation

In relation to this issue, the Planning Officer has engaged in dialogue with the applicant and the landowner on numerous occasions.

Policy and Legislative Implications

The relevant provisions of clause 3.5.4 of the R-Codes have been discussed in the "Comment" section of the report.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed as follows:

To sustainably manage, enhance and maintain the City's unique, natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.1

That, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Single House on Lot 581 (No. 156A) Lockhart Street, Como **be refused** for the following reason:

In accordance with clause 3.5.4 "Vehicular Access" of the Residential Design Codes on-site parking is not permitted from the Primary Street where a right-of-way is available for the use of the relevant lot.

IMPORTANT NOTE:

If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

9.3.2 Municipal Heritage Inventory - 2005/6 Review

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/302
Date:	3 February 2006
Author:	Gina Fraser, Senior Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The City's Municipal Heritage Inventory (MHI) has recently been reviewed, as required by the *Heritage of Western Australia 1990*. As part of this review, 20 additional places have been considered for possible inclusion for the first time. The entire MHI has been advertised for public comment, and submissions have been received. This report includes the comments received from submitters, and the Planning Officer's response and recommendation on each submission. The comments of the City's heritage consultants are also included. The draft revised Municipal Heritage Inventory will be updated in line with the Council's determination of the submissions.

Background

This report includes the following attachment:

- **Attachment 9.3.2** Summary of submissions and response to submissions.

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

4. Matters Previously Considered by the Council

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

The Municipal Heritage Inventory has previously been considered by the Council at all previous stages, including the adoption of the revised draft MHI for public advertising purposes.

The MHI review has been undertaken in accordance with section 45 of the *Heritage of Western Australia 1990*. That section reads as follows:

“45. Local Government Inventories

- (1) *A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) *The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be:*
 - (a) *updated annually; and*
 - (b) *reviewed every 4 years after compilation.*
- (3) *A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.*
- (4) *A local government shall ensure that the inventory required by this section is compiled with proper public consultation.”*

Since Council adopted its first MHI in December 1994, these requirements have been followed. The current review represents the second major review, the first review having been undertaken in 1998-2000. On both occasions, the City engaged the consultants, *Heritage Today*.

As part of the current review, the City decided to examine a range of places drawn from the previous 'Review List' contained in the 2000 version of the MHI, and to examine approximately 20 for possible inclusion in the MHI. The Consultants assisted the City in refining this list, and the Council ultimately endorsed the Consultants' assessments of each place, before each of the owners was consulted. The results of this consultation were considered by the Council when it adopted the revised MHI for general public comment. At this wider stage of consultation, the owners of the 20 additional places were again given the opportunity to comment, as well as the owners of every other listed property and the wider community generally. The Heritage Council of Western Australia was also specifically invited to comment.

Comment

The Council's decisions based on this report will represent the closure of a review process which began with the appointment of the consultants, *Heritage TODAY*, in 2004. They initiated the process by running a Heritage Information Forum on 26 September 2004, and have pursued the ideal of community involvement and consultation throughout the process.

The City's MHI is prepared under the *Heritage of Western Australia Act 1990*. As such, it is not a Council Policy, and has no connection to the City's Town Planning Scheme No. 6 other than as a legitimate tool for consideration in relevant circumstances, along with any other information which is relevant to the situation.

Apart from being a requirement under the Act, the current review serves to update the MHI into its most appropriate form. Once the revised MHI has been adopted by the Council, it will form the basis upon which a 'Heritage List' will be prepared. The City is required to prepare and adopt a Heritage List under clause 6.11 of Town Planning Scheme No. 6. Unlike the MHI, the Heritage List will be directly linked to TPS6 and the statutory provisions within that Scheme. It might be necessary, at the time, to amend the Scheme to ensure that it remains legally and technically correct. This will be discussed in more detail at a later time.

The revised MHI has been advertised widely, and submissions have been received. **Attachment 9.3.2** contains a summary of the submissions and responses to the submissions by both the City's heritage consultants, and by City officers. The recommendation at the end of this report reflects the City officer's recommendations on each submission, having regard to both the submitters' comments and the consultants' comments.

In preparing for the current review, after the City decided to expand the MHI by approximately 20 places, the Consultants recommended that the City approach this and future reviews in a more structured manner, rather than selecting a random group of unrelated buildings. They suggested that each review should concentrate on a particular class or classes of building. The current review, therefore, specialises in church buildings, schools and small or corner shops. A future review could concentrate on parks, reserves and foreshores; or residential buildings; or some other type of place.

One resident has offered her home in Kensington for heritage listing. While this is most commendable, it is being recommended that this offer be considered at a later time in conjunction with a wider study of Kensington or of the City as a whole. To date, the Council has no proposals to undertake any such study, but might wish to do so, perhaps on a limited scale initially, at a future time. If no such study is considered appropriate, then the submitter's offer of listing of her residence should be reconsidered.

The draft revised MHI has been available for viewing since September 2005. It will be updated to reflect all of the Council's decisions with respect to matters raised in this report, after the February 2006 Council meeting. Copies will then be distributed to each of the City's Libraries, Heritage House, the Civic Centre reception area, and the *Heritage Council of Western Australia*. Other copies will be retained by the City as working documents.

Consultation

The Draft Revised Municipal Heritage Inventory was endorsed at the September 2005 Council Meeting for public advertising and comment for a period of six weeks. The advertising period officially commenced on Tuesday, 1 November 2005 when the first of two required notices was published in the 'City Update' column of the *Southern Gazette* newspaper. The second notice was published in the 'City Update' on 8 November. Additional 'reminder' notices were published in the *Southern Gazette* during the advertising period. The advertising and submission period concluded on Friday, 16 December 2005. This date rounded off the week to provide a total public submission period of 6 weeks and 4 days.

On Friday 14 October, more than two weeks prior to the commencement of the public advertising period, letters were mailed to the owners of all buildings listed in the draft revised Municipal Heritage Inventory (including the owners of the proposed 20 additional places), providing them with additional time in which to prepare their comments. The purpose of this was to assist those owners who might have wished to obtain an independent professional heritage assessment or undertake any other research on their property. Owners who objected to any of the proposals contained in the draft revised MHI were encouraged to submit a professional heritage report on the property in support of their submission. Not all submitters acted on this suggestion. All submissions were referred to the City's consultants, *Heritage Today*, for comment, before being presented to the Council for determination.

Copies of the draft revised MHI were also placed in the City Libraries, Heritage House, at the front counter of the Civic Centre offices, and on the City's web site under 'Out for Comment'. A further copy was also placed in the Council Members' Lounge and is still available for viewing.

During the submission period, a total of 16 submissions were received, 14 of which object to some aspect of the draft revised MHI, although not all request deletion of a place. A summary of the submissions is contained in **Attachment 9.3.2**. However, a brief outline of the final recommendation on each is provided below:

1. Submissions Objecting to Revised MHI

- 1.1 *Heritage Council of Western Australia* [General observations]: The comments are NOTED and an appropriate response will be forwarded to the *Heritage Council*.
- 1.2 *Perth Zoo*: IT IS RECOMMENDED that the MHI entry for the Perth Zoo be updated to include some additional details taken from the Perth Zoo's survey.

- 1.3 *Aquinas College:*
- (a) IT IS RECOMMENDED that Category A be applied to the main building and the Chapel of Aquinas College.
 - (b) IT IS RECOMMENDED that those parts of Aquinas College campus other than the main building and Chapel be reclassified as Category D.
- 1.4 *Aquinas College and Clontarf Campus:*
- (a) IT IS RECOMMENDED that the changes suggested by the Christian Brothers be made to the MHI for Aquinas College and the Clontarf Campus.
 - (b) IT IS RECOMMENDED that a new Place Record Form, W3 relating to the Keaney Gardens, be included in the MHI, based on information provided by the Christian Brothers, amongst other sources.
- 1.5 *Residence - 2 Parker Street, South Perth:* IT IS RECOMMENDED that the Residence - 2 Parker Street, South Perth be removed from the MHI.
- 1.6 *Shops - 273 Mill Point Road, South Perth [New entry]:* IT IS RECOMMENDED that the Shops - 273 Mill Point Road, South Perth be retained on the MHI.
- 1.7 *Shop - 252 Mill Point Road, South Perth:* IT IS RECOMMENDED that the Shop - 252 Mill Point Road, South Perth be retained on the MHI.
- 1.8 *Shop - 27 First Avenue, Kensington [New entry]:* IT IS RECOMMENDED that the Shop - 27 First Avenue, Kensington, not be retained on the MHI.
- 1.9 *St Peter's Anglican Church [New entry]:* IT IS RECOMMENDED that the Church of St Peter not be retained on the MHI.
- 1.10 *Shops - 84-90 Angelo Street, South Perth:* IT IS RECOMMENDED that the Shops - 84-90 Angelo Street be retained on the MHI.
- 1.11 *Solar Energy Advisory Centre (Former):* IT IS RECOMMENDED that the Solar Energy Advisory Centre (Former) be retained on the MHI until such time as the owners provide the City with evidence regarding the extent of its loss of integrity as a heritage building.
- 1.12 *Perth Surgicentre:* IT IS RECOMMENDED that the Perth Surgicentre be retained on the MHI until such time as the owners provide the City with evidence regarding the extent of its loss of integrity as a heritage building.
- 1.13 *Catholic Care Administration Centre (Former) [New entry]:* IT IS RECOMMENDED that the i.d.entity.wa Headquarters, at 46 David Street, Kensington, be retained in the draft revised MHI as a Category 'C' place.
- 1.14 General comments on history and place names of City of South Perth: IT IS RECOMMENDED that the submitter be thanked for sharing this interesting and valuable information with the City, and the MHI modified to include this new information.
- 2. Submissions Supporting the Revised MHI**
- 2.1 *Residence - 181 Coode Street, Como:* The submission is NOTED.
- 2.2 *Residence - 55 Dyson Street, Kensington [New nomination]:* At this stage, IT IS RECOMMENDED that the house not be entered on the MHI.

In response to the initial September 2005 consultation with owners of the proposed 20 additional places, four of those owners objected. At the time, the Council decided that these places should remain on the draft revised MHI for public advertising purposes. Three of those owners subsequently pursued their objections during the public advertising period. Their new comments, together with previous comments are dealt with in this report. The affected properties are:

- *Shops - 273 Mill Point Road, South Perth;*
- *i.d.entity.wa Headquarters (formally Catholic Care Administration Centre), 46 David Street, Como; and*
- *Corner Shop - 27 First Avenue, Kensington.*

One owner did not respond further during the public advertising period. Previously, both the owner and the commercial tenant objected on the grounds of possible limitations to future improvements to the premises. The affected property is:

- *Shop - 151 Canning Highway, South Perth.*

It is now proposed to retain this place in the MHI.

Policy and Legislative Implications

The MHI does not form part of the City's Policy structure and is not linked to the Town Planning Scheme No. 6. However, the revised MHI will be used as the basis for preparing a 'Heritage List' which would have statutory recognition when adopted.

Financial Implications

The issue has some impact on this particular area, to the extent of the Consultants' total fee for the review, being \$27,500 including GST.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.2

That:

- (a) the draft revised City of South Perth Municipal Heritage Inventory, adopted by the Council in September 2005 for public advertising purposes, be adopted, subject to the following modifications, for reasons contained in this report:
 - (i) the Place Record Form for the place MPt 6 'Perth Zoo' be updated to include additional details taken from the Perth Zoo's heritage survey dated 21 October 2004;
 - (ii) the Management Category for the place SPt 1 'Aquinas College' be modified to Category A for the main building and the Chapel, and Category D for all other parts of Aquinas College campus;
 - (iii) the Place Record Forms for places SPt 1 'Aquinas College' and W1 'Clontarf Campus' be modified to include numerous changes of fact and background as suggested by the Christian Brothers;
 - (iv) a new Place Record Form, W3 relating to the Keaney Gardens, be included in the MHI, based on information provided by the Christian Brothers, amongst other sources;
 - (v) the place MPt 8 'Residence - 2 Parker Street, South Perth' be deleted;
 - (vi) the proposed additional place A7 'Shops: 273 Mill Point Road, South Perth' be retained;
 - (vii) the place H2 'Shop - 252 Mill Point Road, South Perth' be retained;
 - (viii) the proposed additional place K2 'Shop - 27 First Avenue, Kensington' not be retained;
 - (ix) the proposed additional place M2 'St Peter's Anglican Church' not be retained;

- (x) the place SPCv 4 '*Shops - 84-90 Angelo Street, South Perth*' be retained;
 - (xi) the place A2 '*Solar Energy Advisory Centre (Former)*' be retained on the MHI until such time as the owners provide the City with evidence regarding the extent and type of any alleged loss of integrity of the place as a heritage building, at which time the matter will be reconsidered;
 - (xii) the place H1 '*Perth Surgicentre*' be retained on the MHI until such time as the owners provide the City with evidence regarding the extent and type of any alleged loss of integrity of the place as a heritage building, at which time the matter will be reconsidered;
 - (xiii) the proposed additional place K3 '*i.d.entity.wa - Catholic Care Administration Centre (Former)*' be retained as a Category 'C' place;
 - (xiv) the Appendix relating to 'Origin and Meaning of Street and Place Names' be updated to reflect the additional information provided by a submitter; and
 - (xv) a decision regarding the nomination for the 'Residence - 55 Dyson Street, Kensington ' be deferred until such time as the City has more closely examined the locality in which the house is situated in order to better place it in context.
- (b) in addition to modifications in response to submissions identified in Part (a) of this decision, the Municipal Heritage Inventory be updated as necessary with miscellaneous corrections and additional facts and photographs of historical interest, throughout;
 - (c) all submitters be thanked for their valuable input into the review and updating process of the City of South Perth Municipal Heritage Inventory, and they be provided with additional explanatory comments where appropriate; and
 - (d) Heritage TODAY be thanked for their assistance in this lengthy and complex review of the City of South Perth Municipal Heritage Inventory.

