



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 18 December 2007 commencing at 7.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. He then paid respect to the Noongar people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Mayoral Portrait Unveiling Function

The Mayor read aloud an email received from former Mayor Pierce extending her appreciation to the City for hosting the 'Unveiling Function' which she stated was a big success and enjoyed by her guests and former Councillors.

3.2 Withdrawal of Agenda Item 10.0.4

The Mayor reported having received a written request from St Columba's Primary School that consideration of their application be withdrawn from the December Council Agenda in order to allow them time to hold a proposed community consultation forum during January 2008.

3.3 Overseas Study Tour

The Mayor advised that the State Government had invited Council to attend an overseas study tour and that this matter was the subject of a late report and would be considered at Item 14 on the Agenda.

3.4 Statement by Cr Smith

The Mayor invited Cr Smith to address the meeting. Cr Smith stated that essentially Cr Ozsdolay and I have come to a consensus in relation to my advertisement in the October 30 edition of the Southern Gazette newspaper and predicated to the results of the Council election in general. In retrospect, I agree that I could have chosen better and less provocative words in the framing of that advertisement.

3.5 Audio Recording of Council Meeting

The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P517 "Audio Recording of Council Meetings" and Clause 6.1.6 of the Standing Orders Local Law which states: "*A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member*" and stated that as Presiding Member he gave his permission for the Administration to record proceedings of the Council meeting.

3.6 Activities Report Mayor Best

The Mayor advised that his 'Activities Report' was circulated with the Agenda paper for information.

3.7 Department of Local Government Monitoring

The Mayor stated that as part of the ongoing compliance monitoring program, following the Department of Local Government Inquiry into the City of South Perth, that an officer from the Department was in attendance in the public gallery.

4. ATTENDANCE

Present:

Mayor J Best

Councillors:

G W Gleeson	Civic Ward
I Hasleby	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Development and Community Services (until 10.22pm)
Mr G Flood	Director Infrastructure Services (until 9.15pm)
Ms D Gray	Acting Director Financial Services (until 10.22pm)
Mr C Buttle	Manager Development Assessment (until 10.22pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 10.22pm)
Ms A Spaziani	Human Resources Manager (from 10.18pm)
Mr M Taylor	Manager City Environment (until 10.22pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 10.22pm)
Mr O Hightower	Planning Officer (until 10.22pm)
Mr S McLaughlin	Legal and Governance Officer (until 9.44pm)
Ms R Mulcahy	City Communications Officer (until 10.22pm)
Mrs K Russell	Minute Secretary

Gallery

Approximately 35 members of the public and 1 member of the press present

4.1 Apologies

Mr M J Kent Director Financial and Information Services (Annul Leave)

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

The Mayor reported having received Declarations of Interest from:

- Cr Doherty for Agenda Items 10.0.1, 10.2.2 and 10.3.3;
- Crs Trent and Ozsdolay for Agenda Item 10.3.3;
- Cr Smith for Agenda Item 10.0.2; and the CEO for Item 15.1.2.

The Mayor then read aloud the Declarations, as detailed in the Minutes before Items 10.0.1, 10.0.2, 10.0.4, 10.2.2, 10.3.3 and 15.1.2 respectively.

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 10.2.2

Cr Grayden stated that he wished to declare an Impartiality Interest in Agenda Item 10.2.2 as his wife is a Committee Member of the P & C Association at South Perth Primary School who are a proposed recipient of the funding program at Item 10.2.2.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 27 November 2007 the following questions were taken on notice:

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

Summary of Question

In reference to the report by Ernie Samec of Kott Gunning on the building at No. 11 Hepingstone Street, South Perth - Will the report be made available to the ratepayers of the City of South Perth?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 December 2007, a summary of which is as follows:

No, the report from Kott Gunning will not be made available to the ratepayers of South Perth. In accordance with long-established practice, legal advice obtained by the City is not generally made publicly available. This is especially the case in circumstances where a ratepayer has threatened legal proceedings against the City in relation to the subject matter of the advice.

6.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Re 180 Mill Point Road - I have previously asked a series of questions in regard to the building currently under construction at 180 Mill Point Rd, South Perth. I have previously been advised that the City is leasing part of Sir James Mitchell Park to the builder which I assume is for the period of construction. I believe there has been a series of lease agreements or extensions of lease agreement for this 500 odd square metres.

1. What have been the periods of lease or extensions of lease for this site.
2. What have been the payments for each of these periods.

Tree - There was an article in the Southern Gazette recently regarding the only tree on the verge adjoining this property alleging it may have been poisoned.

3. When the application for planning consent was made for this building, was this tree on the plans.
4. Was the proposed crossover for this site in the same position as it is currently constructed.
5. Was it a condition of planning consent that the tree was to remain.
6. If the tree was to remain as a condition of planning consent, has there been any application to vary that condition.

7. When the application for a building licence was made for this building, was this tree on the plans.
8. Was the proposed crossover for this site in the same position as it is currently constructed.
9. Will this tree cause any obstruction to the proposed crossover for this site.
10. If this tree is removed for any reason will the city plant a new tree in the same spot along with a substantial steel or concrete tree.
11. Will this tree cause any obstruction to the access or egress to this site.
12. Who was the CEO when planning consent was issued in 2002.
13. Who was the CEO when a building licence was issued in 2005.

Ngala site George Street, Kensington - Alexandria Village on the corner of George Street and Baron-Hay Court received planning consent some time ago.

14. Was it a condition of planning consent that the existing (at the time) tall pine trees were to remain.
15. Has the developer made an application to remove any of these trees.
16. If an application has been made, was it given and by whom.
17. Is the City aware that most the tall pine trees were removed just on two weeks ago.

For the Ordinary Council meeting held on 25 September 2007 there was an acting CEO in attendance while the CEO was on leave.

18. With respect to agenda item 12.2 at the Ordinary Council meeting held on 25 September 2007 can you please advise:
 - (a) Which City officers contributed drafts, edits, reviews or otherwise to the section headed "CEO Comment"?
 - (b) Which City officer is accountable for the content of the section headed "CEO Comment"?

Car Parking – Last month I asked: *Is the CEO confident that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have been applied since the gazettal of the Scheme in 2003?* The CEO response was a simple “Yes”. I also asked “*On what basis has the CEO come to that conclusion?*” The Response was: “on advice of the City’s planning staff.”

On reviewing the wording of the current and previous town planning scheme the wording in respect to parking bays abutting a wall or pillar is essentially identical. So in effect, the increase of 30cm in width where car bays abut a wall or pier, has been the **law** in South Perth for over 20 years; yet as recently as several months ago the staff were recommending or approving car bay widths of less than 2.8m where they abutted a wall or pier.

19. Can the CEO give assurance to the council that the planning staff have not approved any building that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have **not** been applied since the gazettal of the Scheme in 2003?
20. Can the CEO give assurance to the council that the planning staff have not recommended to council to approve any building that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have **not** been applied since the gazettal of the Scheme in 2003?
21. Can the CEO give assurance to the council that the planning staff or other staff, have not issued a building licence or approved a strata scheme where the development did not comply with the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking since the gazettal of the Scheme in 2003?
22. If the CEO can give the requested assurance in 19,20 & 21 on what basis can he give that assurance?

Matter Affecting an Employee. Last month I asked the question: *Is item 10.0.4 in any way a matter affecting an employee or employees in particular the CEO or the Legal and Governance officer?* A response was provided by the Chief Executive Officer, by letter dated 24 October 2007, a summary of which is as follows: Report Item 10.0.4 on the October 2007 Council Agenda clearly identifies the substance of the Council resolution in relation to Item 15.1.1 of the August 2007 Council Minutes and reports, as requested, on the issues raised in that resolution. The answer tells me, and I assume anyone else, nothing that is meaningful, I ask again:

23. Is item 10.0.4 in the October meeting in any way a matter affecting an employee or employees in particular the CEO or the Legal and Governance officer? (A very simple “yes” or “no” would be sufficient and efficient).

Principle - During the debate on an item last month, a Councillor stated to the effect that if a Councillor stands on principle rather than expediency then the Councillor may have to bear the cost of that principle.

24. For the benefit of the residents, will the Council initiate a policy where if it votes on expediency rather than principle, Councillors will make a declaration to that effect?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 13 December 2007, a summary of which is as follows:

1. There was a 2 year lease negotiated which expired in May 2007. Currently the use is in its third year and lease arrangements are proceeding on a monthly basis.
2. The fee negotiated is \$205 per sq.metre. The monthly fee is \$1227.27.
3. Yes.
4. A crossover has not yet been constructed.
5. Yes.
6. No.
7. No.
8. A crossover has not yet been constructed.
9. Not if constructed in accordance with the planning approval.
10. A decision in this respect would have to be made if and when a decision was made to remove the tree.
11. Not if the crossover and driveway are constructed in accordance with the planning approval.
12. Cliff Frewing.
13. Cliff Frewing.
14. There was no condition of planning approval requiring retention of the pine trees on the “Alexandria Village” site. However, a subsequent planning approval for additions/alterations to the adjacent Ngala Child Day Care Centre was conditional upon retention of the four existing Pine trees and a Eucalyptus tree near the street boundary.
15. Yes, the project architect made application to remove eight Pine trees from the “Alexandria Village” site. At a later time, the project architect made a further application to remove four pine trees from the front of the existing Child Day Care Centre.

16. Following the advice of the City Environment Department, the City's former Manager, Development Services approved the application for removal of eight Pine trees from the "Alexandria Village" site. However approval was not granted for the removal of the Pine trees or the Eucalyptus tree situated in front of the Child Day Care Centre.
17. The City is aware that most of the trees have been removed from the "Alexandria Village" site. However, a site inspection on 11 December 2007 has confirmed that all of the original trees in front of the Child Day Care Centre remain in place
18. The Acting Chief Executive Officer for the September 2007 Council meeting provided the CEO Comment for this item.
19. The City deals with around 650 applications for planning approval per year, and around 900 applications for building licences. Accordingly, to give the absolute assurance which has been requested would require the review of around 3000 applications for planning approval and around 4000 building licences. Having regard to the extent of delegated authority given by Council to the planning team to exercise limited discretion, although an absolute assurance can not be given, and subject to the following, which Councillors are aware of I remain confident that the provisions of TPS6 relating to car parking have been applied correctly, as you have previously been advised.

The building plans for the development at 12 - 14 Stone Street did not comply with the minimum bay widths for some car bays prescribed in TPS6 and this information was provided to Councillors in June 2007.

20. Refer to response for question 19.
21. Refer to response for question 19.
22. Refer to response for question 19.
23. Council resolved that this report be considered as a 'Confidential Item' and as a consequence cannot add anything further to that which has previously been advised.
24. No policies are proposed on this subject.

For the record, the total time involved by 8 different officers researching and answering these questions was 8 hours. At an average hourly rate of \$100 per hour including overheads, a total cost of \$800 results.

6.1.3 Councillor Gleeson - Civic Ward
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Summary of Question

How long has the tree been planted there?.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 13 December 2007, a summary of which is as follows:

An arboricultural assessment undertaken in February 2007 estimates that the street tree at No. 180 Mill Point Road is 30 - 40 years old.

6.2 PUBLIC QUESTION TIME : 18.12.2007

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements must relate to the area of Council's responsibility. He advised that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.14pm.

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

Summary of Question

At the last Council meeting I asked 7 questions whereas in the Agenda there is only the answer to one of those questions, which states a letter dated 5 December was sent to me. I have not received that response letter. The only question answered was whether the report from Ernie Samec of Kott Gunning would be made available. The response in the Agenda states: *No the report from Kott Gunning will not be made available to the ratepayers of South Perth. In accordance with long-established practice, legal advice obtained by the City is not generally made publicly available. This is especially the case in circumstances where a ratepayer has threatened legal proceedings against the City in relation to the subject matter of the advice.* I believe the report relates to town planning issues and not legal advice. The report was commissioned as a result of an Agenda Item on 11 Heppingstone Street and it concerns me that the response states that the report will not be made available.

Who is the ratepayer who has threatened legal proceedings?

Summary of Response

The Chief Executive Officer responded that while in the Council Chamber, Mr Drake had threatened to undertake legal action against the City.

Summary of Question

With respect to the other six questions will Council answer those?

Summary of Response

The Chief Executive Officer advised that he would check on this matter.

Summary of Question

With reference to a letter dated 22 August 2006 which the CEO sent to the Minister for Planning Alannah MacTiernan about 11 Heppingstone Street and its compliance or non-compliance with the Town Planning Scheme, does the City have any objection to me publishing this letter in the Southern Gazette newspaper?

Summary of Response

Legal and Governance Officer responded yes, that generally the City would not believe it to be a good practice to publish letters that go from the City to the Minister but as a courtesy the Minister should be advised if this was proposed.

The Mayor confirmed to Mr Drake that he can publish the letter referred to.

6.2.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Last month I asked a series of questions on 180 Mill Point Road, Ngala site Kensington, Acting CEO in September and the application of car parking in accordance with the Town Planning Scheme. The CEO added a note to the answers to my questions in respect to the time and cost of answering my questions: *For the record, the total time involved by 8 different officers researching and answering these questions was 8 hours. At an average hourly rate of \$100 per hour including overheads, a total cost of \$800 results.*

1. What officers took what time to answer each of my questions?
2. Did the CEO or other senior officers give instructions that the time taken to answer my questions be recorded?
3. If such instructions were given, is this a standard practice.

Summary of Response

1. The officers involved were the CEO, Director Development and Community Services, Manager Development Assessment, Strategic Urban Planning Adviser, Snr Planning Officer, Manager City Environment, Parks Projects Coordinator and Minute Secretary.
2. The officers were asked to note the amount of time taken and advise me accordingly.
3. No but believed that it was appropriate that the Council and community was aware of the time it takes to answer these questions.

Summary of Question

What time did each officer take to answer the questions?

Summary of Response

The Mayor responded that the issue is the 'total time taken' to answer the questions.

Close of Public Question Time

There being no further questions the Mayor closed Public Question time at 7.25pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Annual Electors Meeting Held: 19 November 2007

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Doherty

That the Minutes of the Annual Electors' Meeting Held 19 November 2007 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.1.2 Special Electors Meeting Held: 21 November 2007

COUNCIL DECISION ITEM 7.1.2

Moved Cr Grayden, Sec Cr Ozsdolay

That the Minutes of the Special Electors Meeting held 21 November 2007 be taken as read and confirmed as a true and correct record and that the power point presentation given by Greg Benjamin and Jonathan Epps at that meeting be included as an Attachment to the Minutes on the City's website.

CARRIED (13/0)

7.1.3 Ordinary Council Meeting Held: 27 November 2007

COUNCIL DECISION ITEM 7.1.3

Moved Cr Trent, Sec Cr Grayden

That the Minutes of the Ordinary Council Meeting held 27 November 2007 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.1.4 CEO Evaluation Committee Meetings Held: 5.9.07 and 12.12.07

COUNCIL DECISION ITEMS 6.1.4 AND 6.1.5

Moved Cr Doherty, Sec Cr Hasleby

That the Minutes of the CEO Evaluation Committee Meetings Held 5 September and 12 December 2007 be received.

CARRIED (13/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy 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.

As per Council Resolution 10.5.6 of the Ordinary Council Meeting held 26 June 2007:

- the "Work in Progress" *draft* Agenda to be made available to members of the public at the same time the Agenda is made available to Members of the Council; and
- applicants and other persons affected who wish to make Deputations on planning matters be invited to make their Deputations to the Agenda Briefing.

7.2.1 Agenda Briefing - November Ordinary Council Meeting Held: 20.11.2007

Officers of the City presented background information and answered questions on items identified from the November Council Agenda.

Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum Bentley Technology Precinct Update Meeting Held: 29.11.2007

Officers of the City and Consultants from NS Projects, Hames Sharley, Creating Communities and Transcore provided power point presentations and answered questions on the Bentley Technology Precinct proposal.

Notes from the Agenda Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum 'Roles/Responsibilities of Elected Members' and Progress on Est.Agreement Rivers Regional Council: Meeting Held: 4.12.2007.

Denis McLeod of McLeods Lawyers gave a presentation on the roles and responsibilities of Elected Members. Officers provided an update on the progress of the Establishment Agreement with Rivers Regional Council.

Notes from the Agenda Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum Town Planning Major Developments and Red Bull Air Race Feedback Meeting Held: 5.12.2007

Officers of the City presented background on major Town Planning Developments and Feedback following the Red Bull Air Race.

Notes from the Agenda Briefing are included as **Attachment 7.2.4.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Trent, Sec Cr Gleeson

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 27 November 2007 be noted.

CARRIED (13/0)

Note: Cr Gleeson left the Council Chamber at 7.28pm

8. PRESENTATIONS

8.1 PETITIONS -

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

Nil

8.2 PRESENTATIONS -

Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.

Nil

8.3 DEPUTATIONS -

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

Note: Deputations in relation to Agenda Items 10.0.4, 10.3.3, 10.3.5, 10.3.9, 10.3.12, 10.3.14 and 10.3.15 were heard at the December Council Agenda Briefing held on 11 December 2007.

Note: Cr Gleeson returned to the Council Chamber at 7.30pm

Opening of Deputations

The Mayor opened Deputations at 7.30pm and advised that speakers would be permitted 10 minutes each to address the Members.

8.3.1. Mr Peter Murray, 5 Eric Street, Como

Agenda Item 10.3.9

Mr Murray spoke against the officer recommendation on the following points:

- concerns in relation to proposed change of use
- affect on surrounding neighbours
- lack of community consultation in line with TPS6
- lack of supporting documentation for proposal
- support for developers views / no consideration given to objections from neighbours
- parking deficit /affect on current residents
- request Council defer to allow for proper community consultation to be carried out

8.3.2. Mr Fred Cole, 2 Mary Street, Como Agenda Item 10.3.9

Mr Cole spoke against the officer recommendation on the following points:

- concerns about impact proposed change of use will have on residents in the street
- current proposal has a short fall in car parking requirements
- accept rationale there is a significant amount public parking available
- concerns any concessions given will not flow on to another change of use
- concerns re lack of community consultation
- request Council defer to February Council meeting

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

The Director Development and Community Services stated that in response to the parking issue in the event that the premises were subject to redevelopment in the future stated that the parking requirements would be reconsidered at that time and therefore in those circumstance any concession previously given would not be transferable.

Mr Cole asked if the approval would be conditional to that? The Director Development and Community Services responded no, as long as the development stays as is but that in the event of any future change of use then it would be considered on its merits.

Close of Deputations

The Mayor closed Deputations at 7.55pm and thanked everyone for their comments.

8.4 DELEGATES' REPORTS

Delegate's written reports to be submitted to the Minute Secretary prior to **30 November 2007** for inclusion in the Council Agenda.

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 11 December 2007.

The Chief Executive Officer confirmed that Agenda Items 10.0.1 to 10.6.4 inclusive were discussed at the Agenda Briefing.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Wells

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.3, 10.0.5, 10.1.1, 10.2.1, 10.3.1, 10.3.2, 10.3.4, 10.3.6, 10.3.7, 10.3.8, 10.3.10, 10.3.11, 10.3.13, 10.3.14, 10.5.1, 10.5.2, 10.6.1, 10.6.2, 10.6.3 and 10.6.4 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

DECLARATIONS OF INTEREST : ITEM 10.0.1 : CRS DOHERTY, OZSDOLAY, TRENT
(same interest for each Member)

As I am a Board member of Southcare who is auspicing Moorditj Keila in the Community Partnership Agreement with the City at Item 10.0.1 on the Agenda for the December 2007 Ordinary Council Meeting, I wish to declare an 'Impartiality Interest' in accordance with Regulation 11 of the Local Government Act (Rules of Conduct Regulations 2007).

Note: Crs Doherty, Ozsdolay and Trent did not leave the Council Chamber.

10.0.1 Community Partnership Moorditj Keila (*Item 10.2.1 referred from November 2007 Council Meeting.*)

Location:	Council
Applicant:	City of South Perth
File Ref:	GS/102
Date:	29 November 2007
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Planning and Community Services

Summary

To consider a community partnership with the Aboriginal community support group *Moorditj Keila*.

Background

At the November Ordinary Council Meeting a report was considered regarding a community partnership between the City and the Aboriginal community support group *Moorditj Keila* **Attachment 10.0.1(a) refers**. At that meeting Council resolved:

“That consideration of the proposed Community Partnership with the Aboriginal Community Support Group Moorditj Keila be deferred for consideration at the December Council meeting and in the meantime further information be provided in relation to the Agreement and in particular the indemnity insurance”.

Comment

The City’s insurance and property officer has advised that the level of public liability insurance required to adequately cover the activities of *Moorditj Keila* is \$20,000,000. The draft partnership agreement has been revised to include this figure and to clarify the relationship between Southcare as the auspicing body and *Moorditj Keila* for the purpose of indemnity and insurance. **Attachment 10.0.1(b) refers**.

Consultation

Further consultation has taken place with the City’s Insurance and Property Officer and Southcare in the preparation of this report.

Policy and Legislative Implications

This report relates to Policy P202 *Funding Assistance*.

