

## **A G E N D A**

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**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 27 June 2006 the following questions were taken on notice:

<b>5.1.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington</b>
--

Summary of Question

Supreme Court Legal Action, Item 13.1.1 on tonight's Agenda is listed as *Confidential*:

1. Who is the Plaintiff in this action?
2. Who is the Defendant in this action?
3. What is the court file number?
4. If the city is the defendant in this action, has the City made the decision to defend this action?
5. If the City has made the decision to defend this action when did the City make that decision?
6. If the City is the Defendant in this action, has the City advised the plaintiff that it is going to defend this action?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 10 July 2006, a summary of which is as follows:

1. David Moylan
2. City of South Perth
3. CIV 1494 of 2006
4. Yes.
5. 29 May 2006.
6. Yes.

Summary of Question

Re. Gorrill and Others V City of South Perth. This matter has had a number of hearings before the Supreme Court in past years.

1. Has the matter been settled between the City and the Plaintiffs?
2. If the matter has been settled, when did the City settle the matter?
3. If the matter has been settled, did the City or its insurer pay any funds to the Plaintiffs?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 13 July 2006, a summary of which is as follows:

Summary of Response

1. Yes.
2. November 2005.
3. The insurer.

Summary of Question

Planning Practice - In April and May I asked a series of questions regarding the planning assessment and compliance.

1. What procedures does the City have in place to ensure buildings which are built comply with Planning Consent?
2. Does the City approve building plans and issue a Building Licence for buildings that do not comply with approved Planning Consent?

The City has a set of standard conditions for planning approval. Condition 663 states:  
*"The <insert property> shall not be occupied until an inspection has been carried out by a Council Officer and the City is satisfied the development has been completed in accordance with the approved drawings and conditions of planning approval."*

3. Is it standard practice for the City to make this a standard condition for all Grouped or Multiple Dwellings?
4. Is Condition 663 a recommended standard condition for Item 9.3.7 on the Agenda (Ngala site)?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 12 July 2006, a summary of which is as follows:

1. Planning officers check the working drawings submitted in support of building licence applications against the related sketch plans submitted with applications for planning approval. Subsequently, a City building surveyor inspects the completed buildings prior to the issuing of a Strata Title Certificate or a Certificate of Classification.
2. The City does not approve building plans when issuing building licences for building that do not comply with the related planning approval. However, minor variations are sometimes endorsed provided that there is no conflict with 'Planning' requirements.
3. Yes.
4. Yes.

**5.2 PUBLIC QUESTION TIME : 25.7.2006**

**6. CONFIRMATION OF MINUTES / BRIEFINGS**

**6.1 MINUTES**

**6.1.1 Ordinary Council Meeting Held: 27.6.2006**

**6.1.2 Special Council Meeting Held: 11.7.2006**

**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 - June Ordinary Council Meeting and Council Members' Confidential Workshop Held: 20.6.2006**

Officers of the City presented background information and answered questions on items identified from the June Council Agenda. Following the June Agenda Briefing a Members *confidential* Workshop on Councillors/Staff Relationships was held. Notes from the Agenda Briefing/Workshop are included as **Attachment 6.2.1**.

**6.2.2 Concept Forum: Residential Design Codes Review /Submission: Meeting Held: 21.6.2006.**

Officers of the City presented an update on the Review of the R Codes and the Submission prepared. Notes from the Concept Briefing are included as **Attachment 6.2.2**.

**6.2.3 Concept Forum: SEMRC Resource Receiving Facility Feasibility Study Update: Meeting Held: 26.6.2006.**

South East Metropolitan Regional Council (SEMRC) , Chief Executive Officer Ms Jan Grimoldby and the SEMRC Consultant from Clifton Coney Group, Mr Bart Boelon presented an update on the SEMRC Feasibility Study focusing on the development of a Resource Recovery Facility for the treatment of domestic waste and recyclables and answered questions raised. Notes from the Concept Briefing are included as **Attachment 6.2.3**.

**6.2.4 Concept Forum: Planning Department Structure and Update on new Planning Legislation/Amenity Considerations in Town Planning: Meeting Held: 4.7.2006.**

Officers of the City presented an update on the Planning Department structure and answered questions raised. Mr Denis McLeod of McLeod Lawyers presented background on the new Planning Legislation/Amenity Consideration in Town Planning and answered questions raised. Notes from the Concept Briefing are included as **Attachment 6.2.4**.

**6.2.5 Concept Forum: Assessment of Planning Approval: Meeting Held: 10.7..2006.**

Officers of the City presented an overview of the Assessment of Planning Approvals carried out and responded to questions raised. Notes from the Concept Briefing are included as **Attachment 6.2.5**.

## 7. PRESENTATIONS

<b>7.1 PETITIONS -</b>	A formal process where members of the community present a written request to the Council
<b>7.2 PRESENTATIONS -</b>	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
<b>7.3 DEPUTATIONS -</b>	A formal process where members of the community may, <b>with prior permission</b> , address the Council on Agenda items where they have a <b>direct</b> interest in the Agenda item.
<b>7.4 DELEGATE'S REPORTS</b>	Delegate's written reports to be submitted to the Minute Secretary prior to <b>7 July 2006</b> for inclusion in the Council Agenda.

## 8. ANNOUNCEMENTS FROM THE CHAIRPERSON

### 8.1 Method of Dealing with Agenda Business

## 9. REPORTS

### 9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

<b>9.0.1 Proposed Two Storey Single House. Lot 16 (No. 15) Thomas Street, South Perth. (Item 9.3.3. Council Meeting 26.4.2006)</b>
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Location:	Lot 16 (No. 15) Thomas Street, South Perth
Applicant:	Amano Homes (A Bisignano) for J L Masiello
File Ref:	11/6764 11.2006.66 TH4.15
Date:	3 July 2006
Author:	Christian Buttle, Team Leader, Planning Services
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

#### Summary

The application for planning approval relates to a proposed two storey Single House on Lot 16 (No. 15) Thomas Street, South Perth. Council's determination is sought in relation to streetscape compatibility and compliance with the provisions of Council Policy P370\_T "General Design Guidelines for Residential Development". Council also needs to determine issues relating to the requirements of the Residential Design Codes 2002 (R-Codes). The recommendation is for refusal due to non-compliance with Council Policy and the Residential Design Codes 2002.

#### Background

The application was originally presented for consideration at the April Council meeting. However, Council resolved to defer its consideration of the application at that time following receipt of a written request for deferral from the property owner.

This report includes the following attachments:

- **Confidential Attachment 9.0.1(a)** Plans of the proposal.
- **Confidential Attachment 9.0.1(b)** Computer generated elevations of the proposed dwelling.
- **Attachment 9.0.1(c)** Letter from Amano Homes.



The development site details are as follows:

Zoning:	Residential
Density coding:	R15
Lot area:	727 sq. metres
Building Height Limit:	7 metres
Development Potential:	One (1) Single House

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

***The Exercise of a Discretionary Power***

- (i) *Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the No. 6 Town Planning Scheme, relevant Planning Policies or Local Laws.*

In relation to this provision within Delegation DC 342, it is pertinent to note that the extent of adverse amenity impact arising from the proposal will be significant as a result of the incompatible design as measured against the predominant streetscape character of the relevant focus area.

The location of the development site is shown on the aerial photograph below. The site is adjoined on all boundaries by residential zoned land and has street frontage to Thomas Street.



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

**Comment**

**(a) Description of the Proposal**

The proposed development is a two storey Single House. The applicant's letter, **Attachment 9.0.1(c)**, describes the proposal in more detail.

Although the proposed development complies with many of the requirements of the City's Town Planning Scheme No.6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies, there are a number of exceptions, and these are discussed below.

**(b) Design - Council Policy P370\_T General Design Guidelines for Residential Development (P370\_T)**

The main objective of Council Policy P370\_T is as follows:

*"To preserve or enhance desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings."*

The proposal does not comply with the overriding objective of P370\_T.

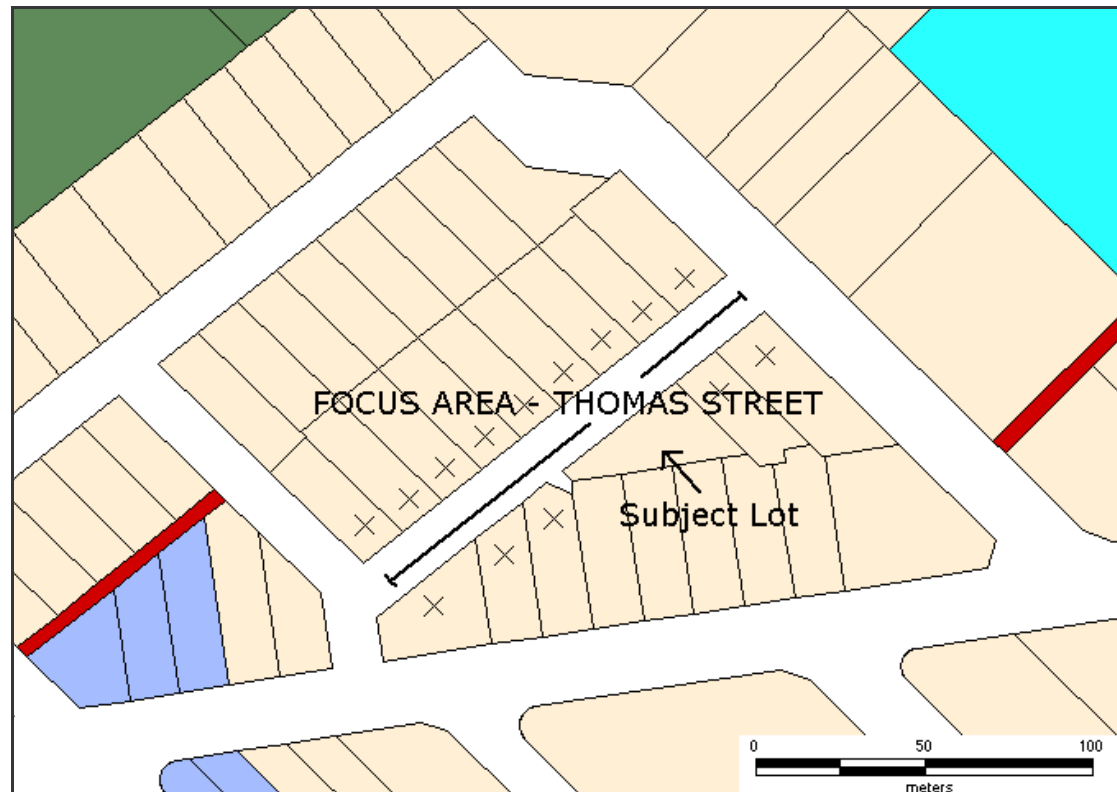
Policy P370\_T provides, under clause 3 "Streetscape Character" that:

*"All residential development shall be designed in such a manner that will preserve or enhance the desired streetscape character...In assessing the design compatibility of a proposed development, the Council will have regard to the primary and secondary contributing elements as identified in the preceding definition of the 'design compatibility'."*

***Design compatibility** means the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area. **Primary** elements contributing to design compatibility area generally scale, colour form and shape; and rhythm. **Secondary** elements include construction materials; setbacks from the street and side boundaries; the extent and nature of site landscaping visible from the street; and architectural details."*

The "focus area" means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting on to that section of the street. The focus area, in regard to the subject proposal, is shown below:





Characteristics of the focus area as follows:

- Single houses;
- The older housing is predominantly single storey;
- Newer housing and recent additions to older housing is predominantly two storey;
- Roof form - pitched;
- Roof materials - approximately 50% tiled and 50% metal (colourbond/zincalume);
- Fencing style - open, visually permeable above 1.2 metres.

The photographs below are examples of the residential development within the focus area.





The proposal is not in keeping with the dominant characteristics of the focus area in terms of its flat roof design, front solid wall and use of large sections of glass across the front elevation of the house. The form and shape of the proposed single house differs markedly from existing houses within the focus area, as it displays predominantly square and flat elements within its design. Existing dwellings have quite different characteristics due to the incorporation of verandahs, angled awnings and pitched roofs within their design. As a result of the wall height, flat roof design and square elements of the proposed single house, the perceived magnitude of the building is significantly greater than that of other existing dwellings within the focus area.

A large portion of the proposed front fencing is solid, to a height of 1.8 metres and this is also not compatible with the dominant fencing and front elevations of housing with the focus area.

It is therefore concluded that the proposal does not meet the objectives of Council Policy P370\_T.

**(c) Residential Design Codes 2002 (R-Codes)**

**(i) Setbacks**

In accordance with the Acceptable Development provisions under Element 3.3.1 (Boundary Setback Requirements) of the R-Codes, the following is prescribed:

*Development which complies with the following is deemed to meet the relevant Performance Criteria:*

*A1. Buildings which are set back in accordance with the following provisions, subject to any additional measures in other Elements of the Codes:*

- i. Buildings set back in accordance with Table 1, Table 2 (for all heights 10m or less) and Figure 2 and Figure 3 (for wall heights in excess of 10m).*

Table 1 (General Site Requirements) prescribes a 6 metre rear setback requirement for all R15 density coded properties.

The proposed setback of the dwelling from the rear boundary is 1.0 metre at its closest point and therefore, does not comply with the Acceptable Development provisions of the R-Codes.

**(ii) Fencing**

In accordance with the Acceptable Development provisions under Element 3.2.5 (Street Walls and Fences) of the R-Codes, the following is prescribed:

*“Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.”*

A portion of the proposed front brick wall is solid at a height of 1.8 metres from natural ground level and therefore, does not comply with the acceptable development provisions of the R-Codes.



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

Scheme Objectives are listed in clause 1.6 of TPS6. The proposal has also been assessed under, and has been found *not to meet*, the following relevant general objectives listed in clause 1.6(2) of TPS 6:

*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 (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;*

In accordance with objectives (c) and (f) of TPS6, the City will facilitate a diversity of dwelling styles where proposed dwellings retain the desired streetscape character, and in the older areas of the district (such as Thomas Street) demonstrate compatibility with the existing built form character. Although new dwellings do not need to be an exact match or replica of existing dwellings within the streetscape, they should incorporate characteristics and features (i.e. architectural details, roof designs, building materials) of existing residential development to ensure compatibility with the existing streetscape. The proposed dwelling has few features or characteristics in keeping and in harmony with the character and scale of existing residential development.

It is therefore, determined that the proposal does not comply with clause 1.6 of TPS 6.

**(e) 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 the 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:

*(c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*

*(j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*

*(n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The listed matters above are relevant to the subject application. In relation to listed matter (c), the proposal fails to comply with a number of the Residential Design Code requirements. In relation to listed matters (j) and (n) the proposal is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters.

It is therefore, determined that the proposal does not comply with clause 7.5 of TPS 6.



## **Consultation**

### **(a) Design Advisory Consultants' Comments**

On the first occasion, the proposal was considered by the City's Design Advisory Consultants at their meeting held on 20 March 2006. On that occasion, the proposal was not favourably received by the Consultants. Their more specific comments are summarised below:

*"The Advisory Architects considered that the design of the proposed house does not demonstrate compatibility with the dominant streetscape character.*

*The Advisory Architects noted that the standard of drawings was not satisfactory. In particular, the elevation drawings lack sufficient detail to enable them to be properly assessed. Furthermore, various inconsistencies were observed between the plan and the elevations.*

*In light of the circumstances referred to above, the Advisory Architects did not support the proposal at their March 2006 meeting."*

As stated previously, a decision on this application was deferred at the applicant's request pending their submission of additional drawings. When the additional drawings were received, the application was again considered by the Design Advisory Consultants at their meeting held on 19 June 2006. The Advisory Architects' comments on this second occasion were as follows:

*"The Advisory Architects remain of the view that the design of the proposed house does not demonstrate compatibility with the dominant streetscape character. However, they supported the design subject to modifications to the feature stone clad columns."*

### **(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 proposal was referred to the adjoining neighbour in respect to a proposed boundary wall. The owner of the property at No. 17 Thomas Street was invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received.

## **Policy and Legislative Implications**

Comments in relation to various relevant provisions of TPS6, 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.*

<b>OFFICER RECOMMENDATION ITEM 9.0.1</b>
--

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 on Lot 16 (No. 15) Thomas Street, South Perth **be refused** for the following reasons:

- (a) Owing to its incompatible design, the proposed development does not comply with the provisions of Council Policy P370\_T - “General Design Guidelines for Residential Development”.
- (b) The proposal does not comply with Elements 3.2.5 “Street Walls a Fences” and 3.3.1 “Buildings Set Back from the Boundary” of the Residential Design Codes 2002.
- (c) Owing to its incompatible design, the proposed development does not comply with a number of the objectives listed within clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6.
- (d) Owing to its incompatible design, the proposed development does not comply with a number of the matters listed within clause 7.5 “Matters to be Considered by Council” of the City of South Perth Town Planning Scheme No. 6.

**9.0.2 Proposed Mixed Development. Lot 4531 (No. 9) George Street, Cnr Baron Hay Court, Kensington.**

Location:	Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington
Applicant:	Casella & Associates Architects for Ngala Family Resource Centre
File Ref:	11/76 11.2006.36 GE1/9
Date:	4 July 2006
Author:	Rod Bercov, Manager Development Services; and Frank Polglaze Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application for planning approval relates to a proposed Mixed Development comprising 16 Aged or Dependent Persons' Dwellings and 19 Grouped Dwellings and a Communal Centre as part of the Ngala Family Resource Centre. Council's discretion is sought in regard to the Mixed Development being a "D" (discretionary) use under the City's Town Planning Scheme No. 6 (TPS6) which means it is a use not permitted unless the Council has exercised its discretion by granting planning approval. The recommendation is for approval, subject to a number of standard and special conditions.