9.3.3 Proposed rezoning from ‘Public Purposes (Telstra)’ reserve to Residential and Highway Commercial Zones. Pt. Lot 2 (No. 54) Manning Road cnr Ley Street, Manning (Amendment No. 7).

Location: Pt. Lot 2 (No. 54) Manning Road cnr Ley Street, Manning
Applicant: MGA Town Planners and KPA Ken Paterson Architects for Carcione Nominees Pty Ltd
File Ref: LP/209/7
Date: 3 February 2006
Author: Gina Fraser, Senior Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

This report relates to a revised rezoning proposal for the site identified as Pt. Lot 2 (No. 54) Manning Road cnr Ley Street, Manning. Several proposals have been considered by the Council in the past. The report describes the current revised proposal, and recommends that the Amendment process be initiated for this revised proposal, following the applicant’s withdrawal of their current Appeal to the State Administrative Tribunal relating to a proposed shopping centre. If the Council supports the recommendation at its February meeting, it is anticipated that a further report will be submitted to the March meeting in relation to the formal initiation of a new Scheme Amendment to be identified as Amendment No. 7.

Background

This report includes the following attachments:

- **Attachment 9.3.3(a)** Draft Amendment Maps (*available in colour electronically*).
- **Attachment 9.3.3(b)** Draft Amendment Text.
- **Attachment 9.3.3(c)** Explanatory notes prepared by MGA Town Planners.
- **Attachment 9.3.3(d)** Concept plans of proposed development.

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

2. Large Scale Development Proposals

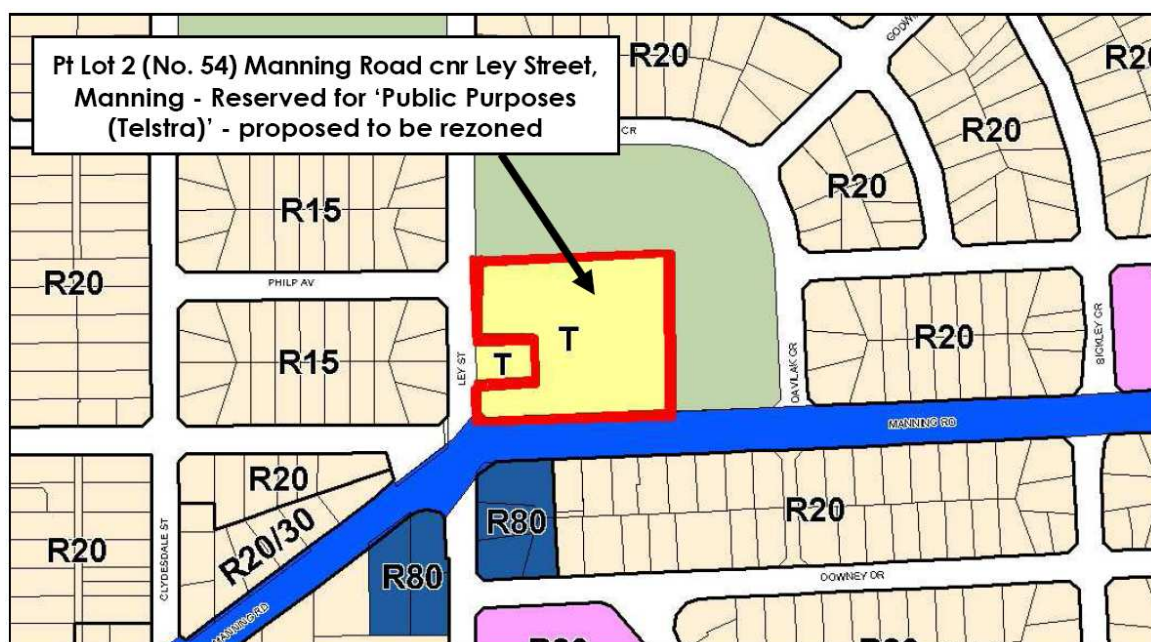
- (i) *Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.*
- (ii) *Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*
NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.
- (iii) *Proposals involving 10 or more dwellings.*

4. Matters Previously Considered by Council

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

In relation to the item referred to above, the proposal is currently in the form of possible Scheme Amendment provisions modifying others which the Council has previously considered. If the requested Scheme Amendment is approved, this could lead to a ‘large scale development’. In support of the rezoning proposal, concept plans have been submitted by the applicant indicating the desired form of development.

The location of the development site is shown on the extract of the Town Planning Scheme No. 6 zoning map below:



(The above image may be viewed in colour electronically.)

Comment

(a) History of the Proposal

A detailed history of this site has been provided to Council Members at a special briefing session held on Tuesday 7 February 2006. In summary, a comparative analysis of proposals for this site is as follows:

	Current TPS6	Council's Amendment No. 4	Minister's 'modified' Amendment No. 4	New Proposal
Land Area	14,149 sq.m	14,149 sq.m	14,149 sq.m	14,149 sq.m
Zoning	'Public Purposes (Telstra)' Reserve	'Residential'	'Mixed Use Commercial' zone	<ul style="list-style-type: none"> 'Highway Commercial' zone for SW corner; and 'Residential' for remainder of the site.
Density Coding	N/A	<ul style="list-style-type: none"> R30; and R40 in response to Ministerial request to reconsider coding. 	<ul style="list-style-type: none"> R30 along Ley Street; and R80 for remainder of the site. 	<ul style="list-style-type: none"> R30 along Ley Street; and R80 for remainder of the site.
Building Height Limit	7.0 m	7.0 m	<ul style="list-style-type: none"> 8.0 m (for R30); and 15.0 m (for R80). 	<ul style="list-style-type: none"> 7.0 m (for R30); and 14.0 m (for R80).
Proposed Uses	Telstra	Grouped Dwellings	<ul style="list-style-type: none"> Supermarket of 2,000 sq.m; Shops of 300 sq.m; Restaurants of 500 sq.m; Offices (unspecified size); 91 Multiple Dwellings. 	<ul style="list-style-type: none"> Non-Residential component indicated by applicant as comprising Restaurant (450 sq.m) and Offices (450 sq.m). The City is limiting any Shops to 300 sq.m plot ratio area. No restriction on other uses. 97 Multiple Dwellings at R80; 3 Grouped Dwellings at R30.

	Current TPS6	Council's Amendment No. 4	Minister's 'modified' Amendment No. 4	New Proposal
Special Provisions	Nil	Nil	In return for a plot ratio of 1.0 over the entire site: <ul style="list-style-type: none"> • Basement car parking; • Uses specified above; and • Building Height Limits specified above. 	<p>1. Clause 5.4 provisions be designed to achieve a plot ratio of 1.0 over the entire site, subject to:</p> <ul style="list-style-type: none"> • Basement or screened car parking. (The City is imposing this requirement for residential occupiers only); • R30 restricted to ≤ 3 Grouped Dwellings; • R80 restricted to ≤ 97 Multiple Dwellings; • Inclusion of Civic Art; • Provision of specified communal facilities; and • Provision of 'outstanding landscaping' as defined in TPS6. <p>2. Clause 5.4 provisions be designed to permit commercial car parking to extend on to the portion of the site zoned Residential.</p> <p>3. Clause 5.4 provisions be designed to achieve decorative fencing along the common boundaries to the reserve.</p>

(b) Description of the Proposal

The request is for a Scheme Amendment which will rezone the site identified as Pt. Lot 2 (No. 54) Manning Road cnr Ley Street, Manning, from 'Public Purposes (Telstra)' reserve, to the Residential zone with density coding of R30 and R80, and Highway Commercial zone (which also attracts a density coding of R80). These proposals are shown on draft Scheme Amendment maps provided by the applicant [Attachment 9.3.3(a)].

The Amendment will also involve an amendment to clause 5.4 of Town Planning Scheme No. 6 to introduce special provisions for the site. A draft of the Amendment text is provided in Attachment 9.3.3(b).

If ultimately approved, the rezoning proposal would enable the site to be developed in the form of two, three and four storey buildings with a total of 100 dwellings, and mixed commercial to around 1,024 sq. metres plot ratio area restricted to the Highway Commercial zoned land. The concept plans indicate Café / Restaurants on the ground floor and Offices above, with 450 sq. metres on each level. However, the applicant has indicated that in the final design detail, it could be desirable to accommodate other small uses, such as Take-Away Food Outlet, Local Shop, and the like. Consequently, in the draft Scheme Amendment text, the City is not proposing any restriction on the range of uses normally permitted in the Highway Commercial zone, other than to restrict any Shops to 300 sq. metres maximum. This was previously supported by the Minister and is likely to be supported again. This combination of uses would enhance the site. The Amendment has been framed to enable changes of tenants (subject to normal planning approval processes) without the need for a further Scheme Amendment.

- (c) **Plot Ratio**
The total plot ratio for the entire site is proposed to be 1.0. This equates to the R80 entitlement, with a minor increase for the Highway Commercial portion of the site. It is envisaged that this would not overload the site, as most car parking will be contained in basements.
- (d) **Landscaping**
Outstanding landscaping as defined in clause 6.14 of TPS6 is proposed for the site.
- (e) **Building Height Limits**
TPS6 currently prescribes a Building Height Limit of 7.0 metres for the site. The proposal is to increase this building height limit to 14.0 metres for the R80 and commercial portions of the site.
- (f) **Parking**
The proposal will require all residents' car parking to be concealed to the satisfaction of the Council. To a large extent, this will involve basement parking. However, it is desirable that all visitors' parking be above ground and visible to those seeking to park.
- (g) **Scheme Objectives - Clause 1.6 of No. 6 Town Planning Scheme**
Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

“The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.”

The proposed development is considered to meet this overriding objective having regard to the stated desired future character for Precinct 10 'McDougall Park':

“To preserve the majority of McDougall Park as a low density character housing area of predominantly tree-lined streets, by precluding any substantial redevelopment other than in accordance with performance-based criteria and in specific locations as a consequence of the area's location (either adjoining Manning Road, the river or the Kwinana Freeway / Manning Road interchange) or the nature of previous or adjoining development and residential densities.”

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (b)** *Introduce performance-based controls supported by planning policies and Precinct Plans;*
- Objective (c)** *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- Objective (d)** *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- Objective (e)** *Ensure community aspirations and concerns are addressed through Scheme controls;*

Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

Objective (g) *Protect residential areas from the encroachment of inappropriate uses;*

Objective (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*

(i) the designated function of each centre as set out in the Local Commercial Strategy; and

(ii) the preservation of the amenity of the locality.

(h) Current Appeal against Refusal of Shopping Centre

The Carcione appeal to the State Administrative Tribunal (SAT) against the Council's decision to refuse a development application including a supermarket and small shops on this site, remains unresolved. There will be no need for this Appeal process to continue if the proposed new Scheme Amendment is supported by Council. It is preferable not to have both processes running concurrently, with two different outcomes feasible - rather, the Appeal should be withdrawn and all resources concentrated on the preferred option. The applicant has verbally stated that this approach would be acceptable.

It is therefore recommended that the Council does not formally resolve to initiate the Scheme Amendment process until such time as the applicant has formally written to the SAT, with the Council's support, withdrawing the Appeal. If the Council supports the new proposal in principle, as soon as the SAT has acknowledged the withdrawal and discontinuance of the Appeal, the Council should resolve to initiate the Scheme Amendment process at its next available meeting.

(i) Conclusion

The Council has considered a range of options for this site, and has had the benefit of Ministerial input at various stages of this process. While the proposed density is higher than the Council originally considered appropriate, the Minister has sought the Council's cooperation in fostering and strengthening the major transport route along Manning Road. The size of the site, and sensitive design provisions to be included within the Amendment text, should ensure that any resulting development will be compatible with other residential developments in the area. It is fortunate in this regard, that substantial buffers exist between the proposed R80 portion of the site and surrounding residential areas. To the north and east, there is a broad open space reserve, while to the south, the dual carriageway of Manning Road in a 30 metre reserve separates the site from residential areas opposite.

At this stage, the proposal is not submitted for formal adoption. Rather, it is suggested that the Council indicates its intention to adopt the Scheme Amendment for advertising purposes in the near future. This indication of 'good faith' by the Council will be conveyed to the applicants, together with a request that they now withdraw their shopping centre Appeal from the SAT.

Consultation

(a) Design Advisory Consultants' Comments

At this stage, the concept design has not been considered by the City's Design Advisory Consultants. The proposal merely indicates the type of development which could result if the Amendment is ultimately approved by the Minister. At a later stage, development plans will be referred to the Design Advisory Consultants.

(b) Neighbour Consultation

Neighbour Consultation will be undertaken as part of the Scheme Amendment process if the Council initiates the Amendment process. Council Policy P104 'Neighbour and Community Consultation in Town Planning Processes' identifies the following minimum consultation:

- Mail;
- Site notices;
- Newspaper notices (in two consecutive issues);
- Civic Centre;
- Libraries; and
- City's web site.