Financial Implications

The recommended level of funding at \$5,500 is within the City’s budgeted allocation for the funding of community groups. Additional ‘in kind’ support would be provided to the value of approximately \$5,500 (dependant on actual usage) for the waiver of venue hire fees if the recommendation of this report is endorsed.

Strategic Implications

This report relates to the following aspects of the City’s Strategic Plan 2004 - 2008:

Goal 2: Community Enrichment - To foster a strong sense of community and a prosperous business environment

Strategy 2.2: Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.1**

That Council endorses a Community Partnership with the Aboriginal Community Support Group *Moorditj Keila* as outlined in **Attachment 10.0.1(b)**.

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : CR SMITH : ITEM 10.0.2

I wish to declare a Conflict of Interest in Agenda Item 10.0.2 "Collier Park Hostel Proposed Strategic Plan" on the Council Agenda for the meeting to be held 18 December 2007. As I am a resident of the Collier Park Village, part of the same location as the Collier Park Hostel, I will leave the Council Chamber during the debate and decision on this item.

Note: Cr Smith left the Council Chamber at 8.00pm

10.0.2 Collier Park Hostel Proposed Strategic Plan (Item 11.2 Council Meeting 22.5.07)

Location: City of South Perth
Applicant: Council (Collier Park Hostel)
File Ref: CS/501/4
Date: 4 December 2007
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to progress the decision made by Council to retain ownership/management of the Collier Park Hostel and implement a Strategic Plan.

Background

The operations of the Collier Park Hostel have been under review for some time and have been the subject of both internal and consultants' reports, **Confidential Attachments 10.0.2(a)** and **10.0.2(b)** have been provided to those Elected Members who were not Members of Council in October 2006. Following receipt of the report prepared by consultants Southern Cross Care a comprehensive report was prepared and considered by Council at a Special Council Meeting held on 31 October 2006. At that meeting Council resolved as follows:

"That....

- (a) Council retain ownership and management of the Collier Park Hostel and that further reports to improve the financial viability of the facility, as identified in the Southern Cross Care report be submitted to Council as soon as practicable; and*
- (b) an external consultant be appointed to assist the City in identifying and implementing the operational initiatives outlined in the Southern Cross Care report."*

A report referred to at (a) above was the first in a series of reports aimed at improving the financial viability of the Hostel and was presented to the December 2006 meeting of Council (item 9.0.5).

In January 2007 Susan Clarke and Associates was engaged to review and identify options to improve administration and financial operations within the Collier Park Hostel.

The terms of reference of this appointment were:

- (a) *Review the training and staffing structure of the Hostel.*
- (b) *Review current Resident Classification Scale (RCS) levels.*
- (c) *Compare different skills mix required to meet relevant (RCS) levels.*
- (d) *Make recommendations as appropriate.*

The consultant met with relevant staff including CEO, the Village Manager, Accreditation Assistant, Acting Care Assistant in Charge and Care staff at the Hostel on numerous occasions to progress the review. A further report (Item 9.0.2) was presented to the May 2007 meeting of Council as a result of those discussions.

As a result of a Notice of Motion at the May 2007 meeting, Council resolved as follows:

That a Strategic Plan be prepared for the Collier Park Village to provide the City with a means to identify present and future opportunities. This plan will be developed in consultation with the Collier Park Residents Committee and include the following:

- (a) *that further to the appointment of consultants for the implementation of the operational initiatives outlined in the Southern Cross Care Report for the improved financial viability of the Collier Park Hostel, a report be submitted to the next available Council meeting on the extent and costing for building works that would be required to enable the facility to extend its service to that of a High Care Provider;*
- (b) *that as a matter of urgency, a Feasibility Study be undertaken to explore the future options for the Collier Park Village Community Centre, with a view of utilising the whole Centre for the operational use of the Independent Living Units and the Hostel and the creation of a possible Adult Day Therapy Centre;*
- (c) *future expansion opportunities for additional Independent Living Units and the upgrade of the existing units;*
- (d) *future amenities that reflect the changing life style of retirees; and*
- (e) *Ownership options.*

Comment

(a) Action taken to implement Councils decision

As indicated in the May 2007 Council resolution, part (b), because of its urgency was given priority status. After a number of meetings between the Collier Park Village Residents' Committee, Ward Members and staff, agreement was reached on the residents taking over the operation and responsibility for the use of the Community Centre. This arrangement commenced from early July 2007.

The ownership options (part e) of the Council resolution was also discussed with the Residents' Committee, but the Committee felt there was no benefit in pursuing the matter at this time. As a consequence, no further action has been taken to advance this matter with the Residents' Committee.

A further report on the financial implications of the operations at the Collier Park Hostel (part of Council resolution [a]) was submitted to Council for information at the November 2007 meeting.

The remaining part of Council resolution (a), and resolutions (c) and (d) are all related to some degree and were the subject of a Council Workshop in August to gauge future direction.

In order to progress the May 2007 Council resolution relating to the development of a Strategic Plan, Helen Hardcastle of Learning Horizons was invited to facilitate the process at a Workshop held on 14 August 2007. The Notes from the Workshop held on 14 August 2007 are included at **Attachment 10.0.2(c)**.

(b) Future direction

There are two separate but in some ways related issues that need to be carefully determined to implement any decisions relating to the future direction of the whole complex. These issues relate to any proposal to expand the complex in terms of increasing the number of residential units (or replacing the older units with modern units) or enhance the residential component of the Collier Park Village in terms of additional amenity provision and any proposal to similarly expand or enhance the Hostel. The relationship issues relate to land availability, cost and inconvenience / disruption to residents.

Village expansion

The Village was built in stages between 1987 and 1995 when the following number of residential units were constructed:-

1987	20 units
1989	18 units
1990	20 units
1992	16 units
1993	10 units
1994	43 units
1995	42 units

At the current time there are 169 independent living units on site.

With the exception of a recreational area consisting of approximately **4500 - 5000m²** identified on **Attachment 10.0.2(d)**, no further land is available on the site that is currently occupied by the Village and the Hostel. This land however is heavily landscaped and well maintained and would be highly regarded by residents for its passive recreational benefits. A separate parcel of land located to the immediate east of the existing Village complex is reserved land vested in the City for the purpose of 'Private Institution' part of which would be available for potential expansion of the residential component of the Village (**approximately 17 000 m² in size**). The land available is part of a larger parcel of land (Lot 3297) located between Murray Street and the eastern boundary of the Collier Park Village. The land is zoned R30 with a height limit of 7 metres (two storey).

Alternatives exist in terms of future expansion and these include:

- Construction of single level residential units similar to those most recently constructed in 1994/95 on the reserved land (if the land was wholly developed approximately 45-50 additional residential units could be developed);
- Construction of multi-level residential units on the reserved land (height would need to be determined but it has been suggested that any development on this land could accommodate buildings to a height of 3 to 4 levels). In order to achieve this a Scheme Amendment would be necessary; or
- Construction of single or multi-level residential units on land within the existing complex on land that is currently used for passive recreational use. (Current height level of 7.0 metres also exists.)

It is also known that the older residential units are not as popular as the newer units because of their size and appearance and if an expansion program was embarked upon, a logical approach would be to either:

- Construct additional residential units on vacant land (either the recreational area or the vested land) and when completed, re-locate existing residents from the older units to the newer units. This would allow opportunities for the land that is currently occupied by the older units to be redeveloped with either modern single storey buildings or alternatively multi-storey developments to maximise the value (or scarcity) of land. A further

alternative is to develop the land on which the older units are currently located as a future recreational use (to replace the land used for new development if that option is chosen); or

- As the older units are built in 'clusters' of five or ten as they become vacant each cluster would be redeveloped to a higher standard. This may mean that some residents will be required to be relocated from their existing residence to either a temporary residence or a new residence to facilitate orderly redevelopment of a residential cluster.

Either way, significant funds running into the multi millions of dollars would be required to finance expansion of the residential component of the complex. Funds to facilitate an upgrade or an expansion program would have to be borrowed and significant holding costs would need to be absorbed.

In terms of provision of additional recreational facilities for residents of the Village, the administration is not aware of any particular demand from residents. Options exist to provide additional facilities – and the obvious facilities include some form of indoor centre consisting of pool and bowling rink. The location of each facility is the issue – if the reserved land is discounted, the only realistic site within the land occupied by the Village is the passive recreational area identified at 10.0.2 (d) referred to above.

Presumably, the operational costs would be recovered from the existing residents and it is not known whether this would be a favoured option. If this course of action is to be pursued, dialogue with the residents' committee should be initiated as soon as possible.

Given that the residents now have 'control' over the community centre (see comment (a) above), it may be that the residents are satisfied with the additional flexibility that the use of this centre presents as a greater range of indoor activities are available to be conducted.

Hostel expansion

Similarly to the possible expansion to the Village identified above, there are limited options available to the City if expansion of the Hostel was a desired outcome

It is known that the Hostel was built in a complex of five 'clusters' consisting of 8 living and ancillary rooms to a standard that would not be built today. Despite continuous reviews, the Hostel component of the complex continues to run at a net operating loss. This is likely to continue in the foreseeable future. The suggestion is that the Hostel should be expanded to spread the fixed costs over a greater number of beds to either reduce or eliminate the operational losses.

Should Council embark on an expansion program on site, the most obvious options appear to be:

- Relocate all residents to another facility and upgrade or demolish the existing facility to enable the construction of a new building built to contemporary standards to accommodate a greater number of occupants;
- Construct a new facility on the passive recreational area and relocate residents on completion. The use of land on which the existing facility is located could then be used for either further Hostel purposes, additional residential units or replacement passive recreational use; or
- Construct a new facility on the reserved land vested in the City – recognising that this would limit the flexibility for an expanded residential Village.

Third party interest

Despite Councils adopted position that it wishes to remain in the business of provision of aged health care and presumably in part due to the publicity that this decision received correspondence has been received from Meath Care and Settlers Lifestyle Villages on the subject **Confidential Attachments 10.0.2(e) and (f)**. The correspondence demonstrates that the private sector continues to express an interest in becoming involved in aged health care management of the Collier Park facility. No action has been taken with respect to the correspondence at this time until Council has considered the matter further.

Future Directions workshop

As indicated above, in accordance with the May 2007 Council resolution, a Future Directions Workshop was held in August 2007 to progress the matter. The notes prepared by the facilitator **Confidential Attachment 10.0.2(g)** and those minuted by the administration, **Attachment 10.0.2(c)**, indicate that there was no clear alignment or direction given from those present – perhaps with the possible exception of appointment of an architect to provide further advice. Prior to this occurring however, it is desirable for Council to minimise the options for which advice would be sought and it would be necessary for a brief to be prepared to allow this course of action. Council should also approve the brief if Council wished to follow this course of action.

Future Direction

Given that only five of the elected members present at the workshop are current elected members and given that the City has four new elected members and the issue would not be known by them in any great detail, it is proposed that a further future directions workshop be held early in the new year to enable the future direction to be again discussed. This will allow the opportunity for the new elected members to become familiar with the background material and provide meaningful input with any future decisions in relation to this complex.

Consultation

Consultants advice sought on previous occasions, the most recent of which was a comprehensive report prepared by Southern Cross Homes which was considered by Council in October 2006. Representatives from the Collier Park Residents Committee participated in the previous 'Future Directions workshop' in August 2007. It is again recommended that representatives be involved in any future planning workshop on this topic.

Policy and Legislative Implications

Review of financial issues associated with the Collier Park Hostel consistent with Council resolution.

A Town Planning Scheme Amendment would be necessary if the current height limit of 7.0 m that is applicable to either the land on which the Collier Park Village is located or the reserved land is to be increased to a higher level.

Financial Implications

Unknown at this time but will be significant if any expansion / enhancement program is embarked upon. Expert independent advice from specialists in the Aged Health Care industry will be essential.

Strategic Implications

This matter is in line with Goal 2 of the Strategic Plan: *To foster a sense of Community and a prosperous business environment.*

OFFICER RECOMMENDATION 10.0.2

That....

- (a) the report Item 10.0.2 of the December 2007 Council Agenda be received; and
- (b) a further Future Directions Workshop be held in early February 2008 and representatives of the Collier Park Village be invited to participate in the discussions.

MOTION

Cr Wells, moved the officer recommendation, Sec Cr Cala

AMENDMENT

Moved Cr Doherty....

That the officer recommendation be amended by the addition of a new part (b) as follows:

- (b) representatives from MeathCare and Settlers Lifestyle Villages be invited to address Council at a briefing on their philosophy towards aged health care and independent living:

Note: The Mover and Seconder concurred with the Amendment proposed by Cr Doherty

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty opening for the Amended Motion

- in terms of Collier Park Hostel/Village we need to see how we are going to progress
- Age Care Industry is rapidly changing
- need to increase our knowledge of the industry - get MeathCare/Settlers to assist us in keeping the Hostel as proposed
- how does this proposal fit with the City/does the City have a philosophy regarding Aged Care
- need to identify whether these organisations essentially just want beds
- need to be mindful that the CPV land cannot be sold / what are these implications
- would MeathCare want to develop on land owned by the City
- issues in relation to hostel keep coming up
- address issues of maintaining/managing hostel
- aged care is a big business changing all the time
- believe we need to liaise with other providers / get their input
- any additional information will benefit the City in managing the Hostel

Cr Gleeson point of clarification - did we not have discussions with external people in 2006?

Chief Executive Officer confirmed that Council did received a presentation from Southern Cross Care who provided some independent advice on this topic and Council came to a decision at that time to retain management of the hostel. He further stated that he believed Cr Doherty's proposal is an opportunity to get more information from other external organisations in relation to Aged Care.

Cr Gleeson point of clarification - was there not a lengthy document put out at the time on this matter?

Chief Executive Officer said correct.

Cr Gleeson for the Amended Motion

- support the Motion proposed
- I previously made some suggestions about the Hostel which did not go down well with some Councillors

Cr Doherty point of order - we are here to discuss issues not the views of individual Councillors.

Mayor Best upheld the point of order and asked Cr Gleeson to keep to the issue under debate.

- cost to ratepayers is a huge amount of money to 'prop' up the Hostel in a situation that cannot be managed

Cr Hearne point of order - not appropriate to suggest Council cannot manage the situation.

Mayor Best upheld the point of order and asked Cr Gleeson to keep to Cr Doherty's Motion which is seeking independent advice from MeathCare and Settlers Lifestyle Villages.

- already had one presentation / received a report with some serious recommendations
- recommendation to move forward in report suggested facility could be managed by someone else

Cr Cala point of order - report referred to is *Confidential*

Mayor Best upheld the point of order and confirmed the report was *Confidential*

- ask Councillors to take on board comments/recommendations in previous report by Southern Cross Care

Cr Wells for the Amended Motion

- appropriate to move on
- had previous discussions/presentation Southern Cross Care to be able to move on
- some Councillors then visited other Aged Care Facilities
- cannot see a problem with MeathCare and Settlers addressing Council
- support the Motion

COUNCIL DECISION ITEM 10.0.2

The Mayor put the Amended Motion

That....

- (a) the report Item 10.0.2 of the December 2007 Council Agenda be received;
- (b) representatives from MeathCare and Settlers Lifestyle Villages be invited to address Council at a briefing on their philosophy towards aged health care and independent living; and
- (c) following the presentations referred to in part (b) above, a further Future Directions Workshop be held in February 2008 and representatives of the Collier Park Village be invited to participate in the discussions.

CARRIED (12/0)

Reason for Change

1. The City has previously received a comprehensive report from Southern Cross Care in 2006 in relation to the operations and future direction of the Collier Park Hostel which has formed the basis of subsequent reports
2. Prior to making a final commitment as to the options available to Council, it is prudent to consider all options available.

Note: Cr Smith returned to the Council Chamber at 8.14pm

10.0.3 Request for Reconsideration of Condition of Planning Approval for Proposed Major Additions/Alterations, Waterford Plaza, Karawara
(Item 10.0.1 of October 2007 Ordinary Council Meeting).

Location: Lots 102, 104, 105 and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara
 Applicant: Lavan Legal & Johnson Group WA on behalf of Midpoint Holdings P/L
 Lodgement Date: 9 November 2007
 File Ref: WA1/37 & 11/1286 & 11.2006.613
 Date: 30 November 2007
 Author: Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director Planning and Community Services

Summary

To consider a request for reconsideration of Specific Condition (xiii) of the planning approval granted by Council at its October 2007 meeting for major additions / alterations to the existing shopping centre. Condition (xiii) relates to the period of validity for the approval and requires that:

“(xiii) This approval shall cease to be valid if all stages of the development are not substantially commenced within 24 months by the completion of the floor slabs.”

It is recommended that the applicant’s request **be approved**.

Background

The development site details are as follows:

Zoning	District Centre Commercial
Density coding	R30
Lot area	36,937 sq. metres in total (Lot 102 = 600 sq. metres; Lot 104 = 1,537 sq. metres; Lot 105 = 3,437 sq. metres; Lot 180 = 24, 387 sq. metres and Lot 802 = 6967 sq. metres)
Building height limit	7.0 metres
Maximum permissible plot ratio	1.50

This report includes the following attachments:

Attachment 10.0.3 Correspondence from Lavan Legal and Johnson Group dated 9 November 2007 providing indicative Development Program and Development Staging Plan.

Comment

When Council granted approval for major additions and alterations to the shopping centre at its October 2007 meeting, the planning approval included a condition relating to the period of validity of that approval. The applicant has expressed concern with respect to the capacity to satisfy the requirement for substantial commencement within the specified 24 month period for all components of the development.

The attached correspondence from Lavan Legal and the Johnson Group provides an explanation as to why the requirements contained in Condition (xiii) of planning approval can not be met. The correspondence makes reference to a proposed four part staging plan for the redevelopment of the centre which is explained as follows:

- Stage 1 Coles' refurbishment and additional specialty retail. Stage 1 has been completed.
- Stage 2 Tavern and specialty retail.
- Stage 3 Northern car park deck and minor specialty retail.
- Stage 4 Second supermarket, specialty retail and southern car park deck.

The proponents have requested that the condition of approval relating to the validity of approval be modified so that the timing associated with the substantial commencement of Stage 4 is increased from 24 months to 36 months.

If Council agrees to the request, the wording of Condition (xiii) of the planning approval would be modified to read as follows:

“(xiii) This approval shall cease to be valid if:

- *Stages 2 and 3 of the development are not substantially commenced within 24 months of the date of this approval; and*
- *Stage 4 is not commenced within 36 months of the date of this approval, by the completion of the floor slabs in accordance with the staging plan detailed in the correspondence dated 9 November 2007 from the Johnson Group WA.”*

s

Officers acknowledge the difficulty that the applicant will face in undertaking substantial commencement of all stages of the development within a 24 month period and accordingly do not object to the request.

Consultation

No further consultation has been undertaken in conjunction with the preparation of this report.

Policy and Legislative Implications

Council has the capacity to vary the condition of approval in accordance with the provisions of Town Planning Scheme No. 6.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the applicant’s request for reconsideration Condition (xiii) of planning approval granted 16 October 2007 be approved, and this condition be modified to read as follows:

“(xiii) This approval shall cease to be valid if:

- *Stages 2 and 3 of the development are not substantially commenced within 24 months of the date of this approval; and*
- *Stage 4 is not commenced within 36 months of the date of this approval, by the completion of the floor slabs in accordance with the staging plan detailed in the correspondence dated 9 November 2007 from the Johnson Group WA.”*

CARRIED EN BLOC RESOLUTION

10.0.4 Request for Reconsideration of Conditions of Planning Approval for Retaining Wall/Fence No. 2 Alexandria Street, South Perth - St Columbas Primary School *(Item 10.3.4 Council Meeting 16.10.07)*

Location: Lot 2 (No. 2) Alexandra St / (No. 30) York Street, South Perth.
 Applicant: St Columba's Catholic Primary School
 File Ref: 11.2007.127 & AL2/2 / YO1/30
 Date: 30 November 2007
 Author: Andrew Carville, Planning Officer; and
 Christian Buttle, Manager Development Assessment
 Reporting Officer: Steve Cope, Director Planning and Community Services

Summary

The request for reconsideration of conditions of planning approval relates to an application for planning approval which was originally approved by Council at its October 2007 meeting. The original application was to provide a retaining wall and fencing around the existing oval of St Columba's Primary School, along the Alexandra, Hopetoun and Forrest Street frontages of the site, and to level the surface of the oval to provide for a more usable playing area. Council's discretion was originally sought in regard to the impact of the retaining wall on the amenity of the surrounding area, and the removal of a substantial number of mature trees in order for the retaining wall to be built.

The request for reconsideration of conditions of planning approval comes with the submission of a revised design for the retaining wall. The revised design proposes a higher finished ground level than originally approved by Council, however, it incorporates a number of other changes to minimise the impact of the wall on the surrounding streetscape, in such a way that the impact of the wall will be comparable with that which Council has already approved. The recommendation is for some conditions to be amended on the planning approval, with the other existing conditions to remain in place.