**Background**

Consideration at June 2006 Council meeting

The proposed development has been approved previously in 1999, 2001 and 2003. The current application involves only minor changes from the previous applications. Each of the previous approvals lapsed because the applicant did not proceed with construction within the prescribed time period. On the earlier occasions, the planning approval was granted under delegated authority. The planning approval was renewed at the July 2003 Council meeting. The period of validity of that approval expired on 22 July 2005.

The officer report to the June 2006 Council meeting again recommended approval of the proposed development, subject to 20 standard conditions and one special condition. However, that recommendation was not adopted.

At the June meeting during a deputation to the Council, a member of the public expressed concern about possible inaccuracies in the officer assessment. He raised specific queries relating to the classification of all of the dwellings as Grouped Dwellings rather than Multiple Dwellings. As he understood that some of the dwellings could only be classified Multiple Dwellings, he raised an associated query about the maximum permissible number of dwellings based upon Table 1 of the R-Codes. Further, he raised a query concerning car parking provision for the communal centre forming part of the proposed development. Finally, he queried pedestrian safety in relation to the provision of a pedestrian path alongside the vehicle driveway.

During the Council Members' debate at the June meeting, issues were raised which reflected the concerns expressed during the deputation. Specifically, more information was sought in relation to:

- the calculation of plot ratio;
- whether the driveway on the development site is shared with the adjoining Ngala Family Resource Centre;
- the absence of a landscaping plan at this stage; and
- the manner in which Council discretion needs to be exercised.

As a result of the queries raised at the June meeting, the Council resolved as follows:

*“That consideration of the application for planning approval for a Mixed Development on Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington be deferred pending more information being included in a further report to the next meeting of Council on this matter.”*

All of the queries raised at the June Council meeting are addressed in the ‘Comment’ section of this report. The additional information confirms that there were no inaccuracies in the officer assessment and should assist Council in its determination.

Development site details, location and reason for referral to Council meeting

This report includes the following attachments:

- **Confidential Attachment 9.0.2(a)** Plans of the proposal; and
- **Attachment 9.0.2(b)** Letter dated 18 May 2006 from applicant.

The development site details are as follows:

Zoning:	Residential
Density coding:	R40
Lot area:	9697 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	44 residential dwellings

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:

- (i) It is a large scale development consisting of more than 10 dwellings; and
- (ii) A matter that has previously been considered by Council.
- (iii) Proposals involving the exercise of discretion under Table 1 of the No. 6 Town Planning Scheme for ‘Mixed Development’ on land zoned Residential.



The location of the development site is shown below:



### **Comment**

#### Response to queries raised at June Council meeting

In response to the various queries raised at the June Council meeting, the following information is provided:

#### **1. Classification of dwellings**

The applicant's letter dated 18 May 2006 describes some of the dwellings as 'Multiple Dwellings'. However that description is not correct. The correct classification of the dwellings is explained as follows:

Nineteen of the dwellings are classified as Grouped Dwellings and these are contained within single storey buildings.

The remaining 16 dwellings are classified as Aged or Dependent Persons' Dwellings (ADP's). The ADP's occupy the southerly portion of the site which slopes upwards quite steeply. These dwellings are contained within a two-storey building with eight dwellings on the lower level and a further eight dwellings above them. Due to the design which takes advantage of the natural topography of the site, all of the ADP's on both the lower and upper levels are directly accessible from the allocated parking bays without the need for steps. The dwellings within the two storey building are not classified as Multiple Dwellings having regard to the separate definitions of ADP's and Multiple Dwellings in the No. 6 Town Planning Scheme (TPS6); the separate listing of Aged or Dependent Persons' Dwellings and Multiple Dwellings as independent 'Uses' in Table 1 (Zoning - Land Use); and the related Clause 3.3(6) which states that:



*“Where a particular Use is defined in Schedule 1, it is deemed to be excluded from any other Use which by its more general terms might otherwise include such particular Use.”*

While the 16 dwellings towards the rear of the site are not classified as Multiple Dwellings, they are arranged in Multiple Dwelling form. However, in circumstances where the topography of a site favours the placement of dwellings above one another, such dwellings may be determined to constitute Grouped Dwellings. This situation arises from the definition of ‘Grouped Dwelling’ contained in the R-Codes which reads as follows:

*“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common boundary.”*

Due to the special topographical condition of the site, the 16 dwellings in question have been previously determined to be of a ‘Grouped Dwelling’ character. On land zoned Residential with R40 density coding, such as the subject development site, Grouped Dwellings are a “P” (permitted) use while ADP’s are a “D” (discretionary) use. Multiple Dwellings are an ‘x’ (prohibited) use.

**2. Maximum permissible number of dwellings**

Having regard to the classification of the dwellings as explained above, the information in the June report relating to the maximum permissible number of dwellings is correct. That report advises that the site area permits 44 Grouped Dwellings. This is without any reliance upon the potential density bonus available to ADP’s under Clause 3.1.3 A3 i of the R-Codes. The proposed number of dwellings is 35, comprising 19 Grouped Dwellings and 16 ADP’s.

**3. Plot ratio**

In areas coded R40, such as the subject site, the R-Codes do not impose any plot ratio control in relation to Grouped Dwellings nor ADP’s. For this reason, the June Council report does not specifically discuss plot ratio. That report states that the proposal complies with all requirements of the R-Codes with the exception of particular variations which are discussed.

**4. Car parking provision**

During the deputation at the June Council meeting, queries were raised about the communal facilities available to the residents and the associated parking provision. In the ‘Summary’ section of the June report, reference is made to the development being part of the Ngala Family Resource Centre as the land is owned by Ngala and was previously occupied by the ‘old’ Ngala facility. The proposed development will not function as part of Ngala although it is located on vacant land adjoining the new Ngala facility. The communal facilities are intended only for the use of the residents within the new development. The June report contained the following information:

*“The communal facilities are contained within a building comprising a very large recreation room (lounge), sunroom, library, bar, verandah, computer room, and two offices.”*

At the June Council meeting, the Director Strategic and Regulatory Services provided information relating to car parking for the communal centre. He explained that TPS6 does not prescribe any parking requirement for that centre, which is classified as 'Aged or Dependent Persons' Amenities' under TPS6. He went on to say that 10 visitor parking bays are provided for the whole development, five of which are situated adjacent to the communal centre. This will adequately meet the actual parking needs.

**5. Driveway siting and pedestrian safety**

A portion of the driveway along the south-west perimeter of the development site provides access to the Ngala Family Resource Centre as well as to the proposed dwellings. This arrangement is considered entirely satisfactory. Pedestrian pathways are provided alongside the vehicle driveways. This arrangement is quite functional and, with the levels of vehicle and pedestrian movement generated by the development no safety issues have been identified.

**6. Landscaping plan**

At the June Council meeting reference was made to the absence of a landscaping plan. This is consistent with standard procedure for all proposed development. Applicants are not required to submit a landscaping plan when seeking planning approval. It is considered preferable to receive the landscaping plan later, when details of the proposed development have been further refined. A standard condition is imposed calling for the submission of a landscaping plan. In the case of the proposed development, the officer recommendation included Standard Condition 508 which reads as follows:

*"In accordance with the requirements of clauses 6.14 (2) and (5) of Town Planning Scheme No. 6, a landscaping plan shall be submitted for approval by the City. No person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until:*

- (i) the City has approved a landscaping plan; and*
- (ii) the landscaping has been completed in accordance with the plan approved by the City."*

Areas requiring Council to exercise discretion

The proposal complies with the requirements of TPS6, the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below, which require the exercise of Council discretion. A letter from the applicant, **Attachment 9.0.2(b)**, presents justification for the exercise of discretion in relation to matters discussed below. It is recommended that Council discretion be exercised in order to approve the proposal as submitted.

The following officer comments are provided in relation to these discretionary matters.

**1. Fill / Excavation and fencing**

The site has a cross fall of approximately 9.0 metres, which necessitates the use of retaining walls to a significant degree. Clause 3.6.1 (A1.1) of the Acceptable Development standards of the Codes allow no more than 0.5 metres of fill within 3.0 metres of the street alignment. The retaining wall along George Street is proposed to be between 0.5 and 1.5 metres high. With fencing, the combined height is between 2.0 and 2.7 metres.

Clause 3.2.5 of the Codes requires fencing to be permeable above 1.2 metres. The fencing above the retaining wall is open style, and is satisfactory in reducing the dominance of the total wall / fence height on the streetscape and in allowing for surveillance between the dwellings and the street, and is therefore supported.

Excavation adjacent to the Baron Hay Court boundary of the site is approximately 0.8 to 1.0 metre deep along the north-eastern two thirds of the length of this street boundary. The excavation will have no impact at the interface of the development with the street, while noting that the proposed dwellings and associated outdoor areas will be below street level. The wall / fence height does not exceed 1.2 metres above street level, which allows for surveillance of the street as required by Clause 3.2.4 of the Codes. For the most part the wall / fence height from the street side will be less than the 1.8 metres standard, but with the height increasing to around 2.5 metres where Baron Hay Court intersects with George Street.

**2. Outdoor living area**

'Acceptable Development' Clause 3.4.2 of the Codes requires outdoor living areas to be located behind the street setback line. The units along George Street and Baron Hay Court utilise the street setback area for the purpose of courtyards. The applicants' case is that the location meets the Performance Criteria under the Codes in that the location of the outdoor living areas provides better solar access and that, as a group, the "over 55's" are unlikely to require large outdoor living areas (i.e. street setback area plus adjoining outdoor living area). Furthermore, Communal Facilities are provided for the use of residents, thus lessening the demand by residents for private outdoor living areas. It should be noted also that the outdoor living areas within the street setback area comfortably meet the 20 sq. metre minimum. The actual areas of the courtyards range from 20 sq. metres (only one dwelling at this size) to 40 sq. metres.

The communal facilities are contained within a building comprising a very large recreation room (lounge), sunroom, library, bar, verandah, computer room, and two offices.

The City supports the applicants' argument and is supportive of the proposed location of the outdoor living areas within the street setback area.

**3. Minimum Site Area for Grouped Dwellings**

Three of the proposed Grouped Dwelling lots fall below the minimum site requirement of 200 sq. metres. The applicant is seeking the discretion of Council to grant a variation via the Performance Criteria Clause 3.1.3 'Variation to the Minimum Site Area' of the Residential Design Codes. Clause 3.1.3 permits the Council to grant a minimum site area below that specified in Table 1 of the Codes, subject to actual area being no more than 5 per cent below the specified area and meeting one other of the five specified criteria. The site areas for all three dwellings are within the maximum 5% reduction.

The applicant makes the case for Dwellings 2 and 3 which lose respectively 10 sq. metres and 9.75 sq. metres due to the construction of a retaining wall with a setback of 1.2 metres from the George Street boundary. The retaining wall has been set back to facilitate the retention of large pine trees on the property adjacent to the street boundary, and thereby reducing the potential site area available to those lots.

The applicant has sought Council's discretion regarding the site area of Dwelling 13 on the basis that it allows the land to be developed with housing consistent with the remainder of the development. Whilst this criterion of the R-Codes relates to 'housing of the same type and form as land in the vicinity' rather than potential development of the land in the future, it is considered that the discretion sought meets the objective for Clause 3.1.3.

**4. Variation to Minimum Site Area for Aged or Dependent Persons' Dwellings**

The applicant is seeking Council's approval to reduce the minimum site area by up to one third for the purpose of the sites for Aged or Dependent Persons' Dwellings.

It should be noted that the site area for the whole lot permits 44 Grouped Dwellings to be constructed, with only 19 Grouped Dwellings and 16 Aged or Dependent Persons' Dwellings being proposed. The applicant has sought to have 16 of the dwellings defined as Aged or Dependent Persons' Dwellings (on the advice of City officers) due to the difficulty of meeting the minimum site area for these dwellings, if classified as Grouped Dwellings.

The difficulty arises due to the fall of the land in the south-easterly section of the site which has resulted in those dwellings facing north being built above those facing south. This has resulted in these dwellings having insufficient land area to comply with the minimum site area requirement for Grouped Dwellings.

The proposed Aged or Dependent Persons' Dwellings comply with the Acceptable Development standards of the Residential Design Codes, subject to the Building Licence drawings demonstrating compliance with the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House Class "B" standard. It is therefore recommended that the Council support the request for the exercise of discretion in relation to minimum site area for the dwellings concerned.

**5. Pedestrian Paths and Driveway Widths in relation to permitting Passing Points for Vehicles**

Clause 3.4.5 A5 (ii) of the R-Codes requires pedestrian paths to be separate from the vehicle driveway. Clause 3.5.4 A4.5 requires that driveways servicing six or more dwellings are designed to allow vehicles to pass in opposite directions at one or more points. There is insufficient space available for passing points without using the pedestrian path for this purpose. City officers recommend that Council support the use of the pedestrian path for this purpose, subject to the path being clearly delineated as a pedestrian path through the use of different paving material. The applicant has done this, and therefore it is recommended that the Council support this variation.

**6. Location of Visitors' Parking Spaces**

The Residential Design Codes require visitor parking bays to be located close to, or visible from the point of entry. The applicant has provided 10 visitor bays being 2 above that which is required. Five of these bays are located adjacent to the Communal Facilities which are located towards the entry point to the development. The remaining five are interspersed throughout the development site which is considered appropriate due to the size of the site, and thereby providing visitor bays close to each grouping of dwellings.

**7. Car Parking Bay Dimensions**

The width of the open parking bays to Units 12, 13 and 14 do not comply with the minimum width requirements of Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' of TPS6. This issue can be readily addressed by the internal middle pillar of the adjoining carport allocated to the same unit being removed. A recommended condition of approval requires this change.

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

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 (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 (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 (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities; and*
- Objective (l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

**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 objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*



- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *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;*

The proposal has been found to be satisfactory in relation to all of these matters.

#### **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 Nos. 12 and 14 George Street; Nos. 94 and 97 Collins Street; No. 3 Baron Hay Court; and the South Kensington Primary School located on the corner of George Street and Baron Hay Court were invited to inspect the application and to submit comments during a 14-day period. A total of six neighbour consultation notices were mailed to property owners. No comments were received.

#### **Policy and Legislative Implications**

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme and the R-Codes have been provided elsewhere in this 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 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 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 Mixed Development on Lot 4531 (No. 9) George Street cnr Baron Hay Court, Kensington **be approved**, subject to:

(a) **Standard Conditions**

300, 301, 302, 349, 353, 354, 375, 377, 427, 445, 455, 456, 470, 471, 508, 550, 663 (new units), 625, 626, 660.

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

(b) **Specific Condition:**

The dwellings nominated as “Aged or Dependent Persons’ Dwellings” shall demonstrate compliance with AS 4299 (Adaptable Housing) Class “B” standard on the working drawings submitted with the building licence application.

(c) **Standard Important Footnotes**

648, 645 (Condition 508), 646, 651.

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

## 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 July 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 twelve month period of the Plan (ie 2005/06 Financial Year) 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 twelve-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 Community Development Strategies

Location:	City of South Perth
Applicant:	Council
File Ref:	R01/IN05/DE
Date:	3 July 2006
Author:	Neil Kegie Manager Community Culture and Recreation
Reporting Officer:	Steve Cope Director Strategic and Regulatory Services

#### Summary

This report outlines the findings of two Needs Studies undertaken in 2005/06; *Families with Young Children*, and *Seniors and Older Citizens*, and the role the information contained in the studies will play in the development of strategies for these two cohorts.

#### Background

In December 2004 Council adopted a Connected Community Plan to guide the City and other local organisations to work together to develop and resource programs, services and facilities that give all community members choice and opportunities to participate; interact and feel a part of the community. The outcomes of the Plan will assist the City of South Perth to be a strong, socially sustainable community.

The Connected Community Plan outlines the need to develop strategies that articulate the City's response to identified needs in the community. The first two cohorts to be considered in this process are *Families with Young Children*, and *Seniors and Older Citizens*. Following the development of these two strategies further work will be undertaken to broaden the scope of the City's response to community needs to cover the entire community.

In November 2005 the Community Development organisation *Creating Communities* was engaged to conduct the needs studies including associated community consultation with the resultant findings to be used as the basis for the strategies.

The key findings of the needs studies were presented by the Manager Community Culture and Recreation at a Council Briefing on Wednesday 3 May 2006.

#### Comment

In recent years Local Government Authorities have become involved in a number of areas not historically associated with the core business of Councils. This is due in part to changes in legislation requiring LGAs to undertake new roles and also to an expectation in the community that LGAs have a responsibility to address a broader range of community issues than in the past.

There is a need in this environment, to ensure that the City undertakes its social obligations in a responsible manner in order to manage resources effectively to achieve the best community outcomes. To this end the City looks to maintain an overview of the strengths and gaps in service delivery in the community and to identify partnering opportunities wherever possible to meet identified needs. In other words optimum outcomes with minimal intervention.