The extent of advertising would include the Environmental Protection Authority, affected service authorities, and owners of land within 'Area 3' for 42 days.

Policy and Legislative Implications

Comments in relation to those provisions of the No. 6 Town Planning Scheme affected by this proposed Scheme Amendment have been provided elsewhere in this report. The Council is not obliged to initiate the Scheme Amendment. Once it does so, and advertises it for public comment, the Minister assumes control of the process, and will make the final determination, taking into account any submissions received, the Council's recommendations, and recommendations of the Western Australian Planning Commission.

If the Council initiates a new Scheme Amendment to accommodate this new proposal, then in conjunction with the adoption of the formal resolution for this purpose, the pending (now redundant) Amendment No. 4 should be discontinued. The Council would need to request the Minister to abandon Amendment No. 4 for this site in favour of the new, preferred Amendment No. 7 proposals. More than one competing proposal for the same site, running concurrently, would not be acceptable.

Financial Implications

To date, no planning fees have been paid with respect to the earlier Scheme Amendment No. 4 proposals for this site, since the Council initiated that Scheme Amendment process itself, rather than in response to a request by the owner. However, in relation to the possible new Scheme Amendment No. 7 described in this report, planning fees and charges would apply in the normal way commencing from the date of the February Council meeting.

The *Town Planning (Local Government Planning Fees) Regulations 2000* provide the opportunity for Local Governments to recover the cost of processing rezoning applications in two distinct areas:

1. Fees are to be charged in accordance with Regulation 6 and the maximum fees set out in Part 2 of Schedule 1 of the Local Government Planning Fees Regulations, to be paid when the request for a Scheme Amendment is made by the applicant. On this basis, the Council's fee would be calculated at the rates contained in the adopted Fee Schedule, and should be paid prior to the statutory Amendment Report being prepared by officers for Council consideration. An estimate of the time involved for each stage of the Amendment process would be identified to enable a charge to be determined.

The Council's adopted Fee Schedule contains a planning fee applicable to the Scheme Amendment process, based on hourly rates for each officer involved in the process. The current fee scale, including GST, is as follows:

Officer	Fees \$
Director / City Planner - per hour	\$60.00
Senior Planner - per hour	\$45.00
Planning Officer / Health Officer - per hour	\$25.00
Administrative / Secretary - per hour	\$20.00

Regulation 6 states that the fee would be refunded to the applicant if the Council decides not to initiate the Scheme Amendment or to discontinue the preparation or adoption of the amendment.

2. In addition to the City's adopted Planning fees, other specific incidental costs and expenses incurred by the City in connection with the proposal are also recoverable, as identified in Regulation 8. The types of costs and expenses recoverable include advertising and advertising matters, any specific assessment required (eg. environmental assessment), consultation procedures, technical resources and equipment (eg. computer modelling), and specialist advice in relation to the application.

The Council may require the applicant to pay estimated costs and expenses that may be incurred by the City in advance of such costs and expenses actually being incurred, or require the applicant to pay the actual costs and expenses after the costs and expenses have been incurred. These could be recovered on a progressive basis as they are incurred. Regulation 8 also states that any moneys paid in advance by an applicant for estimated costs or expenses that are not actually incurred, are to be refunded to the applicant on the completion of the Amendment process.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.3

That Carcione Nominees Pty Ltd be:

- (a) requested to withdraw Appeal No. 59 of 2004 from the State Administrative Tribunal; and
- (b) advised that:
 - (i) the Council is prepared to initiate an Amendment to the No. 6 Town Planning Scheme generally along the lines of the Draft Amendment Maps comprising **Attachment 9.3.3(a)** and the Draft Amendment Text comprising **Attachment 9.3.3(b)** as soon as the State Administrative Tribunal acknowledges that the Appeal 59 of 2004 has been withdrawn; and
 - (ii) from the date of this Council meeting:
 - (A) estimated Planning fees for the entire Scheme Amendment process will be charged in accordance with Regulation 6 of the *Town Planning (Local Government Planning Fees) Regulations 2000* and the Council's adopted Fee Schedule; and such fees shall be paid prior to the statutory Scheme Amendment Report being prepared for Council consideration; and
 - (B) any incidental costs and expenses of the kinds referred to in Regulation 8 of the *Town Planning (Local Government Planning Fees) Regulations 2000* will be recovered from the applicant as those costs and expenses are incurred by the City.

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9.3.4 Proposed Building to be used for the purpose of Religious Activities. Lot 342 (No. 53) Bickley Crescent cnr Manning Road, Manning.

Location: Lot 342 (No. 53) Bickley Crescent corner Manning Road, Manning
Applicant: Kidd & Povey Architects for SouthCare Incorporated
File Ref: 11.2005.275.1 / B11.53
Date: 1 February 2006
Author: Eleni Demetriades, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed building designed for the purpose of Religious Activities to be provided by SouthCare Incorporated. Council determination is required pursuant to the provisions of Delegation DC342 as the proposal constitutes non-residential development within the Residential zone. Council also needs to determine issues relating to a variation to building setbacks, parking and landscaping requirements. The recommendation is for approval, subject to a number of standard and special conditions.

Background

Drawings relating to the proposal are provided as *Confidential Attachment 9.3.4(a)* to this report. The project architect and owner of the land (SouthCare) have also each submitted letters dated 13 December 2005 in support of the proposal. **Attachments 9.3.4(b)** and **9.3.4(c)** refer.

Zoning: Residential
Density coding: R20
Lot area: 1017 sq. metres
Building Height Limit: 7 metres

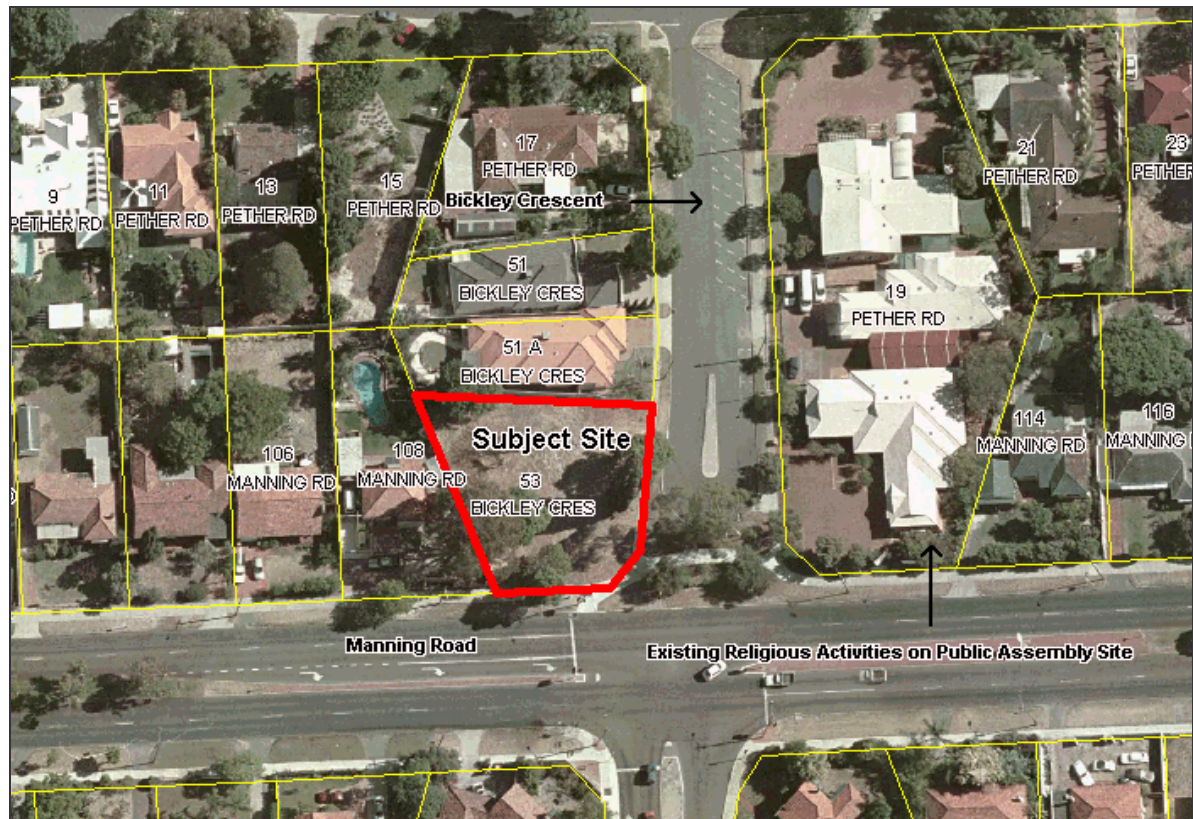
In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

1. Specified Uses

- (i) *Non-residential "DC" uses within the Residential zone.*

Council needs to have regard to the extent of amenity impact (if any) arising from the proposed non-residential use within a residential area. The amenity considerations include the design and character of the proposed building, in the context of the surrounding residential area and the compatibility of the use within the surrounding area.

The location of the development site is shown on the aerial photograph below. The site is adjoined by residential zoned land to the north and west, Manning Road to the south and Bickley Crescent to the east. The land on the opposite side of Bickley Crescent is zoned Public Assembly and is approved for Religious Activities. That site is occupied by South Care together with a Uniting Church.



(The above image may be viewed in colour electronically.)

Comment

(a) Description of the Proposal

The proposed development comprises a main single storey building and an associated outbuilding (garden store) at the north-western (rear) corner of the site. A number of religious based activities are proposed to be undertaken in the building. These activities are described in detail in the property owner's letter - **Attachment 9.3.4(b)**.

The City of South Perth Town Planning Scheme No. 6 (TPS 6) defines Religious Activities as:

'Religious Activities' : means services or activities provided or conducted by a religious body or institution in connection with public worship, the State Emergency Services, children's crafts, the promotion of health, geriatric supportive care, youth training and welfare and similar community services undertaken within a building designed and equipped for such activities.

In assessing the application for planning approval, 'Planning' staff have liaised with the City's Legal and Governance Officer to confirm that the proposal can properly be defined as Religious Activities and whether the organisation *SouthCare* can properly be classified as a "Religious Body or Institution". The Legal and Governance Officer has confirmed that the proposal can be defined as Religious Activities as defined by the City's Town Planning Scheme No. 6.

The proposal complies with all of the requirements of TPS6 and relevant Council Policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised, while in relation to others, it is recommended that the applicant's drawings be amended to achieve compliance with normal requirements.

(b) Landscaping

TPS6 prescribes a 25% landscaping requirement for Religious Activities. The site plan indicates that 14.3% landscaping has been provided in this instance. In past situations, Council has approved the provision of a lesser landscaped area than prescribed by the City's Town Planning Scheme, if the developer provides outstanding landscaping on site, together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional. It is recommended that a lesser amount of on-site landscaping be accepted on this basis.

(c) Setbacks

The applicant requests that Council exercise discretion with respect to the following setbacks:

Boundary	Prescribed by Table 3 of TPS6	Proposed Setback
Bickley Crescent – Primary Street	6.0 metres	4.5 metres
Manning Road – Secondary Street	6.0 metres	2.482 metres
Rear setback – western boundary	6.0 metres	2.83 at the closest point of the building, and a nil setback at the proposed garden store

The discretion to vary setback requirements prescribed under TPS6 is provided in clause 7.8 (1). In exercising this discretion, and in accordance with clause 7.8 (1) (b), Council is to be satisfied that:

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

The proposed setback variations are considered to be acceptable in this instance as the building has been designed with a 'residential' character rather than a 'commercial' or 'institutional' character. On this basis, it is noted that the proposed building meets the setback requirements prescribed by the Residential Design Codes for an ordinary residential dwelling.

(d) Parking

Parking requirements for Religious Activities are prescribed in Table 6 of TPS 6 at a ratio of 1 car parking bay per 5 sq. metres of gross floor area. The gross floor area of the proposed development is 320 sq. metres which generates the need for 64 car parking bays. Typically, a building used for the purpose of Religious Activities would be a church or some other place of public assembly/gathering which would generate a parking demand commensurate with the ratio prescribed by the Scheme. However, the development subject of the current application is more characteristic of an 'Office' and would generate a demand for car parking that was equivalent to such a land use.

For this reason, the exercising of Council discretion is recommended to permit a variation from the normal car parking requirement, provided that the normal “office” car parking requirement is met. The discretion to approve variations from the car parking requirements prescribed under TPS 6, is provided in accordance with clause 7.8 (1). In exercising this discretion, and in clause 7.8 (1) (b), Council is to be satisfied in relation to the “amenity” and “orderly and proper planning” expectations referred to in that clause, as set out in part (c) above.

An Office use requires the provision of 1 car parking bay per 25 sq. metres of gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors. In this case, the proposal (with a gross floor area of 320 sq. metres) would generate the need for 13 car parking bays. The proposal offers 14 on site car parking bays.

It is considered that the abovementioned criteria (clause 7.8 (1) (b)) are satisfied, and therefore it is recommended that the variation in respect of car parking provision be approved.

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

The proposal has been assessed according to the listed Scheme Objectives and is considered to comply with the overriding Scheme objective of clause 1.6 (1).