Background

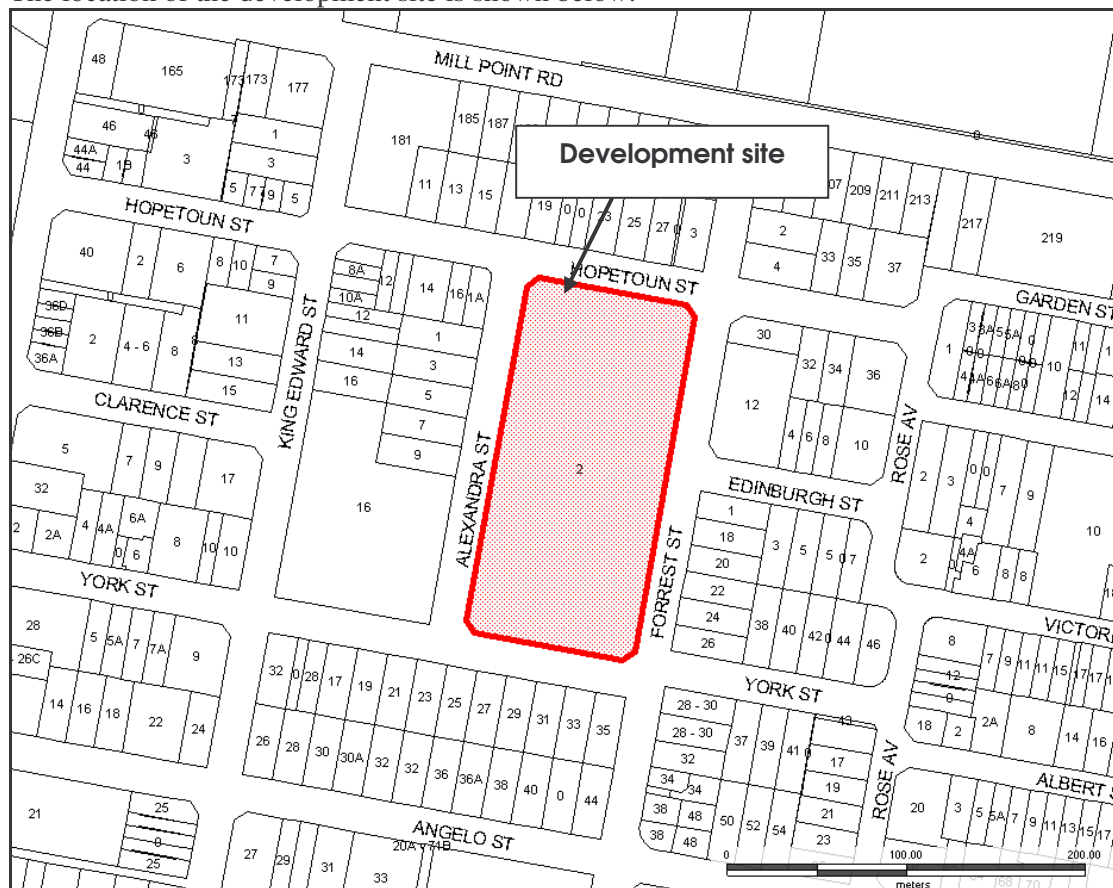
This report includes the following attachments:

- Attachment 10.0.4(a)** Amended Plans.
- Attachment 10.0.4(b)** Original Council approved plans of the proposal.
- Attachment 10.0.4(c)** Letter from Michael Cameron, School Chairman, dated 14 November 2007.

The development site details are as follows:

Zoning	Private Institution
Density coding	R15
Lot area	19,153 sq. metres
Building height limit	7.0 metres
Development potential	Not applicable
Plot ratio	Not applicable

The location of the development site is shown below:



Comment

(a) Description of the proposal

The original proposal comprised a retaining wall with a maximum height of 3.15 metres (at the corner of Hopetoun and Forreast Streets), and an open style 1.2 metre fence on top of the retaining wall. The revised plan shows the truncations at the corners brought further back from the boundary line, and the top portion of the wall (where the wall is split into two portions, separated by a garden bed) brought further back from the lot boundary than originally proposed. This is designed to offset the higher finished ground level proposed in the revised drawings.

(b) Regulatory framework

In accordance with the provisions of Clause 7.9(7) of the City of South Perth Town Planning Scheme No. 6 (TPS6), and following the submission of a revised design, the applicant is now requesting that Council reconsider the conditions of planning approval.

Clause 7.9(7) of TPS6 states that:

“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.”*

In accordance with the requirements of Clause 7.9 (7) of TPS6, it is recommended that, given the revised design, some conditions be varied or deleted, whilst others remain in place.

(c) Height

The original proposed height of the wall along Hopetoun Street varied from 2.65 metres at the corner of Alexandra Street, to between 1.65 and 2.15 metres for the length of Hopetoun Street, and up to 3.15 metres at the corner of Forrest Street. The Council approved the application with the condition that the finished ground level and top of the retaining wall be lowered to an RL not exceeding 21.50. This resulted in the height varying from 2.0 metres at the corner of Alexandra Street, to between 1.0 and 1.5 metres for the length of Hopetoun Street, and up to 2.5 metres at the corner of Forrest Street.

The revised drawings are seeking to retain the originally proposed top of wall height of RL 22.15. As the corner truncations are now set further back from the lot boundary, and the top portion of wall along Hopetoun Street has also been set further back from the lot boundary, the resulting heights will vary from 2.15 metres at the corner of Alexandra Street, to between 1.15 and 1.65 metres for most of the length of Hopetoun Street, and up to 2.15 metres at the corner of Forrest Street. The revised drawings show a retaining wall which is generally comparable or lower in height than the previously approved design.

(d) Tree canopy

The area around the corner of Alexandra and Hopetoun Streets has a mature tree canopy, which provides for a calming ambience, and habitat for birdlife. Although some of these trees are located within St Columba's lot boundary, these trees contribute significantly to the character of the area, and therefore their removal would adversely impact the amenity of the area. The approved drawings showed the removal of 14 mature trees, with a condition of approval requiring a landscaping plan to the value of \$28,000 being approved by the City. Whilst the revised drawings show that most of these trees will still need to be removed, a prime specimen near the corner of Alexandra and Hopetoun Streets can be retained. There may also be the opportunity to retain a mature tree further up the Alexandra Street frontage. This is seen to reduce the impact that the previously approved removal of trees would have caused.

(e) Request for Deletion: Condition (1) - The design level of the oval and the associated height of the retaining wall shall be reduced to an RL not exceeding 21.5.

The revised drawings submitted to support the request for reconsideration show the top of the retaining wall at the originally proposed height of RL 22.15. The design increases the width of the garden bed between the top and bottom portions of the wall (where it is designed in two sections along the Hopetoun Street frontage) from 600mm to 1650mm, to reduce the appearance of the bulk of the walls. The revised design also sets the corner truncations of the retaining wall further back from the lot boundary. In this respect the alignment of the wall is now set 4.3 metres in from the lot boundary at the corner of Alexandra and Hopetoun Streets, and 3.8 metres in from the lot boundary at the corner of Forrest and Hopetoun Streets. These alterations mean that the proposed height of RL 22.15 will require a retaining wall which is comparable, or even lower in some sections, than the design previously approved by Council. The wider garden bed, suitable for the planting of more substantive screening vegetation, and the retention of two more mature trees will result in better screening of the retaining wall. Having regard to the preceding comments, the recommendation is for this condition of approval to be deleted.

- (f) **Request for Reconsideration: Condition (3) - The point at which the retaining wall is 'stepped' (between the lower and higher walls) shall be the mid point between the level of the adjacent verge, and the overall height of the retaining wall, as far as is practicable.**

The applicant has requested that this condition be modified to read that:

'On the Hopetoun Street frontage the lower wall shall be stepped (where practicable) to achieve separate walls of approximately equal height'.

As the revised drawings show no garden bed along the Alexandra or Forrest Street frontages of the site, and the rewording of the condition maintains the intent of the original condition, Officers have no objection to the request for re-wording of this condition and it is recommended that the wording of this condition be amended accordingly.

- (g) **Request for Deletion: Condition (4) - The design of the stairway for access to Hopetoun Street shall be modified so as to provide a set of steps to the western side of the lower landing in addition to the proposed set of steps to the eastern side of the lower landing.**

The revised drawings show the removal of the stairway. Officers have no concern with the removal of the stairway and recommended that the condition be imposed on the original approval as a 'crime prevention through environmental design' measure, as the original design created a potential area of entrapment. As the stairway has now been removed in its entirety, this condition of planning approval can be deleted.

- (h) **Request for Deletion: Condition (5) - The retaining wall shall be treated with a graffiti protection coating, and the City shall be provided with certification that such treatment has been undertaken.**

The applicant has requested that this condition be removed due to the proposed vegetative screening along the Hopetoun Street frontage of the site and the porous nature of a limestone retaining wall. Along the Hopetoun Street frontage, the top portion of wall will be set back 2.0 metres from the face of the lower portion, and screened with vegetation. The lower portion will reach a maximum height of around 1.4 metres, and will therefore not represent a significant vandalism risk. The risk of vandalism was one of the concerns often raised during the two periods of advertising for the original application. The existing limestone retaining wall around the power transformer next to the site shows evidence of vandalism. Graffiti protection coatings are able to provide a primer specifically for porous surfaces, which prevents the final protective coating from soaking into the surface, and prevents discolouration of the limestone. Given that the retaining wall has no vegetation screening along the Forrest and Alexandra Streets frontages, and because of the evidence of existing vandalism in the area, it is recommended that the condition relating to graffiti coating be maintained. Officers have also liaised with staff in the City's operations area who advocate retention of this condition. The City's operations staff have confirmed that:

- It is perfectly feasible to graffiti coat a limestone wall;
- Graffiti coating will result in the wall having a dull shine. The resultant appearance is not unattractive, and indeed could be argued to be more attractive than a wall left in its natural state; and
- A 'sacrificial' graffiti coating could be used in lieu of a permanent seal.

- (i) **Request for reconsideration: Conditions (6) and (7) relating to landscaping which required that:**
- (6) **A landscaping plan shall be submitted for approval by the City. No person shall occupy or use the portion of the land 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.**
- (7) **The landscaping plan shall incorporate / address the following requirements:**
- (i) **Planting of advanced native tree specimens (4 - 6 metres in height) at regular intervals around the perimeter of the development site;**
 - (ii) **Appropriate planting within the 'stepped' portion the retaining wall in order to provide visual softening of the proposed wall. Such planting to be subsequently maintained in good order and condition in accordance with the provisions of clause 6.14(6) of the City of South Perth Town Planning Scheme No. 6;**
 - (iii) **Planting of advanced native tree specimens (4 - 6 metres in height) at regular intervals within the verge areas adjacent to the development site;**
 - (iv) **Retention of existing mature trees if possible;**
 - (v) **Demonstrate that the landscaping plan incorporates at least \$28,000 worth of landscaping (i.e. trees and shrubs and excluding any labour component).**

The applicant has requested that this condition be altered to remove the monetary requirement, and instead rely on the City Environment department to approve the final landscaping plan. The original amount of \$28,000 was calculated using the City's Amenity Valuation Formula, in order to allow for compensation for the loss of the existing mature trees from the site. As the revised drawings show the retention of some of the trees included in the amenity valuation, the monetary value would need to be adjusted. The Manager, City Environment is satisfied with the request to remove the monetary value from the condition of planning approval altogether, providing that the other conditions relating to the landscaping plan remain in place. This will ensure that the outcome of the landscaping plan will meet the intent of the previous planning approval, rather than serving as a penalty for removing the existing trees. The recommendation is for this component of the landscaping condition to be removed, with the other components of the landscaping conditions remaining.

- (j) **Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme**
- The request for reconsideration of conditions of planning approval has 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 (e)** *Ensure community aspirations and concerns are addressed through Scheme controls;*
 - Objective (f)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
 - Objective (k)** *Recognise and preserve areas, buildings and sites of heritage value.*

(k) 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 the request for reconsideration of conditions of 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 list of 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (f) any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (h) the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under Clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (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;*
- (o) the cultural significance of any place or area affected by the development;*
- (q) the topographic nature or geographic location of the land;*
- (r) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

(l) Application for Review Lodged with State Administrative Tribunal

The proponents have lodged an application for review (appeal) against conditions contained within Council's October determination with the State Administrative Tribunal (SAT). The proponents have advised that the application for review was lodged primarily to protect their interests in order to allow further discussions with the Council while not losing their appeal rights. The application for review has been the subject of a Directions Hearing, and has been listed for Mediation in January 2008.

If agreement can be reached between the Council and the applicant, the matter can be determined without the need to go through the formal review process overseen by SAT. However, if agreement can not be reached, the SAT will ultimately become the decision maker in its role of adjudicating between the Council and the proponent.

Consultation

(a) Neighbour consultation

The original application was advertised on two separate occasions, and was the subject of a Special Elector's Meeting on 4 September 2007, although under Policy P104 "Neighbour and Community Consultation in Town Planning Processes", no neighbour notification was officially required. As the original application was thoroughly advertised, and numerous comments received, the original comments received were used to assess the revised submission. The revised submission was also assessed against the previously approved application, and found to generally present a lesser impact than the approved design, with respect to the height of the retaining walls and the removal of mature trees.

Due to the timing of receipt of this request, available time did not allow for the City to undertake further formal consultation with respect to the proposed development. However, the City has written to all previous submitters, advising them of the consideration of this matter at the December Council meeting, has made the plans available for display at the front counter, and has provided a link to the school's web site, upon which the revised drawings are displayed.

(b) Parks and Environment Department

The Manager, City Environment was invited to make comment on the request for reconsideration of the condition relating to landscaping and was satisfied that the other conditions relating to the landscaping plan were sufficient to result in a high-quality landscaping plan to replace the mature trees which are scheduled to be removed.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.0.4

That...

(a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the planning approval granted by Council at its meeting held 16 October 2007 for a proposed retaining wall and fence addition to Lot 101 (No. 2) Alexandra Street / (No. 30) York Street (St Columba's Primary School) be modified by:

(b)(i) Deleting Specific Condition (b)(i) and (b)(ii):

(b)(i) The design level of the oval and the associated height of the retaining wall shall be reduced to an RL not exceeding 21.5.

(b)(ii) The width of the 'garden bed' between the lower and higher portions of wall shall be increased in width to a minimum of 1000mm.

- (ii) Amending Specific Condition (b)(iii)
(b)(iii) The point at which the retaining wall is 'stepped' (between the lower and higher walls) shall be the mid point between the level of the adjacent verge, and the overall height of retaining wall, as far as is practicable

to read:

(b)(iii) On the Hopetoun Street frontage the lower wall shall be stepped (where practicable) to achieve separate walls of approximately equal height.

- (iii) Deleting Specific Condition (b)(iv)
(b)(iv) The design of the stairway for access to Hopetoun Street shall be modified so as to provide a set of steps to the western side of the lower landing in addition to proposed set of steps to the eastern side of the lower landing.

- (iv) Deleting part (5) from Specific Condition (b)(vii):
(b)(vii)(5) Demonstrate that the landscaping plan incorporates at least \$28,000 worth of landscaping (i.e. trees and shrubs and excluding any labour component).

- (b) the amended drawings be endorsed in lieu of the originally approved drawings, and subject to the original conditions of approval, with the exception of the modifications referred to above;
- (c) the applicant be advised that the Council is not prepared to delete the requirement for anti-graffiti coating of the retaining wall, and also be advised that it is acceptable to use a 'sacrificial' graffiti treatment in lieu of a permanent seal; and
- (d) the submitters be advised accordingly.

COUNCIL DECISION 10.0.4

Note: At the request of the applicant, consideration of Item 10.0.4 was withdrawn from the December Council Agenda to allow for further community consultation to take place.

10.0.5 Outcome of Public Advertising Re Request for Land Purchase. Lot 184 situated between 213 and 215 Mill Point Road, South Perth. (Item 10.6.8 referred August 2007 Council Meeting)

Location:	Lot 184 on Plan 2417 under Certificate of Title Vol 809 Fol 121 known as 215F Mill Point Road, South Perth
Applicant:	Kerry and Nick Bertucci, Owners 213 Mill Point Road,
Lodgement Date:	N/A
File Ref:	CP/502
Date:	28 November 2007
Author:	Erin Burns, Property and Insurance Officer
Reporting Officer:	Michael Kent, Director, Financial and Information Services

Summary

The Owner of 213 Mill Point Road, South Perth, Mrs Bertucci and her husband have made a request to the City to purchase a parcel of land that is situated between the properties at 213 and 215 Mill Point Road, South Perth. The Bertucci's are preparing to commence building on their property at 213 Mill Point Road.

The parcel of land is owned freehold by the City. Its location and size does not allow the City to use the land for any genuine purpose and is likely to only have value to the owners of 213 or 215 Mill Point Road, South Perth as these are the properties situated either side of the parcel of land.

The Council agreed 'in principle' to the officer recommendation at Item 10.6.8 of the August 2007 Ordinary Council meeting, for the sale of the land, conditional upon the Owners of 213 Mill Point Road, South Perth meeting all costs associated with the purchase and the outcome of public advertising as per *Section 3.58* of the *Local Government Act 1995*.

Background

(a) Request to purchase the subject land

On 2 October 2006, the City received a letter from the Owners of 213 Mill Point Road, South Perth requesting the City's consideration to the sale of a parcel of land situated between 213 and 215 Mill Point Road, South Perth.

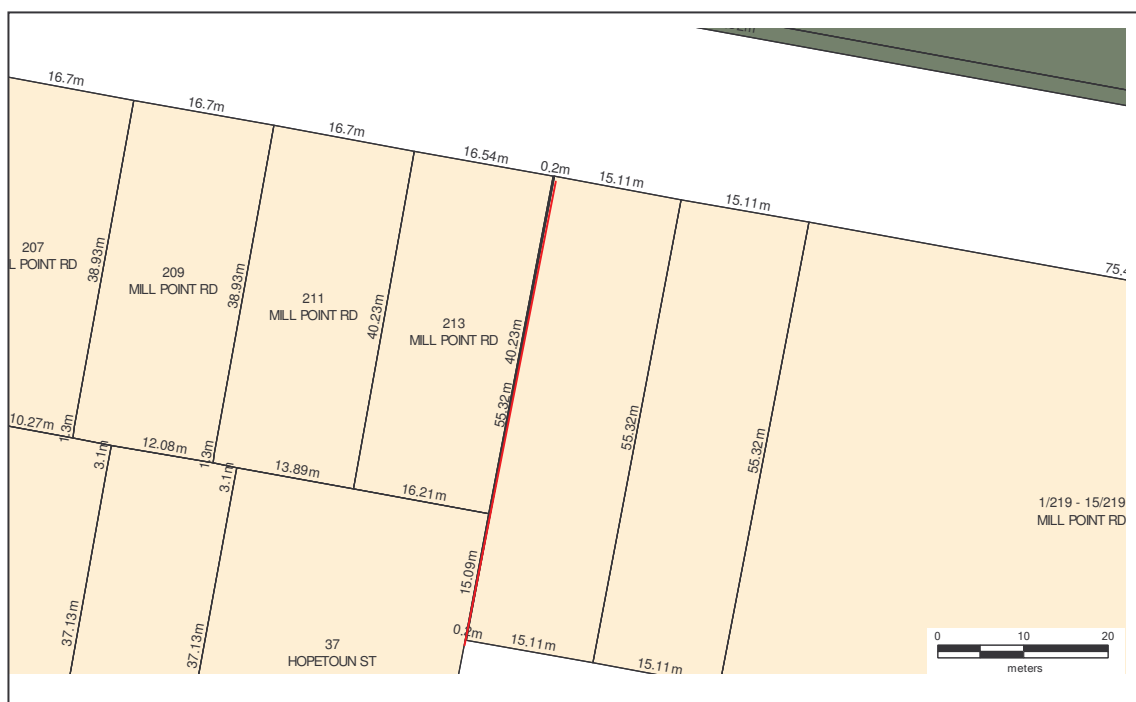
The Owners were granted a building licence for the property on 11 August 2006 and building is scheduled to commence in the next month. The licence permits the Owners of 213 Mill Point Road to build up to the boundary of the subject land and this will not alter with the purchase of this parcel of land, that is, no concessions or additional building benefits pass to the owners of 213 Mill Point Road, South Perth as a consequence of this transaction.

(b) Description of the subject land

The details of the land which is the subject of the purchase request are as follows:

Title particulars	Lot 184 of Plan 2417 on Certificate of Title Vol. 809 Fol. 121.
Ownership	City of South Perth under freehold title.
Zoning	R15 Residential
Density coding	Not applicable.
Lot area	Approximately 11m ² . (55.32m x 0.2m)
Building height limit	7.0 metres.
Permitted land use	Residential
Existing land use	Slight incline

The location of the subject land is shown below in red:



The subject land is bounded by residential properties 213 and 215 Mill Point Road, South Perth. The land extends from Garden Street through to Mill Point Road in a north to south direction, is rectangular in shape, with a slight incline from Garden Street towards Mill Point Road. The subject land extends the full length of the boundary of 215 Mill Point Road.

(c) **Issues to be considered in relation to purchase request**

In arriving at a decision as to whether to sell the subject land to the Owner of 213 Mill Point Road for the intended use, the Council would need to consider the following issues:

(i) **Land valuation**

Having regard to the provisions of section 3.58 of the *Local Government Act 1995* discussed in detail below, before presenting the Bertucci's request to the Council, it was necessary to obtain a valuation of the subject land. The City originally obtained a valuation in November 2006 from John Garmony and Associates a land licensed valuer with experience in the locality.