This sustainable community development approach will underpin the development of strategies for 'Families with Young Children, and Seniors and Older Citizens'.

The City currently implements many initiatives that address a broad range of needs in the community and integrates a strong partnering philosophy in seeking to facilitate good community outcomes. Though the development of a *Families with Young Children Strategy* and a *Seniors and Older Citizens Strategy* goals will be set based on needs identified in these Studies, and will bring together relevant initiatives already in place along with actions based on the recommendations of the studies that focus on priority issues.

The needs studies were conducted specifically to:

- Provide an overview of the current and future needs of Families with young children (0-5 yrs old) and Seniors in the City of South Perth;
- Determine priority issues faced by families with young children and seniors in the City of South Perth; and
- Identify ways in which the City can assist families with young children and seniors in addressing these needs, through direct service delivery or in partnership with other organisations and community groups

The methodology used for the needs studies was to:

- Develop a consultation strategy to effectively engage with the two cohorts
- Conduct a literature review of existing documentation
- Identify profiles for the cohorts in the community
- Implement the consultation strategy
- Collate data from surveys interviews and relevant existing documentation
- Analyse data and identify key findings
- Develop a series of recommendations to be used as the basis for strategies

The two studies were conducted concurrently with findings determined for each of the cohorts as well as a number of findings that were common to both. Consultation through the community survey and interviews with key agencies and community groups identified the following key issues in the City:

#### Families with young children

- Demand for childcare services
- Increased need for parent support
- Lack of appropriate facilities (eg. Child Health, Playgroups)
- The importance of parks and playgrounds
- Support for early intervention programs
- Concern regarding the future location of the South Perth Kindergarten
- More effective communication with families

#### Seniors and Older Citizens

- Lack of awareness of existing programs and services
- Concern over the future location of the South Perth Learning Centre
- Effectiveness of the Seniors Centres
- Changing requirements for the care of the elderly
- Mental and physical wellbeing
- Need for a broader range of relevant programs
- Importance of volunteering
- Local transport / accessibility issues
- Need for more learning opportunities
- Importance of access to physical activities and services



Both cohorts

- Coordination and support for volunteers
- Better usage of existing facilities through programming
- Interest in a local aquatic facility
- The need for stronger links between key agencies and the City
- Implications of changing demographics

A number of recommendations have been made in the studies that address the above-mentioned issues which will now be considered in the development of *Families with Young Children Strategy* and a *Seniors and Older Citizens Strategy*. These recommendations focus on:

- Considering potential future locations for the South Perth Kindergarten and South Perth Learning Centre
- Undertaking a detailed investigation of childcare issues in the City in partnership with the community and service providers
- Considering how the delivery of child health services might be improved in the future
- Considering how to increase communication between the City; agencies, community groups and service providers
- Ensuring future development of playgrounds and parks aligns with specific needs of families with young children and older people
- Increasing the usage of the current Senior Citizens Centres by creating 'Community Centres' which would provide a greater range of programs while continuing to support the existing senior centre associations
- Considering how local transport can be improved including options that utilise the City's Community Bus
- Considering options to increase programs and activities for the two cohorts
- Enhancing opportunities and support for volunteers
- Implementing a program such as the City of Stirling's 'Club Forever' program to build capacity in community groups
- Improving communication strategies to ensure the community is informed about programs and services

The effectiveness of the City's two Senior Citizens Centres in being able to respond to the needs of an increasing number of seniors and older citizens in the community has emerged as an issue of particular significance during the course of the Needs Studies. This report recommends an examination of the relationship between the City and the Centres with a view to ensuring that the City and the Centres are best positioned to meet new challenges and expectations resulting from this fundamental demographic shift. One particular area that needs review relates to the Constitutions which are now outdated and need to be modernised to reflect current standards. The development of Service Agreements between the City and the Centres as recommended in this report should act as a catalyst for discussion between stakeholders to develop best practice processes to meet these emerging trends.

**Consultation**

Consultation for the Needs Studies comprised:

- An internal staff workshop
- Fourteen one-on-one interviews with a cross section of relevant agencies, local service providers and adjoining LGAs
- Community Survey - 2,000 distributed to targeted groups (eg Seniors Centres, kindergartens) and 2,000 distributed to the general community. 304 responses were received.
- Council Briefing on 3 May 2006.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

Allocations for current programs are in the current budget. Any initiatives requiring additional funds will subject to normal budgetary processes including opportunities to access external funding pools.

**Strategic Implications**

The content of this report relate to the City's Strategic Plan

**Goal 2 Community Enrichment -**

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

**Strategy 2.1**

Develop and implement a 'Connected Community Plan' to:

Address the needs of aged, families, youth, unemployed; and  
Encourage opportunities for community development and vitality; and

the following aspects of the City's Connected Community Plan

**Objective 2: Families with Young Children**

To foster and facilitate the support, skills development and equitable access to community facilities and services for parents with young children

**Strategy 2.1**

2.1 Develop a Families Strategy to ascertain needs, future demands, and identify opportunities to engage with existing agencies to prioritise the allocation of resources.

**Objective 4: Seniors**

To foster and facilitate support, opportunities and equitable access to community facilities for an ageing population

**Strategy 4.1**

4.1 Develop a Seniors Strategy to ascertain needs, future demands and work with existing agencies to address the allocation of resources.

<b>OFFICER RECOMMENDATION 9.2.1</b>
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That:.....

- (a) Council endorse the findings of the Needs Studies as outlined in Report Item 9.2.1 of the July 2006 Council Agenda for the purpose of developing a Families with Young Children Strategy and a Seniors and Older Citizens Strategy.; and
- (b) City Officers develop service agreements with the South Perth Senior Citizens Centre Incorporated and the Manning Seniors Citizens Centre Incorporated. These Service Agreements will articulate the responsibilities of the parties to the agreements, and the support provided by the City to the Centres. The Service Agreements will also contain Action Plans to provide best practice in relevant service delivery for seniors and older citizens in the City of South Perth.

**9.2.2 Funding Assistance Program - Round One Community Development Category**

Location:	City of South Perth
Applicant:	Council.
File Ref:	GS/103/1
Date:	2 July 2006
Author:	Tom Pavlos: Coordinator Community Development
Reporting Officer	Steve Cope, Director Strategic and Regulatory Services

**Summary**

To consider applications in the Community Development category of the Funding Assistance Program - Round 1 - 2006/2007.

**Background**

In June 2001 the City implemented a Funding Assistance Program to enable the City to equitably distribute funding to community organisations and individuals to encourage community and personal development, and foster community services and projects.

The Funding Assistance Program incorporates a number of levels and categories in response to identified areas of need, these are:

**Community Partnerships**

Partnerships with identified organisations that provide a major benefit to the City of South Perth community.

**Community Funding**

- Community Development Category - for incorporated groups, these are assessed in 2 rounds annually.
- Individual Development Category - financial assistance for individuals attending interstate or international sporting, cultural or academic activities.

**Community Grants**

Grants up to \$1,000 for groups proposing projects that do not fit within the Community Development program.

**Comment**

Ten applications were received in this round requesting a total of \$57,112.25 **Attachment 9.2.2** refers.

Nine of the applications covering a range of community service, cultural and recreational projects fulfilled requirements of the program. These applications were submitted by:

- Kensington Primary PandC
- Lions Club of South Perth Inc
- South Perth Society of Art and Crafts Inc
- YouthCare WA Como
- Communicare VIP Plus Program
- South Perth Learning Centre
- Youth Care - Kent Street
- Continence Advisory Service of WA
- South Perth Senior Citizens

The remaining application from Native Arc Inc requested funding assistance mainly for capital items which can be supported by other funding agencies such as Lotteries West and so could be completed without financial assistance from the City.

**Consultation**

This funding round was advertised in the Southern Gazette newspaper, the Peninsula Newsletter, the City's Community Information Directory and on the City's website. It was also promoted directly to past applicants and at the two networking forums coordinated by the City - SPARKYS (South Perth and Vic Park Youth Services) which focusses on Youth Services, and the Community Services Forum which has a more general brief across all demographics.

**Policy Implications**

This report refers to the Funding Assistance Policy P202

**Financial Implications**

The recommendation of this report is within budgetary parameters.

**Strategic Implications**

This report is complimentary to Goal Two, Community Enrichment, and directly relates to Strategy 2.3.

*'Implement the Community Funding Program to equitably distribute funding between community organisations to encourage and foster community development services and projects.'*

<b>OFFICER RECOMMENDATION ITEM 9.2.2</b>
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That \$35,562.25 be distributed to nine organisations from City funds for Round One of the Community Development category of the Funding Assistance Program as detailed in **Attachment 9.2.2.**

**9.2.3 Donation Request - Community Event at Curtin University of Technology**

Location:	City of South Perth
Applicant:	Curtin University of Technology
File Ref:	FM/401
Date:	7 July 2006
Author:	Neil Kegie: Manager Community Culture and Recreation
Reporting Officer	Steve Cope, Director Strategic and Regulatory Services

**Summary**

To consider a request for financial assistance for a Community event to be held at the Curtin University of Technology on 29 October 2006.

**Background**

Curtin University in partnership with Foodbank WA is holding a community event on the University Campus on Sunday 29 October for the purpose of:

- Holding a community event that will attract people from the three local government areas surrounding Curtin's main campus, for a common cause and celebration. The event will include a free community concert featuring Demi Hines, the star of the hit musical "Dusty"; and
- Providing an opportunity for local citizens and children at the 75 primary and secondary schools in the three local government areas to help alleviate poverty and hunger through donations of cans of beans for the schools' breakfast program, which provides over 17,000 meals per week to school children throughout Western Australia

In addition to the free community concert the event will include a celebrity cook-off; arts, crafts and food stalls, film screenings, lectures and a "Mad Hatter's Tea Party" A significant aspect of the event will be a schools component comprising a photographic competition for years 8 - 12, a prose competition for years 4 - 7 and a colouring competition for pre primary - year 3. These competitions will be based on the importance of food in the community and will assist in the promotion of healthy eating. Canned beans (of any description) were chosen as a theme for the project due to the high nutritional content, long shelf life and significance of beans to a wide range of cultures throughout the world.

This request from Curtin University relates to schools activities that would be undertaken in the City of South Perth and contains two options:

- 1 \$5,000, which would facilitate the schools component of the event; and
- 2 An amount of between \$5,000 and \$10,000 which would allow for a significant prize to be awarded to the winning school.

**Comment**

For several years, Local Government representatives on Curtin's Campus and Community Life Advisory Committee (CCLAC) have been urging Curtin to host a community event that would attract people from the three local government areas surrounding Curtin's main campus, for a common cause and celebration.

In response to this, CCLAC has endorsed a proposal for "Curtin's Big Event" on Sunday 29 October 2006. The event has two areas of focus; to create an opportunity for the communities surrounding Curtin to come together on the grounds of the university, and to raise an awareness of hunger in Western Australia as well as the related issues of nutrition, justice, homelessness, poverty and crime.



A highlight of the project will be a canned bean appeal promoting donations through a number of collection points throughout the state including schools. The cans will be brought to Curtin and constructed into the shape of a heart. They will then be distributed through Foodbank WA's various agencies and programs including the schools breakfast club program.

Curtin University has underwritten the event which has also attracted funding from Lotterywest and Heathway. Requests for funding similar to that made to the City of South Perth have been made to the Town of Victoria Park, which has approved a \$5,000 donation, and the City of Canning, the result of which was unknown at the time this report was written.

This report recommends the provision of funds for the first of the two options in the request which would facilitate the schools component of the event.

### **Consultation**

The City of South Perth has been represented on the Campus and Community Life at Curtin Steering Committee by City officers and Elected Members for several years. Officers and Elected Members from the Town of Victoria Park and City of Canning as well as from Foodbank WA, local Rotary Clubs, Boronia Pre Release Centre, Edventures and local schools also sit on the committee. In addition, the project has been the subject of discussion between the Vice Chancellor of Curtin University and the Mayors and Chief Executive Officers of the three local government authorities.

### **Policy Implications**

This request falls outside the guidelines of the City's Funding Assistance Program and requires the consideration of Council in order to proceed.

### **Financial Implications**

An amount of \$5,000 has been allocated in the 2006/07 draft Budget for this project.

### **Strategic Implications**

The subject of this report aligns with Goal 2 of the City's Strategic Plan:

*'To foster a strong sense of community and a prosperous business environment'*

and Strategy 2.2 of the Strategic Plan:

*'Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations.'*

<b>OFFICER RECOMMENDATION ITEM 9.2.3</b>
--

That \$5,000 be allocated to support elements of "Curtin's Big Event" to be held on 29 October 2006 that relate to schools within the City of South Perth.

**9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

<b>9.3.1 Proposed Modification to approved Roofing for Grouped Dwelling. Lot 473 (No. 114) Todd Avenue, Como.</b>
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Location:	Lot 473 (No. 114) Todd Avenue, Como
Applicant and Owner:	Mr MR and Mrs PI Plawiak
File Ref:	11/2905 11.2005.605 30.2006.361 TO1:114
Date:	3 July 2006
Author:	Gabriela Poezyn, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

**Summary**

The subject property was previously developed with two Grouped Dwellings in a battle-axe configuration. Planning approval was granted in April 2006 for the replacement of the front dwelling with a new dwelling. The planning approval included a condition requiring the proposed materials and finishes of the proposed replacement dwelling to match those of the existing rear dwelling. The property owner has now lodged an application for a building licence and has requested that approval be granted for the use of Colourbond metal sheeting for the proposed dwelling in lieu of matching roof tiles. The owners have advised that the colour of the metal roof sheeting will match the tile colour of the rear dwelling.

The officer report recommends that the requested change in materials be supported.

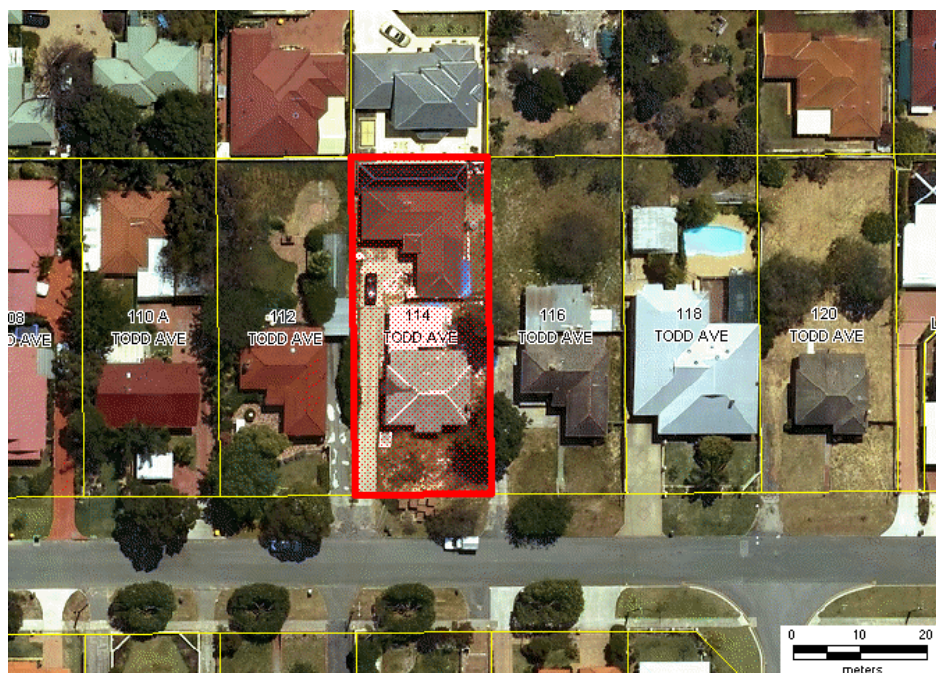
**Background**

Drawings related to this proposal are provided as *Confidential Attachment 9.3.1* to this report.

Zoning:	Residential
Density coding:	R20
Lot area:	1012 sq. metres
Height limit:	7 metres

Council has previously resolved that matters of this kind be referred to a Council meeting for determination.

The location of the development site is shown on the map below (which can be viewed in colour electronically). The site is adjoined by other residential development.



**Comment**

**(a) Development History of Property**

No. 114 Todd Avenue is a duplex sized block and remains in single ownership.

The existing rear dwelling was constructed to the rear of the original front house in 1988. A licence was issued for the demolition of the original front house toward the end of 2005. Planning approval was granted under delegated authority in April 2006 for the construction of a new Grouped Dwelling on the front of the lot. The existing rear dwelling will remain in place without change.

**(b) Description of the Proposal**

The only change between the proposal which was the subject of planning approval and the proposal that has now been submitted for a building licence is in respect to the roof cover.

In discussion, the applicant has advised that a Colourbond roof is preferred because it better matches the architecture of the proposed dwelling and for cost reasons.

Although the dwellings on either side of the subject lot have tiled roofs, there are a number of other dwellings in Todd Avenue that have Colourbond roofs in a variety of colours.

**(c) Policy 370 - General Design Guidelines for Residential Development**

Clause 4 of the above policy requires that in “battle-axe” style developments where one dwelling is located behind another, the dwellings shall match each other. From this it follows that the roof material of the front dwelling should be the same as the roof material of the rear dwelling. As the rear dwelling has a tiled roof, and it is proposed that the front dwelling will have a Colourbond roof, this aspect of the proposal does not comply with the City’s Policy.