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (b)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- Objective (c)** *Protect residential areas from the encroachment of inappropriate uses;*
- Objective (d)** *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*

In regards to objectives (a) (b) and (c), whilst the internal layout of the proposed building is characteristic of an office, the building has been externally designed with a residential character thus ensuring that the amenity of the surrounding residential area is preserved and that the building is in harmony with the character and scale of existing residential development. Religious Activities are classified as a ‘discretionary use with consultation’ within the Residential zone.

In regards to item (d), it can be said that the proposal builds on the existing community facilities and services (‘religious activities’) provided on the Public Assembly zoned land opposite the subject site.

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, other matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the preservation of the amenity of the locality;*
- (b) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (c) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (d) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

In regards to item (a), (b) and (c), it can be said that the proposal preserves the amenity of the locality, through its residential character and its compatibility within the surrounding residential area in terms of height, bulk, orientation, construction materials and general appearance.

In regards to item (d), it is considered that, whilst the proposal does not provide 25% of the site as landscaped area, with the provision of additional landscaping in the road reserve, this will represent adequate provision of landscaping in this instance.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 23 January 2006. The proposal was favourably received by the Consultants. They made the following comment:

- (i) The Advisory Architects noted the residential character of the proposed building and considered the design to be entirely compatible with surrounding residential developments. They supported the proposed design.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at No. 51A Bickley Crescent, Nos. 107, 108 and 109 Manning Road, No 19 Pether Road and No. 2 Welwyn Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of six (6) neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure, has documented the requirements with respect to on-site parking bays, crossovers, ground levels and stormwater drainage.

(d) Senior Health Officer, Environmental Health

The Environmental Health Department has provided detailed comments concerning the design of the bin enclosure.

(e) **Legal and Governance Officer**

The Legal Governance Officer provided legal clarification in regards to the definition of Religious Activities. Specifically the question was asked as to whether the proposed development should be classified as an Office or as Religious Activities for the purpose of dealing with the application.

The following comments were provided:

- The proposed development fits within the meaning of Religious Activities as defined by TPS6.
- The classification of SouthCare as a religious institution is vital to the classification of the proposal as fitting the definition of Religious Activities.
- The case law does not disclose a hard and fast or literal interpretation of religious institution. It is a matter of examining the membership, objects and activities of the organisation.
- In this case the membership includes churches, the objects refer to Christian principles and the activities are clearly directed to provision of care to those in need. The organisation has the status of a 'deductible gift recipient' with the Australian Taxation Office which is conferred on organisations which are not-for-profit and are categorised as public benevolent institutions.
- For the reasons stated above, the proposed development falls within the definition of Religious Activities as per TPS 6 and may be assessed accordingly.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council policies have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.4

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a building designed for purpose of 'religious activities' on Lot 342 (No. 53) Bickley Crescent, Manning **be approved**, subject to:

(a) **Standard Conditions**

340 (northern and western walls of the garden store) 352, 353, 354, 390, 393, 427, 445, 455 (side and rear), 456, 470, 471, 507, 508, 511, 531, 550, 560, 660, 664.

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

(b) **Specific Conditions:**

(1) Revised drawings shall be submitted, and such drawings shall incorporate the following:

(A) The inclusion of a bin enclosure to the satisfaction of Council's Manager, Environmental Health and Regulatory Services. The refuse receptacle area is to be provided with the following:

- (i) A tap connected to an adequate supply of water;
- (ii) Smooth, impervious walls constructed of approved materials not less than 1.5 metres in height;
- (iii) An access way of not less than 1 metre in width for 240 litre mobile garage bin or 1.5 metre width for 1100 litre mobile garage bin, fitted with a self-closing gate;
- (iv) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 metre diameter industrial graded floor waste;
- (v) Easy access to allow for the removal of containers;
- (vi) Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air;
- (vii) The minimum size of the bin enclosure is to the satisfaction of the City's Manager, Environmental Health & Regulatory Services at a general rate of 1.5 m² per 240 litre bin or 2.5 m² per 1100 litre bin.

(B) Reconfigure and/or relocate car parking bays nos. 12 and 13 to allow for a reversing area to be provided.

(C) The property owner shall provide and meet the full cost of landscaping within the Bickley Crescent road reserve adjacent to the development site in accordance with a streetscape improvement plan approved by the City. Such landscaping shall be designed, developed and completed to the satisfaction of the City,

(2) The building shall be used only for the purpose Religious Activities in accordance with the definition provided in the City of South Perth Town Planning Scheme No. 6.

(c) **Standard Important Advice Notes**
645, 647, 648, 651.

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

(d) **Specific Important Advice Notes**

Please liaise with the City's Engineering Infrastructure and City Environment Departments with respect to the preparation of the required landscaping plan.

9.3.5 Proposed Change of Use from Shop to Take-Away Food Outlet. Lot 1 (No. 368) Canning Highway cnr Barker Avenue, Como.

Location: Lot 1 (No. 368) Canning Highway, Como
Applicant: Greg Rowe and Associates for Highbury Pty Ltd
File Ref: 11/2273 11.2005.562 CA6/368
Date: 1 February 2006
Author: Eleni Demetriades, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed change of use from 'Shop' to a 'Take Away Food Outlet' at the abovementioned location. Council's discretion is sought with respect to the number of car parking bays required for the change of use application. The recommendation is for approval, subject to a number of standard conditions.

Background

Drawings relating to this proposal are provided as **Confidential Attachment 9.3.5(a)** to this report. In support of the proposal, the planning consultant has submitted a letter dated 11 August 2005 **Attachment 9.3.5(b)** refers.

Zoning: The majority of the lot is reserved under the Metropolitan Region Scheme for the purposes of Primary Regional Roads, while the remainder of the lot is zoned Highway Commercial under the City's Town Planning Scheme No. 6.
Lot area: 185 sq. metres
Height limit: 10.5 metres

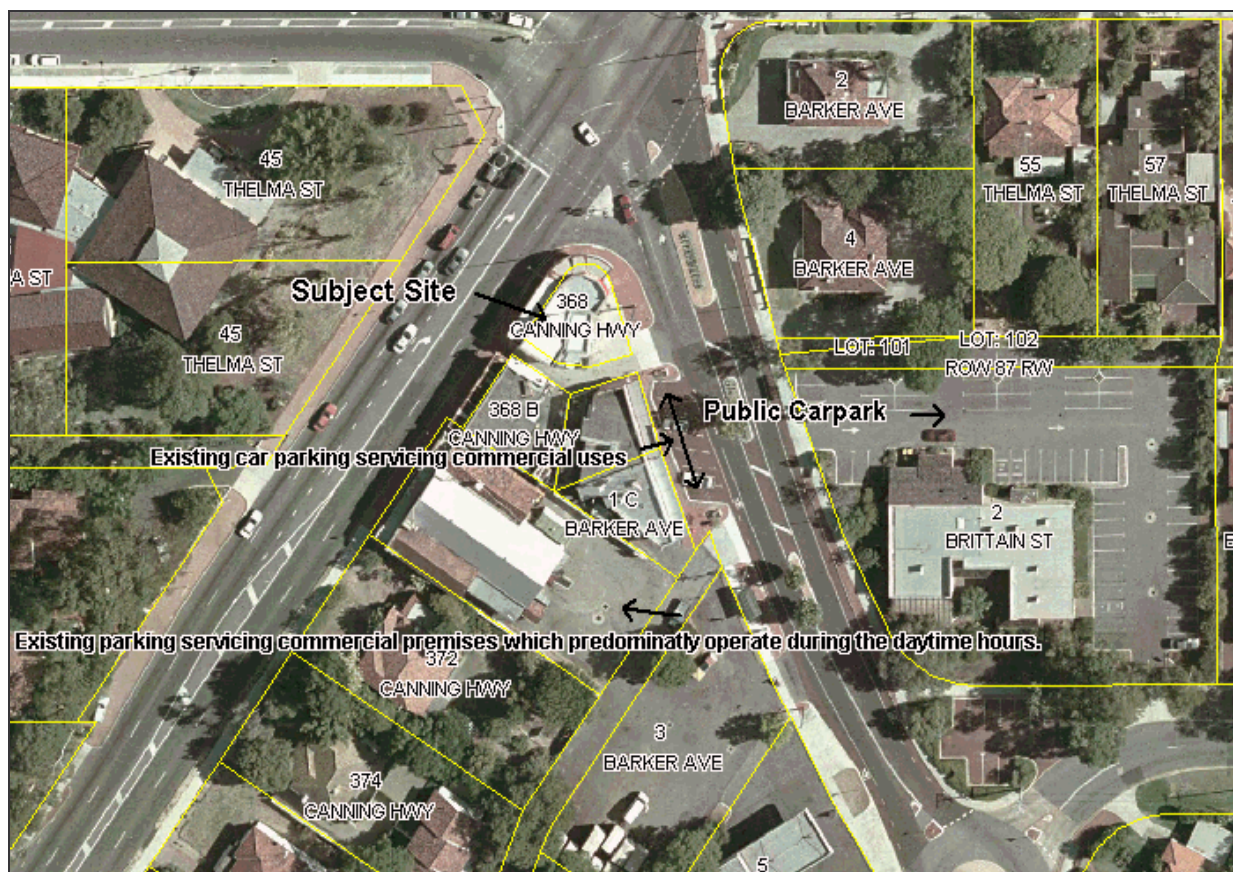
In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

1. ***The Exercise of a Discretionary Power***
Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.
2. ***Amenity Impact***
In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.

In relation to item 1 above, clause 6.3 Car Parking of the City of South Perth Town Planning Scheme No. 6 (TPS 6) prescribes car parking requirements for a number of different uses. The proposed change of use does not meet the prescribed car parking requirement for the Café / Restaurant component and in this respect, represents a fairly significant departure from the No. 6 Town Planning Scheme.

In relation to item 2 above, the extent of amenity impact arising from the proposal has been considered in direct relation to the deficiency in car parking bays.

The location of the development site is shown on the aerial photograph below. The site is adjoined by Canning Highway to the west, Barker Avenue to the east and a right-of-way to the south. The development site is situated within the Barker Avenue Commercial Precinct.



(The above image may be viewed in colour electronically.)

Comment

(a) Description of the Proposal

The proposal is for a change of use for a portion of an existing building at Lot 1 (No. 368) Canning Highway, Como from shop to take away food outlet. The existing building is currently part occupied by a shop (mobile phone sales) and part occupied by a take away food outlet which is currently vacant (previously Happy Days Pizza). Therefore, the change of use is only relevant to the portion of the building that is currently approved for use as a shop. This constitutes approximately half of the floor area of the building.

The applicant’s letter, **Attachment 9.3.5(b)**, describes the proposal in more detail.

In accordance with Table 1 - Zoning - Land Use of TPS 6 a Take-Away Food Outlet in the Highway Commercial zone is classified as a ‘DC’ use. Clause 3.3 of TPS6 “Land Use Control within Zones” states:

‘DC’ indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3.

Clause 3.3 (5) of TPS6 states that:

In respect of a Discretionary Use or a Discretionary Use with Consultation, in exercising its discretion as to whether or not planning approval ought to be granted, the Council shall have regard to the Scheme objectives listed in clause 1.6 and to any objectives for the precinct as stated with the relevant Precinct Plan and to such matters referred to in clause 7.5 as Council considers to be relevant in the circumstances.

The proposal complies with all of the requirements of TPS6 and relevant Council Policies with the exception of the variation discussed below. In respect to the car parking variation and the departure from TPS 6, it is recommended that Council discretion be exercised in order to grant approval to the application.

(b) Parking

Car parking requirements are prescribed within Clause 6.3 of TPS6. Clause 6.3 (1) states that:

Subject to sub-clause (4), in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table.

Table 6 - Car and Bicycle Parking prescribes 1 car parking bay per 5 sq. metres of dining area for 'Café / Restaurant' use. The use of Take-Away Food Outlet is not listed in Table 6 of TPS 6. Clause 6.3 (2) of TPS6 states that:

In the case of uses not listed in Table 6, car parking bays shall be provided to the number determined by the Council in each case, having regard to the likely demand.

In determining the number of car parking bays required for the proposed change of use, the following considerations should be noted:

- (a) A portion of the existing building in which the change of use is proposed is already approved for the use of a Take-Away Food Outlet;
- (b) Two on-site car parking bays are proposed for management and staff vehicles;
- (c) Seven (7) public car parking bays have been constructed by the City of South Perth for patrons utilising the Barker Avenue commercial centre. This car parking area predominantly caters for those patrons using the shops and café facing Barker Avenue and also those situated on the corner of Barker Avenue and Canning Highway. The majority of the commercial uses facing Canning Highway have parking at the rear of the premises.
- (d) A public car park owned by the City of South Perth exists in close proximity to the site. This car park is used mostly throughout the day for bridge club patrons and is predominantly unused in the evening.
- (e) There are two other businesses open in the evening in the Barker Avenue commercial centre. A deli (shop) is open until 8:00 pm. Those utilising the deli would be parking only for short periods of time. There is also a fish and chip shop (Take-Away Food Outlet / Café / Restaurant). A section of this shop is classified as Café / Restaurant and patrons utilising this food outlet may require parking for longer periods of time.
- (f) The Barker Avenue Commercial Precinct is an established commercial precinct that through its existence has operated with the current car parking arrangements.