The valuer considered a recent sale in the area where the approximate market value of the land was \$3,054 per square metre, for a land area of 835 sq. metres. Based on this data, the subject land, which is only 11 sq.meters, would have a value of \$24,554. John Garmony and Associates concluded that a much lower value be considered based on the minimal difference in overall land value of 213 Mill Point Road, South Perth 'before and after the addition of this small parcel of land and believe a notional value should apply rather than a rate per square meter based on a full single residential site value'. On this basis the valuation of \$6,000 was deemed appropriate.

As the original valuation was more than 6 months old, a re-valuation from Garmony Property Consultants was necessary to ensure the City met its requirements under the *Local Government Act 1995*. This cost a further \$770 and will be borne by the purchaser.

(ii) **Section 3.58 of *Local Government Act 1995***

In order for the Council to implement the required procedure for disposal of Council property as prescribed in section 3.58 of the *Local Government Act 1995*, Council is required to proceed in the following manner:

- The City must be in possession of a valuation undertaken by a licensed valuer not more than six months before the proposed sale.
- The sale price to be set in the context of the valuation.
- Council's intended sale of the land is to be advertised by local public notice. The notice must describe the subject land and provide information relating to: the purchaser; the current valuation; and the intended sale price. The notice is to invite submissions during a period of not less than two weeks.
- Any submissions received following publication of the notice must be considered at a Council meeting before a final decision is made as to whether the sale is to proceed. If no submissions are received, the matter must still be referred to a Council meeting for a final decision.

(iii) **Impact on Neighbouring Property**

A site inspection of the subject land did not clearly identify the boundaries in relation to the existing residential properties of 213 and 215 Mill Point Road. This is due to growth of vegetation and a lack of fencing. A land survey was subsequently ordered at the expense of the Owners of 213 Mill Point Road.

(iv) **Costs payable by the Owner 213 Mill Point Road**

If Council agrees in principle to the sale of the land and decides to initiate the prerequisite processes, the Owners of 213 Mill Point Road would be responsible for meeting all related costs, fees and charges. These would include the following:

- Purchase of the land: Purchase price (updated valuation \$7,000, together with any fees charged by the valuer required to effect the sale). The Owners of 213 Mill Point Road would also be required to meet any costs associated with the statutory process for disposal of Council property, including advertising costs.
- Fencing: Costs relating to any removal of the existing fencing between 213 Mill Point Road and subject land.
- Land survey, transfer and conveyancing: Costs associated with the land survey, the disposal of the land and transfer of the title.
- Any other State Agency fees and charges.

(v) **Services and Encumbrances**

Infrastructure Services :The Manager, Engineering Infrastructure, was consulted on the sale and asked whether any infrastructure or services are located on the subject land that may be affected by the sale. Based upon his comments, the following information is provided:

- (A) There is no necessity for the City to retain this parcel of land; and
- (B) There is no drain that runs from Garden Street through to Mill Point Rd at this location that would affect the sale.

Encumbrances: The Certificate of Title (Volume 809 Folio 121) shows that there are no encumbrances or interests on the subject land from service providers or other. The Owners of 213 Mill Point Road have also indicated in their initial request to purchase that they too are of the opinion that there are no services located on the land.

(vi) **Consultation**

The sale of the land has been advertised by local public notice. The notice described the subject land and provided information relating to: the purchaser; the re-valuation; and the intended sale price. The notice invited submissions during a period of not less than two weeks. No submissions were received during this period.

Comment

As per the requirements of section 3.58 of the *Local Government Act 1995*;

Current Valuation: The City must be in possession of a valuation undertaken by a licensed valuer not more than six months before the proposed sale. As the original valuation for \$6,000 was undertaken by Garmony Property Consultants in November 2006 a re-valuation was necessary. This re-valuation was completed by Garmony Property Consultants in September 2007 and the subject land was valued at \$7,000.

Local Public Notice: A local public notice was advertised in the Southern Gazette Newspaper on Tuesday 23rd October 2007 detailing the terms of the proposed disposition. Submissions were requested by close of business on 7 November 2007. No submissions were received.

Land Survey: A land survey was undertaken by JBA Surveys to clearly identify the boundaries in relation to the existing residential properties of 213 and 215 Mill Point Road.

As all such requirements have been met under *section 3.58 of the Local Government Act 1995*, it is recommended that disposal of the land be effected.

Policy and Legislative Implications

The legislative requirements are described in the Report.

Financial Implications for the City

If the sale eventuates, this issue will have financial implications for the City, in relation to:

- (a) the need for the Owners of 213 Mill Point Road to reimburse all costs incurred by the City; and
- (b) City revenue from the sale of Council property.

Strategic Implications

This matter relates to Goal 6 “Financial Viability” identified in the Strategic Plan. Goal 6 is:

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5
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That...

- (a) Council approves the disposal of the land situated between 213 and 215 Mill Point Road, area of approximately 11 sq. metres being Lot 184 of Plan 2417 on Certificate of Title Vol. 809 Fol. 121 to the Owner of 213 Mill Point Road, South Perth;
- (b) Council’s approval for the disposal of the land referred to in part (a) is conditional upon the Owner of 213 Mill Point Road agreeing in writing to:
 - (i) the purchase of the land being offered by Council at a price consistent with the current valuation of \$7,000;
 - (ii) meet all other costs, fees and charges associated with their proposal, including the reimbursement of all costs incurred by the City. Such costs, fees and charges would include, but are not limited to, those associated with the following:
 - (A) Land valuation fees (\$1,670.00)
 - (B) Land survey fee (\$1,450.00)
 - (C) Statutory process for disposal of Council property (Public Notice - \$190.45)
 - (D) Any other State agency costs, fees and charges (to be confirmed at date of sale).

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS

10.1.1 Annual Electors Meeting held 19 November 2007

Location: City of South Perth
Applicant: Council
File Ref: A/ME/1
Date: 29 November 2007
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The Annual Electors meeting was held on 19 November 2007 to discuss the Annual Report, Financial Statements and the Auditor's Report for the year ended 30 June 2007.

Background

Following completion of the City's Annual Report an Annual Electors' Meeting is called which must be within 56 days of acceptance of the Annual Report. The meeting was held on 19 November 2007.

Comment

Council is required to consider any Motions passed at an Annual Electors Meeting. At the meeting held on 19 November 2007 there were no Motions passed that required a determination by Council.

The Mayor tabled the Annual Report. The Chief Executive Officer then asked the Director Financial and Information Services to present a brief overview of the Annual Financial Statements and the City's financial position together with an interpretation of what these figures mean.

Consultation

Notice of the Annual Electors' meeting was lodged in the Southern Gazette newspaper with copies of the Agenda being provided to the Libraries, Heritage House, the Council noticeboards and website.

Policy Implications

Council is required to hold an annual meeting of electors and consider and resolutions passed at the Annual Electors' Meeting at a subsequent Council meeting.

Financial Implications

N/A

Strategic Implications

This report deals with matters which directly relate to Goal 1 of the City's Strategic Plan –

'To be a customer focused organisation that promotes effective communication and encourages community participation.'

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.1.1**

That the Minutes of the Annual Electors Meeting held on 19 November 2007, **Attachment 10.1.1** be received.

CARRIED EN BLOC RESOLUTION

10.1.2 Minutes Special Electors Meeting 21 November 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	30 November 2007
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Wednesday 21 November 2007.

Background

The Special Electors' Meeting was called following receipt of a petition organised by Greg Benjamin of 42 Norfolk Street, South Perth and signed by approximately 190 ratepayers requesting a meeting to: *Discuss 'Local Residential Community Desire to Change the City of South Perth Street Tree Policy to retain the Cape Lilac Tree as a Designated Street Tree'*.

As a result, under a requirement of the *Local Government Act*, Section 528 a Special Electors Meeting was held on 21 November 2007 to discuss the concerns raised.

Comment

The Minutes from the Special Electors Meeting held 21 November 2007 are attached. **Attachment 10.1.2** refers.

At the Special Electors' Meeting the following Motion was adopted by a majority of 49/1. The Motion is repeated below:

That the City of South Perth Street Policy be changed to retain the Cape Lilac as a designated tree the details of the matters (a) thru to (i) as contained in the "Request for Special Meeting of Electors" dated 4 September 2007 and lodged on 1 November 2007 with the City of South Perth.

- (a) altering the Street Tree Policy to include Cape Lilacs as a designated street tree where residents vote to retain them.*
- (b) protection to (heritage list) the existing 60 year old Cape Lilac trees in Carr Street and any other street that requests similar action.*
- (c) replant empty verges in Carr Street with cape lilac saplings ie 5m trees and any other street that requires similar action.*
- (d) replace Cape Lilac trees with fatal stem decay with cape lilac saplings ie 5m trees*
- (e) the City plant nursery begin an immediate program to propagate Cape Lilac trees for Carr Street and any other street that requests Cape Lilac trees for planting out as mature saplings.*
- (f) the City undertake annual pruning / branch removal using target pruning methods as stipulated in Australian Standard 4374 (2007) "Pruning of Amenity trees"*
- (g) the city to work with residents to coordinate and maintain white cedar moth reduction strategies (hessian skirts around tree trunks etc)*
- (h) the City to spray for white cedar moth **only** as required; and*
- (i) will the Council assure residents of South Perth that it will provide meaningful answers to these questions at the meeting.*

Response by the Manager City Environment to Parts (a) - (i) of the Motion

- (a) **Altering the Street Tree Policy to include Cape Lilacs as a street tree where residents vote to retain them.**

Response - the document that will require amendment if Cape Lilacs are to be included as a desirable street tree species is the Street Tree Management Plan (STMP). The plan currently does not have the Cape Lilac (*Melia azedarach*) as an allowable tree species. Council could resolve for this to occur, however as resolved by Council in June (Item 10.4.1) for Carr Street, the Cape Lilac is not to be used due to the problems experienced with the White Cedar Moth.

- (b) **Protection to (heritage list) the existing 60 year old Cape Lilacs in Carr Street, and any other street that requests similar action.**

Response - The Cape Lilacs in Carr Street or any other street would not meet the criteria for registration as significant trees under the City's Town Planning Scheme due to their declining health. All street trees are protected by local law and removal is only allowed under the criteria set out in clause 10(b) of the STMP.

The trees could be considered for the City's Municipal Heritage inventory but the trees would need to be of "cultural, social or historic" significance. There are certain trees already on the inventory such as the pines in Collier Park. A heritage report would need to be prepared for Council to consider whether the trees met the criteria.

- (c) **Replant empty verges in Carr Street with Cape Lilac saplings i.e. 5 metre trees.**

Response - It is possible to replant the verges with Cape Lilacs if Council resolves to change the resolution of the June 2007 meeting and modify the Street Tree Management Plan. The size stipulated will present a problem. A 5m tree roughly equates to a 500 litre bag size. This size is not only difficult to physically plant, but will cause problems with existing underground services due to the size of the hole required to fit the tree. The cost associated with acquisition, storage and handling is also a consideration.

- (d) **Replace Cape Lilac trees with fatal stem decay with Cape Lilac saplings ~ i.e. 5 metre trees.**

Response - as per previous part (c) response.

- (e) **The City plant nursery can begin an immediate program to propagate Cape Lilacs for Carr Street and any other street that requests Cape Lilac trees, for planting out as mature saplings.**

Response - The City's nursery is equipped to grow large trees.

- (f) **The City undertake annual pruning/branch removal using target pruning methods as stipulated in Australian Standard 4373 (2007) "Pruning of Amenity Trees.**

Response - The City has been specifying the standard in its street tree maintenance contracts since the mid 1990's and as a consequence has been complying with this standard for over a decade.

(g) The City work with residents to coordinate and maintain white cedar moth reduction strategies (hessian skirts around tree trunks, etc).

Response - The City would be prepared to discuss this issue with residents. The application and management of hessian skirts could become a labour intensive operation, particularly if residents decided it was the City's responsibility, and the City began planting more Cape Lilacs.

(h) The City spray for white cedar moth only when required

Response - The City currently sprays for white cedar moth on an as required basis.

Conclusion

Council adopted its Street Tree Management Plan in November 2000 and the topic of the Cape Lilac trees in Carr Street has been the subject of Council consideration in June 2007. Council has consistently maintained its position that the Cape Lilac trees in Carr Street should be replaced (in time) with Jacaranda trees. Council should consider the issue on its merits and resolve on the matter.

Consultation

Notice of the Special Electors' Meeting scheduled for 21 November 2007 was advertised in the:

- in the Southern Gazette newspaper on 6, 13 and 20 November, 2007;
- on the City's web site; and
- on the Public Notice Board at the Civic Centre and the Libraries/Heritage House

Policy Implications

This issue has potential impact on the Street Tree Management Plan and if a new course of action is proposed, the Plan will need to be modified.

Financial Implications

The issue has potential impact on the Street Tree Maintenance Budget if higher standards of maintenance are proposed for street trees in Carr Street and if large trees are required to be planted.

Legal Implications

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with Strategic Goal 1: Customer Focus: *To be a customer focused organisation that promotes effective communication and encourages community participation.* .

Strategic Implications

This item is consistent with Goal 4 Infrastructure in the City's Strategic Plan

"To sustainably manage, enhance and maintain the City's infrastructure assets"

and in particular to:

Strategy 4.1: Develop plans, strategies and management systems to ensure Public Infrastructure Assets are maintained to a responsible level.

Strategy 4.5: Develop and implement Urban Design Standards to link with the Street Tree Management Plan and to encourage consistency of streetscape treatments within defined precincts.

OFFICER RECOMMENDATION ITEM 10.1.2.

That....

- (a) the Minutes of the Special Electors Meeting dated 21 November 2007 be received;
- (b) the Motion passed at the Special Electors Meeting on 21 November 2007 be noted;
and
- (c) Council determine its position with respect to the Cape Lilac trees in Carr Street so that the Administration can give effect to the Council resolution.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation. The officer recommendation Lapsed.

MOTION

Moved Cr Hasleby, Sec Cr Gleeson

That....

- (a) the officer recommendation not be adopted;
- (b) the Minutes of the Special Electors Meeting dated 21 November 2007 be received;
- (c) the Motion passed at the Special Electors Meeting on 21 November 2007 be noted;
- (d) consideration be given to revoking Item 10.4.1 of the Minutes of the Council Meeting dated 26 June 2007 as follows:

That the Jacaranda (Jacaranda mimosifolia) be approved as the replacement street tree species for Carr Street, South Perth.

Note: Support of a Minimum of One Third of the Members is Required

- (e) item 10.4.1 of the Minutes of the Council Meeting dated 26 June 2007 be revoked:
Note : An Absolute Majority is Required
- (f) Council amend the Street Tree Management Plan to include the Cape Lilac (Melia azedarach) as the preferred street tree species in Carr Street;
- (g) the City work with the Carr Street residents to maintain the existing Cape Lilac trees and those considered an immediate and unacceptable risk will be removed;
- (h) the empty verges in Carr Street to be replanted with Cape Lilac saplings of a size that are easy to plant and will not interfere with existing underground services; and
- (i) the City work with Carr Street residents to coordinate and maintain white cedar moth reduction strategies including chemically spraying for white cedar moth on an 'as required' basis.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hasleby opening for the Motion

- since Special Electors meeting have witnessed a campaign by Carr Street residents to retain Cape Lilacs as their street trees
- residents campaign has been spirited, passionate and resolute
- a lot of intelligent data brought into the campaign to support preserving Cape Lilacs
- urge Councillors to respect wishes of majority of Carr Street residents to maintain their choice in an area they believe appropriate for Cape Lilacs
- ask Councillors support the Motion

Cr Gleeson for the Motion

- used to park under a Cape Lilac tree in Dyson Street - beautiful tree - disappointed when it was cut down
- public consultation is what it is all about
- residents prepared to put in the effort/give it their best shot
- Council is listening to its residents - respect that
- support the Motion

Cr Smith against the Motion

- technically not against Motion
- originally was going to speak against retention of Cape Lilacs but have been persuaded otherwise by Carr Street residents' presentation
- main concern/issue is if this decision, against Council policy, extrapolates to areas where they do not have a clear consensus as Carr Street
- in final evaluation asked Carr Street residents what they wanted / they told us
- therefore I am persuaded as long as existing policy stays

COUNCIL DECISION ITEM 10.1.2. parts (a), (b) and (c)

Moved Cr Hasleby, Sec Cr Trent

That....

- (a) the officer recommendation not be adopted;
 - (b) the Minutes of the Special Electors Meeting dated 21 November 2007 be received;
 - (c) the Motion passed at the Special Electors Meeting on 21 November 2007 be noted;
- CARRIED (13/0)

MOTION ITEM 10.1.2 part (d)

Moved Cr Trent, Sec Cr Hasleby

- (d) consideration be given to revoking Item 10.4.1 of the Minutes of the Council Meeting dated 26 June 2007 as follows:

That the Jacaranda (*Jacaranda mimosifolia*) be approved as the replacement street tree species for Carr Street, South Perth.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay against the Motion

- concerns as Carr Street is part of City of South Perth
- where does this start / stop
- asked officers - has their position changed - it has not
- acknowledge overwhelming support by residents of Carr Street to retain Cape Lilacs
- oppose Motion because against Council policy

Cr Trent closing for the Motion

- trees, as with dogs, stirs the emotions of many residents
- read that this will only apply to Carr Street
- if in other streets a majority do not want to retain Cape Lilacs will support removal
- residents have called a public meeting to get Council to change its Management Plan
- Council is listening to its residents
- support the Motion

COUNCIL DECISION ITEM 10.1.2. part (d)

The Mayor put the Motion

That

- (d) consideration be given to revoking Item 10.4.1 of the Minutes of the Council Meeting dated 26 June 2007 as follows:

That the Jacaranda (Jacaranda mimosifolia) be approved as the replacement street tree species for Carr Street, South Perth.

CARRIED (12/1)

By Required Support of One-Third Members

COUNCIL DECISION ITEM 10.1.2. part (e)

Moved Cr Hasleby, Sec Cr Trent

That.....

- (e) item 10.4.1 of the Minutes of the Council Meeting dated 26 June 2007 be revoked:

CARRIED (12/1)

By Required Absolute Majority

MOTION ITEM 10.1.2 parts (f), (g), (h) and (i)

Moved Cr Hasleby, Sec Cr Trent

That....

- (f) Council amend the Street Tree Management Plan to include the Cape Lilac (*Melia azedarach*) as the preferred street tree species in Carr Street;
- (g) the City work with the Carr Street residents to maintain the existing Cape Lilac trees and those considered an immediate and unacceptable risk will be removed;
- (h) the empty verges in Carr Street to be replanted with Cape Lilac saplings of a size that are easy to plant and will not interfere with existing underground services; and
- (i) the City work with Carr Street residents to coordinate and maintain white cedar moth reduction strategies including chemically spraying for white cedar moth on an 'as required' basis.

Mayor Best point of clarification - is the proposed replacement species available in WA; and will we grow them in the City's plant nursery ?

Manager City Environment - said that he believed the City can obtain specimens and it is proposed to get them as large as possible so they can be 'planted out' in Carr Street. If this is not possible smaller plants will be purchased and placed, to grown on, at the City's nursery.

Cr Grayden for the Motion

- issue - can see this going much further than Carr Street
- believe there are other areas in South Perth which could be affected
- pragmatic solution is not always best solution for whole area

Cr Hasleby closing for the Motion

- overwhelming response from residents - they adore trees / they should be maintained
- trees that cannot be maintained should be replaced
- admire effort put into campaign by Carr Street residents to retain Cape Lilacs as their street tree and wish them well

COUNCIL DECISION ITEM 10.1.2 parts (f), (g), (h) and (i)

The Mayor put the Motion

That....

- (f) Council amend the Street Tree Management Plan to include the Cape Lilac (*Melia azedarach*) as the preferred street tree species in Carr Street;
- (g) the City work with the Carr Street residents to maintain the existing Cape Lilac trees and those considered an immediate and unacceptable risk will be removed;
- (h) the empty verges in Carr Street to be replanted with Cape Lilac saplings of a size that are easy to plant and will not interfere with existing underground services; and
- (i) the City work with Carr Street residents to coordinate and maintain white cedar moth reduction strategies including chemically spraying for white cedar moth on an 'as required' basis.

CARRIED (12/1)

Reason for Change

Council needed to determine its position in relation to the Cape Lilac Trees in Carr Street following the Special Electors meeting held on 21 November 2007.

Note: Director Infrastructure Services retired from the meeting at 9.15pm

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Prostitution Amendment Bill (2007)

Location:	Council
Applicant:	City of South Perth
File Ref:	LP/200
Date:	7 December 2007
Author:	Helen Doran Wu, Community Development Coordinator
Reporting Officer:	Steve Cope, Director Planning and Community Services

Summary

This report is designed to provide Council with information about the proposed Prostitution Amendment Bill (2007) and to highlight the role that Council will play if the Bill is passed. The Bill is currently before the Legislative Council.

Background

The City has received correspondence from a community organisation and a Member of Parliament regarding the proposed Prostitution Amendment Bill (2007).