**(d) Impact of proposed change**

The impact on neighbourhood amenity of providing a Colourbond roof instead of a tiled roof will be minimal as there is a mix of Colourbond and tiled roofs in the neighbourhood.

As presented, the proposal does not satisfy normal policy requirements relating to matching colours and materials for the two dwellings on the development site. However, the Council has taken a more lenient approach to this matter in recent times that may well flow through to revised policy provisions.

Additionally, it is noted that the rear dwelling is significantly lower lying than the front dwelling and the street, as the gradient difference between the front and rear of the property is approximately 6 metres. With this level difference, the two dwellings, although located on one lot, do not visually relate to each other as would usually be expected, and the impact of the rear dwelling on the streetscape is significantly reduced.

The impact of the differences in roofs of two properties on the streetscape and the amenity of the neighbourhood is limited.

**(e) Town Planning Scheme No. 6 (TPS6)**

Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

Relevant Scheme Objectives listed in Clause 1.6 of TPS6 include the following:

- (1) *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 proposal is not in conflict with this objective.

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

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:

- “(b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (x) *any other planning considerations which the Council considers relevant.”*

Although the proposed development is inconsistent with one provision of Council Policy P370\_T, it is considered to align with the above items listed in Clause 7.5 of TPS6.

**(f) Conclusion**

Council's Planning Policy No. P370\_T "General Design Guidelines for Residential Development" seeks to enhance residential amenity standards generally. Although the proposal is contrary to one provision of this policy, the impact of the two different roofs on the amenity of the area and the streetscape will be limited as the rear dwelling is located significantly lower than the front dwelling and the street. The use of Colourbond metal sheeting is not inconsistent with other dwellings situated within the focus area and the proponents have indicated that they will use a colour matching the existing tiles of the rear dwelling.

Having regard to the preceding comments, it is considered reasonable for a variation to normal policy requirements to be granted in this instance.

**Consultation**

This matter was not advertised to adjoining property owners, as neighbour consultation is not required. The applicant is also the owner of the existing rear dwelling.

**Policy and Legislative Implications**

The relevant provisions of Policy P370\_T 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 in the following terms:

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

<b>OFFICER RECOMMENDATION ITEM 9.3.1</b>
--

That the request for use of Colourbond metal roof sheeting for the proposed dwelling on Lot 473 (No. 114) Todd Avenue, Como, be approved subject to the colour most compatible with the existing tiled roof of the rear dwelling being selected. Details of the selected colour shall be provided to the City for approval prior to the issuing of a building licence.



**9.3.2 Proposed Enclosed Patio (Sun Room) Addition to Grouped Dwelling. Lot 101 (Unit 3, No. 9) South Terrace, Como.**

Location: Lot 101 (Unit 3, No. 9) South Terrace, Como  
Applicant: Westral Home Improvements for Ms Valda Owen  
File Ref: 11/116/498 11.2006.141.1 SO2.7-9  
Date: 2 July 2006  
Author: Gavin Davey, Planning Officer, Customer Service  
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

**Summary**

The application for planning approval relates to a proposed enclosed patio (Sun Room) addition to an existing Grouped Dwelling at No. 9 South Terrace, Como. The dwelling is one of a group of 7 on the lot.

The proposed roof and walls of the enclosed patio addition do not match those of the existing main dwelling, contrary to the provisions of Council Policy P370\_T “General Design Guidelines for Residential Development” and Council discretion is sought in this regard. The Officer report recommends that the application be approved.

**Background**

Drawings relating to this proposal are provided as **Confidential Attachment 9.3.2** to this report.

Zoning: Residential  
Density coding: R30/50  
Lot area: 220 sq. metres (Parent Lot 2029 sq. metres)  
Height limit: 7.0 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:

***“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.”*

The location of the development site is shown on the aerial photograph below. The site is adjoined by other residential development and the Royal Perth Golf Club is situated opposite the development site.



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

**Comment**

**(a) Description of the Proposal**

The proposed development comprises an enclosed patio to form a “sunroom” to the rear of the existing single storey grouped dwelling. *Confidential Attachment 9.3.2* refers.

The proposed development complies with all relevant provisions of the City’s Town Planning Scheme No. 6, the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of one variation which is discussed below. It is recommended that Council discretion be exercised with respect to this variation.

**(b) Design**

Policy P370\_T “General Design Guidelines for Residential Development”, requires that:

*“Additions and alterations to an existing building shall be designed in such a way that they match that existing building.”*

The existing dwelling is conventional brick and tile construction. The proposed Sun Room comprises 3 external glass walls and a flat Colorbond roof. It adjoins the existing dwelling on the fourth side.

The proposed addition is situated to the rear of the dwelling, in a position which will have no impact on streetscape. It will not be highly visible from adjoining units within the complex.

Although the predominant construction is brick and tile, it is also noted that there are some carports within the development that are constructed with flat Colorbond metal roofs.

**(c) 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:

- (1) *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.

**(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 TPS6, 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:

- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance; and*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The proposed additions are considered to be satisfactory in relation to each of these matters.

**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 22 May 2006. The Advisory Architects made the following comment:

*Windows should be modified to achieve a more consistent and orderly arrangement. Further, they considered that the window framing should match that of the existing windows.*

The Advisory Architects' comments were relayed to the applicant, and modified drawings have since been submitted which address the Architects' comments.

**(b) Neighbour Consultation**

The proposal did not require neighbour consultation under Policy 104 "Neighbour and Community Consultation in Town Planning Processes".

**Policy and Legislative Implications**

Comments in relation to 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 financial implications.

**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.*

<b>OFFICER RECOMMENDATION ITEM 9.3.2</b>
--

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 an enclosed patio (Sun Room) addition to the existing Grouped Dwelling on Lot 101 (Unit 3, No. 9) South Terrace, Como **be approved**, subject to:

- (a) The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval; and
- (b) **Important Footnote**  
The applicant is advised of the need to comply with any relevant requirements of the Strata Titles Act 1985.

**9.3.3 Proposed Balcony Additions to Multiple Dwellings. Lot 33 (No. 8) Darley Street, South Perth**

Location: Lot 33 (No. 8) Darley Street, South Perth  
 Applicant: Graham Sauvage on behalf of the 'Darley Heights' Strata Company  
 File Ref: DA2/8 11/29  
 Date: 3 July 2006  
 Author: Gabriela Poezyn  
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

**Summary**

Planning approval for additions to 40 existing Multiple Dwellings ('Darley Heights') and the construction of two additional Multiple Dwellings was granted at the June 2004 Council meeting (Item 9.3.2 refers) subject to conditions including Condition (a)(ii)(B) which states that:

*“The eleventh and twelfth floor balconies shall be deleted at this stage due to conflict with the prescribed Building Height Limit.”*

The City's Town Planning Scheme No. 6 (TPS6) has now been amended in regard to Clause 6.2 "Building Height Limits" by adding sub-clause (d). As a result of this Scheme Amendment, it is now possible to approve additions to existing buildings above the height limit imposed by the Scheme, provided that the additions do not extend above the height of the existing building. The Scheme Amendment was introduced expressly to accommodate the balcony additions on the eleventh and twelfth floors of 'Darley Heights'.

A letter was received from Mr Graham Sauvage, Chairman of the 'Darley Heights' Strata Company on 13 June 2006 requesting:

- (i) a 12 month extension to the period of validity of the planning approval in accordance with Clause 7.9(7)(a) of TPS6; and
- (ii) that Condition 11(ii) of the planning approval (Item 9.3.2 part (a)(ii)(B) of the June 2004 Council Minutes) be deleted given the new capacity in TPS6 to approve the balcony additions to the eleventh and twelfth floors (a height equivalent to that of the existing building, but exceeding the height limit shown on the City's building height limit maps).

By way of a letter to Mr Sauvage dated 19 June 2006, the period of validity of the planning approval has been extended to 22 June 2007. It is now recommended that Condition (a)(ii)(B) of the Council Minutes Item 9.3.2 (Condition 11(ii) of the Planning Approval) granted in June 2004 be deleted.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R80 / R100
<b>Lot area</b>	4257 sq. metres
<b>Building height limit</b>	28 metres
<b>Development potential</b>	R80 - 34 dwellings R100 - 42 dwellings



The building was constructed in 1964 and comprises 40 Multiple Dwellings. One objective of the application that was approved in June 2004 was to meet current-day standards and expectations by the provision of larger balconies. The principal changes to the existing building proposed as part of that application were:

- (i) replacement of existing balconies with larger balconies facing the river and the Perth Central Business District; and
- (ii) the addition of two dwellings within a separate building fronting onto Darley Street.

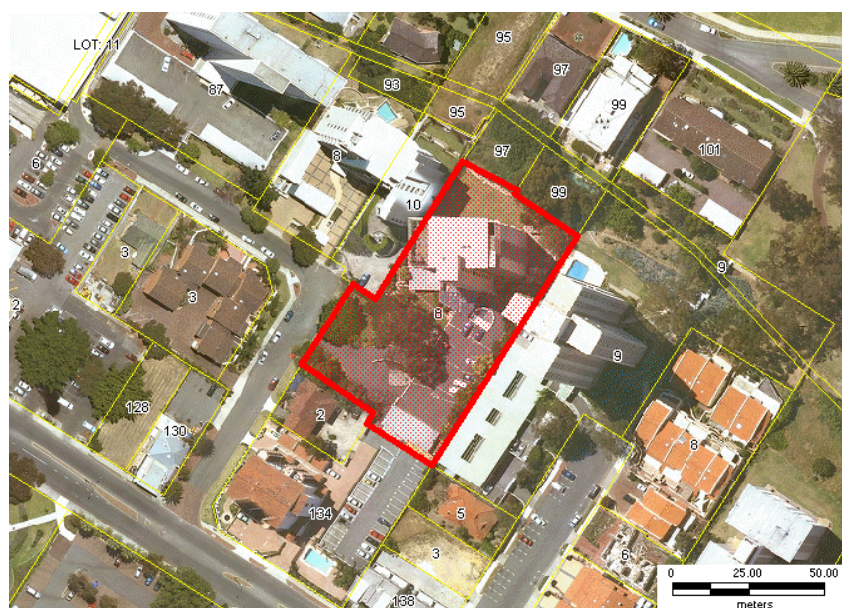
Under TPS6, the height limit pertaining to this site is 28 metres. The existing building is 34 metres high. As the eleventh and twelfth floors are located above the 28 metre height limit, Council was unable to approve any additions to the balconies on those levels when approving balcony additions for the lower floors in June 2004. Consequently, Condition (a)(ii)(B) was imposed.

The purpose of the current request is to amend the existing planning approval so that approval is also granted to extend the existing balconies on the eleventh and twelfth floors.

In accordance with Council Delegation DC342, the requested amendment to the planning approval is referred to a Council meeting because the initial approval was granted at a Council meeting and the application involves a building exceeding a height of 9.0 metres.

This report includes *Confidential Attachment 9.3.3* being the plans approved on 22 June 2004.

The location of the development site is shown below:



**Comment**

**(a) Current proposal**

The current proposal will affect six Multiple Dwellings on the eleventh and twelfth floors of the building. The proposal will increase the current balconies from 6.3 sq. metres to areas ranging from 14.25 sq. metres to 16.2 sq. metres.

The proposed additions have no implications for residential density, plot ratio, site works, car parking and overshadowing and comply with all aspects of the R-Codes and TPS6 with the exception of setback requirements.

**(b) Setback requirements**

Due to the length of the balconies and their associated heights, normal setback requirements are as follows:

Boundary	Required Setback	Provided Setback
Western	Ranging from 18 metres to 22 metres	8.2 metres
North-eastern	Ranging from 22 metres to 24 metres	7.5 metres
Southern	Ranging from 18 metres to 22 metres	18 metres

As the required setbacks increase with the height of a development, the setback variations for the eleventh and twelfth floors are greater than for the lower floors.

Setback variations were approved as part of the planning approval granted in June 2004 from the third floor onwards for the western and north-eastern boundaries, and from the ninth floor onwards for the southern boundary.

A minimum distance of 7.5 metres is provided from the six proposed balconies to the property boundaries, and therefore visual privacy requirements have been satisfied. There will not be any adverse effect on the adjoining Multiple Dwelling properties. When the proposal was advertised to the neighbouring property owners, no objections were raised regarding the balcony additions.

In line with the rationale presented in the June 2004 report, the proposed setback variations are supported and it is recommended that they be approved.

**(c) Town Planning Scheme**

Clause 7.9(7)(a) provides that:

- “(a) Where a planning approval has been issued under this Scheme and remains current, an application in writing may be made requesting the Council to reconsider that approval in relation to:*
- (i) varying the conditions of the approval; or*
  - (ii) extending the period of validity of the approval nominated pursuant to sub-clause (4) with the maximum permissible extension of that period being 12 months, without the need for a new application for planning approval to be lodged.”*

The validity of the planning approval has been extended to 22 June 2007 and Condition 11(ii) of the planning approval (Condition (a)(ii)(B) of the Council Minutes) can now be reconsidered.

Town Planning Scheme No. 6 was amended in March 2005 (Amendment No. 6 approved 4 March 2005) by adding a further sub-clause to Clause 6.2 “Building Height Limits”. Comments on the new provisions are provided below, indicating how the proposed additions meet the provisions. The new Scheme provisions are presented in italics, followed by the officer’s comment.

*Notwithstanding the provisions of paragraph (a) and in addition to the extent of variation permitted under paragraphs (b) and (c) and clause 6.1, in the case of an existing building which exceeds the prescribed Building Height Limit, the Council may approve additions to that building above the prescribed Building Height Limit, provided that:*

- (i) *subject to clauses 6.11(8) and 7.8, the additions will not extend the plot ratio area of the building beyond the prescribed maximum;*

Comment The proposed additions to the balconies do not have any plot ratio implications, as the balconies are open on more than two sides and therefore do not contribute to plot ratio.

- (ii) *walls of the additions will not extend to a greater height than the highest wall of the existing building;*

Comment The walls of the balcony additions are at the same level (ceiling height) or lower (balustrade) than the walls for the units on Levels 11 and 12 and therefore do not exceed the height of the highest wall of the existing building.

- (iii) *in the Council's opinion, the additions will contribute positively to the visual enhancement of the building, the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct;*

Comment The proposed addition of the balconies to the top two floors is a preferred outcome as it will produce a consistent treatment of the northern elevation of the building.

- (iv) *in the Council's opinion, there will not be a significant adverse impact upon adjoining neighbouring properties;*

Comment The proposed balcony additions will not have any negative impact on adjoining properties as the balconies will not result in any 'overlooking' issue.

- (v) *advertising of the proposed additions has been undertaken in accordance with the provisions of clause 7.3.*

Comment There was no need to re-advertise the proposed balcony additions to the upper two floors, as advertising was conducted when the original proposal was considered in 2004 and no objections were received.

With this Scheme Amendment in place, it is now possible to approve the balcony extensions on the eleventh and twelfth floors.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The request to allow extensions to the balconies on the eleventh and twelfth floors has been assessed according to the listed Scheme Objectives and is considered to meet all the objectives of the Scheme.

**(e) 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 objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*  
(b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*

- (i) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (m) *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;*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered to meet the above aspects satisfactorily.

**(f) Conclusion**

Deleting Condition (a)(ii)(B) of Item 9.3.2 of the June 2004 Council Minutes (ie Condition 11(ii) of the Planning Approval document) brings the proposal in line with the applicant's initial intentions for the building. From an aesthetic perspective this is a preferred outcome in that it will produce a consistent treatment of the northern elevation of the building. This could not previously be achieved due to the restrictions within the Town Planning Scheme.

While noting the setback variations requiring the exercise of discretion, the request to allow the extensions to the existing balconies on Levels eleven and twelve is supported. All other conditions on the existing planning approval remain unchanged.

**Consultation**

**(a) Design Advisory Consultants' Comments**

The initial proposal was considered at a meeting of the Design Advisory Consultants in September 2003 and the following comment was provided in relation to the balconies:

Advisory Architects' Comments	Applicant's Response	Officer's Response
The proposed balconies should be split by strong vertical columns or walls to enhance the verticality of the building.	The balconies have been redesigned to incorporate 'pleasant juxtaposition of horizontal and vertical elements'. Have been split by vertical columns and privacy screening the full height of the building.	The redesign has resulted in a reinforcement of the horizontal and vertical elements and is considered satisfactory.

With the redesign that was undertaken prior to the June 2004 determination, the Advisory Architects' concerns have been satisfactorily addressed.

**(b) Neighbour Consultation**

Neighbour consultation letters were sent out to all surrounding neighbours as part of the approval process before Council granted approval in June 2004. Only one neighbour responded at the time with comments that focussed exclusively on the addition of the two new dwellings. No comments were submitted by neighbours regarding the balcony additions. The request for approval of the balcony extensions on the eleventh and twelfth floors was not re-advertised.

**Policy and Legislative Implications**

The proposal has been assessed against relevant provisions of Town Planning Scheme No. 6 and the Residential Design Codes. The proposal complies in all respects, while noting the need for Council discretion to be exercised in relation to the setback of the balconies.

**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.*

<b>OFFICER RECOMMENDATION ITEM 9.3.3</b>
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That....