In calculating car parking bays that should be attributed to the proposed use, the Café / Restaurant component should firstly be considered. As stated above, a Café / Restaurant requires one (1) car parking bay per 5 sq. metres of dining area. The subject application proposes 19 sq. metres of Café / Restaurant and therefore, would require 4 car parking bays to be provided. The remainder of the building is classified as a Take-Away Food Outlet and whilst no prescribed number of car parking bays is provided by TPS 6, the Council may require on-site car parking bays having regard to the likely demand. Based on the abovementioned factors, it is considered that the

likely car parking demand will not exceed the available car parking bays already existing in close proximity to the subject site. The majority of the patrons frequenting the site will only be parked temporarily in the public bays provided and will not create any adverse impacts on surrounding commercial and residential uses.

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

Scheme Objectives are listed in clause 1.6 of TPS 6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

- (i) *The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.*

The proposed development is considered to meet this overriding objective of clause 1.6 of TPS 6.

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- Objective (b)** *Protect residential areas from the encroachment of inappropriate uses;*
- Objective (c)** *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- Objective (d)** *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- Objective (e)** *In all commercial centres, promote an appropriate range of land uses consistent with:*
- (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
- (ii) *the preservation of the amenity of the locality;*

In regards to objectives (a) and (b) above, the proposal will not adversely impact the amenity of surrounding residential areas. The proposal is consistent with previously approved uses in the commercial precinct and the commercial precinct to which it will belong is well established and has existed alongside surrounding residential area for many years.

In regards to objective (c), (d) and (e) above, the proposal serves to ensure that the existing commercial centre is utilised (currently a portion of the building is vacant) and builds on existing community facilities and services. A Take-Away Food Outlet will encourage additional patrons to the existing commercial precinct which may result in increased usage of existing facilities. The proposal (if approved) will be one of two Take-Away Food Outlets in the commercial precinct.

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

In addition to the issues relating to technical compliance of the project under TPS 6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, other matters listed in clause 7.5 of TPS 6 which are, in the opinion of the Council, relevant to the proposed development. Of 24 listed matters, the following is particularly relevant to the current application and requires careful consideration:

- (i) *the preservation of the amenity of the locality;*

With respect to item (i) above, it is considered that the proposed development will not adversely impact upon the preservation of the amenity of the locality. As mentioned earlier, the Barker Avenue commercial precinct has existed alongside the surrounding residential area for many years and the proposed land use is consistent with the kind that would ordinarily be expected within a commercial precinct of this kind.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at No. 368B Canning Highway and 1A Barker Avenue were invited to inspect the application and to submit comments during a 14-day period. Two neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

(b) Environmental Health

Comments have also been obtained from the City's Environmental Health Department. The Senior Environmental Health Officer provided the following comments.

- Separate male and female change rooms must be provided. The change rooms must be:
 - (i) At least 3 square metres, with an additional 0.75 metres for each person in excess of 4.
 - (ii) Separated from the food preparation area; and
 - (iii) Provided with locker storage facilities for clothing, footwear and other personal items.
- Should the premises provide eating utensils or drinking utensils for customers in the dining area a dish washing machine is required.

(c) Department for Planning and Infrastructure

The subject land is almost entirely reserved under the Metropolitan Region Scheme for the purpose of a Primary Regional Road. Accordingly, the application was referred to the Department for Planning and Infrastructure for comment. The following comments were provided:

- (i) The subject land is fully affected by the existing Primary Regional Road (PRR) reservation for Canning Highway in the Metropolitan Region Scheme (MRS);
- (ii) The Department for Planning and Infrastructure (DPI) is currently undertaking a planning study to review and redefine the land requirements for the subject section of Canning Highway. The review is an early stage and the revised PRR reservation land requirements for Canning Highway have not been determined yet.
- (iii) The DPI has no objection to the proposed development (change of land use) on regional transport planning grounds given that the proposal does not involve modification of the existing vehicle access arrangements to the subject site.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City’s unique natural and built environment.*

OFFICER RECOMMENDATION ITEM 9.3.5

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Change of Use from Shop to Take-Away Food Outlet (including ancillary Café / Restaurant component) on Lot 1 (No 368) Canning Highway **be approved**, subject to:

(a) **Standard Condition**

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

(b) **Standard Important Advice Notes**

648, 651

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

(c) **Environmental Health Requirements**

The applicant be advised that the working drawings submitted for a Building Licence must satisfy the requirements of the City’s Environment Health Officers in the following respects:

- (i) Separate male and female change rooms must be provided. The change rooms must be:
 - (A) At least 3 square metres, with an additional 0.75 metres for each person in excess of 4.
 - (B) Separated from the food preparation area; and
 - (C) Provided with locker storage facilities for clothing, footwear and other personal items.
- (ii) Should the premises provide eating utensils or drinking utensils for customers in the dining area a dish washing machine is required.

9.3.6 Reconsideration of Refusal of Planning Approval for Proposed Carport / Storeroom Addition to Existing Single House. Lot 519 (No. 21) Market Street, Kensington.

Location: Lot 519 (No. 21) Market Street, Kensington
Applicant: LJ & TJ Paulin
File Ref: 11/5901 - MA6/21
Date: 3 February 2006
Author: Gabriela Poezyn, Planning Officer
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

On 17 January 2006, the application for a carport / storeroom addition at Lot 519 (No. 21) Market Street was refused under delegated authority for the following reasons:

- (a) With the addition of the proposed carport the minimum area for open space (50%) as required under Clause 3.4.1 of the Residential Design Codes will not be achieved.
- (b) Front setback averaging as required under Clause 3.2.1 of the Residential Design Codes is not achieved.
- (c) The proposed nil setback from the front boundary detracts from the streetscape.

The refusal is accompanied by the standard important note advising of appeal rights and the following further note:

- (2) *Please note that reasons (b) and (c) above are listed because they represent non-compliances. Pursuant to the City's Policy P370_T General Design Guidelines for Residential Development, the City is willing to exercise discretion in regard to these two elements if approval is contemplated based on an otherwise compliant development. To achieve compliance, the existing building needs to be modified in order to maintain not less than 50% of the site as open space.*

In accordance with normal procedure, the Notice of Determination issued under delegated authority offered a right of review at a Council meeting if the applicant was aggrieved by the delegated decision. The owner has requested that this review process be implemented and has provided written justification in support of the request.

It is recommended that the original decision should stand so as to ensure compliance with Clause 3.4.1 of the Residential Design Codes.

Background

Drawings relating to this proposal are provided as **Confidential Attachment 9.3.6(a)** to this report.

Zoning: Residential
Density coding: R15
Lot area: 452 sq. metres
Height limit: 7.0 metres



The City approved a building licence in May 2003 for:

- additional rooms and an alfresco area to the rear of the existing dwelling; and
- the double carport and storeroom in the same location as currently proposed.

At that time, planning approval was not issued for the additions and planning controls were imposed as part of the building licence.

The May 2003 approval is subject to a condition requiring the alfresco area be set back a minimum of 1.0 metre from the south western property boundary. The purpose of this condition was to ensure that the alfresco area was not enclosed on more than two sides so that it could be counted as 'roofed' open space.

The construction work at the rear of the existing dwelling has been completed. However, the alfresco area was not constructed in accordance with the condition of building licence as its roof extends to the south western property boundary. As a result, in its current form, most of the alfresco area (14.7 sq. metres of a total area of 22.6 sq. metres) can not be classed as open space.

Under the acceptable development standards of Clause 3.4.1 of the Residential Design Codes a minimum of 50% of the property (226 sq. metres) is required to remain as open space.

Given that the existing house and the portion of the alfresco area that is enclosed on three sides covers 215.2 sq. metres of the block, only 10.8 sq. metres is available to be covered. With the proposed carport and storeroom (34.8 sq. metres), the total area of the lot being covered is 249.8 sq. metres, resulting in the provision of 202.2 sq. metres of open space - an open space shortfall of 23.8 sq. metres.

The proposal also includes variations in regards to the front setback and front setback averaging, which are listed as reasons 2 and 3 of the refusal. However, given that point 11 (c) of the City's Policy P370_T 'General Design Guidelines for Residential Development' states that:

"In the case of existing dwellings which have no space behind the front setback line to accommodate car parking, suitably designed carports will be permitted to be located within the front setback area,"

discretion can be exercised with respect to front setback requirements, as was done in regards to the building licence issued in May 2003. This aspect is clarified in point (2) under the Important Notes of the Planning Approval.

Comment

While the acceptable development standards of Clause 3.4.1 require that a minimum of 50% of the property must remain as open space, performance criteria apply under Clause 3.4.1.

Performance Criteria	Relevance to Assessment Site
<p><i>Sufficient open space around buildings:</i></p> <ul style="list-style-type: none"> • <i>to complement the building</i> • <i>to allow attractive streetscapes</i> • <i>to suit the future needs of the residents, having regard to the type and density of the dwelling</i> 	<ul style="list-style-type: none"> • Although this performance criterion is subjective there is no question that the area that will be occupied by the proposed carport would better complement the dwelling as open space than if used for a structure. • The R-Codes allow carports to be located at a nil setback to the front boundary, and the Council has supported that scenario in instances where, due to the location of the existing dwelling, no other space is available on site for a carport. However, a carport within the front setback area is less desirable from a streetscape perspective than open space that can be landscaped between the front boundary and the building. The location of the carport in this instance therefore does not promote this performance criteria. • At an R15 density coding the subject site has a low density coding that is geared to single house family living. Under the Codes the minimum lot size for R15 is 666 sq. metres, and as such open space area of approximately 333 sq. metres can be expected. The area of the subject site at 452 sq. metres is less than the minimum generally applicable for R15, thereby reducing the available open space area to 226 sq. metres, well below normal expectations. It is argued that a further reduction in open space will not satisfy the future open space requirements for this property given its density coding. Therefore, a proposal that will result in a reduction of open space below minimum standards can not be deemed to meet this performance criteria.

In support of the officers’ view that these Performance Criteria are not satisfied, the following comments are provided:

The Open Space requirement is the only means for controlling site coverage in the low density coded areas such as the subject site which is coded R15. Maintaining the prescribed amount of open space in low density coded areas is important for the purpose of retaining the spacious predominantly single residential character of the area. There is an expectation that there will be more open space in the lower density coded areas which is not reflected by this proposal. If the current application is approved, rather than the normally required 50% of the site being preserved as open space, the open space will be reduced to 44.69% of the site. This is a deficiency of 23.8 sq. metres on a lot that is already “undersize” to the extent of 214 sq. metres based upon the minimum lot area prescribed by the R-Codes. In the medium density codings (R30 to R60), the required percentage of open space is 45%.

Therefore if the application were approved, the percentage of actual open space would be the same as required where medium density codings apply. This would be contrary to orderly planning, and the open space provided would be substantially less than the normal expectation for single family dwellings in areas coded R15.

The applicants have raised the following points in support of their request for reconsideration **Attachment 9.3.6(b)** refers. Below is a summary of the applicant's comment and the officer response.

Applicant's Comment	Officer Response
<p>The planning department had reviewed the plans in May 2003 and granted approval. As the work was completed within 12 months the approval should remain in place, and there should be no need for a fresh planning approval.</p> <p>The non-compliance with the condition on the building licence should be treated as a building matter and not a planning matter. A change to the bureaucratic process should not be retrospective and onerously applied to a development that is almost completed. It is unfair to prevent the completion of this project to the standard desired due to a bureaucratic technicality.</p>	<p>The development proposal comprises of two components, namely, the additions at the rear of the dwelling and the carport / store additions.</p> <p>The work towards the rear of the dwelling was completed within the period that the building licence was valid (12 months) while no work was undertaken in regards to the carport / store addition.</p> <p>Given that the May 2003 building licence has lapsed a new building licence is now required for the carport / store and as processes have changed with the introduction of Town Planning Scheme No. 6, planning approval is now required prior to the issuing of a building licence.</p> <p>Had the rear development been completed in accordance with the approved plans and conditions, there would be no problem with re-issuing an approval for the carport.</p> <p>However, the recently completed non-compliant development has resulted in the issues surrounding open space, and while the current development (without the carport / store addition) complies with the open space requirements, the proposed new development would result in a shortfall in open space which can only be approved if deemed appropriate in terms of the performance criteria of Clause 3.4.1 of the Residential Design Codes.</p>

Applicant's Comment	Officer Response
<p>With the proposed addition, the coverage is increased to 52.91% (47.1% open space) which is marginally more than was previously approved at 51.89% (48.11% open space). The proposal meets the performance criteria of Clause 3.4.1 as follows:</p> <ul style="list-style-type: none"> • As it is a requirement that two car bays are provided, the same amount of garden and open area will exist irrespective of the parking bays being fully or partially covered. • As the property backs onto the Morris Mundy Reserve this property has access to more open space that it will ever need. 	<p>The existing development on site (dwelling and portion of alfresco area enclosed on more than 3 sides) has a floor area of 215.2 sq. metres, leaving 52.39% (236.8 sq. metres) open space.</p> <p>With the addition of the carport (34.8 sq. metres) the open space would be reduced to 44.69% (202 sq. metres), and not 47.1% as suggested by the applicant.</p> <p>Open space refers to area that is not built on, irrespective of its use as a car bay, garden area or lawned play area. The applicant's argument that its use detracts from its ability to function as open space is incorrect.</p> <p>While it is acknowledged that this property has access to the Morris Mundy Reserve, there is no provision within the Residential Design Codes to allow the exercise of discretion for open space on the basis that additional open space is provided in a location other than the development site.</p>
<p>At the moment there is only one on-site car parking bay and Market Street is narrow, making kerbside parking very undesirable. The applicants wish to meet the R-Codes requirements for two bays and there is a market expectation for double carports or garages. Erecting one car bay only does not meet the car parking need at the property and its cost can therefore not be justified.</p>	<p>There is adequate space within the front setback area between the dwelling and the front property boundary to accommodate 2 car bays, thereby meeting the R-Codes requirements.</p> <p>It is not a requirement of the R-Codes to provide covered parking. It must also be noted that the objection is not in regards to the provision of a double carport, but the resulting shortfall in open space. If the development of the site was such that the addition of the carport would not result in a shortfall of open space, no objection to the construction of the carport would be raised.</p>
<p>There is an option to provide additional open space by way of a rooftop platform. The applicants have indicated they are willing to provide such an addition to the dwelling, but are hoping that "common sense will prevail".</p>	<p>There are a number of options open to the applicant to bring the proposal into compliance in regard to open space. Another option would be to make the necessary alterations to the new construction at the rear, so that the existing development conforms to the terms of the approval already granted.</p>

Conclusion

The application was refused as the proposed addition of the carport / storeroom will result in a significant shortfall in the provision of open space. The relevant performance criteria have not been met to enable the Council to grant approval via this alternative path set out in the R-Codes. It is therefore recommended that the proposal not be supported and the original reason for refusal is reaffirmed.