The Prostitution Amendment Bill (2007) is the result of a paper presented by the Prostitution Law Reform Working Group in January 2007. The paper entitled *PROSTITUTION LAW REFORM FOR WESTERN AUSTRALIA: Report of the Prostitution Law Reform Working Group (January 2007)* made recommendations that will impact on local government. The report was based on the outcomes of a consultation period. The consultation consisted of both invited submissions of key stakeholders, including WALGA and several councils, and public submissions. The City of South Perth was not invited by the Working Group to make a submission. If the Bill is passed, local government will become responsible for approving premises to be used for the purpose of providing a sex service and implementing the *Health Act 1911*. The responsibility for regulating the business will be with the Department of Liquor, Racing and Gaming.

The Bill proposes to amend various pieces of legislation. The central legislation to be amended will be the *Prostitution Act 2000* and the *Criminal Code* (s.190, s.191). Current legislation is described below. The Bill will, if passed affect an estimated 30 metropolitan commercial sex service premises. Approximately 380 individuals work in such premises.

Current Legislation

Prostitution is currently not illegal in WA. However, under the *Criminal Code* (s.190, s.191), a person who manages premises for the purpose of prostitution, lives (wholly or partly) off the earnings of prostitution, or procures a person for prostitution is guilty of an offence. The *Prostitution Act 2000* principally deals with street soliciting, offences involving children in relation to prostitution, advertising and sponsorship. The policy of containment of brothels was rescinded in 2000.

Prostitution Law Reform Report

“Prostitution Law Reform for Western Australia: Report of the Prostitution Law Reform Working Group, January 2007” was published by the Office of the Attorney General. The terms of reference for the Prostitution Law Reform Working Group were to:

1. *Draw up the broad principles upon which prostitution reform should be based.*
2. *Consider laws in other jurisdictions including New Zealand.*
3. *Address the practical issues for Western Australia.*

(And) consider a model based on minimalist decriminalisation with the view to creating a framework that:

- *is conducive to public health by regulating and controlling people involved in the provision of prostitution and the location of operators of businesses of prostitution;*
- *protects sex workers from exploitation; and*
- *protects children from being involved in prostitution.*

Definitions used by the Working Group:

Decriminalised system - where prostitution is not a criminal act but becomes a regulated business and operates under certification

Legalisation - where prostitution becomes legalised under statutory regime and is subject to tight police controls and the registration of prostitutes.

Criminalisation- Prostitution is illegal

Summary of key relevant recommendations:

- That prostitution be decriminalised
- That local Councils would need to approve a home based business for small owner-operated premises (no more than two people) or individual operators.
- Small owner-operated premises (no more than two people) or individual operators would not require a licence to operate from the Department of Racing, Gaming & Liquor
- Local councils would be required to regulate but could not prohibit brothels
- Local councils would be required to develop, with support from the Western Australian Planning Commission (WAPC) policies and amend town planning schemes to enable councils to appropriately consider planning applications for premises to be used for the purpose of providing sex services.
- Local councils would be required to consider granting approvals for established premises under a transitional arrangement
- Appeals against Council decisions can be made to the State Administrative Tribunal (SAT)

Prostitution Amendment Bill 2007

The Bill was introduced into the Legislative Assembly on August 29th 2007 and in the Legislative Council on November 15th 2007 . At the time of writing this report the Bill had been through the second reading.

Summary of Key Points

Objectives:

- An Act to amend —
 - the *Prostitution Act 2000*;
 - the *Liquor Control Act 1988* and others.

Aims

- Introduced to address unlawful activity of
 - Managing a Brothel
 - Living off the earnings of prostitution
- Consider ‘containment’ of brothels
- Protect children
- Protect workers and ensure that they work within a healthy environment and obtain all legal benefits

This is to be achieved through:

- Licensing control

Key points

- Certification system regulating Sex Service businesses would be run by the Department of Liquor, Racing and Gaming
- Local Government becomes the authority to approve or refuse a sex service business on planning grounds
 - New Premises
 - Relevant factors for councils to consider when dealing with planning applications include:
 - ◆ Amenity
 - ◆ Not regarded as a permitted use unless the Council has exercised discretion
 - ◆ in exercising its discretion, also have regard to whether the business —
 - is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated; and
 - is incompatible with the existing character or use of the area in which the land is situated.
 - Pre-existing sexual service businesses (land use) (prior to 12 Sept 2006) are able to continue subject to consideration of:
 - whether the operation of the business causes, or is likely to cause, a disturbance in the neighbourhood when taking into account the number of sex workers working in the business, its hours of operation, the noise and vehicular and pedestrian traffic; and
 - whether the operation of the business interferes, or is likely to interfere, with the amenity of the neighbourhood.
- It is envisaged that Town Planning Schemes will be amended at a future date to allow ‘sex services’ as a land use

Key, relevant, differences between Prostitution Act 2000 and Proposed Prostitution Amendment Bill (2007)

Summary of key, relevant, differences between Prostitution Act 2000 and Proposed Prostitution Amendment Bill (2007)	
Proposed Prostitution Amendment Bill (2007)	Prostitution Act 2000
Decriminalises sex service premises	Not addressed
Individual workers or small owner-operated business (two or less people) are not required to have certification	Not addressed
Individual workers or small owner-operated business (two or less people) are required to obtain approval for a home based business from the local Council	Not addressed
Councils are required to regulate but cannot totally prohibit brothels under town planning scheme controls	Not addressed
Sex workers must be employees with associated rights	Not addressed
Has increased capacity to address public health risks	Public Health Risks addressed (limited)
Failure to implement methods to address health risks is an offence under the Health Act (1911) and Occupational Safety and Health Act 1984. (Strengthened under proposed legislation)	Public Health Risks addressed (limited)
Environmental Health Officer would continue to exercise responsibilities under existing legislation.	Environmental Health Officer to exercise responsibilities
Protects children	Protects children
Does not address Street Workers	Addresses Street Workers
Local government required to consider planning application approval for sex service business under town planning scheme provisions	Not Addressed

Western Australian Local Government Association (WALGA)

WALGA has indicated that its current position is that Local Government, when commenting on the Bill, should focus on the regulatory, operational, amenity and cost implication issues that arise and not on moral issues.

WALGA has stated in previous submissions that it supports, in principle, the recognition and licensing of prostitution in Western Australia as it allows normal regulatory controls to be put in place. WALGA also supports the basic principle that brothels should be excluded from predominantly residential areas.

WALGA's submissions on each of the different Bills that have been put forward since 2001 have basically considered:

- What the relevant Bill would mean for Local Government;
- The main issues and concerns of Local Government;
- Examples of the main problems for Local Government that were likely to arise from the proposed legislation; and
- Recommendations as to how the proposed legislation could be amended to make it more effective, as well as more acceptable to Local Governments and the communities they represent.

WALGA has consistently stated that any restrictions to Local Governments' ability to apply planning controls is opposed and any proposed legislation must recognise Local Government's planning powers, so that the social environment and amenity can be adequately protected - particularly in residential areas.

WALGA has also stated that the current Bill seems to meet most, but not all, of their concerns and seems to be the most workable solution in terms of planning control of brothels.

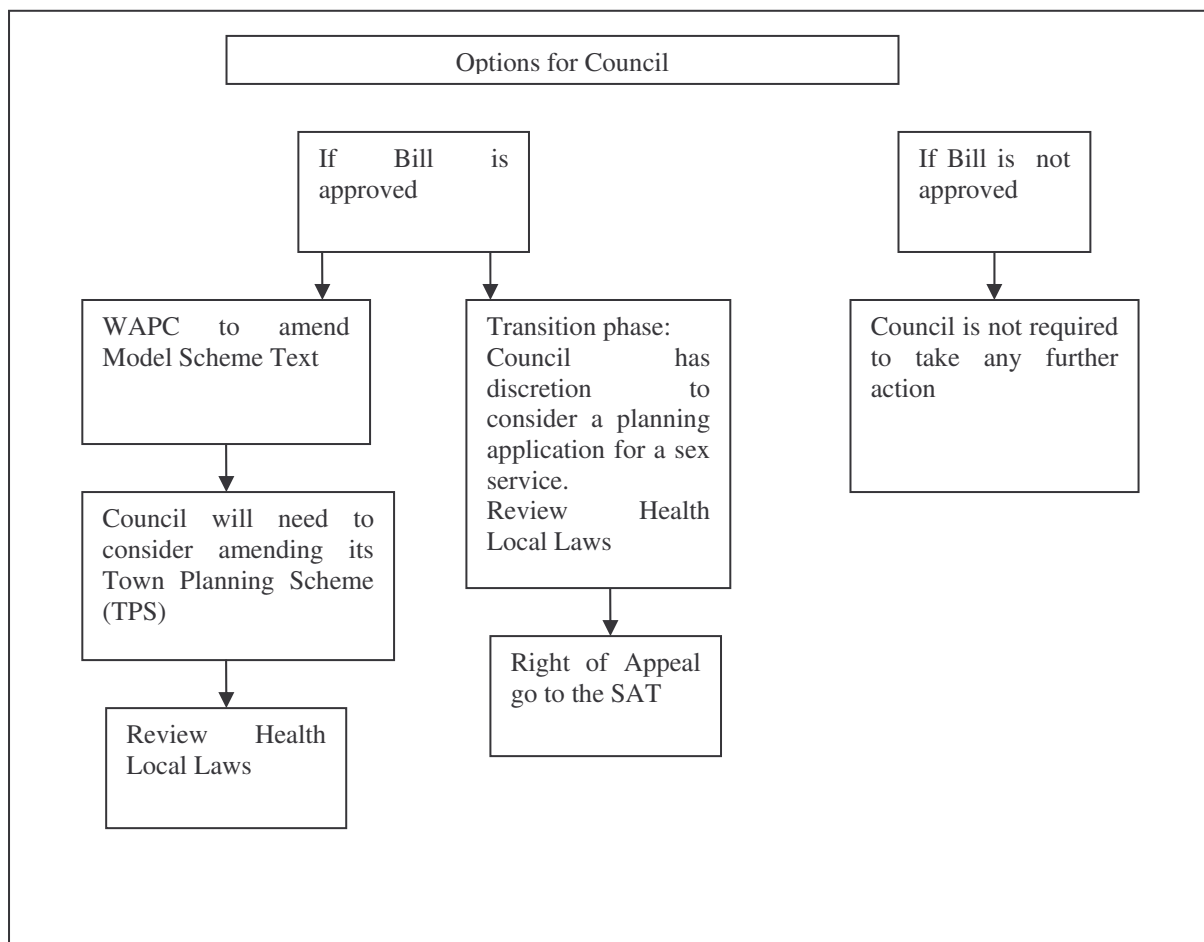
WALGA's position on the current proposed legislation is as follows:

- That Local government has not been included in the process of developing the legislation;
- In planning for sex service businesses Local governments should be able to specify appropriate areas for approval;
- Those areas should be commercial in nature;
- The fact that the Bill will come into force on the day it comes into operation puts Local governments at a significant disadvantage in terms of its ability to control and regulate brothels;
- Not enough support has been provided to Council to develop changes and responses to the legislation over time;
- The Bill does not give enough recognition is given to the role of the Town Planning Scheme and planning practise;
- The Bill does not address sole operators;
- Minutes of the Dec 2006 State Council meeting resolved to recommend that *Street prostitution should not be an impediment to the legislation and should if necessary be considered separately.*

Comment

As indicated earlier in this report, the City of South Perth was not invited to submit a report to the Prostitution Law Reform Working Group. As a consequence, Council has not yet had the opportunity to form a view on the proposed reforms. This report is designed to provide Council with the opportunity to consider the proposed Prostitution Amendment Bill (2007) and its implications for the City.

Officers have considered the following flow chart in their assessment of the impact of the legislation upon Council and the City:



In response to some of WALGA’s concerns, the following comments can be made:

- During the transition phase, if applications are received for a sex service business, Council will be able to exercise discretion. Grounds for consideration will include the nature of the locality, whether or not the business will cause a disturbance and resident amenity. In considering disturbance, the number of workers, hours of operation, noise and levels of pedestrian and vehicular traffic will be taken into account.
- Suitable areas for sex service businesses will be identified through the process of amending the Town Planning Scheme.

Consultation

The City has received correspondence from the Australian Family Association and the Hon Barbara Scott - Member for South Metropolitan Region, both being generally opposed to the introduction of the Bill. Officers have liaised with the Western Australian Local Government Association for background information.

Policy and Legislative Implications

Council will be required to consider amending its Town Planning Scheme 6 and related Health Local law in the event that the Bill is approved.

Financial Implications

Nil extra at this stage. Should the proposed Bill be approved, staff will be required to administer the proposed changes. It is anticipated that resource requirements will be explored further and reported back to council at that time.

Strategic Implications

The report relates to Goal 3: *To sustainably manage, enhance and maintain the City's unique natural and build environment*

and also Goal 5 of the City's Strategic Plan 2005 - 2008 *To be a professional, effective and efficient organisation*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
--

That....

- (a) report Item 10.2.1 of the December 2007 Council Agenda on the Prostitution Amendment Bill (2007) be received; and
- (b) Council ...
 - (i) supports the view of the West Australian Local Government Association (WALGA) that the proposed Prostitution Amendment Bill does not address all their concerns; and
 - (ii) requests further consultation be held between WALGA and the State government to address those concerns

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : CR GRAYDEN : ITEM 10.2.2

I wish to declare an Impartiality Interest in Agenda Item 10.2.2 as my wife is a Committee Member of the P & C Association at South Perth Primary School who are a proposed recipient of the funding program at Item 10.2.2.

Note: Cr Grayden did not leave the Council Chamber.

DECLARATION OF FINANCIAL INTEREST : CR DOHERTY : ITEM 10.2.2

As I am currently working with Uniting Care West who is seeking funding on behalf of the Rainbow Program at Item 10.2.2 on the Agenda for the December 2007 Council Meeting. In view of this I will leave the Council Chamber for this item and not participate in the decision making.

Note: Cr Doherty left the Council Chamber at 8.31pm

10.2.2 Funding Assistance Program - Round Two Community Development Category

Location:	City of South Perth
Applicant:	Council.
File Ref:	GS/103
Date:	29 November 2007
Author:	Lyndal Palmer, Community Projects Officer
Reporting Officer	Steve Cope, Director Strategic and Regulatory Services

Summary

To consider applications in the Community Development category of the Funding Assistance Program - Round 2 - 2007/2008.

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 - 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

Seven applications were received in this round requesting a total of \$35,150 covering a range of community service; cultural and recreational projects. **Attachment 10.2.2** refers. The applications all comply with the requirements of the program with the exception of three organisations who have not submitted project acquittals for previous grants (at the time this report was prepared). Funding for these organisations under this round would be conditional on the City receiving outstanding acquittals.

The seven application received were submitted by:

- Rainbow Project
- Collier Park Seniors Golf Club
- South Perth Outreach
- Barking Gecko Children's Theatre Company
- Soroptimist International of South Perth
- South Perth Primary P & C Association
- West Australian Music Industry Association Inc.

This report recommends that six of the seven submissions are supported wholly or in part by the City and that one of the submissions (Western Australian Music Industry Association Inc) is not supported in this round. The assessment panel felt this application was not fully developed. No schools had been consulted to determine the demand and benefits of the program. The panel felt the initiative has merit and that officers could assist in a future submission that investigated the project in a local context.

Consultation

This funding round was advertised in the Southern Gazette, 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 focuses 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

A total amount of \$175,000 is allocated in the 2007/2008 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program.

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.’*

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.2</p>

Moved Cr Trent, Sec Cr Cala

That \$31,850 be distributed to six organisations from City funds for Round Two of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.2.2**, conditional on successful organisation meeting acquittal requirements.

CARRIED (12/0)

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

<p>10.3.1 Proposed Temporary Use for Use Not Listed - Storage. Lot 2 (No. 54) Manning Road, Como.</p>
--

Location: Lot 2 (No. 54) Manning Road, Como
 Applicant: Diamond Communications
 Lodgement Date: 8 October 2007
 File Ref: 11.2007.516 & MA3/54
 Date: 30 November 2007
 Author: Matt Stuart, Planning Officer; and
 Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

An application for planning approval has been lodged with the City for the Temporary Use of Lot 2 (No. 54) Manning Road, Como for storage purposes in conjunction with the East Como and Mt Pleasant State Underground Power Program.

It is recommendation that the proposal **be approved** subject to conditions.

Background

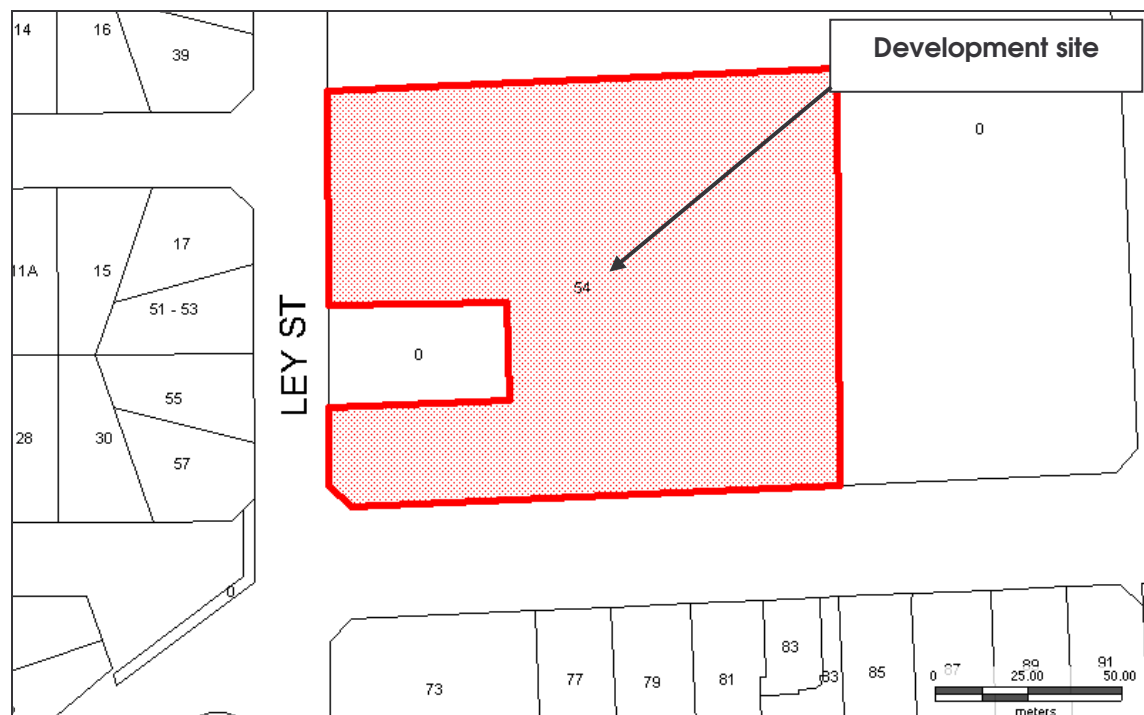
The development site details are as follows:

Zoning	Public Purpose Reserve
Density coding	Not applicable
Lot area	14,150 sq. metres
Building height limit	7.0 metres
Development potential	Public Purposes
Plot ratio	N / A

This report includes the following attachments:

- Attachment 10.3.1(a)** Plan of the proposal.
- Attachment 10.3.1(b)** Letters from the applicant dated 4 and 11 October 2007.
- Attachment 10.3.1(c)** Aerial photograph of site.

The location of the development site is shown below:



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

Specified uses

Temporary Uses being considered under Clause 7.13 of the Scheme.

Amenity impact

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

The extent of potential adverse amenity impact arising from the proposal is considered negligible due to the screening provided by existing vegetation on site, and recommended conditions of approval.

Comment

(a) Description of the proposal

This application proposes Temporary Use of the site for storage purposes, in conjunction with the East Como and Mt Pleasant State Underground Power Program (SUPP).

The subject site is currently vacant, with ground surfaces extensively sealed with bitumen. In addition, establish trees and bushes onsite are numerous, as depicted in **Attachment 10.3.1(c)**.

The applicant's site plan (**Attachment 10.3.1(a)** refers) and letters (**Attachment 10.3.1(b)** refers), describe the proposal in more detail.

The key components of the proposal are summarised below:

- The site will be required for approximately two years;
- No permanent structures will be erected (a transportable site office may be required);
- There is no intention to remove any of the existing trees on site;
- Various materials in the form of drums, street lights, transformers etc will be stored on site;
- The site will be operational between 7am to 6pm weekdays and Saturday mornings; and
- Existing access points will be utilised

(b) Local Scheme Reserves

The site is reserved for 'Public Purposes' under the City of South Perth Town Planning Scheme No. 6 (TPS6).

Clause 2.2 "Local Scheme Reserves" of TPS6 states in part that:

"A person must not change the use of, or commence or carry out development on, any such Reserve, without first having obtained planning approval under Part VII"

and

"In determining an application for planning approval, the Council shall have regard to:

- (i) the matters set out in clause 7.5; and*
- (ii) the ultimate purpose intended for the reserve."*

(c) Temporary Use

Temporary land uses are controlled by clause 7.13 of TPS6. Under this provision, Council may grant planning approval if satisfied the use will not have any adverse effect on the residents or amenity of the properties in the precinct.