- (a) consideration be given to revoking Item 9.3.2 part (a)(ii)(B) insofar as it relates to the Minutes of the Council Meeting dated 22 June 2004 as follows:

*“The eleventh and twelfth floor balconies shall be deleted at this stage due to conflict with the prescribed Building Height Limit.”*

(NOTE: SUPPORT OF A MINIMUM OF ONE THIRD OF THE MEMBERS IS REQUIRED)

- (b) Item 9.3.2 part (a)(ii)(B) insofar as it relates to the Minutes of the Council Meeting dated 22 June 2004 be revoked.

(NOTE : AN ABSOLUTE MAJORITY IS REQUIRED);

- (c) in respect of the Planning Approval granted on 22 June 2004 (in response to Council decision Item 9.3.2 June 2004) for proposed additions / alterations to Multiple Dwellings on Lot 33 (No. 8) Darley Street, South Perth, Condition 11(ii) relating to the balcony additions on the eleventh and twelfth floors, **be deleted**.



<b>9.3.4 Proposed Subdivision: Clontarf Estate Cnr Manning Road and Centenary Avenue, Waterford</b>
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Location:	Lots 500, 501, 829 and Pt 83, corner Manning Road and Centenary Avenue, Waterford
Applicant:	Richard Noble on behalf of Trustees of the Christian Brothers
File Ref:	MA3/294 - WAPC 1211245
Date:	5 July 2006
Author:	Gabriela Poezyn, Planning Officer; and Rod Bercov, Manager Development Services
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

### Summary

Following assessment by the Environmental Protection Authority (EPA) and their decision to support the proposed subdivision, the applicant submitted a final subdivision layout plan to the Western Australian Planning Commission, which has been forwarded to the City for comment. The subdivision will create 189 new residential lots at R20 density and approximately 5 hectares of open space. The 189 lots include five grouped housing sites. The open space provision includes widening of the Canning River foreshore and wetlands, and landscaped parks.

The subdivision is supported subject to conditions.

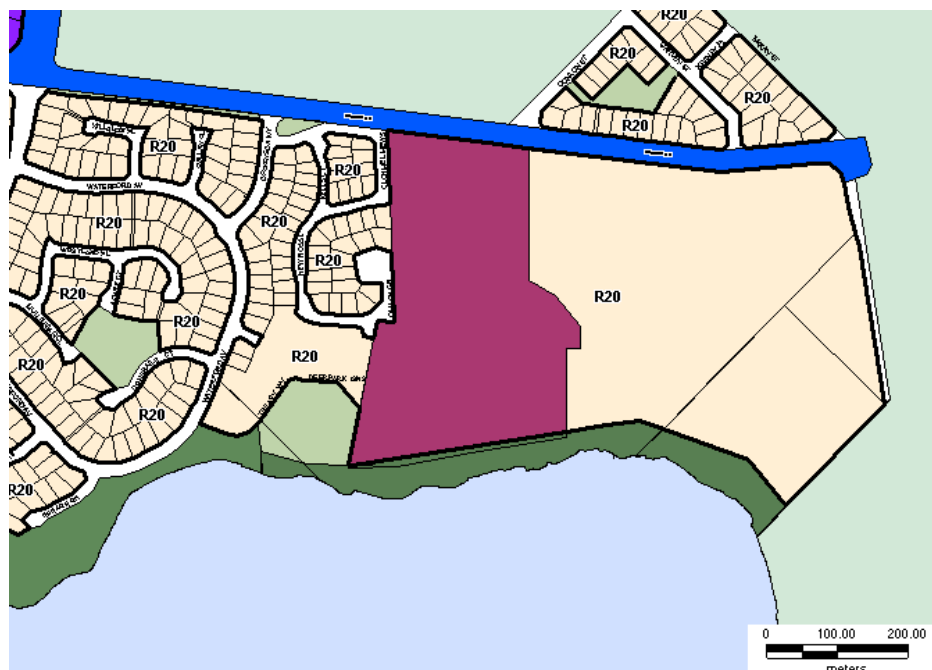
### Background

Drawings relating to this proposal comprise **Attachment 9.3.4(a)** to this report. The report provided by the Town Planning Consultants in support of the proposal is **Attachment 9.3.4(b)**. This is a very large document which includes a number of A3 size maps. This report has not been circulated, however it is available for viewing in the Council Chambers at Collier Park Village.

Zoning:	Residential
Density coding:	R20
Lot area:	Lot 9000 - 12.3086 ha Lot 9001 - 12.4921 ha Lot 829 - 1.4526 ha Lot 83 - 5.21 ha
Building height limit:	7 metres

In accordance with Council Delegation DC342, the proposal is being referred to the Council meeting because the subdivision involves the creation of a number of new local roads.

The location of the site is shown on the aerial photograph below. The site is in the south-eastern corner of the City's area of jurisdiction. It is adjoined by Manning Road to the north, Centenary Avenue to the east, the Clontarf Aboriginal College to the west, and Clontarf Bay to the south.



### Comment

#### (a) History of proposal

An indicative concept plan, **Attachment 9.3.4(c)**, for a subdivision proposal was submitted to the Western Australian Planning Commission (WAPC) in January 2003, which triggered the need for the Public Environmental Review (PER) process to be initiated by the Environmental Protection Authority (EPA). The City provided comments to the EPA following a report considered by Council on 27 July 2004. **Attachment 9.3.4(d)** refers.

In January 2005 the Minister for Environment provided a draft approval for the proposal together with conditions for implementation, and requested that stakeholders provide comment. In responding, the City advised that while the conditions outlined by the Minister are acceptable, the proposed subdivision layout is not, as it would result in the disruption of the existing wetland. The City's letter is **Attachment 9.3.4(e)**.

The Minister for Environment issued a statement in October 2005 that the proposal may be implemented subject to conditions contained within that statement **Attachment 9.3.4(f)**.

In early 2006 the proponents presented the City with a revised subdivision layout, and on the basis of officer comments received at that stage, submitted a final subdivision layout to the WAPC which was subsequently forwarded to the City for comment in May 2006.

**(b) Description of the proposal**

The purposes of the proposal are to achieve rationalisation of property boundaries in regard to the Clontarf Aboriginal Campus and the foreshore reserve, and the creation of the East Clontarf estate. Three distinct components of the entire Clontarf estate will be created, being:

- East Clontarf, which is proposed to be subdivided into residential lots that will be sold to the private market and associated open space.
- Clontarf Aboriginal Campus, which will include the Chapel and several Christian Brothers' houses and is intended to be "handed over" to the appropriate Aboriginal management group.
- Canning River Foreshore which will have been increased in area as a result of the new subdivision, together with the relocated wetlands and parks that will be ceded to the Crown.

The design philosophy of the subdivision is based on the following main objectives:

- To incorporate all buildings associated with the Clontarf Campus into one comprehensive land parcel so that the Clontarf Campus can use all its assets to support its future viability.
- To rehabilitate the badly degraded wetland area.
- Development of the East Clontarf site in a way that promotes interaction and connectivity with the Clontarf Campus.
- Development of the East Clontarf site in such a way that the cultural significance of the area is enhanced.

**(c) Comment on layout details**

Town Planning Scheme No. 6

Under the City's Town Planning Scheme No 6, the zoning of the Clontarf Aboriginal Campus area is Private Institution, while the remainder of the land is zoned Residential. The proposed uses are therefore in line with the zonings.

The East Clontarf area has a density coding of R20. Under the Residential Design Codes, R20 lots require a minimum area of 440 sq. metres and an average of 500 sq. metres. The subdivision proposes 184 lots with a minimum lot area of 440 sq. metres, and five grouped dwelling sites also to be developed at a density of R20. This results in an average lot area of 517 sq. metres, although the applicant has flagged that a higher density coding may be sought for the proposed grouped dwelling lots at a later date.

In its current form, the proposal complies with the City's Town Planning Scheme No. 6 and the Residential Design Codes in terms of minimum and average lot areas. However, since the grouped dwelling sites have a distinctly different character from the single house lots and a higher density coding for the grouped dwelling sites is favoured by the applicant, the grouped dwelling sites should be excluded for the purpose of calculating the average lot area in relation to R20 requirements. This will necessitate redesign of the subdivision with a reduction in the number of single house lots.

Aspects such as building height, open space provision, setbacks etc will be applied in accordance with the relevant provisions for R20 as specified in the Residential Design Codes and Town Planning Scheme No. 6.

As part of the subdivision proposal, the natural ground levels of development sites are required to be raised to a minimum of 1.7 metres above Australian Height Datum in order to comply with Clause 6.9 Minimum Ground and Floor Levels of the City's Town Planning Scheme No. 6. Extensive changes to levels are proposed as part of the development program, resulting in the need to construct retaining walls throughout the development. The required minimum floor level for habitable rooms is 2.3 metres above Australian Height Datum.

Subdivision boundaries with adjoining foreshore reserve and Clontarf Campus

The proposed subdivision boundary lines are acceptable in relation to the foreshore reserve and the Clontarf Campus. The proposed subdivision boundary line will ensure that the Chapel and two dwellings (to the east of the existing turning circle associated with the vehicle access point to the college) will be incorporated within the boundaries of the Clontarf Campus, while the existing gymnasium (to the east of the main group of buildings) will be incorporated into 'Area A' Public Open Space. The gymnasium is proposed to be demolished. As the entire Clontarf Campus is on the City's Municipal Heritage Inventory, including the gymnasium, the applicant has provided a letter from the Heritage Council of Western Australia advising that the Heritage Council has no objections to the gymnasium being demolished.

To ensure compliance with the City's Town Planning Scheme, a condition requiring minimum clearances from existing buildings to the new boundary lines must be imposed. An advice note should also be included on the conditional approval of the subdivision relating to the need for a demolition licence to be obtained before any demolition work is commenced.

No access from Centenary Avenue and Manning Road

The subdivision plan shows that there will not be any vehicular access to a lot backing onto Centenary Avenue or Manning Road from those roads. To reinforce this access restriction, a condition of subdivision approval needs to be imposed requiring Public Access Way easements (PAW) along the full extent of lot boundaries bordering onto Manning Road and Centenary Avenue, with the exception of entrances to the College, the entrance road to the estate from Manning Road, and the entrance road to the estate from Centenary Avenue.

Open space

The amount of open space now proposed within the estate has been reduced below the amount shown on the indicative concept plan which was initially considered. However, there will be a continuous, uninterrupted area of open space that embraces as far as possible the existing wetland area. The reduction in the previously proposed eastern extent of the wetland has been offset by an additional area of 8337 sq. metres of land adjacent to the Canning River Foreshore which is to be incorporated into the foreshore reserve.

The proposed subdivision layout provides an improved open space outcome compared to the initial proposal, and in relation to open space provision, the proposal is therefore supported.

The applicant has also advised that the revised design reflects the design requirements and conditions of the Office of the Minister for the Environment and the Swan River Trust.

Interface between public open space and residential properties

While public roads are proposed in most instances as an interface between public open space and residential properties, there are certain areas where this is not proposed. These areas are described as follows:

- Nine lots that directly adjoin 'Area A' Public Open Space. In the absence of a buffer between the privately owned land and the public open space, issues could potentially arise associated with aspects such as access, antisocial behaviour etc. It is recommended that the road reserve proposed to the north of these lots be relocated between the southern sides of the lots and the northern boundary of the public open space, as illustrated in a revised layout shown on **Attachment 9.3.4(g)**.
- Three single house lots and one grouped dwelling lot that abut 'Area B' Public Open Space, and the two grouped dwelling lots that abut 'Area A' Public Open Space. In both instances these lots are separated from the public open space by a reconstituted limestone accessway that will serve as a dual use path and also provide access for maintenance. This is a better arrangement than if no access road at all were provided, however the width of separation between the privately owned land and the land in public ownership is a concern.

#### Fencing

As the subdivision proposes that a number of properties will back onto Manning Road and Centenary Avenue, uniform estate fencing is required along these road boundaries. It is recommended that a condition be imposed in this regard.

There is also a need for uniformly designed 'open style' fencing along all boundaries facing public open space to encourage overlooking of the open space. A condition is recommended requiring all fencing on boundaries abutting open space to be visually permeable above a height of 600mm calculated from the level on the higher side of the boundary.

#### Residential design guidelines

To promote a residential area that will be energy-efficient and integrate well into the existing area, development guidelines are required. These should address aspects such as:

- Architectural compatibility between developments within this subdivision and the Clontarf Campus;
- Energy-efficient and environmentally sustainable initiatives;
- Required setback from public open space;
- Restriction on structures permitted on portions of lots that are visible from public open space, Manning Road or Centenary Avenue;
- Crossover locations for corner lots at entrances to the subdivision and at roundabouts;
- Guidelines relating to verge treatment; and
- Any other aspects considered to be relevant.

In order to work effectively, these guidelines should be adopted by the Council as a policy.

It is recommended that the developer prepare design guidelines in consultation with the City and upon finalisation, that the guidelines be adopted as a Council policy.

#### Easement

An easement running north-south from Manning Road to Clontarf Bay currently exists. This easement was created in 1968 by the Christian Brothers in favour of the City of South Perth for the purpose of allowing drainage from Manning Road. No physical improvements have been provided within this easement as stormwater drainage is dealt with outside easement. While the existence of this easement is of no



consequence within the public open space, it will interfere with the development over five proposed single house lots, and it is therefore recommended that this easement be extinguished.

**(d) Traffic Study**

The subdivision incorporates only one access road connecting to Manning Road and one connecting to Centenary Avenue. These are located well clear of the traffic light controlled junction of these two streets, the distances from the junction being approximately 246 metres along Manning Road and 262 metres along Centenary Avenue.

A comprehensive traffic analysis has been undertaken by Riley Consulting Traffic and Transportation Consultants. That traffic analysis was undertaken in December 2002 and subsequently reviewed in February 2006. The entire 2002 traffic study is attached to the applicant's report as Appendix G. Riley's subsequent February 2006 review titled 'A Revised Layout Traffic Review' is also included in the applicant's report as Appendix H. Having compared the current subdivision design with the earlier design, the traffic consultants have presented the following conclusions:

- *Traffic flows on internal roads are based on a robust 20 trips per lot per day.*
- *The traffic generated by the development has no significant impact on the surrounding network.*
- *Traffic flows on all streets within the development are less than 3,000 vehicles per day and access streets are used. A standard 14 metre road reservation is used for local streets, except when adjacent to open space.*
- *No extraneous traffic is anticipated to use local streets within the development.*
- *Access to Manning Road is shown to operate close to capacity during the morning peak hour, with minimal impact to movements on Manning Road.*
- *The current design as proposed represents an improvement to the operation of Manning Road, given that the proposed intersection spacing between Manning Road and Centenary Avenue has been increased from 160 metres to approximately 270 metres. The internal road network increases the travel distance between Centenary Avenue and Manning Road. The increase will assist with reducing the opportunity for extraneous traffic to use the internal road network.*
- *Access to Manning Road has not changed in relation to the previous application.*
- *The revised plan provides a more legible road network pursuant to the objectives of 'Liveable Neighbourhoods'.*

The applicant's report also contains the following comment:

*Given that the current development proposal has a significantly reduced traffic generation, it is considered that the conclusions drawn in the original report are still valid. However, better operation of the Manning Road access can be expected with the reduced traffic generation.*

***The findings of the December 2002 traffic report are still valid.***

(e) **Sewerage**

In relation to sewerage, the applicant's report contains the following information:

*In order to facilitate the disposal of sewage, a new sewer pumping station is required to be constructed.*

*At the time of writing, the Water Corporation had commenced design of the pumping station. The pumping station will service the development in addition to existing surrounding residential areas that will become deep seweraged as part of Water Corporation's sewer infill program.*

*The pumping station will have built in emergency storage in accordance with the requirements of the Water Corporation and the Department of Environmental Protection.*

*In addition to the pumping station, a new sewer pressure main will be constructed that terminates near the intersection of Beaton Street and Eureka Road in Wilson.*

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

The proposed subdivision is considered to meet the following overriding Scheme objective:

*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.*

**Consultation**

(a) **Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. His comments are as follows:

Road layout

*The entrances to the estate from Centenary Avenue and Manning Road are acceptable.*

*Manning Road is currently divided by a constructed median strip which extends from the intersection of Conlon Street/existing entrance to the Clontarf College with Manning Road to the intersection of Centenary Avenue and Manning Road. The applicant is proposing a break in the median strip in order to obtain access for east-bound traffic. This proposed break is not acceptable to the City, and a condition is required that limits the entrance to the estate from Manning Road to left in/left out traffic movement only.*

*The internal road layout is considered to be acceptable.*

Pathways

*Internal pathways are to be provided on those streets entering the subdivision from Manning Road and Centenary Avenue. Pathways are to be provided at the interfaces between the subdivision and the wetlands and POS areas and a principal shared path is to be provided linking the foreshore from Centenary Park in the City of Canning with the eastern boundary of the Clontarf College.*

*A shared use path is to be provided on the southern verge of Manning Road from Centenary Avenue to the eastern boundary of Clontarf College.*

Retaining walls

*Extensive fill is proposed. It is therefore recommended that details on the total length and height of proposed retaining walls are provided to the City as part of the engineering drawings relating to site works, such drawings to be approved by the City prior to commencement of any works. All retaining is to be completed prior to subdivision clearance being issued.*

Sewerage

*The City requested information about the proposed location of the sewerage pump station in August 2004 and this information is still not been provided. The design that is currently being prepared would be affected by siting of the pump station and suggests that a site has been selected. The City would appreciate being advised of any developments relating to the pump station.*