Consultation

Council staff at various levels have engaged in dialogue with applicants / landowners on numerous occasions in regard to this matter.

Policy and Legislative Implications

The relevant provisions of Clause 3.4.1 of the R-Codes have been discussed in the "Comment" section of the report.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed as follows:

To sustainably manage, enhance and maintain the City’s unique, natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.6

That, in respect to the refusal of planning approval for a Carport / Store Addition to a Single House on Lot 519 (No. 21) Market Street, Kensington, the applicant be advised that Council is not prepared to overturn the refusal issued under delegated authority for the reasons explained in the Planning Officers report dated 3 February 2006.

9.3.7 Proposed Two Storey Single House. Strata Lot 2, Lot 123 (No. 24) Leonora Street, Como.

Location: Strata Lot 2, Lot 123 (No. 24) Leonora Street, Como
Applicant: Anthony Ronald Herbert
File Ref: 11/5438 - LE3.24
Date: 1 February 2006
Author: Gabriela Poezyn, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

To consider an application for a two storey Single House on Strata Lot 2, Lot 123 (No. 24) Leonora Street, Como, with particular attention to the level of design compatibility with other existing dwellings within the same “focus area”. It is recommended that the application **be approved** subject to appropriate conditions.

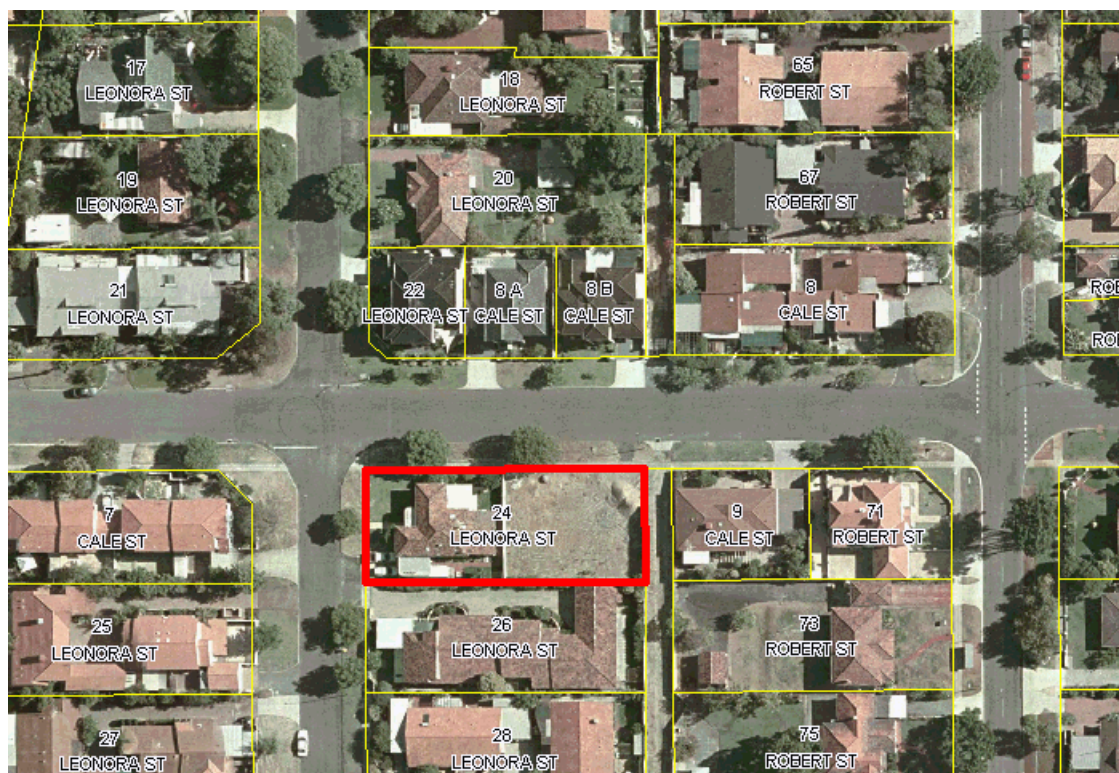
Background

The drawings relating to the application have been provided as **Confidential Attachment 9.3.7(a)** to this report. Comments from the City’s Design Advisory Consultants comprise **Attachment 9.3.7(b)**.

Precinct: Precinct 8 - Como Beach
Zoning: Residential
Density coding: R20/30
Lot area: 518 sq. metres
Height limit: 7.0 metres
Development potential: 1 Single House

The lot was created as a result of the subdivision of former Lot 123 (No. 24) Leonora Street (1021m²) into 2 strata lots at an R20 density code. The subject site faces Cale Street.

The location of the development site is shown below.



Although an application of this kind would ordinarily be determined under Delegated Authority without referral to a Council meeting, the application has been referred to a meeting in this instance having regard to the relevant notice of delegation, the question of design compatibility and the potential resultant impact of the proposed design on the amenity of the locality.

Comment

The application generally complies with the provisions of the City's Town Planning Scheme No. 6 incorporating the Residential Design Codes relating to development at an R20 density code, and associated Council policies. Of particular note is the matter of streetscape compatibility and compliance with the provisions of Policy P370_T "General Design Guidelines for Residential Development".

Streetscape Compatibility

The design of the dwelling is contemporary incorporating skillion roofs and strong vertical elements within the elevations which results in a unique building shape. The skillion roofs have a shallow pitch of around 10 degrees and each of the skillion roof components pitch away from each other as viewed from the street.

The proposed building is two storeys in height and complies with the height limits prescribed for the development site. The walls of the dwelling are a combination of rendered brickwork, face brick, limestone block and mini orb cladding. The colours of the wall and roof have not been specified. It is therefore recommended that the approval be subject to a standard condition requiring that the colours of the exterior of the proposed dwelling, which are required to demonstrate compatibility with the neighbouring buildings, are submitted as part of the application for building licence.

Council's Policy P370_T 'General Design Guidelines for Residential Development' refers to design compatibility and states that "the drawings of any proposed development are required to demonstrate design compatibility between the proposed building and the existing

buildings within the focus area.” The focus area is defined as the section of the street between the two nearest cross streets which in this instance is the section of Cale Street between Leonora Street and Robert Street.

There are a total of 11 dwellings within this section of Cale Street although there are only six dwellings (including the proposed dwelling) that address Cale Street. The remaining properties are corner lots that do not obtain access from Cale Street and treat Cale Street as a secondary street.

As identified, Policy P370_T states that proposed buildings are required to be designed in such a manner that preserves or enhances desired streetscape character (where such a character can be said to exist). Design compatibility is determined by primary elements being scale, colour, form or shape and rhythm and secondary elements, being construction materials, front and side setbacks, nature of landscaping visible from the street and architectural details.

Of the six dwellings that address Cale Street, No. 9 is an older single storey home of conventional character incorporating a pitched roof, there are two fairly new dwellings at Nos. 8A and 8B which are two storey and which also incorporate pitched roofs, while the two dwellings at No. 8 Cale Street are typical of 1970’s style villa development with skillion roof forms.

The streetscape within this section of Cale Street has the character of a secondary street with some new dwellings and is not very consistent. There is no readily identifiable streetscape character with which the design of a new dwelling is required to match. The proposed design is deemed to be acceptable within the existing streetscape.

Garage / Store Boundary Wall

A portion of the proposed garage / store boundary wall (1.6 metres) is back to back with an existing parapet wall to a carport on the adjoining property. The remainder of the wall (4.7 metres) affects an open area (6 metres wide x 20.12 metres) that is for the exclusive use of the rear dwelling of the complex of three grouped dwellings on the adjoining lot.

While much of the area serves the adjoining dwelling as a courtyard area as it is accessed via sliding doors from the living room, dining room and family room, the area that directly abuts the proposed parapet wall also adjoins the carport and store of the adjoining grouped dwelling and therefore functions as a service area.

The proposed parapet wall will not have any negative impact on the amenity of the adjoining property and is supported subject to appropriate conditions regarding the finish of the neighbour’s side of the parapet wall.

Proposed Front Fence

It is proposed that a solid 1.8 metre high rendered brick fence be provided along the front property boundary.

The acceptable development standards of Clause 3.2.5 of the Residential Design Codes requires that the fence be visually permeable above a height of 1.2 metres. There are no performance criteria applicable to this property that would allow a fence that is not visually permeable.

It is therefore recommended that a condition be imposed in regards to the front fence requiring compliance with the acceptable development standards of clause 3.2.5 of the Residential Design Codes.

Consultation

Neighbour Consultation

The design of the proposal was advertised by way of letters to 20 surrounding property owners for a period of 14 days, ending 2 November 2005. There were a number of enquiries from interested neighbours, although no written comments were received.

Following a design change required by the City whereby access to the garage is obtained from the right-of-way rather than Cale Street, the proposal was advertised by way of a letter for a period of 14 days to the 3 adjoining property owners affected by the proposed garage boundary wall. The advertising period in this instance ended on 28 December. No written comments were received in response to this notification.

Design Advisory Consultants

The application was referred to the Design Advisory Consultants' meetings held on 17 October 2005, 12 December 2005 and 16 January 2006.

The comments of the Advisory Architects are attached hereto. **Attachment 9.3.7(b)** refers.

In summary, the architects are supportive of skillion roofs within the existing streetscape, but were concerned with the manner in which the design had been executed. Over the three meetings the Advisory Architects identified aspects requiring refinement.

The revised plans received on 3 February 2006 incorporate the last of the issues that the architects had identified. Planning Officers agree that the design of the building is acceptable in this instance.

The final design submitted on 3 February 2006 shows a front fence that is not complying.

Consultation with Applicants

Following the consultation referred to above, and completion of the Planning Officer's assessment, the applicant was requested to submit amended drawings addressing all identified areas of non-compliance. Amended drawings were submitted on 8 December 2005, 13 January 2006, and 3 February 2006. The applicant is aware of the need for the application to be referred to the February 2006 Council meeting owing to the nature of the design.

Policy and Legislative Implications

The development application has been assessed having regard to the provisions of the City's Town Planning Scheme No. 6 incorporating the Residential Design Codes and Council policies. Of particular note are policies P370_T "General Design Guidelines for Residential Development" and P376 "Residential Boundary Walls".

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.7

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme this application for Planning Approval for a two storey Single House at Strata Lot 2, Lot 123 (No. 24) Leonora Street, South Perth, as shown on plans dated 3 February 2006 **be approved**, subject to the following conditions:

(a) **Specific Condition**

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- (i) The applicant to demonstrate compliance with the Acceptable Development provisions contained within Clause 3.2.5 of the Residential Design Codes in relation to the proposed front fence.
- (ii) The southern facing upper floor Bedroom 3 window shall have a minimum sill height of 1.6 metres above the floor level of the room.

(b) **Standard Conditions**

340 (wall) (southern), 377, 393, 416, 427, 455 (western, southern and eastern boundaries), 456, 470, 471, 550, 660.

Footnote: A full list of standard conditions is available for inspection at the Council Offices during normal business hours.

(c) **Standard Footnotes**

646, 647, 648, 651.

Footnote: A full list of standard advice notes is available for inspection at the Council Offices during normal business hours.

9.3.8 Joint New Zealand Planning Institute and the Planning Institute of Australia - National Congress 2006 - Councillor Attendance

Location: City of South Perth
Applicant: Council
File Ref: N/A
Date: 7 February 2006
Author / Reporting Officer: Steve Cope Director Strategic & Regulatory Services

Summary

To give consideration to Council Member attendance at the joint New Zealand Planning Institute and the Planning Institute of Australia National Congress to be held at the Gold Coast, 2 - 5 April 2006

Background

Imagine – Impacts2. This Congress is the second jointly convened by the Planning Institute of Australia and the New Zealand Planning Institute. The Planning Institute of Australia Congress is the peak professional conference for Urban and Regional Planning in Australia. It is attended by over 600 delegates from throughout Australia and includes participants from State and Local Government and private sector.