In considering this application, in conjunction with the lack of community response (see below), it is not anticipated that the amenity of the area will be adversely affected by the proposal. Furthermore, the SUPP programme will improve the amenity of East Como by the secondary effect of undergrounding powerlines, and the resulting improved streetscapes.

In addition, further controls are provided in clause 7.13 of TPS6 for the cessation of the use, which will ensure that the Temporary Use of the site will be finite.

(d) Setbacks

As the site is a reserve, there are no specified building setbacks prescribed by TPS6.

However, in relation to the Scheme objectives outlined below, it is considered appropriate that temporary buildings and bulky materials should be set back from lot boundaries in order to preserve the amenity of the predominantly residential area.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses; and*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of 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;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (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;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was not considered by the City's Design Advisory Consultants.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties listed in table below were invited to inspect the application and to submit comments during a 14-day period.

Unit / House	Street / Road	Suburb
52, 1/71 - 5/71, 73, 77, 1/79 - 2/79, 81, 1/83 - 2/83, 85, 87	Manning	Manning
37, 39, 51 - 53, 55, 57	Ley	Como
17	Philip	Como
25	Wooltana	Como

A total of 24 neighbour consultation notices were mailed to individual property owners during the advertising period, and no responses were received in response to this consultation.

(c) Infrastructure Services

The Assets Planning Coordinator from Infrastructure Services was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. The following comments were provided:

- (i) A Traffic Management Plan be prepared and submitted in accordance with the MRWA Code of Practice once work begins and where appropriate; and
- (ii) Crossovers and parking are adequate.

(d) Other City Departments

Comments have also been invited from Environmental Health section of the City's administration. The following comments were provided:

- (i) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

(e) Department for Planning and Infrastructure

The application was referred to the Department for Planning and Infrastructure (DPI), as the site adjoins Manning Road which is classified as an "Other Regional Road" within the Metropolitan Region Scheme. DPI commented that they have no objection to the proposed development on regional transport planning grounds.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1
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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 Temporary Use - Storage on Lot 2 (No. 54) Manning Road, Como **be approved**, subject to:

(a) Specific Conditions

- (i) The Temporary Use of the land shall not occur other than in accordance with this approval;
- (ii) Any temporary buildings and bulky materials shall be situated no closer than 10 metres to any street alignment;
- (iii) Trees on site shall not be removed, pruned or disturbed in any way, without the prior approval of the City.
- (iv) A Traffic Management Plan shall be prepared and submitted to the City for separate approval in accordance with the MRWA Code of Practice prior to the commencement of the Temporary Use;

- (v) This approval shall expire two (2) years from the date of issue of planning approval, at which time:
 - (A) the Temporary Use of the land shall cease;
 - (B) any temporary or transportable buildings erected or placed on the land shall be immediately removed from the land; and
 - (C) any stored materials associated with the Temporary Use shall be immediately removed from the land;
 unless, prior to the expiry of this approval, a further application for planning approval has been submitted and approved, for the purpose of extending the time period of the approval.
- (b) **Specific Advice Notes**
 - (i) The approved use is for storage only, and any further uses will require the permission of Council via a suitable planning application;
 - (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements.
 - (iii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
 - (iv) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.
There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Two Storey Single House. Lot 53 (No. 19) Darlot Crescent, South Perth.

Location: Lot 53 (No. 19) Darlot Crescent, South Perth.
 Applicant: Richard Szklarz Architects
 Lodgement Date: 28 September 2007
 File Ref: 11.2007.503.1 and DA4/19
 Date: 30 November 2007
 Author: Owen Hightower, Planning Officer and
 John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Development

Summary

The City has received an application for planning approval for a two storey Single House on Lot 53 (No. 19) Darlot Crescent, cnr Hurlingham Road, South Perth.

The application must be considered in the context of Council Policy P370_T "General Design Guidelines for Residential Development", which requires all residential development to be designed in a manner that will preserve or enhance desired streetscape character.

The proposal is recommended for **approval**, subject to a number of standard and specific conditions.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	869 sq. metres (plus corner truncation)
Building height limit	7.0 metres
Development potential	One Single House
Maximum plot ratio	Not Applicable

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.2*.

The location of the development site is shown below:



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

Amenity impact

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

Comment

(a) Description of the proposal

The applicant proposes construction of a two storey Single House on the subject property (refer *Confidential Attachment 10.3.2*). The external materials of the house include zinc cladding, open slat aluminium screens and rendered brickwork. The house incorporates a series of flat roofs within the design.

The proposal must be considered carefully against the provisions of Council Policy P370_T “General Design Guidelines for Residential Development” (**Policy**). This policy requires the proposed development to demonstrate design compatibility with other existing buildings within the same ‘focus area’, so as not to detract from the streetscape.

The proposal complies with the Town Planning Scheme No. 6 (**TPS6**), the Residential Design Codes (**R-codes**) and relevant Council Policies with the exception of the variations discussed below.

(b) Design

The proposal has two road frontages, to Darlot Crescent and Hurlingham Road. The design must therefore be considered with regard to the streetscapes of both roads.

Darlot Crescent streetscape

The Darlot Crescent streetscape consists largely of “war service” style homes which incorporate traditional hipped and pitched roofs. Whilst there is variance in the scale and height of buildings (resulting from recent redevelopment to accommodate two storey houses) a clear rhythm is established within the street by the traditional styled hipped and gable roof forms.

In relation design compatibility, the proposal is clearly inconsistent with the form / shape, construction materials and the general architecture of other dwellings within Darlot Crescent.

Based on the above, the proposal does not preserve the existing streetscape character of Darlot Crescent.

Hurlingham Road streetscape

The Hurlingham Road streetscape demonstrates a much greater variance with regard to scale and bulk, architectural design, form and construction materials.

A series of large grouped and multiple dwelling sites are contained within the focus area, varying from one to five stories in height. There is no established roof form along the Hurlingham Road focus area, and this component of a building design normally serves as a significant contributing factor with respect to design compatibility.

Having regard to the above, it is considered that there is no established rhythm or design compatibility between existing dwellings to assess the proposed development against along the Hurlingham Road frontage of the property.

The above comments outline that the proposal does not fully comply with the general provisions of the Policy as it does not preserve what is effectively the only established streetscape character (Darlot Crescent).

The site context and orientation of the property requires further consideration with respect to the Policy and TPS6. The property has a greater frontage to Hurlingham Road and this road is more readily utilised by the public to access Sir James Mitchell Park. Based on the semi-circular shape of Darlot Crescent the property would not be visible in relation to the majority of the other properties within the ‘focus area’. Based on the abovementioned circumstances, the impact on the streetscape of Hurlingham Road should be given precedence.

Section 7.5 of the Scheme outlines that the consideration is to be given to all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance. At the City’s October 2007 meeting of the Design Advisory Consultants, the Advisory Architects commended the proposed design and stated that the development will be an interesting addition to the focus area and a positive contribution to the South Perth community. Having regard to these comments and regular use of Hurlingham Road, it is considered the proposed design would contribute to a diversity of dwelling styles which is consistent with the objectives of TPS6.

(c) Service court

The location of the service court conflicts with the setback requirements of the R-codes and will be visible from the balcony of the adjoining property. The position of the service court has been discussed with the applicant who has agreed to relocate this area behind the street setback line as a condition of approval.

(d) Fencing

The drawings make reference to a 2.2 metre high fence adjacent to the adjoining property at No. 26 Hurlingham Road and do not provide a truncation adjacent to the driveway of that property. Conditions of approval have been formulated with respect to each of these matters.

(e) Visual privacy

The development complies with the visual privacy provision of the R-codes with the exception of a window to a bedroom on the first floor in the southern corner of the proposed dwelling. The window as shown does not comply with the acceptable development provision of the R-codes and no justification has been provided for assessment in accordance with the performance criteria. A condition of approval has been formulated with respect to this matter.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of 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;*
- (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.*

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". A total of three (3) submissions were received in response to this notification. The comments of the submitters, together with an Officer response, are summarised as follows:

Submitter's Comment	Officer Response
<p>The proposal is completely inconsistent with the streetscape. The property is in a visually prominent location and will be an eyesore not only to local residents but also the thousands of people that use Sir James Mitchell Park every year.</p>	<p>It is agreed that the proposal is not consistent with the existing Darlot Crescent streetscape, although the same can not be said with respect to the Hurlingham Road streetscape. Referring to the proposal as an 'eyesore' is a subjective comment. Having regard to the comments provided by the DAC architects, it is considered that irrespective of personal opinions on the actual design, the proposal holds significant architectural merit and should stand to enhance the residential amenity of South Perth The comment is NOTED.</p>
<p>The proposed development is more suited to an industrial park and will negatively impact on the existing streetscape and character of what is a highly sought after area</p>	<p>Again, such comments are opinion based and conflict with the professional opinions provided to the City by the DAC architects. It is acknowledged the proposal does not share similar features to a 'conventional' house design. The architectural merit of the design is seen to add to the Hurlingham Road streetscape, which at present, does not have any form of established character. The comment is NOTED.</p>
<p>The style of the house is very different to that of existing houses within the direct vicinity of the proposal and the proposal should be required to be integrated in some way. Concerns are raised over the reflective materials of the proposal</p>	<p>The initial comments are acknowledged. With regards to the materials used in the proposal, the City has been provided with samples which demonstrate that the proposal will not be reflective. The comment is NOTED.</p>

(b) Design Advisory Consultants' comments

The Design Advisory Committee comments have been discussed previously above.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Conclusion

Council officers acknowledge that the proposed design of the house is not consistent the streetscape of Darlot Crescent, however, the development site has frontage to two focus areas, each of which is considerably different. The proposed development is seen to have architectural merit and provides an opportunity to enhance the Hurlingham Road streetscape. The proposal is therefore recommended for approval.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.2**

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 Single House on Lot 53 (No. 19) Darlot Crescent, South Perth **be approved**, subject to the following conditions:

(a) Standard Conditions

377, 390, 416, 427, 455 (south east and south west), 456, 470, 471, 550, 625, 660.

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

(b) Specific Conditions

- (i) The service court being relocated behind the Darlot Crescent street setback area.
- (ii) The 2.2 metre high fence along the south-eastern property boundary being replaced with a 1.8 metre high fence.
- (iii) A 1.5 metre by 1.5 metre truncation being provided adjacent to the driveway of the adjoining property at No. 26 Hurlingham Road.
- (iv) Fencing within the primary street (Darlot Crescent) street setback area being visually permeable in accordance with the definition of such contained within the Residential Design Codes 2002, and details of such fencing being provided in conjunction with the working drawings provided for a building licence.
- (v) The window of the bedroom on the first floor, in the south corner of the dwelling, shall incorporate measures designed to prevent overlooking of the adjoining property by either:
 - (A) increasing the sill height to 1600mm above the floor level; or
 - (B) the use of glass blocks or fixed obscure glass; or
 - (C) reducing the size of the window to less than 1.0 sq. metre in aggregate; or
 - (D) the provision of appropriate screening.

(c) Standard Advice Notes

646, 646A, 647, 648, 649A, 651.

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

CARRIED EN BLOC RESOLUTION

DECLARATIONS OF FINANCIAL INTEREST: CRS DOHERTY, OZSDOLAY AND
TRENT : ITEM 10.3.3

(same interest for each Member)

As I am a Member of the SouthCare Board and SouthCare is the applicant at Item 10.3.3 on the December 2007 Council Agenda relating to a new building at No. 53 Bickley Crescent, Manning, I will leave the Council Chamber for this item and not participate in the decision making.

Note: Crs Ozsdolay and Trent left the Council Chamber at 8.34pm. Cr Doherty had previously left the Chamber having declared an interest at Item 10.2.2. She remained outside the Chamber while Item 10.3.3 was discussed.

10.3.3 Request for Extension of Validity of Planning Approval for Religious Activities. Lot 342 (No. 53) Bickley Crescent, cnr Manning Road, Manning.

Location: Lot 342 (No. 53) Bickley Crescent (corner Manning Road), Manning
 Applicant: SouthCare Incorporated
 File Ref: 11.2005.606 & B11/53
 Date: 30 November 2007
 Author: Andrew Carville, Planning Officer and Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

At its ordinary meeting in February 2006, Council granted planning approval for a new building at the abovementioned premises to be used for the purposes of Religious Activities.

This approval included a condition relating to the length of time for which the planning approval remained valid. In accordance with the provisions of Clause 7.9(7) of the City of South Perth Town Planning Scheme No. 6 (TPS6), the applicant is now requesting that the length of time for which the approval remains valid be extended. The report recommends that the applicant's request **be approved**, and that the period of time for which the approval remains valid be increased from 24 to 36 months.

Background

This report includes the following attachments:

- Confidential Attachment 10.3.3(a):** Plans of the proposal.
- Attachment 10.3.3(b):** Letter from Kidd and Povey, architects, dated 13 December 2005.
- Attachment 10.3.3(c):** Letter from Graham Hope, Southcare, dated 13 December 2005.
- Attachment 10.3.3(d):** Letter from Graham Hope, Southcare, dated 12 November 2007.

Drawings relating to the proposal are provided as **Confidential Attachment 10.3.3(a)** to this report. The project architect and owner of the land (SouthCare) also submitted letters with the original application, dated 13 December 2005 at **Attachments 10.3.3(b)** and **10.3.3(c)** respectively. These have been included to provide further background information about the original approved application. The applicant's most recent letter, **Attachment 10.3.3(d)** explains the rationale behind the current request.

The validity of the current approval is due to expire in February 2008. The property owner has not yet acted on the current approval and is considering whether or not to pursue an alternative design. The owner states that an *“extension of our planning approval will provide sufficient time for Southcare to finalise development of a two storey construction option it is considering, whilst maintaining existing planning certainty”*.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1017 sq. metres
Building height limit	7 metres
Maximum Plot Ratio	0.5

The matter has been referred to a Council meeting for consideration as Council was the original decision maker.

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



Comment

(a) Description of the proposal

The proposed development comprises a main single storey building and an associated outbuilding (garden store) at the north-western (rear) corner of the site. A number of religious based activities are proposed to be undertaken in the building. These activities are described in detail in the property owner’s letter, **Attachment 10.3.3(b)**.

The original proposal was approved at the February 2006 Council meeting. The extension of the period of validity will allow the applicants to have a two-storey building considered by the City’s planning officers, whilst retaining the original approval should the new design not be deemed acceptable.

(b) Regulatory framework

Provisions of TPS6 which regulate development of the site (car parking, building height, plot ratio, setbacks, landscaping etc), have not changed since the original approval was granted.

Clause 7.9(7) of TPS6 states that:

“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.”*

In accordance with the timeframes accommodated by TPS6, it is recommended that the validity of approval be extended by a further 12 months.

Consultation

The original application involved consultation with the owners of 6 adjoining and nearby properties. No submissions were received in response to this neighbour consultation.

The application was also referred to the City’s Design Advisory Consultants (Advisory Architects) and other City Departments (Engineering, Health, Legal and Governance Officer).

No further consultation has been undertaken in conjunction with the consideration of the current request.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3
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Moved Cr Cala, Sec Cr Hearne

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the request for an extension to the period of validity for Religious Activities on Lot 342 (No. 53) Bickley Crescent, Manning for an additional period of 12 months (application number 11.2005.606 refers) **be approved.**

CARRIED (10/0)

Note: Crs Doherty, Ozsdolay and Trent returned to the Council Chamber at 8.35pm

10.3.4 Proposed Seven Multiple Dwellings. Lot 14 (No. 19) South Perth Esplanade, South Perth.

Location: Lot 14 (No. 19) South Perth Esplanade, South Perth.
 Applicant: Brooking Design Practice
 Lodgement Date: 3 April 2007
 File Ref: 11.2007.151.1 & SO1/19
 Date: 30 November 2007
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The application is for seven Multiple Dwellings in a four storey building with undercover car parking, communal facilities and a roof terrace. The recommendation is **for approval**, subject to a number of standard and specific conditions.

Background

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.4*.

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,371 sq. metres
Building height limit	13.0 metres
Development potential	10 Multiple Dwellings
Maximum plot ratio	1.0

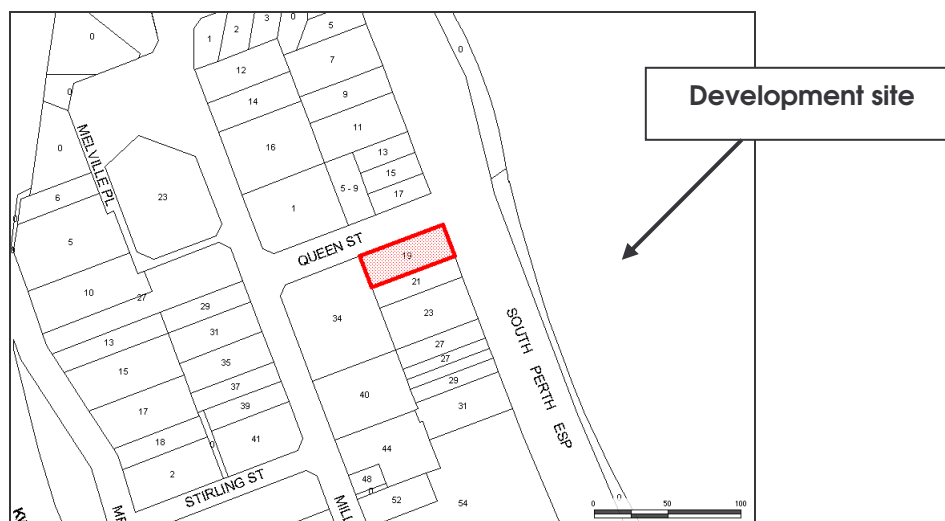
In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

Large scale development proposals

Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term 'height'. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.

NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.

The location of the development site is shown below. The site is on the corner of South Perth Esplanade and Queen Street. To the south and west of the site are existing multiple dwelling developments.



Following lodgement of the application for planning approval in April 2007, an application for review against a “deemed” refusal was lodged with the State Administrative Tribunal (SAT) in August 2007, as the application had not been determined within the 90 day period specified within the City of South Perth Town Planning Scheme No. 6. The application had not been determined within the specified 90 day period due to the unsatisfactory nature of the application including numerous areas of non-compliance with TPS6 and R-Code requirements. The City subsequently issued a formal refusal of planning approval, also during August 2007.

The City and the applicant have been working through the reasons for refusal, and during the review process, the SAT has invited the City to re-consider the original decision, having regard to the amended drawings, in accordance with the provisions of s31 of the State Administrative Tribunal Act which states that:

“31. Tribunal may invite decision-maker to reconsider

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may:*
 - (a) *affirm the decision;*
 - (b) *vary the decision; or*
 - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Comment

(a) Description of the proposal

The following information provides a brief summary of the proposed building:

<u>Basement Level</u>	Storerooms for each of the seven dwellings;
<u>Ground floor</u>	16 car parking bays, bin store, entrance foyer and one × three bedroom dwelling;
<u>First Floor</u>	One × two and One × three bedroom units, communal open space and communal amenities;
<u>Second and Third Floor</u>	Two × three bedroom dwellings per level; and
<u>Roof Terrace</u>	An open communal roof terrace and fenced allocated areas of private roof terrace.

The proposal complies with the provisions of Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised.

(b) Street setback

The required setback from South Perth Esplanade is 12.0 metres, in accordance with Table 2 of TPS6. The building is set back 12.0 metres, with balconies projecting a maximum of 2.0 metres into the setback area. The acceptance of balconies projecting to this extent is consistent with other developments approved by Council and it is appropriate that Council once again exercise its discretion in this respect.

The required setback from Queen Street is 4.0 metres, in accordance with the R-Codes. The building is set back 4.0 metres from this boundary, with balconies on levels 2, 3 and 4 projecting 2.0 metres into the street setback area. The pool towards the western boundary of the property projects 1.2 metres into the setback area. As the balustrade of the balconies and the frontage of the pool is glass, being less obtrusive, and only project for a small portion of the length of the boundary, it is appropriate that Council exercises its discretion to allow the balconies and pool to project into the street setback area.

(c) Boundary walls

Boundary walls are proposed along the west and south boundaries of the site at ground level. The boundary wall adjacent to the southern property boundary satisfies the height and lengths which would ordinarily be accommodated by Council Policy P376_T “Residential Boundary Walls”; however, the wall on the west boundary does not. In accordance with Clause 1 of the policy, the effect of all boundary walls must be considered in relation to their amenity impact on any adjoining lot. In this regard, the following criteria must be considered:

- the streetscape character;
- the outlook from the front of an adjoining dwelling or its front garden, if the proposed wall is located forward of that adjoining dwelling;
- the amount of daylight being admitted to a habitable room window on an adjoining lot;
- the amount of winter sunshine being admitted to an area of private open space on an adjoining lot;
- the amount of glare caused by the wall due to the reflective value of its surface;
- existing views from an adjoining building; and
- outlook from habitable room windows on an adjoining lot.

(i) Southern boundary wall

The southern boundary wall is proposed to an average height of 2.5m and a maximum height of 2.6 metres, for a length of 27.0 metres. This wall will have little impact on the amenity of the adjoining lot as it will adjoin an existing boundary wall on the adjoining property.