Stormwater Drainage

*A stormwater drainage outfall system from Manning Road and Conlon/Garvey Streets is located within the proposed subdivision. The outfall system must be maintained but relocated into the proposed new street off Manning Road and thence to the wetlands area. With the drainage relocated to within the public street any previous easements to cover the outfall can be extinguished.*

*All stormwater drainage structures are to be trapped to reduce gross pollutants from reaching the penultimate structures. These structures will be designed to remove as much, as is practicable, of the oils, silts and gross pollutants from discharging into the wetlands and the Canning River.*

Other infrastructure

*It is the developers' responsibility to provide all infrastructure. This includes construction of roads, footpaths, provision of underground electricity supply, retaining walls etc. The applicant has provided a preliminary site works and earthworks regime, however detailed engineering drawings have not yet been submitted. It is therefore recommended that a condition be imposed requiring the submission of detailed engineering drawings and that such drawings must be approved by the City prior to any works commencing. All required works must be completed prior to subdivision clearance being issued.*

*The applicant has confirmed that underground power supply has been allowed for and that a ground mounted transformer will be located within the development.*

*The City is committed to the StreetVision product offered by Synergy and would accept "decorative" light fittings if proposed by the applicant as allowed for in the StreetVision Agreement. The City has adopted "Heritage Green" or similar coloured powder coated street light poles into retrofit underground power areas and would require the street poles for the submission to conform to that standard.*

**(b) City Environment**

*City Environment officers have commented on a range of issues relating to management of the natural landscape and wetlands arising from the proposal. Their comments are as follows:*

*In the City's submission in August 2004, concern was expressed that the Public Environmental Review (PER) scoping document and the subsequent PER did not take into account a number of environmental issues. From a City Environment perspective, this subdivision application is not substantially improved and fails to provide the information requested to answer those same concerns.*

*The City South Perth is listed as the agency to whom wetland management and park maintenance will fall, however, the only mention of the City as an advising agency is in the tables Appendix B - Schedule 2. The City has a considerable issue with being listed as the vesting authority when it has not been recognised as being an approving agency in the bulk of the text.*

*Open space management*

*The proposed subdivision layout is an improved outcome compared to the initial proposal however it still fails to address many management and long term maintenance issues which the City has repeatedly asked to be addressed.*

*The subdivision application recommends that the open space be ceded to the Crown with management vested in the City. The City again highlights that it is not listed as an approving authority in the document (e.g. page 36). The City continues to lack confidence that many of the environmental issues associated with the design can be dealt with in detailed management plans.*

*Statement No. 000692 requires “the proponents to commence construction of the additional wetland... to the requirements of the Minister for Environment on advice of the Environmental Protection Authority.” As such the City recommends that the authorities with responsibility for providing advice on, and approving the wetland management and revegetation plans, also be the authorities with which the vesting be placed.*

*The EPA is proposing that Bulrush (*Typha sp.*) be retained, and subsequently suggests that “over time with appropriate management practices, weeds in wetland areas will be replaced by endemic vegetation.”*

*The City is concerned that the responsibility for removal of the Bulrush in the long term and establishment of indigenous flora will be delayed and put onto the vesting authority. Further, Bulrush poses a significantly greater fire risk than other vegetation types. Housing directly abutting the reserve across a 3.5 m wide access way is not supported in the absence of a comprehensive weed control and revegetation program. The City’s preference contradicts the EPA’s request. The City considers that the works associated with managing the Bulrush and replacement by endemic vegetation be undertaken by the developer, at the developer’s expense, prior to the City accepting vesting of the reserve. As the City disagrees with the EPA’s recommendation, it does not consider itself to be the appropriate vesting authority.*

*It is therefore recommended that if the City is to be the vesting authority it is recommended that all works associated with managing the Bulrush and replacement by endemic vegetation be undertaken by the developer, at the developer’s expense, prior to the City accepting vesting of the reserve.*

*The City has also previously requested that costed management and maintenance plans be provided but that has not been done to date. The City recognises that these documents are proposed following acceptance of the subdivision design. The City’s retains its original concerns that many environmental issues cannot be adequately dealt with in the detailed foreshore and wetland management plans and therefore requires such plans prior to issuing an approval for the design overall.*

***It is also important that Council is made aware of the full cost implications of maintaining the public open space of this subdivision.***

Fire management

*The City has considerable concern about the fire risk posed by the Bulrush dominated wetland and does not support the EPA's view that retaining the Bulrush is an appropriate approach. Access for fire control will be an issue. It is noted that a detailed fire management plan is proposed in Appendix B which includes provision of fire hydrants, however the City would prefer adjustment of the proposed design to have a road as well as the access way between the wetlands and residential areas. This is consistent with the City's comments at every stage of the development of this proposal.*

*Because of the fire risk, the City also requests the construction of entirely steel boardwalks and bird hides to ensure their longevity in this environment. Additional details are required to enable the City to assess these structures fully such as the height above the wetland.*

Foreshore expansion, interfaces and treatments

*From a City Environment perspective, the interface between private properties and public open space where the private property directly abut open space, or is separated only by a narrow dual use path is unsatisfactory for maintenance reasons and from a fire protection perspective. There is also concern that the 3.5 m reconstituted limestone access way will provide for some management access however the cross sections (e.g. C-C) does not show substantial footings or retaining to support the access way. A heavy vehicle for example a fire engine would not be supported on such a pathway and protection of the group housing and single residents would be difficult. It is therefore recommended that the subdivision be redesigned in those areas.*

*The report states that Figure 10 shows "images of a regional bike route through this area and possible lookouts extending into or close to the rivers edge". The proposed locations of these are not visible. The City requires further information about these structures to enable comment to be developed. The current proposed alignment and changing path widths do not appear suitable as a regional bike route. The pathways forming the interface between the wetland area and the subdivision are to be designed to be trafficable by commercial type vehicles.*

*The City appreciates the proposed expansion of the foreshore reserve to be ceded free of cost and commends the developer.*

Streetscapes and public spaces

*The City fully supports being a part of the team which will undertake "A comprehensive exercise to plan and design all streetscapes and public spaces over the coming months" and looks forward to a collaborative approach which "will ensure pleasant, functional and safe public spaces are provided." The use of Eucalypts in the streetscapes is supported and the City looks forward to assisting with the selection of appropriate species.*

Parks infrastructure

*All parks infrastructure (reticulation, furniture, etc) should be developed to City standards and specifications and approved by the City prior to construction.*



Street trees

*The concept landscaping plan provides for street trees which will be provided by the developer as part of the development program. As street trees in new subdivisions are generally at risk during the construction phase of dwellings, it is impractical for street trees to be planted prior to subdivision clearance. For this reason, it is the City's preference that a payment in lieu of the street trees be made to the City to enable the City to plant street trees once the construction on each lot nears completion. A condition requiring the developer to pay a lump sum in lieu of providing street trees is recommended.*

Tree retention

*The City fully supports the protection of the significant stand of Marri and the River Red Gums along Manning Road.*

Environmental strategy

*The report provides the Minister for Environment's conditions and requests for additional information. This list still excludes budgeting and maintenance components which are critical. The City considers that the developer should bond any works and this information will be critical in determining the amount of the bond. This information should be incorporated into any future reports.*

Landscape strategy

*Figures 5 and 6 details the influences behind the landscape plan. The concepts are generally supported however there are some aspects of the design that will have significant maintenance costs. The City can also foresee difficulties in the interface between private properties and public open space. The City recommended the road network be adjusted to ensure that such interfaces were removed from the design and this has not yet occurred.*

*The concept of the Black swan breeding area is interesting however the City has concern about the ongoing management of this environment. It is our understanding that shallow water bodies are required and these are prone to a number of management issues in nutrient rich environments.*

*The City fully supports the use of a diverse range of habitat types and that the needs of a diverse range of fauna are being incorporated into the design. The City will require details about the exact proposed design of the dog proof fence.*

Existing permanent fresh water springs

*The need for retaining walls between both private property and public open space and the proposed design of the access ways has the potential to obstruct the flow of water generated from permanent springs in the area.*

*The City therefore requires that the permanent springs are identified. Where possible such springs are not interfered with or alternatively any infrastructure works, including retaining walls, be designed such that permanent springs in the area are not obstructed.*

**(c) Sustainability Considerations**

The City's Sustainability Strategy (2006-2008) covers a number of issues regarding the proposed subdivision.

In addition to the issues already raised in this report, it is very important that planning guidelines are prepared to promote the use of Ecologically Sustainable Design (ESD) for the housing development.

**(d) Environmental Health: Sewer connection**

All lots within the subdivision will be connected to the main sewerage system. In relation to sewer connections, the implementation of the East Clontarf subdivision is likely to offer a benefit to the existing 'Waterford triangle' on the opposite side of Manning Road. The Waterford triangle is the only area in the City of South Perth which does not have sewer connections. In relation to the Waterford triangle, the City's Environmental Health Department has obtained the following information from the Water Corporation of Western Australia:

*The Waterford triangle falls into the Water Corp 9C program which was due for completion in 2007/2008. The Water Corporation confirmed this in correspondence sent to the City on 25 July 2005.*

*The Program Manager Infill Sewerage from the Water Corporation has advised that Cannington program 9A is progressing and will be tendered in March 2007. However, program 9C depends on the progress of the subdivision of the lots Corner Manning Road and Centenary Avenue which is being considered at the July Council meeting. Essentially, the Water Corporation cannot proceed with infill of the Waterford triangle until the developer of the East Clontarf land has structure plans approved and roads set out. This is because sewerage from 9C and the new subdivided area will be gravity feed to the pump station.*

*The State Government and Water Corporation over recent years have focused on allocating funds for projects which will boost the water supply. As a result, the infill sewerage program has suffered a reduction in allocated funds.*

Noting the preceding advice obtained from the Water Corporation, it is recommended that Council resolve to write to the Water Corporation drawing their attention to the progress of the proposed East Clontarf subdivision and urging them to proceed with sewer reticulation for the Waterford triangle in conjunction with the installation of the sewerage system for East Clontarf.

**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**

This issue has a potential financial impact on the City in relation to maintenance of open space reserves. Comments from City Environment officers regarding maintenance issues are provided in this report.

**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.*

**Conclusion**

Although much of the detail of the proposed subdivision has not been finalised, the subdivision proposal in its current form is considered to be generally acceptable and is supported subject to conditions that will address the details that are outstanding.

<b>OFFICER RECOMMENDATION ITEM 9.3.4</b>
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That .....

- (a) the Western Australian Planning Commission be advised that Council supports the application for subdivision of Lots 9000, 9001, 829 and 83, corner Manning Road and Centenary Avenue, subject to the following conditions and important note:
- (i) A revised subdivision plan shall be submitted showing a minimum lot area of 440 sq. metres for all lots and an average lot area of 500 sq. metres with all grouped dwelling sites excluded from the averaging calculation. This is necessary having regard to the requirements of the Residential Design Codes 2002 for lots coded R20, noting that the applicants will be seeking a higher density coding for the grouped dwelling sites.
  - (ii) All existing buildings shall be set back from new lot boundaries to comply with the Residential Design Codes or the City of South Perth Town Planning Scheme No. 6 as applicable.
  - (iii) Traffic movement into the estate from Manning Road is required to be limited to left in / left out movement only, as a break in the existing median strip in Manning Road is not acceptable.
  - (iv) Public Access Way easements (spite strip) to a minimum width of 100mm shall be placed along the full extent of lot boundaries bordering onto Manning Road and Centenary Avenue, with the exception of entrances to Clontarf College, the entrance road to the estate from Manning Road and the entrance road to the estate from Centenary Avenue.
  - (v) The subdivision layout shall be amended by:
    - (A) introducing a road reserve between the southern sides of the lots that abut 'Area A' Public Open Space and the northern boundary of the public open space as illustrated in a revised layout comprising **Attachment 9.3.4(g)**; and
    - (B) introducing road reserves between the three single house lots and one grouped dwelling lot that abut 'Area B' Public Open Space, and the two grouped dwelling lots that abut 'Area A' Public Open Space.
  - (vi) The drainage easement provided between Manning Road and Clontarf Bay shall be extinguished prior to subdivision clearance being issued at the cost of the developer.
  - (vii) Residential design guidelines shall be prepared by the applicant in consultation with the City to address the following:
    - (A) Architectural compatibility between developments within this subdivision and the Clontarf Campus;
    - (B) Ecologically sustainable design initiatives;
    - (C) Setback requirements from public open space;
    - (D) Structures permitted in portions of lots that are visible from public open space, and Manning Road or Centenary Avenue;
    - (E) Crossover locations for corner lots at respective entrances to the subdivision and at roundabouts;
    - (F) Guidelines relating to verge treatment; and
    - (G) Any other aspect considered to be relevant.
    - (H) The design guidelines are to be adopted by Council as a draft Planning Policy prior to subdivision clearance being issued.

- (viii) All development works shall be completed in accordance with plans approved the City prior to subdivision clearance being issued.
- (ix) The provision of a 2.5 metre shared path on the southern verge of Manning Road from Centenary Avenue to the eastern boundary of Clontarf College at the developer's expense.
- (x) The provision of a principal shared pathway/boardwalk to Department of Planning and Infrastructure standards linking the foreshore between Centenary Park and the eastern boundary of Clontarf College at the developer's expense.
- (xi) A bond equal to the full construction cost of providing the internal path network within the subdivision, which will be determined following receipt of detailed drawings, is to be paid to the City for pathway construction prior to subdivision clearance,
- (xii) The fences along all boundaries facing public open space are required to be visually permeable above a height of 600mm calculated from the level on the higher side of the boundary.
- (xiii) Any boardwalks and bird hides, or any other structure, shall be constructed entirely from steel in order to reduce fire risk within areas designated as open space
- (xiv) A bond of \$50,000 shall be submitted by the developer to the City for the provision of street trees at a rate of one tree per residential property (189), being for the supply, installation and twelve month's maintenance / watering.
- (xv) The provision of public open space infrastructure shall be subject to City specification and approval.
- (xvi) Costed management and maintenance plans for all open space areas, wetland areas and proposed reserves shall be provided to the City and approved by the City prior to subdivision clearance being issued.
- (xvii) All works associated with managing the Bulrush and replacement by endemic vegetation shall be undertaken by the developer, at the developer's cost, prior to the City accepting vesting of the reserved land.
- (xviii) The significant stand of Marri and River Red Gums along Manning Road shall be protected and included in the City's Significant Tree Register prior to subdivision clearance being issued.
- (xix) Street lighting conforming to the Synergy *StreetVision* standards and product with light poles powder coated "heritage green" or similar;
- (xx) Engineering drawings detailing all proposed site works and earthworks and provision of infrastructure shall be submitted to the City for approval. Among other works, those drawings shall contain details relating to:
  - (A) The relocation of the Manning Road outfall drain to the new public street off Manning Road and thence to the wetland areas;
  - (B) Underground power supply and light pole locations;
  - (C) Uniform estate fencing along Manning Road and Centenary Avenue;
  - (D) Uniform estate fencing along all common boundaries between residential lots and public open space;
  - (E) The design and location of the proposed dog proof fence;
  - (F) The total length and height of proposed retaining walls;

- (G) The permanent springs within the area. Where possible such springs are not to be interfered with. Alternatively, any infrastructure works including retaining walls shall be designed so that permanent springs in the area are not obstructed.
- (H) Public open space infrastructure.
- (I) Pathway and boardwalk provision.

**Note:** No site works are permitted until the detailed engineering drawings have been approved.

**Important Advice Notes**

- (a) A demolition licence needs to be obtained from the City prior to commencement of any demolition works.
  - (b) With regard to Condition (xiv) above, the internal path network will be installed when substantial building development has occurred within the affected streets.
- (b) a letter be sent to the Water Corporation drawing their attention to the progress of the proposed East Clontarf subdivision and urging them to proceed with sewer reticulation for the Waterford triangle in conjunction with the installation of the sewerage system for East Clontarf.



## 9.4 GOAL 4: INFRASTRUCTURE

### 9.4.1 Annual Tender for the Supply and Laying of Hot Asphalt Road Surfacing

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender No. 10/2006
Date:	3 July 2006
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Glen Flood, Director Infrastructure Services

#### Summary

Tenders were invited and have been received for the supply and laying of Hot Asphalt Road Surfacing. The tender is for a three year period to June 2009. This report outlines the assessment process and recommends the preferred tenderer.

#### Background

Tender No. 10/2006 was advertised in the West Australian Newspaper on 20 May 2006 and closed at the Civic Administration Centre, Sandgate Street, South Perth on 6 June 2006. The tender is a Schedule of Rates Tender to supply and lay various mix types of hot asphalt mix. The various mix types range from a dense graded asphalt mix using a low penetration bitumen (suitable for heavily trafficked distributor roads and intersections) through to special purpose mixes such as Stone Mastic asphalt and Red Laterite asphalt. Stone Mastic asphalt has a relatively high bitumen content and open textured finish and is highly recommended for its anti skid properties and its relative noise absorption characteristics. The mix has a relatively high resilience to movement and is used on residential streets where "reflective cracking" is evident.

The schedule identifies a total of 5000 tonnes being laid annually, distributed amongst the six mix types. **The above tonnage is indicative only and the City does not guarantee to purchase and lay this amount. The actual amount in any one-year may be more or less than 5,000 tonnes depending upon the budget.** From the schedule a contract value for the supply and laying of hot asphalt surfacing has been provided for comparative purposes. A list of all tenderers and projected contract values has been included below.