Comment

The CEO has approved attendance of the Director, Strategic & Regulatory Services at the Congress and it is considered that Council Member attendance would also be appropriate. This year, the Congress theme focuses on the issue of ‘IMPACTS.’ The 2006 Congress will stress the positive side of impacts including those that improve communities and environments. Areas covered will include:

- land use transport integration
- - common Australian New Zealand issues eg emergency and hazard management
- Sustainability and transport planning
- Best practice in development assessment
- retail trends – eg creating main-street centres
- elected planning representatives issues

Given the importance of responsive planning and decision making by Council on topics related to this area, it is considered that the conference would be highly beneficial to an interested Council Member.

Conference program is included (**Attachment 9.3.8** refers).

Consultation

Not applicable.

Policy Implications

Approval of officer attendance by the CEO is consistent with Policy P513. Council Member attendance is considered appropriate – but requires Council approval.

Financial Implications

The total estimated cost of Council Member attendance including registration, airfares, accommodation and meals is \$2,700 (Note: this cost is based on economy airfare). Funding for Council Member attendance can be comfortably accommodated within the current budget.

Strategic Implications

City Planning is a high profile area of the City's operations and it is considered important that Council Members be provided with the opportunity to participate in this type of peak Congress. It is anticipated that knowledge gained from attendance at the Congress will assist Council in dealing with the relationship between planning issues and the following Strategic Goal areas:

Goal 3: Environmental Management

“To sustainably manage, enhance and maintain the City's unique natural and built environment”.

Goal 2: Community Enrichment

‘To foster a strong sense of community and a prosperous business environment’

Goal 4: Infrastructure

To sustainably manage, enhance and maintain the City's Infrastructure assets.

RECOMMENDATION ITEM 9.3.8

That Council approve the attendance of the following Council Member(s) at the Planning Institute of Australia National Congress to be held from 2 - 5 April 2006 at the Gold Coast at an estimated cost of \$2,700 per person.

9.4 GOAL 4: INFRASTRUCTURE
Nil

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 Annual Tender for Outsourcing of Catering Services - Collier Park Village Hostel.

Location: City of South Perth
 Applicant: Collier Park Village Hostel
 File Ref: Ten 19/2005
 Date: 10 February 2006
 Author: Margaret Clarke, Manager, Collier Park Village
 Reporting Officer: Roger Burrows, Director, Corporate and Community Services

Summary

To consider tenders received for the Outsourcing of Catering Services for Collier Park Hostel.

Background

At the October 2003 meeting Council approved a tender for the Outsourcing of Catering Services at Collier Park Village Hostel from Brightwater Catering Services for a period of 12 months commencing 1 December 2003, with a 1 year option.

The Form of Agreement was signed on 15 January 2004, thus the present contract expired on 15 January 2006. An extension of the contract has been requested and granted, to ensure that the service will continue until after the February 2006 Council meeting.

Request for Tender No. 19/2005 was advertised in the West Australian newspaper on 3 December 2005 and closed at the Civic Center on 19 December 2005.

Comment

Tenders were requested from qualified companies and organisations on the basis of a Schedule of Rates for the provision of an on site "Cook Chill/Cook Fresh" prepared food service.

The tender specifications identified the requirements as "*the Contractor is required to provide the catering service*" and included:

- (a) *Providing a quality cost-effective catering service for the Collier Park Hostel.*
- (b) *Maintain the Commonwealth Accreditation 4.8 Standard.*
- (c) *To be HACCP accredited.*
- (d) *Provide suitable trained and skilled staff and relief staff.*
- (e) *To work within Occupational Health and Safety Management Systems.*

At the close of the tender period, 3 tenders from the following organisations were received. The price per day per resident is also reflected.

Tenderer	Cost per resident day
Aurum Catering	\$15.92
Brightwater Catering	\$13.97
Medirest	\$16.98

An evaluation of the 3 tenders submitted was then carried out based on the following criteria which were included within the Request for Tender documentation:

- Experience of Tenderer in providing similar cook fresh/cook chill prepared foods services. 45%
- Referees: 5%
- Price: 50%

To evaluate the submissions each company's price submission and response to the criteria was incorporated into the Selection Criteria matrix. The results and total scores appear below.

Tender 19/2005 Provision of Catering Services Collier Park Hostel

TENDER ASSESSMENT

ASSESSMENT CRITERIA	WEIGHTING FACTOR	Brightwater		Aurum		Medirest	
		Out of 10	Weighted Score	Out of 10	Weighted Score	Out of 10	Weighted Score
Referees	5%	10.0	0.50	10.0	0.50	10.0	0.50
Experience	45%	10.0	4.50	10.0	4.50	10.0	4.50
Tender Bid Price	50%	10.00	5.00	8.60	4.30	7.85	3.92

TOTAL	100%	10.00	9.30	8.92
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"JOB" PRICE BASED ON BID	\$13.97	\$15.92	\$16.98
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LOWEST BID PRICE	\$13.97
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Based on the weighted scores Brightwater, the City's present contractor supplying the tendered service is recommended as the prospective contractor.

Brightwater Catering Services' core business is Aged Care focussed. They are financially viable and more than capable of providing a quality cost-effective and accredited service. They also have the capability of meeting the Hostel accreditation standards. Dr Penny Flett is a Director of Brightwater and has successfully been a pioneer of accreditation systems through the Aged Care industry nationally.

The staff and more importantly the residents have been extremely satisfied with the service provided by Brightwater over the past two years. Brightwater Catering have also confirmed that in the event the circumstances of the Hostel Management changed during the period of the tender contract that only three (3) months notice of cancellation of the contract would be required.

It should be noted that the other two tender submissions were of a high quality, and if this quality had been the measurement of their overall competence, any one of the two tenderers may have provided an excellent catering service to the hostel.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*. Request for Tender No. 19/2005 was advertised in the West Australian newspaper on 3 December 2005 and closed at the Civic Centre on 19 December 2005.

Policy and Legislative Implications

A requirement of the *Local Government Act* as the expected value is in excess of \$50,000. The value of this tender is above the amount that the Chief Executive Officer has delegated power to accept and, as a result, the tender is referred to Council for approval.

Financial Implications

The amount of \$249,660 is already included in the 2005/2006 Budget for the onsite service provided.

Strategic Implications

This proposal is in accordance with Strategic Goal 5 Organisation and Effectiveness

“To be a professional, effective and efficient organisation.”

OFFICER RECOMMENDATION ITEM 9.5.1

That...

- (a) the tender of Brightwater Catering Services for the provision of catering services to the Collier Park Village Hostel, to the value of up to \$249,660 per year, for the period of thirty six (36) months commencing 1 March 2006, with an option to extend the contract with an additional twenty four (24) months, be accepted; and
- (b) it be noted that Brightwater Catering have confirmed that in the event the circumstances of the Hostel Management changed during the period of the tender contract that only three (3) months notice of cancellation of the contract would be required.

9.6 GOAL 6: FINANCIAL VIABILITY

9.6.1 Monthly Financial Management Accounts – January 2006

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 5 February 2006
Author / Reporting Officer: Michael J Kent
Director Financial & Information Services

Summary

Monthly management account summaries compiled according to the major functional (departmental) classifications are presented to Council to permit comparison of actual performance against budget expectations. Comment is provided on the significant financial variances disclosed in those reports.

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 believed to be the most suitable format to monitor progress against the Budget. Information provided to Council is a summary of the detailed line-by-line information provided to the City's managers to enable them to monitor the financial performance of the areas of the City's operations under their control. It is consistent with the structure of the budget information provided to Council and published in the 2005/2006 Annual Budget.

The Summary of Operating Revenues and Expenditures combined with the Summary of Capital Items provides a consolidated view of all operations under Council's control - and measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on a number of lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply 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 cash resources which 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 - 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.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2005/2006 Adopted Budget and the 2005/2006 Amended Budget - including the introduction of the capital expenditure items carried forward from 2004/2005.

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. Presentation of the Statement of Financial Position on a monthly, rather than annual, basis provides greater financial accountability to the community and gives the opportunity for more timely intervention and corrective action by management where required.

Comment

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

- Statement of Financial Position – **Attachments 9.6.1(1)(A) and 9.6.1(1)(B)**
- Summary of Operating Revenue and Expenditure (all departments except Infrastructure Services) – **Attachment 9.6.1(2)**
- Summary of Operating Revenue and Expenditure for Infrastructure Services - **Attachment 9.6.1(3)**
- Summary of Capital Items – **Attachment 9.6.1(4)**
- Schedule of Significant Variances – **Attachment 9.6.1 (5)**
- Reconciliation of Budget Movements - **Attachment 9.6.1 (6)**

Operating Revenue to 31 January 2006 is \$26.04M which represents 101% of the Year to Date Budget. Rates revenue continues to reflect positive growth from interim rates. Some of this is recognised in the Q2 Budget Review, but the City remains concerned about some possible downward valuation adjustments from commercial properties in the City that have objected to the Valuer General's Office about property valuations. If determined in the objecting owners favour, these appeals will result in downwards adjustments to rates revenue.

Interest revenue remains comfortably ahead of budget expectations due to the higher cash holdings (resulting from carry forward works) and the excellent result from rates collections to date. This gain is recognised in the Q2 Budget Review. Further comment on this item can be found at Agenda Item 9.6.2. Revenue at the Collier Park Village is below budget at present - but this only relates to the City delaying levying rates at the village until the issue of their entitlement to seniors concessions is resolved. A briefing to Council was presented in February 2006 on the results of the City's joint investigations into this matter with the Office of State Revenue. Golf Course revenue is now in line with budget expectations for the year to date. Lease revenue and waste management revenue presently reflect a favourable timing difference – but that should correct in later months.

Revenue from Planning Services reflected a higher level of activity on residential projects whilst Building Services revenue benefited from two unbudgeted grouped residential developments. This was adjusted in the Q2 Budget Review. Parking management shows a very positive result from both meter parking and infringements primarily due to the Australia Day parking arrangements. Operating Revenues within Infrastructure Services are close to budget in most areas other than a timing difference on trade-in of equipment, low level of activity on crossovers and a gain in the value of nursery greenstock issued to various projects.

Comment on the specific items contributing to the variance situation on revenues may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Operating Expenditure to 31 January 2006 is \$16.36M - which represents 99% of the Year to Date Budget of \$16.53M. Operating expenditures are 2% favourable in the Administration area and 1% unfavourable in the Infrastructure Services area.

The favourable variance in the Administration area is significantly influenced by savings on salaries due to several vacant staff positions that are currently being recruited and the impact of funding provided for anticipated, but yet to be awarded, EBA salary increases. Legal costs are higher than budgeted. Allocations outwards of corporate support areas including Finance and Human Resources are to be corrected in February - but are cost neutral and will not affect the overall financial position.

Favourable variances relating to timing differences exist on maintenance programs for parks and streetscapes. The street tree maintenance program has accelerated beyond year to date budget expectations – but the responsible manager has intervened to ensure that the program is balanced out in the second half of the year. Certain infrastructure maintenance programs such as path maintenance, street sweeping, drainage and bus shelter maintenance currently show favourable variances but are expected to reverse in future months – particularly with the awarding of new tenders for some of these works. Other apparent variances relate to adjustments made in the Q2 Budget Review. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5)**.

Capital Revenue of \$0.73M compares favourably to the year to date budget of \$0.70M. The difference relates to the higher than expected level of lease premiums and refurbishment levies resulting from the increased turnover of units at the Collier Park Village.

Capital Expenditure at 31 January is \$4.51M against a year to date budget of \$5.87M, representing 77% of the year to date budget. This represents around 37% of the total capital works program for the year. A further 15% of the capital budget is proposed to be expended in the February period. Progress payments on the building refurbishment to date are slightly favourable but this is known to be a timing difference only and will reverse in subsequent months. Information Technology Acquisitions are progressing in line with budget. Replacement of some of the mechanical plant & equipment at the Collier Park Golf Course has now occurred with orders placed for the remainder. Comment on specific infrastructure projects as at 31 December is presented as Item 9.6.6 of the February Council agenda.

A summary of the progress of the capital program by directorate is provided below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO / Financial & Info Services	1.88M	1.78M	95%	4.40M
Corp & Community Services	0.37M	0.31M	84%	0.76M
Strategic & Reg Services	0.04M	0.04M	99%	0.45M
Infrastructure Services	3.59M	2.38M	66%	6.42M
Total	\$5.88M	\$4.51M	77%	\$12.03M

Further comment on the variances relating to Capital Revenue & Capital Expenditure items may be found in **Attachment 9.6.1 (5)**

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 and discharges financial accountability to the City's ratepayers.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan –

'To provide responsible and sustainable management of the City' financial resources'.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34 & 35.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

OFFICER RECOMMENDATION ITEM 9.6.1

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 9.6.1(1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.1(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2005/2006 provided as **Attachment 9.6.1(6)(A)** and **9.6.1(6)(B)** be received.

9.6.2 Monthly Statement of Funds, Investments & Debtors at 31 Jan 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 February 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial & 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 monies pertaining to Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial and Information Services and the Manager Financial Services. These officers 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 the funds held in "cash backed" Reserves. Significant holdings of money market instruments are involved so an analysis of cash holdings showing the relative levels of investment with each financial institution is 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 the delegations are being exercised. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections.

Comment

(a) Cash Holdings

Total funds at month end of \$28.79M compare very favourably to \$26.23M at the equivalent stage of last year. Whilst some of the difference still relates to funds quarantined for capital works, and some to increased cash reserves, a significant amount relates to the excellent results achieved to date from rates collections. This builds on the very sound platform of effective treasury management established last year.