(ii) Western boundary wall

The western boundary wall is proposed at an average height of 2.6 metres and a maximum height of 2.7 metres.

Concern has been raised from the owners of the adjoining property as the wall will adjoin their communal pool area. Since the initial concern was raised by the adjoining landowner, the height of the boundary wall has been reduced significantly through amended plans. The proposed wall will sit between 0.6

metres and 0.7 metres above the height of the existing boundary fence. Streetscape impact is seen as being minimal as the boundary wall will be set back in line with the proposed dwelling, being 4.0 metres from Queen Street. From the adjoining property owners communal pool area, the impact should be minimal as the wall is screened by significant existing vegetation on the adjoining property.

The proposed boundary walls are seen to meet the amenity provisions of the policy as they do not detrimentally affect the amenity of the adjoining properties. It is recommended that the proposed boundary walls be accepted as proposed.

(d) Car parking

A total of 16 car parking bays are provided in the undercover parking area. Each unit has two bays allocated to them and two visitor's bays are provided. All bays fully comply with the dimensions prescribed by TPS6.

In accordance with Council Policy P384 "Visitor Car Parking Requirements for Grouped and Multiple Dwelling Developments" and Clause 3.5.3 "Design of Parking Spaces" of the R-Codes, all visitor bays are required to be uncovered and clearly visible and identifiable from the driveway entrance, and located forward of security barriers. The proposed visitor bays are contained within the undercover parking area which does not comply with the prescribed requirements.

The applicant has stipulated that the security gate to the car parking area is an open grill style to allow visitor to see if parking is available in the secure area. An intercom system will be installed at the entrance to the car park to allow a visitor to contact an occupant who can open the security gate and allow them to park underneath in the visitor bays.

Although this approach is generally not supported, it is recommended for approval in this instance, given the prevalence of available on street car parking adjoining the development site (on two separate street frontages) and the quiet nature of the street (Queen Street) from which the visitor bays are accessed.

(e) Solar access for adjoining sites

The development does not comply with the acceptable development provisions of the R-Codes in relation to overshadowing of the adjoining property at No. 21 South Perth Esplanade. The Acceptable Development provisions of the R-Codes allow for a maximum of 50% of the adjoining site to be overshadowed compared to 71% as proposed in this instance.

Concern was raised by the adjoining landowners in relation to the amount of overshadowing when the application was first advertised for neighbour comment.

Neighbours concerns with respect to the amount of overshadowing have been discussed with the applicant who has attempted to address the concerns by:

- reducing the amount of shadow cast by the proposed development; and
- preparing a three dimensional model in an attempt to assist in addressing the performance criteria contained within Clause 3.9.1 "Solar Access for Adjoining Sites" of the R-Codes which states:

"Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *outdoor living areas;*
- *major openings to habitable rooms;*
- *solar heating devices; or*
- *balconies or verandahs."*

The explanatory notes of the R-Codes identify that the most vulnerable sites to overshadowing are narrow east-west orientated sites, on the south side of a development; which is the precise situation with the proposed application. The explanatory notes identify that in such a case, even a relatively low building may cast mid-winter shadow over a greater portion of the site than allowed under Clause 3.9.1 of the R-Codes. The explanatory notes and the R-Code Advice Notes identify that it will not always be possible to comply with the acceptable development provisions and that an assessment against the performance criteria requires a detailed assessment of the particular areas which will be overshadowed.

The diagrams provided by the applicant show that a minor portion of the ground floor and portions of the balconies on the first and second floors will be overshadowed by the proposed development.

The drawings show that only 1.0 sq. metre of an 87.0 sq. metre ground floor courtyard is overshadowed by the proposed development (i.e. the proposed development does not result in overshadowing to 86.0 sq. metres or 99% of this courtyard area). As the shadow cast by the proposed development covers such a minor portion of the courtyard area and there is a sufficient additional area for outdoor living which is not affected by shadow, the proposal is seen to be acceptable in relation to the ground floor of the adjoining development.

On the first floor (which is occupied by a whole floor unit), there is a balcony to the front and rear of the building, with a total combined area of 106.0 sq. metres. The proposed development will result in 42% of the surface area (i.e. 44.5 sq. metres) of these balconies being overshadowed and 58% (i.e. 61.5 sq. metres) remaining unshaded. Under the open space provisions of the R-Codes, Multiple Dwellings are required to be provided with a minimum balcony area of 10.0 sq. metres.

The balcony to the front is seen to be the most significant balcony based on its view over the Swan River and the City. The main useable portion of this balcony will be unaffected by the proposed development.

The overall extent of overshadowing to the balconies on the first floor of the building is seen to be acceptable having regard to the following points:

- A very generous area (around 60.0 sq. metres) of balcony area remains unaffected by any overshadowing, compared to the 10.0 sq. metre balcony requirement prescribed by the R-Codes for Multiple Dwellings; and
- The front balcony, which is the most significant in terms of its amenity provision to the occupants of the dwelling, is largely unaffected by overshadowing.

On the second floor (also occupied by a whole floor unit), there is a larger balcony to the front and a smaller balcony to the rear with a total area of 60.0 sq. metres. The proposed development will result in 21% of the surface area (i.e. 12.6 sq. metres) of these balconies being overshadowed and 79% (i.e. 47.4 sq. metres) remaining unshaded.

The overall extent of overshadowing to the balconies on the second floor of the building is seen to be acceptable having regard to the following points:

- A very generous area (around 47.4 sq. metres) of balcony area remains unaffected by any overshadowing, compared to the 10.0 sq. metre balcony requirement prescribed by the R-Codes for Multiple Dwellings; and
- The front balcony, which is the most significant in terms of its amenity provision to the occupants of the dwelling, is largely unaffected by overshadowing.

The development clearly does not comply with the acceptable development provisions for solar access for adjoining sites; however, for the reasons identified above, the development is seen to address the performance criteria and it is appropriate for Council to exercise its discretion with respect to this matter.

(f) Building height

A small portion of the roof projects outside of the notional 25 degree envelope above the maximum permissible building height. The portion of roof which projects outside of the 25 degree envelope is deemed to comply with the building height provisions of Clause 6.2 of TPS6 as it is only a minor projection, and TPS6 specifies a maximum wall height and not a maximum roof height.

(g) Finished floor levels

Clause 6.9 of TPS6 prescribes a minimum finished floor level (FFL) of 1.75 metres above AHD for the basement level containing the individual store rooms as opposed to the proposed FFL of 0.85 metres AHD.

Clause 6.9(3) of TPS6 goes on to state that:

“The Council may permit land to be developed with lower levels than prescribed in sub-Clauses (1) and (2), if:

- (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;*
- (b) the applicant provides the Council with certification from a consulting engineer that adequate water-proofing has been achieved; and*
- (c) the applicant satisfies the Council in such manner as the Council may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.”*

A condition has been included in the recommendation which will require this matter to be addressed prior to the issue of a building licence.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*

- (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;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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 October 2007. The Advisory Architects considered that the design of the proposal will be compatible with surrounding development in the focus area and made the following specific comments:

The Architects did not commend the overall design of the building and made the following comments:

- *“The revised three-dimensional model of the building did not provide sufficient detail to correctly represent the proposed building bulk. Openings in the external walls as well as balconies were not shown in the model.*
- *The building design was seen to be inefficient as it did not support the environmental or sustainability principles. Inefficient use of space within the building in terms of significant floor area allocation to corridors and passages within each dwelling, as well as large wall area to floor area ratio were seen to be a concern.*
- *Large surface area of unprotected glazing on the building exterior was seen to be inefficient from the point of view of energy rating of the building.*
- *Adequately addressing the above matters could achieve an acceptable design outcome.”*

Although the abovementioned comments have been conveyed to the applicant, the major concern of the Advisory Architects relates to energy efficiency which is a matter which will be considered at the time of assessing an application for a building licence.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners and occupiers of properties at Nos. 17 and 21 South Perth Esplanade, Nos. 1 and 5 Queen Street and 34 Mill Point Road were invited to inspect the application and to submit comments during a 14-day period. During and after the advertising period, three submissions were received, each of which objected to the proposed development. The comments of the submitters, together with an officer response, is summarised as follows:

Submitter's Comment	Officer Response
<p>The impact of the western boundary wall on the adjoining property. On the grounds that:</p> <ul style="list-style-type: none"> - it is a 5.0 metre high wall; - it adjoins the communal pool area of the adjoining development; - overshadowing of the communal pool area; and - visual privacy from the pool area. <p>Seek assurance on the finish of the boundary wall</p>	<p>The original application had a boundary wall along the western boundary with a height of around 5.0 metres. The wall has subsequently been amended to have a maximum height of 2.7 metres. With the reduction in height and with the wall being set back from the Queen Street frontage of the site, the wall will be screened by the established vegetation on the affected adjoining property. The overshadowing impact will be minimal as the pool area will still have a relatively open aspect to the north. Above the boundary wall will be an inaccessible roof area, with the pool wall being set back 1.8 metres from the boundary. Above the pool wall will be a privacy screen to prevent overlooking of the adjoining property. A standard condition of approval will be imposed regarding the finish of the wall.</p> <p>The submitters' comments are NOTED.</p>
<p>Concerned with adverse impact of overshadowing.</p>	<p>Detailed comment with respect to overshadowing has been provided within the body of the report.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>Concern with height of boundary wall on the southern boundary.</p>	<p>The submitter's comment relates to the original design. Since the original design was advertised to adjoining landowners, the boundary wall has now been reduced to a maximum height of 2.6 metres. The proposed height will be similar height to the height of the boundary wall on the adjoining property.</p> <p>The submitter's comment is NOTED.</p>
<p>Reduced setback from the southern boundary.</p>	<p>The original design did not fully comply with the required setbacks from the southern boundary; however, the development has been amended and now fully complies with the required setbacks from the southern boundary.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>The extension of a 1.8 metre high boundary fence along the common boundary within the South Perth Esplanade street setback area.</p>	<p>Once again, the submitter's comment relates to original drawings which have subsequently been amended and which address the concerns which were originally raised. The development does not propose any changes to the existing boundary fence. The fence fronting South Perth Esplanade will be a maximum height of 1.2 metres.</p> <p>The submitter's comment is NOTED.</p>

(c) Manager, 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. Comments received from the engineering department have been included as advice to the applicant, as part of the recommended conditions of approval.

(d) Manager, Environmental Health and Regulatory Services

The Manager, Environmental Health and Regulatory Services was invited to comment on bin storage areas. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located. Comments received from the health department has been included as advice to the applicant, as part of the recommended conditions of approval.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4
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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 seven multiple dwelling on Lots 14 (No. 19) South Perth Esplanade, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (west and south), 352, 353, 354, 376, 377, 390, 393, 416, 427, 446, (building) 455 (west and south), 456, 465, 470, 471, 506, 509, 550, 575 (14), 616, 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 Conditions**

(i) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(ii) A intercom system being provided to allowing visitor gain access to the secure car parking area by contacting the occupants.

(c) **Standard Advice Notes**

645, 646, 646A, 648, 649A, 651.

Footnote A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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(d) **Specific Advice Notes**

(i) As advised by the City’s Engineering Infrastructure Department:

(A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings” and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.

(ii) As advised by the City’s Environmental Health Department:

(A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;

(B) All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulation 1997,

(C) All sanitary and laundry conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and the Health Act (Laundries and Bathroom) Regulations.

CARRIED EN BLOC RESOLUTION

10.3.5 Proposed 10 Multiple Dwellings No. 75 Mill Point Road, South Perth

Location: Lot 105 (No. 75) Mill Point Road, South Perth
 Applicant: Red Rover Corporation Pty Ltd
 Lodgement Date: 11 June 2007
 File Ref: 11.2007.274 & MI3/75
 Date: 30 November 2007
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

To consider an application for planning approval for a proposed eight storey building on Lot 105 (No. 75) Mill Point Road, South Perth containing nine Multiple Dwellings. It is recommended that planning application **be refused** for a number of reasons.

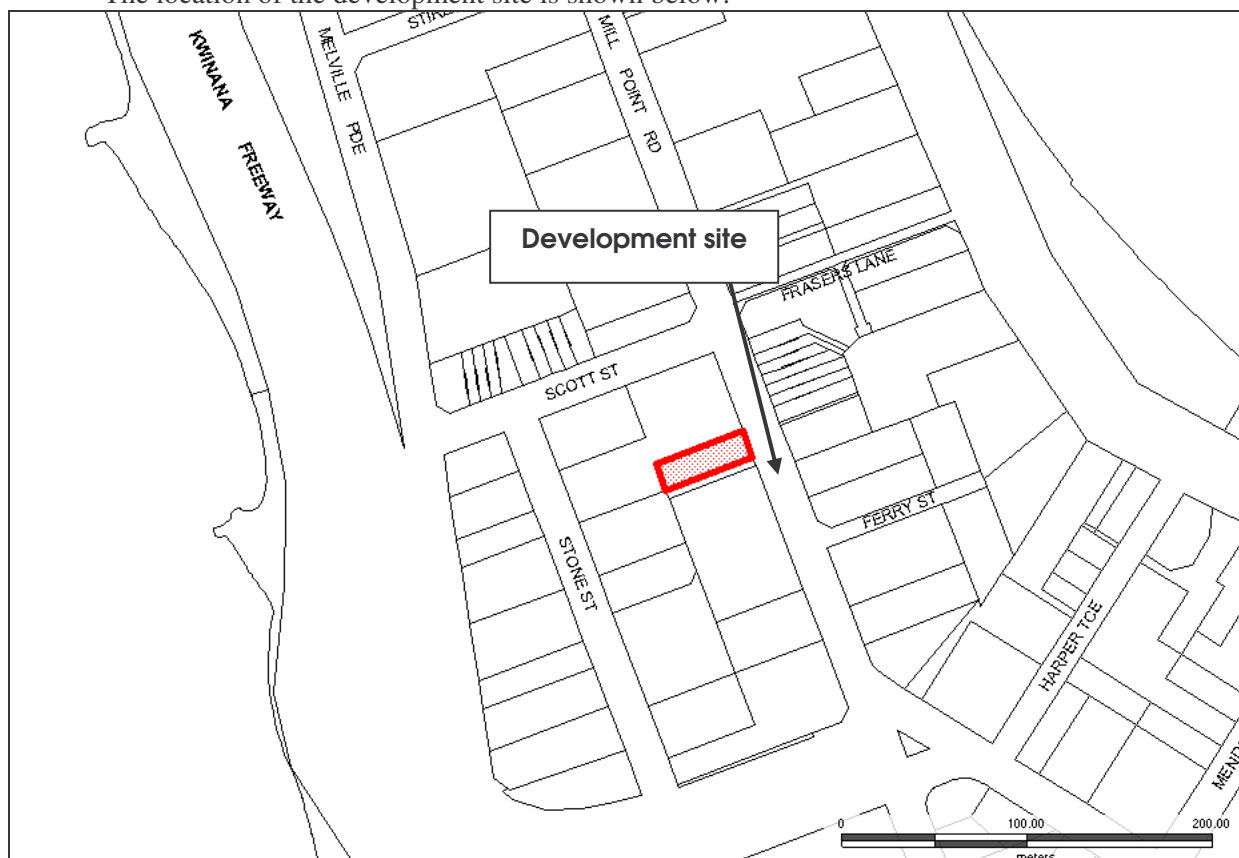
Background

The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	1,012 sq. metres
Building height limit	28.0 metres
Development potential	10 Multiple Dwellings (at R100)
Maximum plot ratio	1.25 or 1,265 sq. metres (at R100)

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.5*.

The location of the development site is shown below:



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

Large scale development proposals

- (i) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height; and*
- (ii) *Proposals involving 10 or more dwellings.*

Comment

(a) Description of the proposal

The following information provides a brief summary of the proposed building:

<u>Basement</u>	Storerooms for each of the 9 dwellings (note: in accordance with the definition contained within the Residential Design Codes 2002 (R-Codes), plot ratio does not include non-habitable space that is wholly below natural ground level);
<u>Ground Floor</u>	Residents car park containing 21 car parking bays (two bays each for each unit) and two visitor parking bays forward of security gates, one visitor bay behind the security gate, communal open space and communal amenities (pool and function room);
<u>First and Second Floor</u>	Two × two bedroom dwellings;
<u>Third to Seventh Floor</u>	One dwelling per level (five dwellings); and
<u>Eighth Floor</u>	Roof deck allocated for communal use.

(b) Dual density coding

Town Planning Scheme No. 6 (**TPS6**) assigns an R80/100 dual density coding to the subject property. In order to qualify for development at the higher density code (as proposed), it is necessary for the applicant to satisfy a minimum number of specified performance criteria. As the site satisfies a minimum of the 4 out of 8 Criteria, it qualifies for development at the higher R100 density code.

One of the performance criteria which have been satisfied is in relation to provision of a greater number of visitor bays than required by the R-codes (three bays versus two bays). However, concern is held with respect to the location of one of these bays, and further comment with respect to this matter is provided under the heading of ‘Car Parking’ within the ‘Comment’ section of this report.

(c) Plot ratio

Using the R100 density code and site area of 1,012 sq. metres, a total of 1,265 sq. metres of plot ratio floor area is allowed. Calculations show that the proposed plot ratio floor area is 1,406.35 sq. metres, which is 141.35sq. metres in excess of the allowable plot ratio. The areas included in the City’s plot ratio calculation match with those included in the definition contained in the R-codes. Plot ratio is defined as:

“The ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.”

There is disagreement between the City and the applicant with respect to the following components of the plot ratio calculation:

- (i) lobbies on floors three to seven serving single dwellings on each of these levels of the building; and
- (ii) equipment rooms on the south side of the development, accessed via the lobbies on floors one to seven.

The applicant does not believe that the lobby area on levels three to seven should be included in the plot ratio calculation as the lobbies will be used by service and maintenance people accessing bins, mechanical, electrical, hydraulic, electronic, telephone, fire and associated services within the immediate area of the lobbies. The applicant goes on to say that as the lift does not extend to the roof terrace, the lobby area of level seven will be used by other occupants of the building to move from the lift to the stairs in order to access the communal area on the roof.

The plot ratio definition clearly states that only lobbies which are common to more than one dwelling are not included in plot ratio. As floors one and two have two units on each floor sharing the lobby area, these areas have not been included in the plot ratio calculation. As the lobbies on floors three to seven only serve one unit on each floor they have been included in the calculation of plot ratio. This method of calculation is consistent with the City's revised method of plot ratio calculation (operative since late 2005) which resulted from various State Administrative Tribunal (SAT) decisions.

In relation to the equipment rooms, the applicant has supplied a floor layout indicating the location of electrical equipment and two bins within each room and has stated that the area provided for each equipment room is required to service and maintain the equipment within each of these rooms.

The floor area contained within each of the equipment rooms is seen to be excessive. The equipment rooms on the south side of the development add to the plot ratio of the building by 11.11 sq. metres per floor and each have an internal area of 9.8 sq. metres. In addition to these equipment rooms, there is a second equipment room of 2.0 sq. metres included within each of the dwellings, which have been accepted by City Officer's as not being included in plot ratio calculations. There are also two equipment rooms on the basement level and one on the ground floor level, with a combined internal area of 16.94 sq. metres. The area for the equipment rooms on the basement and ground floors of the building are not under contention. The total area of equipment rooms above ground floor level is 95.77 sq. metres.

The recently approved planning application for Lot 5 (No. 4) Scott Street, South Perth had an area for equipments rooms on each floor of 1.22 sq. metres, giving a total of 8.54 sq. metres of equipment rooms above the ground floor, over eight floors.

There are two other multiple dwelling development applications also being considered at the December 2007 Council meeting. The proposal for Lot 7 (No. 27) South Perth Esplanade, South Perth has an area of 20.0 sq. metres of equipment rooms above ground level over four floors (i.e. 5.0 sq. metres per floor). The proposal for Lot 14 (No. 19) South Perth Esplanade, South Perth has an area of 13.0 sq. metres of equipment rooms above ground level for seven units, over four floors (i.e. around 3.0 sq. metres per floor).

Using the above examples an area of around 5.0 sq. metres per floor would be acceptable. Using this calculation of 5.0 sq. metres for seven floors of multiple dwellings units, an area of around 35.0 sq. metres for equipments rooms above ground floor level is seen as being acceptable. This is around a third of what is proposed by this development and is still well in excess of the applications previously noted.

The proposed area of equipment rooms is seen to significantly exceed that which is legitimately required for the dwellings. Therefore, the equipment rooms located on the south side of the development, accessed via the lobby on each floor should be included in the calculation of plot ratio.

The applicant has stated that they are willing to accept a condition that requires compliance with the allowable amount of plot ratio if a conditional approval was given for the proposed development. As the development is over the allowable plot ratio by 141.35 sq. metres, this reduction would result in a substantial change to the design of the development and would require staff to fully assess the application again at the time a building licence application was lodged. It is not appropriate that a requirement for such a significant change be dealt with via a condition of approval.