The contract period is for 3 years to 30 June 2009. The scheduled rates are fixed for the first 12 months of the contract and then subject to a Rise and Fall rate thereafter. The Rise and Fall listed in the contract documentation is the agreed industry formula as developed by the Institution of Public Works Engineering and the Australian Asphalt Pavement Association.

The Rise and Fall takes into account variations in:

- operator labour rates;
- Australian Bureau of Statistics Material Indices for Aggregate; and
- bitumen supply rate

Tender documents were collected by five asphalt companies operating in the Perth Metropolitan area.

#### Comment

At the close of the tender period four tenders had been received. Tenders were opened at the Civic Centre by officers from the Financial Services department. Although specifically permitted by the Local Government Act there were no members of the public in attendance for the opening of the tender.

Included within the documentation provided to each tenderer was the tender evaluation criteria to be used for the assessment of the offers. The evaluation criteria and appropriate weightings are listed below.

- Price: (the overall contract value) 80%
- Demonstrated ability to perform the task as set out in the specification 5%
- Works record and experience 5%
- Referees 5%
- Contractors Management System 5%

Complying Tenders Received:

Tenderer	Contract Value \$	Weighted Score Price Only
Hot Mix	509,602.50	8.0
CSR Emoleum	563,700.00	7.2
Boral Asphalt	605,340.45	6.5

[The weighted score on price is calculated as follows and lowest bid minus bid under offer all divided by lowest bid plus 1 multiplied by 8]

The contract documentation required that all schedules be completed to be a complying tender. Pioneer Road Services elected not to complete one item within the schedule and submitted tender rates based on five of the six items for respectively \$515,300 and \$480,000. The latter was based on the rates being subject to Rise and Fall from the start of the contract period and not fixed for the first twelve months.

Of the three complying tenders each company is nationally accredited, has extensive experience in Western Australia and are unable to be separated in terms of the other nominated criteria. Hot Mix has been the City's preferred contractor since January 2005 and CSR Emoleum was the City's contractor for many years during the 1990's.

Accordingly the total weighted scores of each of the tenderers is as follows:

Hot Mix	9.8
CSR Emoleum	9.0
Boral Asphalt	8.3

### Consultation

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

### Policy and Legislative Implications

*Section 3.57 of the Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$50,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

### Financial Implications

Each year the Council includes into the annual budget funding to carry out road construction/reconstruction. Some of the funding comes from State and Federal Grants with the balance from the Municipal Fund. Funding for road construction/reconstruction includes hot asphalt surfacing.

### OFFICER RECOMMENDATION ITEM 9.4.1

That the tender of Hot Mix for the Supply and Laying of Hot Asphalt Road Surfacing having an annual contract value of approximately \$509,602.50 for the three year period to 30 June 2009 be accepted.

<b>9.4.2 Roads to Recovery</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: RO/401  
 Date: 10 July 2006  
 Author: Les Croxford, Manager Engineering Infrastructure  
 Reporting Officer: Glen Flood, Director Infrastructure Services

**Summary**

The City is required to nominate to the Department of Transport and Regional Services (DOTARS) a project or projects to be funded from the extraordinary “one off allocation” from the Australian Roads to Recovery Program.

The request identifies three projects eligible for funding under the program.

**Background**

The Government announced in the May Budget that Local Government would receive a one off payment equal to one years allocation of the four year “Austlink” Roads to Recovery program.

For South Perth this represents an additional \$182,325 for road rehabilitation and/or road construction. The City has three years to expend the additional grant.

**Comment**

The Road to Recovery program was introduced to restore the falling condition of Australia’s Road infrastructure. However receipt of the grant monies is conditional on Local Government continuing to expend from their own resources an amount at least equal to that expended prior to the introduction of the Roads to Recovery Program. Considering that an injection of a further \$182,325 in any one year could have some ramification to the City’s allocation on roads in future years should the Roads to Recovery Program be extended into a third four year program, it is suggested that projects having a notional value of about \$60,000 be nominated for each of the three years.

The streets have been identified in the rehabilitation list as the next in line for preventative works as determined by the intervention criteria embodied into the Asset Depreciation Model for road pavements. The section of streets nominated all represent bus routes through the City.

The projects recommended for nomination to DOTARS are:

Year	Projects	Amount \$
2006/07	Brittain Street - Barker Avenue to Axford Street	51,775
2007/08	Addison Street - Hampden Street to Elizabeth Street	28,275
2007/08	Bright Street - Dyson Street to Banksia Terrace	34,265
2008/09	Morrison Street - Eleanor Street to Thelma Street	68,010

**Consultation**

In accordance with Policy P103 and Management Practice M103 Communication and Consultation the level of communication/consultation required for the proposed works is level 1 (inform).

**Policy and Legislative Implications**

The City is required to certify that funding from its own resources is not reduced as a result of obtaining the additional funding under the Roads to Recovery Program.

**Financial Implications**

There are no financial implications from the additional payment to be used on pavement rehabilitation of local streets.

**Strategic Implications**

This proposal is consistent with Goal 4 0 Strategy 4.1:

*“Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level”.*

<b>OFFICER RECOMMENDATION ITEM 9.4.2</b>
--

That the projects as detailed in Report Item 9.4.2 of the July 2006 Council Agenda be nominated to the Department of Transport and Regional Services (DOTARS) for funding under the special Roads to Recovery allocation.

**9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

<b>9.5.1 Council Meeting and Agenda Briefing Location August 2006</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/2
Date:	10 July 2006
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to seek approval for a change to the approved 'Dates and Venues Schedule' for Council meetings adopted in November 2005.

**Background**

At the November 2005 Ordinary Council meeting the Schedule of Briefing/Council meeting dates for 2006 was adopted. (Item 9.5.1 refers).

Part (f) of that resolution reads as follows:

- (f) for the period August to November 2006 inclusive:*
- (i) Council meet on the fourth Tuesday of each month commencing at 7.00pm in the Council Chamber at the Civic Centre; and*
  - (ii) the Council Agenda Briefings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chamber at the Civic Centre.*

**Comment**

Given the challenging construction timetable of the renovations, the administration considers that it is prudent to adopt a 'cautious' approach in scheduling Council's return to the refurbished Council Chamber. To ensure adequate time is allowed for full testing of the new technology associated with the Chamber, it is considered appropriate to defer the Council's return to the renovated Council Chamber until the September 2006 round of meetings.

**Consultation**

It is proposed to advertise the meeting dates for the August Council Agenda Briefing and August Ordinary Meeting of Council in the City's Update column of the Southern Gazette newspaper and to update the City's internet 'Schedule of Meetings' accordingly.

**Legislative & Policy Implications**

Other than ensuring that statutory advertising acknowledges dates and venue for meetings, there is no direct policy implications related to this report.

**Financial Implications**

Minor costs in the initial set-up of the facility have been accommodated within the current budget.



**Strategic Implications**

In line with Goal 5 of the Strategic Plan : Organisational Effectiveness -

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

<b>OFFICER RECOMMENDATION ITEM 9.5.1</b>
--

That for August 2006:

- (a) Council meet on the **fourth Tuesday** at 7.00pm in the Collier Park Community Centre; and
- (b) the Council Agenda Briefing be held on the **third Tuesday** of the month at 5.30pm in the Collier Park Community Centre.

<b>9.5.2</b>	<b>Structural and Electoral Reform in WA</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: GR/205 V2  
Date: 13 July 2006  
Author and Reporting Officer: Cliff Frewing, Chief Executive Officer.

### **Summary**

The purpose of this report is to propose that a submission be made to the Local Government Advisory Board in response to its request for submissions to be made to a report entitled 'Local Government Structural and Electoral Reform in WA - Ensuring the Future Sustainability of Communities'.

### **Background**

In October 2005 the Minister for Local Government and Regional Development requested the Local Government Advisory Board conduct an inquiry into Local Government Structural and Electoral Reform in WA.

Public comment was invited by the Board and as a consequence Council Briefing sessions were held on 17 November 2005 and 4 December 2005 in relation to issues raised in the Discussion Paper. Council approved the submission on 20 December 2005. In March 2006 the Local Government Advisory Board submitted the report to the Minister for Local Government.

### **Comment**

In May 2006 the Minister for Local Government released the Local Government Advisory Board report and requested comments be provided on its recommendations. Copies of the Executive Summary of the report and recommendations were subsequently provided to Elected Members for information.

An initial Council Briefing session was held on 6 June 2006 during which the views of Councillors were sought and at a subsequent Briefing Session on 19 July 2006 a further Briefing Session was held to finalise the submission.

The Review is in two parts, ie

1. Structural Reform; and
2. Electoral Reform

The report contained 37 recommendations relating to Structural Reform and 12 recommendations relating to Electoral Reform and the City has chosen to respond to all of those recommendations that are deemed to directly affect the City.

The one significant recommendation of the Advisory Board that has the capacity to affect the City of South Perth is recommendation 1.15 which is repeated as follows:

*“That the Minister submit a proposal to the Local Government Advisory Board for the division of the Town of Victoria Park between the Cities of South Perth and Belmont.”*

The submission contains the following response:

**Recommendation 1.15**

*That the Minister submit a proposal to the Local Government Advisory Board for the division of the Town of Victoria Park between the Cities of South Perth and Belmont.*

**Response**

Whilst it recognises that there is no immediacy in the LGAB's recommendation to review the boundaries that currently exist between the Town of Victoria Park and the Cities of Belmont and South Perth, **the City of South Perth does not support Recommendation 1.15.**

As detailed within its earlier submission, the City argues that it is sustainable, both now and for the future. In considering that it is sustainable, the City believes its definition of sustainable matches that of the State's notion of sustainability, which is "*meeting the needs of current and future generations through integration of environmental, social and economic prosperity*".

It must also be said that the City does not believe that its residents would perceive amalgamation with parts of the Town of Victoria Park as providing any substantial benefits, now or into the future.

The City does not consider the LGAB's Report provides an overwhelming amount of evidence to suggest that amalgamation would provide any significant improvement in the level of service or amenity for the residents and commercial enterprises within each of the three local governments affected by the recommendation. Indeed, the recommendation seems to be based largely on a single submission that made a number of suggestions concerning boundary reform within the inner Perth metropolitan area. In Council's view this is hardly sufficient to recommend such a significant change.

It must also be understood that the City has strong and positive working relationships with both the Town of Victoria Park and the City of Belmont. These could be severely tested were the City to attempt to become larger through amalgamation with both local governments. This would especially be the case with the Town of Victoria Park, which would disappear entirely if this proposal were acted upon.

The issue of resource sharing and the need for Local Government in Western Australia to embrace this philosophy more fully is a dominant theme for discussion within the LGAB's Report. Resource sharing and the benefits it brings is one that is well understood within the City of South Perth. For example, the Town of Victoria Park undertakes street sweeping services for Council. The City for its part provides the Town with access to its dog pound, plant nursery and its bush care crew assists the Town in maintaining areas of remnant native vegetation. Such initiatives could be threatened if the Town of Victoria Park thought its identity was threatened through amalgamation proposals such as those made within Recommendation 1.15.

Council will continue to seek opportunities for resource sharing, both with its immediate neighbours and other organisations where such arrangements will benefit the ratepayers and residents of the City of South Perth.

**Consultation**

The Local Government Advisory Board is consulting with Local Governments and the community at large on behalf of the Minister for Local Government in relation to this issue.

**Policy and Legislative Implications**

Nil - Council approval required to enable the submission to be lodged with the Local Government Advisory Board

**Financial Implications**

Nil

**Strategic Implications**

Nil at this time. Issue has possible long term ramifications for Local Government in WA, but at this stage it is premature to consider long term strategic implications until proposals have been accepted by the Minister for Local Government for more detailed review.

<b>OFFICER RECOMMENDATION ITEM 9.5.2</b>
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That the response to the invitation by the Minister for Local Government to the Local Government Advisory Board contained at **Attachment 9.5.2** be endorsed and forwarded to the Board for its consideration.

### 9.5.3 Planning Department Structure

Location:	City of South Perth
Applicant:	Council
Date:	13 July 2006
Author:	Steve Cope, Director, Strategic and Regulatory Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

#### Summary

To consider the most appropriate structure of the Planning Team to meet the organisation's business goals. The proposals arising from the current review were advised to Council during budget briefing.

These matters were also the subject of a Concept Forum briefing for Councillors on 4 July 2006, when it was agreed that a report would be prepared for Council's consideration on the subject.

#### Background

The need for a report on this subject results from a resolution adopted by Council in May 2003:-

*"9.5.2 That Council adopt as its policy:*

- (a) *That pursuant to the Local Government Act 1995 section 5.2 the Council of the City of South Perth will:*
- (i) *Set the overall organisational structure of the local government, limited to the level of directorates and directors;*
  - (ii) *Consider proposals from the CEO to review the approved overall structure; and*
  - (iii) *Consider proposals to employee staff in addition to the approved budgeted human resource levels."*

As this proposal concerns the employment of additional staff resources it is referred to Council in accordance with resolution 9.5.2 (a)(iii) of May 2003. An external review of the Development Services Department was undertaken in 2004 by Murray Jorgenson and Associates (MJA) and contained recommendations focussed on technical planning issues relating to:

- review policy on viewing of plans
- review procedures for community consultation
- review standard conditions applied to planning and building approvals
- review internal referral processes
- greater focus on performance management
- greater focus on adequacy of staffing levels
- implementation of continuous improvement program

The key recommendations of the MJA review have been implemented and performance management and continuous improvement programs are ongoing.

A review of human resource and physical resource management issues during 2005/06 by Henderson Power and Associates (HPA) provided feedback from staff on issues such as:

- staff recognition and support
- training and resource needs
- workload pressures and staffing needs

These recommendations have also been progressively implemented and have been taken into consideration as part of this review.



A key issue for management is that it has not been possible to achieve the town planning policy/strategic town planning targets within the Development Services Business Plan in a timely fashion due to the need to focus on statutory town planning priorities; for example the completion and presentation to Council of the Residential Design Policy Manual has not progressed as quickly as anticipated due to the urgency of processing statutory development applications.

Other high priority strategic town planning tasks at present include the finalisation of Technology Precinct Masterplan, the City's Commercial Strategy, Network City Planning and preparation for the review of the District Town Planning Scheme.

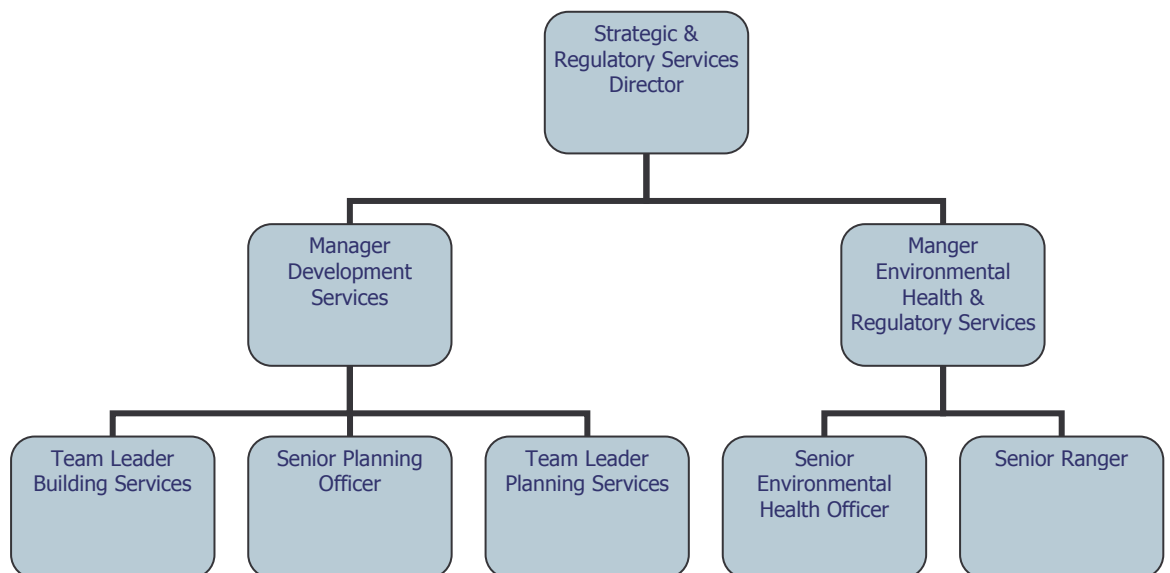
The number of development applications received by the City has increased by 20% in the 5 years to 2006 (ie 520 Delegated Authorities in 2001 and 625 Delegated Authorities in 2006) during which time staffing numbers (FTES) were static. At the same time the City is experiencing high staff turnover in the Development Services division (29% in the last 12 months.) At present significant changes in the legislative and policy framework are occurring; a new state-wide *Planning and Development Act* came into effect in April 2006 and the Residential Design Codes are actively under review.

In addition, it is clear that planning reports submitted to Council are increasingly more complex and detailed due to the discretionary nature of planning decisions, the existence of interpretation issues in development assessment and the need for consistency in decision-making. There is also a need for planning staff to keep abreast of decisions of the State Administrative Tribunal on Town Planning matters.

**Comment**

Taking into account the foregoing factors, the current structure of the planning team has been critically examined to determine whether this structure can continue to effectively discharge the Business Plan Goals of the Development Services division.