Monies taken into the year, or collected subsequently, are invested in secure financial instruments to generate interest income - until those monies are required to fund operations or projects later during the year as major construction initiatives progress. 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 \$12.63M (compared to \$12.61M in 2004/2005). **Attachment 9.6.2(1).**

(b) Investments

Total investment in short term money market instruments as at month end is \$28.51M compared to \$26.31M last year. The funds are responsibly spread across various institutions to diversify risk as shown in **Attachment 9.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$0.94M, well up from \$0.80M at the same time last year. Higher balances in both Reserve Funds have contributed around 65% of the difference. Municipal cash holdings, resulting from effective treasury management, have also enabled the City to better the investment return on municipal funds at the equivalent stage of the previous year. The average rate of return for the year to date is 5.69%. Anticipated yield on investments yet to mature is 5.69% reflecting the relatively flat yield curve at present. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate interest revenue to supplement its rates income.

(c) Major Debtor Classifications

The level of outstanding rates relative to the equivalent time last year is shown in **Attachment 9.6.2(3)**. Rates collections to the end of January 2006 represent 84.8% of total rates levied compared to 84.7% at the equivalent stage of the previous year - after the third rates instalment. Collections of rates levied in July compared to last year are still ahead of the prior year despite the distorting effect of the much higher level of interim rates in the current year. Timely debt collection initiatives continue to build on the foundations of convenient, user friendly payment methods and the early payment incentive scheme - all of which have had an extremely positive impact on rates collections again this year.

General debtors stand at \$0.32M at 31 January compared to \$0.78M at the same time last year. This outstanding result represents a large reduction in outstanding sundry debtors including GST receivable from the ATO, recoupable works and, in particular, pensioner entitlements collectible from the Office of State Revenue relative to the same time last year. The Debtors and Rates Officers of the Financial Services Team deserve recognition for their excellent achievements in this regard.

Consultation

This financial report is prepared for Council and the City's management to evidence the soundness of financial management being employed by the administration. It also provides information that discharges accountability to our ratepayers. Community consultation is not a required part of these responsibilities.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan – *'To provide responsible and sustainable management of the City's financial resources'*.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DM603. The provisions of Local Government Financial Management Regulation 19 are also relevant to the content of this report.

OFFICER RECOMMENDATION ITEM 9.6.2

That the 31 January 2006 Statement of Funds, Investment and Debtors comprising:

- Summary of All Council Funds as per **Attachment 9.6.2(1)**
- Summary of Cash Investments as per **Attachment 9.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 9.6.2(3)** be received.

9.6.3 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 February 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial & Information Services

Summary

A list of accounts paid by the CEO under delegated authority between 1 December 2005 and 31 January 2006 is presented to the 28 February 2006 Council meeting.

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 approval limits for individual officers. These processes and their application are the subject of detailed scrutiny by the City's Auditors each year during the conduct of the Annual Audit. Once an invoice has been approved for payment by an authorised officer, the actual payment to the relevant party must be made from either the Municipal Fund or the Trust Fund (as appropriate).

Comment

A list of payments made since the last list was presented 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 (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan – *'To provide responsible and sustainable management of the City's financial resources'*.

Policy and Legislative Implications

Consistent with the requirements of Policy P605 - Purchasing and Invoice Approval & supported by Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

OFFICER RECOMMENDATION ITEM 9.6.3

That the accounts for payment as detailed in the Report of the Director Financial and Information Services, **Attachment 9.6.3**, be received.

9.6.4 Statutory Financial Statements for Quarter ended 31 December 2005

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 7 February 2006
Author/Reporting Officer: Michael J Kent, Director Financial & Information Services

Summary

In accordance with statutory requirements, an Operating Statement is provided for the period ended 31 December 2006. Revenues and expenditures are classified by program and also presented by nature and type classification. Statutory schedules relating to Rating Information and General Purpose Revenue that compare actual performance to budget for the period are also provided.

Background

The Local Government (Financial Management) Regulations 1996 require the City's Administration to produce quarterly financial statements in the specified statutory format and to submit those statements to Council for adoption.

The statutory Operating Statement emphasises Council's operations classified by the programs specified in the Appendix to the Local Government Financial Management Regulations - rather than on Capital Expenditures.

Although the monthly management accounts presented in departmental format are believed to be the most effective mechanism for both the City's Administration and Council in monitoring financial progress against the budget; the highly summarised, program classified statutory Operating Statement is mandated by the legislation because it provides comparability across Councils. The Department of Local Government, Australian Bureau of Statistics and Grants Commission regard local government comparability as being very important.

The statutory (AAS 27) format Operating Statement is required to be accompanied by a Schedule of General Purpose Revenue and supported by a supplementary Schedule of Rating Information for the corresponding period. Although not mandated by the legislation, a Statement of Financial Position as at the end of the period is included to provide a more complete and accountable set of financial reports.

Comment

Total AAS 27 Operating Revenue for the period of \$25.90M compares favourably with the year to date Budget of \$25.57M. This represents 101% of the year to date Budget. The principal variances disclosed are the favourable variances in the General Purpose Funding, Law & Order and Housing programs. General Purpose Funding is impacted by additional revenue generated from excellent investment performance plus additional rates revenue from interim rates as discussed in item 9.6.2. The favourable variance in the Law & Order program relates to excellent performance in parking management and successful prosecutions under the Dog Act. Housing is ahead of budget due to the higher level of lease premiums and refurbishment levies from turnover of units at the Collier Park Village. The remainder of the programs are close to budget expectations for the year to date.

Significant variances are separately identified and addressed either by appropriate management action – or the items are included in the Q2 Budget Review.

Operating Expenditure (classified according to AAS 27 principles) to 31 December 2005, totals \$14.35M and compares favourably to a year to date Budget of \$14.62M. Several programs have small variances with the most significant being in the Recreation and Culture program. The favourable variance in the General Purpose Funding and Governance programs relate mainly to favourable timing differences on corporate costs allocated outwards. Timing differences on parks maintenance and golf course maintenance activities (which are expected to correct later in the year) have impacted favourably on the Recreation & Culture program – as have significant salary savings (from vacant positions) and delayed expenditures in the library. Expenditure on rubbish site charges in the Community Amenities program is slightly above expectations – but still covered by the rubbish service levies raised in 2005/2006. Most other programs show small favourable variances primarily due to provisions for the impact of anticipated EBA salary increases.

The Schedule of Rating Information shows that as at 31 December 2005, the City had levied some \$17.43M in residential and commercial rates compared to a year to date budget of \$17.35M. Some commercial property owners in the city have challenged the Valuer General's Office re-assessment of the GRVs for their properties - and it is anticipated that there may still be some downwards adjustments to the GRV and to rates revenues as a consequence. Whilst some of the windfall gain will be recognised in the Q2 Budget Review, the City intends taking a prudent view of the likely revenue to be received from the interim rates this year.

The Statement of Financial Position provides a comparison of asset and liability categories at 31 December 2005 and at an equivalent time in the 2004/2005 financial year. Current Assets stand at \$34.75M as at 31 December 2005 compared to \$32.14M in December 2004. The major aspects of this change are the much higher level of investment funds resulting from (quarantined) cash backed reserves and funds held for significant construction projects later in the year. Receivables are much lower in 2005/2006 due to excellent rates collections and the very timely processing and recovery (from state government) of pensioner rebate entitlements. This is partially offset by slightly higher levels of prepayments - and particularly due to the much higher levels of accrued investment interest.

Current Liabilities are disclosed at \$3.75M compared to a balance of \$3.56M at 31 December 2004. The major reason for this increase is the higher level of creditor invoices accrued - but not yet received, from creditors due to the Christmas break.

Non Current Assets of \$171.20M compare with \$150.07M at December 2004. This increase reflects the revaluation of buildings by a licensed independent valuer at 30 June 2005. Non current receivables relating to self supporting loans have reduced relative to last year. Non-Current Liabilities stand at \$24.44M at 31 December compared with \$21.64M last year. This is attributable to a higher holding of refundable monies for the leaseholder liability at the Collier Park Complex this year (an additional \$1.6M) - and the approved City borrowings undertaken as part of the overall funding package late last financial year.

Consultation

As this is a comparative financial information report primarily intended to provide management information to Council in addition to discharging statutory obligations, community consultation is not a relevant consideration in this matter.

Policy and Legislative Implications

Actions to be taken are in accordance with Section 6.4 of the *Local Government Act* and the *Local Government Financial Management Regulations*.

Financial Implications

The attachments to this Report compare actual financial activity to the year to date budget for those revenue and expenditure items.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

'To provide responsible and sustainable management of the City' financial resources'.

OFFICER RECOMMENDATION ITEM 9.6.4

That Council receive the statutory Quarterly Financial Statements for the period ending 31 December 2005 comprising:

- | | |
|---------------------------------------|-------------------------------|
| • Operating Statement | Attachment 9.6.4(1) |
| • Schedule of General Purpose Funding | Attachment 9.6.4(2) |
| • Schedule of Rating Information | Attachment 9.6.4(3) |
| • Statement of Financial Position | Attachment 9.6.4(4)(A) |
| • Statement of Change in Equity | Attachment 9.6.4(4)(B) |

9.6.5 Budget Review for the Quarter ended 31 December 2005

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 February 2006
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A review the 2005/2006 Adopted Budget for the period to 31 December 2005 has been undertaken within the context of the approved budget programs. Comment on identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves or where these may have been identified since the budget was adopted, they have also been included – providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period to 31 December 2005.

This requirement recognises the dynamic nature of *Local Government Activities* and the need to continually reassess projects competing for limited funds – to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year.

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

Comment

The Budget Review is presented in three parts :

- Amendments resulting from normal operations in the quarter under review **Attachment 9.6.5(1)**

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

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 9.6.5(2)**.

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

- Cost Neutral Budget Re-allocation **Attachment 9.6.5(3)**
These items represent the re-distribution of funds already provided in the Budget adopted by Council on 11 July 2005 .

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available.

This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or cash resources.

Consultation

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

Policy and Legislative Implications

Nil

Financial Implications

The amendments contained in the attachment to this Report will result in a change to the projected 2005/2006 Budget Closing Position of \$8,900. Changes recommended in the Q2 Budget Review will result in the revised (estimated) 2005/2006 Closing Position becoming \$25,972.

The impact of the proposed amendments in this report on the financial arrangements of each directorate is disclosed in the table below. The figures shown in Table 1 below apply only to amendments contained in the attachments to this report. The tabled includes only items directly impacting on the Closing Position and excludes the transfers to and from Reserves.

TABLE 1 :

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(17,500)	(17,500)
Corporate & Community	30,000	(29,600)	400
Financial & Information	103,500	(30,000)	73,500
Strategic & Regulatory	33,500	(51,000)	(17,500)
Infrastructure	35,000	(65,000)	(30,000)
Accrual & Opening Position			0
Total	202,000	193,100	8,900

Table 2 represents the cumulative impact of the changes made in the first quarter (Q1) Budget review and the Q2 Budget Review to indicate the respective contributions of each directorate. Wherever possible, directorates are encouraged to contribute to their own budget adjustments by sourcing new revenues or adjusting proposed expenditures.

TABLE 2 :

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(37,500)	(37,500)
Corporate & Community	40,000	(49,600)	(9,600)
Financial & Information	286,500	(38,000)	248,500
Strategic & Regulatory	49,000	(133,500)	(83,500)
Infrastructure	83,500	(145,000)	(61,500)
Accrual & Opening Position		(70,000)	(70,000)
Total	459,000	473,600	(14,600)

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

'To provide responsible and sustainable management of the City's financial resources'.

OFFICER RECOMMENDATION ITEM 9.6.5

That following the detailed review of financial performance for the period ending 31 December 2005, the budget estimates for Revenue and Expenditure for the 2005/2006 Financial Year, (as adopted by Council on 11 July 2005 - and as subsequently amended by resolutions of Council to date), be amended as per the following attachments, appended hereto and forming part of these Minutes.

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 9.6.5(1)**;
- Items funded by transfers to or from Reserves; **Attachment 9.6.5(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 9.6.5(3)**.

(NOTE: AN ABSOLUTE MAJORITY IS REQUIRED)

9.6.6 Capital Projects Review to 31 December 2005

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 9 February 2006
Author/Reporting Officer: Michael J Kent, Director Financial & Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved Capital Projects to 31 December 2005. Comment is made only on significant identified variances as at the reporting date.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 78% of the year to date target (33% of the full year's budget). A further 18% of the overall program is scheduled for completion by 28 February 2006.

The Executive Management Team is closely monitoring and reviewing the Capital Program with operational managers. This includes seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility.

Comments on the broad capital expenditure categories are provided in **Attachment 9.6.1(5)** and details on specific projects impacting on this situation are provided in **Attachments 9.6.4(1)** and **Attachment 9.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

Consultation

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

Policy and Legislative Implications

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

'To provide responsible and sustainable management of the City' financial resources'.

OFFICER RECOMMENDATION ITEM 9.6.6

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2006, be received as per **Attachments 9.6.6(1) and 9.6.6(2)**.

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- 10. APPLICATIONS FOR LEAVE OF ABSENCE**
- 11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 13. MEETING CLOSED TO PUBLIC**
 - 13.1 Matters for which the Meeting May be Closed.**
 - 13.2 Public Reading of Resolutions that may be made Public.**
- 14. CLOSURE**