The current structure of the Town Planning Department is as follows:



Under the present structure the broad responsibilities of the Manager Development Services are:

- oversees statutory planning
- oversees strategic planning
- oversees building team
- oversees statutory compliance
- human resource management

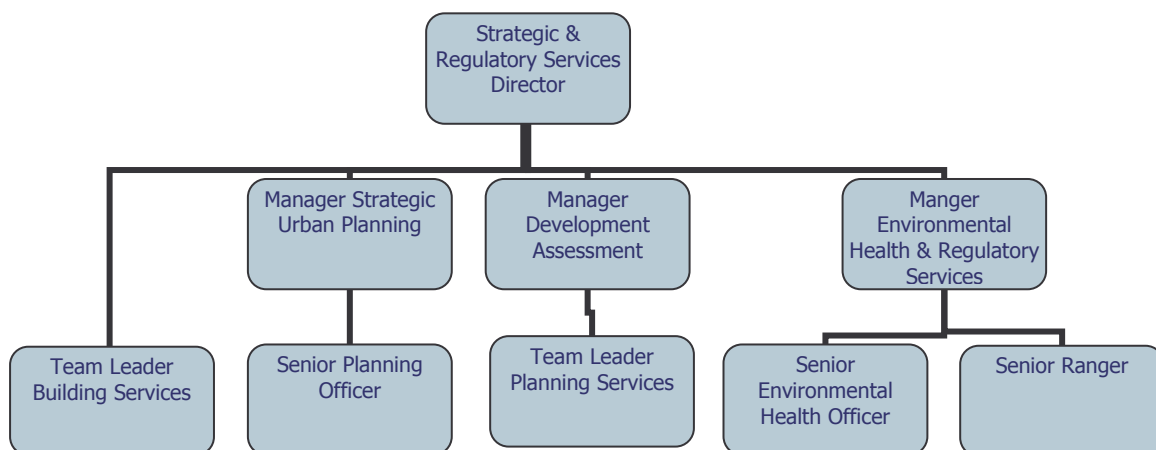
Under the current structure the broad responsibilities of the Team Leader Planning Services are:

- oversees delegated approvals
- reviews and edits reports to Council
- co-ordinates Planning Team
- specialist statutory planning tasks

Under the current structure the broad responsibilities of the Senior Planning Officer are:

- prepares Town Planning Scheme Amendments
- co-ordinates preparation of major policy documents, (eg Commercial Strategy)
- prepares Council Policies (eg Community Consultation Policy)
- co-ordinates major planning projects (eg review of Municipal Heritage Inventory)
- prepares specialist statutory Town Planning reports, ie South Perth Hospital redevelopment

The proposed structure of the Town Planning Departments is as follows:



The proposed structure for the Planning Team involves creation of a new position of Manager Strategic Urban Planning, to be filled by the present Manager Development Services, which would enable his considerable knowledge and expertise to be utilised in the preparation, co-ordination and implementation of strategic town planning, whilst at the same time allowing his expertise to be available for statutory town planning advice. This would allow this new section to wholly (or largely) concentrate on strategic/policy Town Planning matters.

The Manager Development Services' position would be filled by the current Team Leader Development Services and the structure would be reviewed after a period of 6 months to judge its effectiveness. The focus of this position, to be renamed Manager Development Assessment, would be to ensure delivery of high quality statutory planning and development assessments.

During this period and in order to allow the new structure the best opportunity to prove itself, the Team Leader Building Services would report directly to the Director.

#### **Conclusion**

The principal benefits of the proposed structure are considered to be:

- more timely implementation of major policy initiatives such as Residential Design Policy Manual, Local Planning Policies and Town Planning Scheme Amendments etc
- Greater emphasis on assessment and reporting of development applications at Council level
- Improved processing times for delegated development applications
- Succession planning for staffing within Planning Department

#### **Policy and Legislative Implications**

Proposal consistent with past Council resolution

#### **Financial Implications**

Funding for this proposal included in adopted 2006/07 budget as mentioned in budget report.

#### **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 efficiently manage, enhance and maintain the City's unique natural and built environment.*

#### **Consultation**

Detailed briefing session on this proposal conducted with Councillors on 4 July 2006.

<b>OFFICER RECOMMENDATION ITEM 9.5.3</b>
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That Council endorse the proposed new structure of the planning team in the creation of the new position of Manager Strategic Urban Planning in addition to the position of Manager Development Assessment.

**9.6 GOAL 6: FINANCIAL VIABILITY**

**9.6.1 Monthly Financial Management Accounts – June 2006**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 6 July 2006  
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

**Summary**

Monthly management account summaries compiled according to the major functional (departmental) classifications are presented to Council monthly 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 revenue 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**

Whilst acknowledging the very important need for Council and the community to be provided with a 'final' year-end accounting of the City's performance and financial position; the year end financial accounts for the City are yet to be completed - in statutory or management account format. This is because the City is still awaiting supplier's invoices and other year end accounting adjustments before finalising its annual accounts ready for statutory audit. It is considered imprudent to provide a set of 30 June Management Accounts at this time when it is known that the financial position disclosed therein would not be final - and would be subject to change.

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts would be presented to Council at the first available meeting of Council after their completion - ideally the 22 August 2006 meeting if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

#### **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's 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 and 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 the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2006 be presented to the 22 August 2006 meeting of Council in order to allow the final year end position to be accurately and completely disclosed.

**9.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2006**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 July 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

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

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding 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 \$22.61M compare favourably to \$22.08M at the equivalent stage of last year. The difference relates to the impact of effective debt collection during the year, funds quarantined for capital works and increased cash reserves. These positive treasury management results reflect another successful year that has built upon the very sound platform of effective cash management established in the previous year.

Funds taken into the new year (and those collected subsequently) are invested in secure financial instruments to generate interest income until those monies are required at a later date to fund operations or projects. Appropriate cash balances are important to support operations early in the new year and to fund carried forward initiatives in 2006/2007. 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 (to be taken into the 2006/2007 year) currently sits at \$5.81M  
**Attachment 9.6.2(1).**



**(b) Investments**

Total investment in short term money market instruments at year end is \$22.19M compared to \$21.82M last year. These 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 total \$1.54M, well up from \$1.35M at the same time last year.

Higher balances in Reserve Funds have contributed around 70% of this difference. Municipal cash holdings, resulting from very effective treasury management, have also enabled the City to better the investment return on municipal funds at year end by almost 10%. This is achieved even after twice earlier in the year increasing the budget target for interest revenue.

The average rate of return for the year is 5.72%. The anticipated yield on investments yet to mature is 5.92% reflecting the recent increase in investment rates and the placement of funds for longer investment terms. 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 at year end is shown in **Attachment 9.6.2(3)**. Rates collections to the end of June 2006 represent 96.7% of total rates levied. This sets a new benchmark - after bettering last year's excellent result of 96.1% at year end. More than half of the outstanding amounts reflect pensioner rates with the remainder being those on payment arrangements and a small number who are currently the subject of escalated debt collection activity.

The City's success in collecting rates has set a new benchmark to which our peers must aspire. Credit should go to those officers within the Financial Services team who have contributed to successfully exceeding this important key performance indicator of collecting 95% of rates levied for the year. Timely and responsible debt collection initiatives, convenient user friendly payment methods and the early payment incentive scheme have again all had an extremely positive impact on rates collections this year.

General debtors stand at \$0.85M at 30 June 2006 compared to \$1.13M at the same time last year. It is however noted that there may be some small additional debtor accrual yet to be processed before the accounts are closed for 2005/2006 - but nonetheless, the greatly reduced level of uncollected debtors at year end reflects another very good result from the Accounts Receivable team in Financial Services.

**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' 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.

<b>OFFICER RECOMMENDATION ITEM 9.6.2</b>
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That the 30 June 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 July 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent ,Director Financial and Information Services

#### Summary

A list of accounts paid by the CEO under delegated authority between 1 June 2006 and 30 June 2006 is presented to the 25 July 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 subjected to 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, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund.

#### 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 and 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.

**10. APPLICATIONS FOR LEAVE OF ABSENCE**

**11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Lessons Learned from Canning Mews SAT Appeal : Cr Jamieson 17.7.06**

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 25 July 2006.

MOTION

That....

- (a) Council prepare a report on Outcomes and Lessons Learned from the Canning Mews Council Agenda Items and the subsequent SAT appeal;
- (b) the report shall include a grid layout containing but not limited to:
  - (i) text from the CEOs memorandum dated 25 July 2005;
  - (ii) blank or Tick from the CEOs memorandum dated 25 July 2005;
  - (iii) tick, cross or blank representing the SAT outcome;
  - (iv) a text description of the SAT outcome; and
  - (v) lessons learned.
- (c) the report shall include other details that make the outcomes and lessons learned readily identifiable at a high-level and with suitable content to explain the outcomes and lessons learned and how they are to be managed; and
- (d) the report shall be on the Council meeting Agenda no later than the September 2006 Ordinary Council meeting.

COMMENT:

As Council Members will be aware, I have been attempting to have Outcomes and Lessons Learned from Canning Mews documented since the result of the SAT appeal. This has been a pivotal case that seems to set new precedents, not only in terms of some of the outcomes but possibly also in our approach. To date Council Members have received a notice in the Bulletin on 24 Feb 2006. I am concerned that the opportunity for extensive understanding and assessment of outcomes and Lessons Learned may be lost if nothing further was to be evaluated and provided. I highlight the following points:

- 1. Lessons Learned should include what went right and hence we will continue to repeat them.
- 2. Lessons Learned should include what went wrong and identify proposed changes to our current approach and how.
- 3. Are there Lessons Learned about the format of the CEO's memo prior to the Council July 2005 meeting.
- 4. Are there Lessons Learned about receiving and using legal advice.
- 5. Are there Lessons Learned about the report provided to Council.
- 6. Are there Lessons Learned about discussions and comments from the public and how they were factored into the report.
- 7. Are there Lessons Learned about the value of community involvement and community assessment in review of Canning Mews.
- 8. Are there Lessons Learned about the value of community assistance in participation in the SAT appeal.
- 9. There should be some form of management plan to ensure Lessons Learned are registered and administered, and not just in the heads of a few.
- 10. What risks are associated with previous Council decisions given the outcomes and Lessons Learned from Canning Mews?

I ask for the City to take a positive step and have an in-depth look at all aspects of the multiple Canning Mews Council Agenda Items and SAT Appeal.

COMMENT CHIEF EXECUTIVE OFFICER

In accordance with Clause 3.6(d)(iii) of Standing Orders Local Law the Chief Executive Officer comments as follows:

The decision of the State Administrative Tribunal was handed down on the Canning Mews Appeal on 7 October 2005. Denis McLeod conveyed the results of the SAT decision in writing which was circulated to councillors for information. On 1st November 2005, Denis McLeod attended a Councillors briefing session on the subject and provided an analysis of the decision. Councillor Jamieson subsequently submitted a request for further information on the subject and this was responded to in a Bulletin item to all Councillors on the 24 February 2006.

Councillor Jamieson has claimed that the response was not in the format that he requested. Various emails have exchanged since this date without satisfactory resolution to either party. The CEO supports the view that this matter should now be referred to Council for decision.

In doing so, the CEO believes it would be useful for a summary of the Canning Mews development application and subsequent events be provided to Council so that a complete picture can be provided.

- November 2003: First application for planning approval submitted to the City.
- March 2004: First application for planning approval referred to Council meeting. Council resolved to defer its decision until after a Special Electors' Meeting that had been called to discuss the proposed development.
- April 2004: Applicant lodged an appeal with Town Planning Appeal Tribunal (TPAT) against "deemed" refusal pursuant to applicable provisions of Town Planning Scheme No. 6.
- April 2004: Special Electors' Meeting was held on Wednesday 21 April 2004.
- May 2004: First application for planning approval was again referred to Council meeting and was refused for a number of reasons.
- June 2004: TPAT handed down its decision in favour of the Council. The Tribunal made determinations with respect to the timing of the appeal and whether or not the density provisions of the Residential Design Codes were applicable. It found that the appeal had not been instituted within allowable time, and that the density provisions of the Codes were applicable.
- July 2004: Second application for planning approval submitted to the City.
- August 2004: Third application for planning approval submitted to the City.
- September 2004: Second application for planning approval was refused under delegated authority for a number of reasons.
- October 2004: Third application for planning approval referred to Council meeting, and refused. Council further resolved under part (b) of the October 2004 resolution that approval would be granted to another application, subject to the submission of revised drawings which satisfactorily address a list of issues, without introducing new issues of concern.

AGENDA : ORDINARY COUNCIL MEETING : 25 JULY 2006

- December 2004: During December 2004 Council received notification of the appeal lodged by Canning Mews against Council's October 2004 refusal.
- December 2004: A report was presented to Council at its meeting on 21 December 2004 to advise of the appeal and to obtain instructions for dealing with the appeal. Council resolved to authorise City officers' participation in mediation subject to the outcome of mediation being presented to Council for endorsement.
- February 2005: A State Administrative Tribunal (SAT) Directions Hearing was held during February 2005. The Kensington Community Association (KCA) was granted leave to make a written submission to the SAT on the proposal.
- June 2005: During June 2005 the appellants submitted revised drawings for consideration at a mediation session facilitated by the Tribunal.
- June 2005: The matter was considered by the City's Design Advisory Consultants at a meeting during June.
- June 2005: A mediation meeting facilitated by the SAT was held on 27 June.
- July 2005: Council considered an officer's report advising of the status of mediation proceedings and resolved to advise the SAT that Council requires the outcome of the compulsory conference to be brought back to Council for consideration and that the discretion to permit the Use Single Bedroom Dwellings not be exercised.
- July 2005: A compulsory conference was held at the offices of the State Administrative Tribunal.
- September 2005: A final hearing took place on 19, 21 and 22 September
- October 2005: SAT determination was delivered on 7 October 2005.

From the date of Council's resolution in December 2004 to participate in mediation, the City's administration worked closely with the City's solicitors in order to achieve a mediated outcome.

Correspondence was received from Denis McLeod on 7 October 2005 advising of the outcome of the SAT Appeal. Denis McLeod's advice was circulated to Councillors on that day under cover of a memo from the Director Strategic & Regulatory Services.

In both the letter and the covering memo, Councillors were advised that the outcome of the Canning Mews Appeal was regarded as a landmark decision with potential impact on interpretation of amenity issues throughout local government planning in WA.

At a Concept Forum briefing for Councillors held on 1 November 2005 Denis McLeod advised that the applicant's appeal was dismissed and the application refused as follows:



- SAT accepted a method of assessment of plot ratio which had the result that the plot ratio floor area proposed would exceed the prescribed statutory limit.
- SAT's determination of focus area was significant.
- SAT's determination that compliance with prescriptive requirements of the TPS6 and R-Codes does not mean automatic approval has statewide significance.
- SAT's determination placed weight on amenity consideration over prescriptive requirements.
- SAT's determination of communal open space and landscaping necessitated modification to site planning.
- SAT determined that non-compliance with height limit also necessitate refusal.
- Previous Tribunal tended to rely on independent experts for determination of amenity issues.
- SAT's decision on Canning Mews appeal regarded as a landmark decision with potential impact on interpretation issues throughout the planning profession in Western Australia.

Immediately after the SAT decision on Canning Mews the City of South Perth Planning team changed its practice with respect to calculation of plot ratio so as to be consistent with the preferred method outlined in the SAT decision.

This was confirmed in a Bulletin item to Councillors on 24 February 2006 headed "Canning Mews Appeal " Modified Practice Resulting from State Administrative Tribunal Decision", the Bulletin item outlined the SAT decision in terms of the following key aspects and the officer response to each:

- Wall height conflict
- Communal open space conflict
- Plot ratio floor area conflict
- Scale and bulk conflict with Hovia Tce streetscape
- Discretionary density bonus for Single Bedroom Dwellings

The total cost of legal advice provided by Council's solicitors on the Canning Mews development application (from April 2004 to October 2005) was \$87,649.41. The cost of employing a town planning consultant as an expert witness during the appeal hearing was \$12,347.50. Thus, in round figures the total cost of defending the appeal was \$100,000 not including time committed by Council officers.

As recently as the Concept Forum Briefing for Councillors held on 4 July 2006 on the subject of amenity issues in town planning, Denis McLeod advised that the consideration of amenity issues is fundamental to local Council's administration of planning powers, however each case is different and requires consideration of the amenity issues which apply within the context of each application.

The Motion submitted by Councillor Jamieson, as it stands, will require at the very least, a detailed examination of all of the reports provided to Council (including memoranda), a review of all legal advice provided to Council and the preparation of a summary of the detailed SAT findings.

In my view, Council has already received a significant amount of legal and other advice on this topic and it is doubtful whether a further review would generate any cost / benefit having regard for the likely cost of such review. Clearly the decision of SAT established new rules for the way in which assessments should be determined. Up until that time, the City was following standard industry practice in the way in which it assessed applications.

Council has also received repeated advice that the City's Town Planning Department has modified its approach to assessing town planning applications in accordance with the SAT decision.

It is clear from the terms of the Motion that a specialist town planning expert or lawyer would be required to be contracted to perform the degree of analysis suggested. The City does not have the staff resources to conduct such a review and should the Motion be adopted, the employment of external resources is the only option available.

**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**