(d) Open space

Using the R100 density code and site area of 1,012 sq. metres, a total of 607.2 sq. metres of open space must be provided for the development to comply with the Acceptable Development provisions of the R-Codes. Taking into account the various areas of the site which can be included within the open space calculation, City Officers have calculated that the development has been provided with 596.63 sq. metres of open space. Therefore, the development does not comply with the acceptable development provisions of the R-Codes.

The applicant has not attempted to justify the open space provision against the associated performance criteria of the Codes. Accordingly, the development has been assessed solely against the relevant Acceptable Development provisions of the Codes.

(e) Car parking

A total of 21 car parking bays have been provided for the development. Two (2) bays have been provided for each unit and three bays have been supplied for visitors. All bays comply with the dimensions required by TPS6. As stated in section (b) of this report, the development is required to supply in excess of the minimum amount of visitor bays, required by the R-codes, in order to achieve one of the performance criteria specified by the scheme and to assist with allowing development at an R100 density code. The minimum number of visitor bays required by the R-codes for the development is two, and as three bays have been provided, the development meets this criterion.

In accordance with Council Policy P384_T “Visitor Car Parking Requirements for Grouped and Multiple Dwelling Developments”, and Clause 3.5.3 “Design of Parking Spaces” of the R-Codes, all visitor bays are required to be uncovered, clearly visible and identifiable from the driveway entrance and outside any security barrier. The proposed development has two visitor bays located forward of the security barrier and one bay located behind the security barrier.

The bay which is located behind the security barrier is not seen to be acceptable as there is limited street parking available in the area and the provision of the extra bay was to meet the performance criteria and the associated objective of TPS6 in order to achieve an allowable density of R100.

Occupier bay number 21 does not comply with Clause 3.4.5(A5)(i) of the R-codes, as it located within the street setback area.

(f) Landscaping

The acceptable development provisions contained within Clause 3.4.5(A5)(i) of the R-Codes, requires that the street setback area of a multiple dwelling development have a maximum hardstand area of 50%. The development proposes a hard stand area of 71%. The proposed extent of hardstand surface is unacceptable as it detracts from the streetscape.

(g) Bin storage

The communal bin storage area does not comply with the acceptable development provisions contained within Clause 3.10.3(3.2) of the R-codes, which requires:

“Where rubbish bins are not collected from the street immediately adjoining a dwelling, there is provision of a communal pick-up area or areas which are:

i. conveniently located for rubbish and recycling pick-up;

ii. accessible to residents;

iii. adequate in area; and

iv. fully screened from view from the primary or secondary street.”

The proposed bin store is located in the covered car park area, located centrally, with an internal area of 3.18 sq. metres. Advice from the Manager, Environmental Health and Regulatory Services is that the bin storage is unacceptable in relation to its location for ease of pickup and amount of area provided. The bin storage area would need to provide close to the front of the development and would have to provide an area of 1.5 sq. metres for each unit, being a requirement of 13.5 sq. metres.

(h) Overshadowing

In order for a development to show compliance with the acceptable development provisions contained within Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes, the development is required to supply a suitable diagram to allow for its assessment in accordance with Clause 2.4.3 of the R-Codes (General Information Requirements).

The diagram supplied indicates that the development will meet the acceptable development provisions of the R-Codes, but does not provide sufficient detail to allow for its assessment. The application has failed to supply sufficient detail to allow for the assessment of the developments compliance for overshadowing of an adjoining site.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered not to meet the following 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.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held 22 October 2007. The Advisory Architects made the following comments:

"The proposal was generally seen to be acceptable. However, it was observed that there is still some scope to improve the internal layout of dwellings and room sizes."

The matter of the internal layout of a dwelling is not one which is specifically dealt with by the R-Codes.

(b) Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners of the adjoining dwellings at Nos. 73 and 83 Mill Point Road were invited to inspect the application and to submit comments during a 14-day period with respect to proposed setback variations from the northern and southern boundaries of the development site. General neighbour consultation was undertaken with the owners of dwellings at Nos. 74, 76 and 78 Mill Point Road and No. 8 Stone Street, South Perth. During the advertising period no submissions were received in relation to the proposed development.

(c) Manager, 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. Responses received can be summarised as follows:

- The crossover is to be constructed to Councils specifications; and
- Stormwater drainage for the building must be designed and installed in accordance with the provisions of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings”.

(d) Manager, Environmental Health and Regulatory Services

The Manager, Environmental Health and Regulatory Services was invited to comment on a range of issues relating to matters, such as bin storage. His comments have been included previously in this report.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION ITEM 10.3.5

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 9 Multiple Dwellings on Lot 105 (No. 75) Mill Point Road, South Perth **be refused**, for the following reasons:

- (a) proposal does not comply with objective (f) listed within Clause 1.6 “Scheme Objectives” of the City’s Town Planning Scheme No. 6 (TPS6);
- (b) proposal conflicts with matters (a), (b), (c) and (j) listed within Clause 7.5 “Matters to be Considered by Council” of TPS6;
- (c) proposal does not comply with the plot ratio requirements of the Residential Design Codes 2002 (R-Codes);
- (d) location of bay 21 does not comply with Clause 3.4.5(A5)(i), of the R-codes, as it is located with the street setback area;
- (e) amount of hard stand area in the street setback area does not comply with Clause 3.4.5(A5)(i), of the R-Codes;
- (f) location of visitor bay 3 does not comply with Councils Policy P384_T “Visitor Car Parking Requirements for Grouped and Multiple Dwelling Developments” and Clause 3.5.3(A3.1), of the R-Codes;
- (g) development does not comply with the open space requirements of Clause 3.4.1(A1), of the R-Codes;
- (h) rubbish bin area does not comply with Clause 3.10.3(A3.2), of the R-Codes; and
- (i) applicant has failed to supply sufficient detail to allow the assessment of Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes.

Specific Important Footnotes

- (a) If the applicant elects to submit a new application for planning approval, supported by revised drawings which appropriately address all of the reasons for refusal of the current application, additional information will also need to be provided along with amended drawings as outlined in Clause 2.4.6(ii) “Special Information Requirements” of the R-Codes.
- (b) If the applicant elects to submit a new application for planning approval within 6 months of the date of determination of this application, no new application fee will be payable.
- (c) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.
There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Gleeson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- reasons for refusal clearly identified in the officer report
- ask Councillors support Motion

Cr Cala against the Motion

- Deputation stated documentation would come back to address conditions
- understand officer's have looked at documentation / issues seem to have been addressed
- could include as part of Motion - that upon receipt of a suitably modified application the Manager Development Assessment be authorised to grant Planning Approval under Delegated Authority rather than delay until the February meeting
- believe if issues have been addressed give officer authority to approve.

Mayor Best point of clarification - have amended drawings been received and the issues of concern addressed? An if assessed under Delegated Authority how long would this take?

Director Development and Community Services confirmed revised plans had been received. He stated that most of the items that have been assessed seem to be OK however there were still some items to be checked out and anticipated this would be done by mid January.

Cr Hearne point of clarification - previous response stated 'most issues checked were OK' are there any items that do not comply? They all need to comply before approval issued.

Director Development and Community Services said it was accurate to state that most issues raised have been addressed and that the main issue remaining related to open space.

AMENDMENT

Moved Cr Cala, Sec Cr Ozsdolay

That the officer recommendation be amended by the inclusion of the following additional part 2:

That upon receipt of a suitably modified application addressing all of the reasons for refusal (for the proposed nine (9) Multiple Dwellings on Lot 105 (No. 75) Mill Point Road, South Perth), the Manager, Development Assessment be authorised to grant planning approval under delegated authority".

Cr Gleeson point of clarification - were officers positive that the revised plans received conforms?

Director Development and Community Services said that the plans as presented do not fully comply, however it may be that by further discussions with the applicant that the problems can be addressed.

Cr Gleeson point of clarification if this was approved under Cr Cala's amendment would officers be happy with the amendment to the current motion as it would give the opportunity for officers to liaise with the applicants without any due delay.

Director Development and Community Services said the amendment Cr Cala suggested is for a Motion to approve the application under Delegated Authority.

Cr Gleeson for the Amendment

- support due process without undue cost/delay to applicant
- not looking at shortcuts but diligence from officers
- have to trust our professional officers and their judgement
- believe approval under Delegated Authority should be supported

Cr Ozsdolay for the Amendment

- withdrew item for discussion because of memo received from officers following briefing. The wording in that memo states: *That upon receipt of a suitably modified application addressing all of the reasons for refusal, the Manager Development Assessment be authorised to grant planning approval under delegated authority.*
- if all issues not addressed application will not be approved
- support the Amendment

Cr Smith against the Amendment

- question of responsibility
- at Deputation developer gave us his costs
- application been with us for months and months
- amended plans would come up in January / assessed in February
- developer has amended plans over a period of many months, now want advantage of DA
- trust our officers and their expertise
- considering time developer has had the public open space issue still has not been addressed
- it is Council's responsibility to make decisions
- decision may be delayed by a month while open space requirement is assessed
- conscious of cost associated with delays but Council has not contributed to these costs
- have had problems with high rise developments previously
- opposed to delegating the matter - do not believe this is a logical argument
- against the Amendment

Cr Gleeson point of clarification - has Delegated Authority of this type come up often?

Director Development and Community Services said such Delegated Authority is quite rare and happens on infrequent occasions.

Cr Grayden point of clarification - there was a proposition that units would be reduced, can you advise what is proposed?

Manager Development Assessment stated that a reduction in plot ratio has been achieved by a reduction in floor area of the units.

Cr Cala closing for the Amendment

- not an attempt to circumvent process of Council
- if conditions have been met officers would recommend approval
- we would approve because it addressed conditions of refusal
- officers have confirmed if conditions are met - happy to approve
- if it is the will of Council to defer until February - so be it
- DA approval is a way to expedite approval without renege on our responsibilities

The Mayor put the Amendment

CARRIED (7/6)

Cr Smith against the Amended Motion

- proposed DA is wrong in principle
- why are we delegating our responsibility
- ultimately we are responsible - not a good idea unless there is a compelling reason
- if we were responsible for delaying development there would be a logical argument to determine under DA - we have not delayed it, this has been determined by developer
- agree a good idea to allow officers to handle matters to expedite but not on this occasion

Cr Gleeson for the Amended Motion

- years ago Council determined everything - even backyard sheds/garages
- then DA became dominant for planning areas
- DA means it is simple for items to be approved at officer level
- applicants get sick of waiting for months to have something easy approved
- DA has now gone further than that to approve developments
- agree this particular application has been with us for months but now we have opportunity for officers to assess under DA
- confident that officers can make a judgement
- expensive operation to hold up this development when we can give officers Delegated Authority to assess revised plans and if it complies issue approval

COUNCIL DECISION ITEM 10.3.5

The Mayor put the Amended Motion

That....

1. 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 9 Multiple Dwellings on Lot 105 (No. 75) Mill Point Road, South Perth **be refused**, for the following reasons:
 - (a) proposal does not comply with objective (f) listed within Clause 1.6 “Scheme Objectives” of the City’s Town Planning Scheme No. 6 (TPS6);
 - (b) proposal conflicts with matters (a), (b), (c) and (j) listed within Clause 7.5 “Matters to be Considered by Council” of TPS6;
 - (c) proposal does not comply with the plot ratio requirements of the Residential Design Codes 2002 (R-Codes);
 - (d) location of bay 21 does not comply with Clause 3.4.5(A5)(i), of the R-codes, as it is located with the street setback area;
 - (e) amount of hard stand area in the street setback area does not comply with Clause 3.4.5(A5)(i), of the R-Codes;
 - (f) location of visitor bay 3 does not comply with Councils Policy P384_T “Visitor Car Parking Requirements for Grouped and Multiple Dwelling Developments” and Clause 3.5.3(A3.1), of the R-Codes;
 - (g) development does not comply with the open space requirements of Clause 3.4.1(A1), of the R-Codes;
 - (h) rubbish bin area does not comply with Clause 3.10.3(A3.2), of the R-Codes; and
 - (i) applicant has failed to supply sufficient detail to allow the assessment of Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes.

Specific Important Footnotes

- (d) If the applicant elects to submit a new application for planning approval, supported by revised drawings which appropriately address all of the reasons for refusal of the current application, additional information will also need to be provided along with amended drawings as outlined in Clause 2.4.6(ii) “Special Information Requirements” of the R-Codes.
- (e) If the applicant elects to submit a new application for planning approval within 6 months of the date of determination of this application, no new application fee will be payable.
- (f) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice. There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

2. upon receipt of a suitably modified application addressing all of the reasons for refusal (for the proposed nine (9) Multiple Dwellings on Lot 105 (No. 75) Mill Point Road, South Perth), the Manager, Development Assessment be authorised to grant planning approval under delegated authority".

CARRIED (7/6)
by Required Absolute Majority

Reason for Change

In order not to delay the development Council believed it appropriate to delegate authority to the Manager Development Assessment to grant Planning Approval once he is satisfied all of the issues raised have been addressed.

10.3.6 Proposed Four Multiple Dwellings. Lots 50 & 51 (No. 27) South Perth Esplanade, South Perth.

Location: Lots 50 & 51 (No. 27) South Perth Esplanade, South Perth.
 Applicant: Eames & Associates Architects
 Lodgement Date: 26 March 2007
 File Ref: 11.2007.136.1 & SO1/27
 Date: 30 November 2007
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The application is for four Multiple Dwellings in a four storey building with associated undercroft and roof terrace levels. The recommendation is for **approval**, subject to a number of standard and specific conditions.

Background

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.6*.

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,287 sq. metres
Building height limit	13.0 metres
Development potential	10 Multiple Dwellings
Maximum plot ratio	1.0

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:

Large scale development proposals

Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term 'height'. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height. NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.

The location of the development site is shown below. To the right hand side of the development site there is a Multiple Dwelling development under construction (Silks apartments), there is a Single House to the left hand side, and there is a Grouped Dwelling development to the rear of the development site.



Comment

(a) Description of the proposal

The following information provides a brief summary of the proposed building:

- **Undercroft** Storerooms for each of the 4 dwellings, 12 car parking bays, communal open space, communal amenities and an entrance foyer;
- **First to Fourth Floor** One dwelling per level; and
- **Fifth Floor** An enclosed loft and an open roof terrace (for the dwelling on the fourth floor of the building).

The proposal complies with the provisions of Town Planning Scheme No. 6 (**TPS6**), the Residential Design Codes (**R-Codes**) and relevant Council policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised.

(b) Street setback

The required setback from South Perth Esplanade is 12.0 metres, in accordance with Table 2 of TPS6. The building is set back 12.0 metres from the front boundary with balconies projecting a maximum of 2.0 metres into the street setback area. The acceptance of balconies projecting to this extent is consistent with other developments approved by Council and it is appropriate that Council once again exercise its discretion in this respect.

(c) Boundary walls

Boundary walls are proposed along the north, west and south boundaries at the undercroft level towards the rear of the development. Vertical glass screens (partially visually permeable) are proposed to be installed 0.23 metres from the face of the boundary walls, to provide visual privacy from the terrace area of level 1 to the adjoining walls. The proposed screens will act to maintain visual privacy between the development site and the adjoining properties, while also allowing sunlight to reach the external areas of the adjoining properties.

The development satisfies the boundary wall height and lengths which would ordinarily be accommodated by Council Policy P376_T ‘Residential Boundary Walls’. In accordance with Clause 1 of the policy, the effect of all boundary walls must be considered in relation to their amenity impact on any adjoining lot. In this regard, the following criteria must be considered:

- the streetscape character;
- the outlook from the front of an adjoining dwelling or its front garden, if the proposed wall is located forward of that adjoining dwelling;
- the amount of daylight being admitted to a habitable room window on an adjoining lot;
- the amount of winter sunshine being admitted to an area of private open space on an adjoining lot;
- the amount of glare caused by the wall due to the reflective value of its surface;
- existing views from an adjoining building; and
- outlook from habitable room windows on an adjoining lot.

(i) Northern boundary wall

The northern boundary wall is proposed at a height of 1.65 metres, above the adjoining property ground level, for a length of 25.8 metres. This wall will have little impact on the amenity of the adjoining property taking into account that a standard boundary fence has a height of 1.8 metres.

(ii) Southern boundary wall

The southern boundary wall is proposed to a maximum height of 2.35 metres above ground level, for a length of 26.8 metres. The existing dwelling, on the adjoining property, is located towards the front of the property with a vehicle garage located behind. The boundary wall starts at a point behind the existing dwelling, and then running to the back corner of the property.

The existing dwelling on the adjoining property currently has a finished floor level (FFL) of 1.3 metres AHD and a ground level towards the rear of the property of 1.05 metres AHD. If the property is to be redeveloped in the future any habitable rooms would be required to have a minimum FFL of 2.3m AHD and any ground levels around the building would be required to have a minimum level of 1.7 metres AHD. Taking this into account, if the adjoining property was redeveloped, the height of the boundary wall would be reduced to 1.7 metres in height.

As the boundary wall finishes at a point to the rear of the existing dwelling, and will not reduce any sun to adjoining living areas or outdoor living areas, the impact on the amenity on the adjoining property is considered to be negligible.

(iii) Western boundary wall

The western boundary wall is proposed at a height of 1.85 metres for the entire length of the boundary being 21.5 metres. This wall will have little impact on the amenity of the adjoining property taking into account that a standard boundary fence has a height of 1.8 metres.

The vertical glass screens on top of the boundary walls are set back 0.23 metres inside the face of the boundary wall, for a height of 1.0 metre. The screens are required to provide visual privacy to the adjoining properties from the terrace on level 1. The proposed screens would be visually permeable, maintaining visual privacy between the adjoining properties while also allowing direct sunlight to the external areas of the adjoining properties. The provision of the screens on top of the boundary walls will have little affect on the amenity of the adjoining properties and is visually more desirable than a solid screen set back further inside the property boundary.

The proposed boundary walls are seen to meet the criteria of the policy as they do not detrimentally affect the amenity of the adjoining properties. It is recommended that the proposed boundary walls be accepted as proposed.

(d) Boundary setbacks

(i) Northern boundary

From the northern boundary, the majority of the building is set back further than required by the R-Codes. The wall of the stairwell and equipment room, located in the middle portion of the building, incorporates a setback of 5.96 metres from the boundary. In accordance with the R-Codes, this portion of wall is required to be set back 6.8 metres from the side boundary. The proposed variation is seen to satisfy the 'performance criteria' contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property.

(ii) Southern boundary

Along the southern elevation of the building a number of setback variations are proposed. The 26.0 metre long wall on the fourth floor of the building from the front balcony to the media room has a prescribed setback of 5.5 metres. At the closest point, this wall is set back 3.4 metres from the boundary. The wall is broken up centrally by a 6.0 metre portion of wall which is set back 5.8 metres from the boundary. The break in the wall helps to ameliorate the perceived bulk of the building.

Following along the building, towards the rear, a small section of wall 3.4 metres in length, with a major opening, is required to be set back 11.0 metres, as opposed to the proposed 5.36 metre setback from the boundary. If the window was obscured, the setback requirement would be around 6.5 metres, which would bring the building closer to compliance but would not reduce the bulk or impact on the adjoining property. The window is to a bedroom and complies with the visual privacy provisions of the R-Codes. The section of wall is set back a further 1.65 metres from the adjoining larger portion of wall.

The proposed setback relaxations from the adjoining boundaries are seen to satisfy the 'Performance Criteria' contained within the R-Codes, and do not detrimentally affect the amenity of the adjoining properties. It is recommended that the proposed setback variations adjacent to the northern and southern property boundaries be accepted as proposed.

(e) Visual privacy

The proposed development generally complies with the requirements of the R-Codes, through the use of obscured windows, screening to balconies and screening to the first floor terrace, to protect the privacy of neighbouring residents.

Notwithstanding the above, the application proposes a variation to the acceptable development provisions of the R-codes pertaining to the cone of vision setback requirements for the front and rear balconies and minor variations for rooms along the north and south elevations of the building.

On the northern elevation, the balconies towards the front of the development are mostly screened to prevent overlooking of the adjoining property. The proposal is for a small section of the balconies at the front to be left unscreened. This portion is deemed to meet the performance criteria as the area which is overlooked is the street setback area and a vehicle access way.

Along the northern elevation, there are also minor projections into the notional cone of vision setback for each of the bedrooms numbered '1' and from the rear balconies on each floor. The incursions are minor in distance and are deemed to meet the performance criteria as they do not overlook any habitable rooms.

On the southern elevation, the balcony at the front of the development is proposed to be unscreened. This section of balcony is deemed to meet the performance criteria as the area being overlooked is the street setback area and the portion of the adjoining dwelling only has minor openings for which the line of from the development site is obscured by existing vegetation.

Along the southern elevation there are also minor projections into the notional cone of vision setback for the guest bedrooms on levels 1 & 2 and the media room on level 4. The incursions are deemed to meet the performance criteria as they do not overlook any 'sensitive' areas on the adjoining property.

(f) Car parking

12 car parking bays are provided for the occupiers of the 4 dwellings and there is no requirement for the provision of visitor car parking bays. This compares favourably to the 8 car parking bays which the R-Codes require for the proposed development. 11 of the bays fully comply with the parking dimensions prescribed by TPS6, which specifies a requirement for an additional 300mm width to be added to the side of a bay where situated adjacent to a column, wall or pier. The parking bay numbered 1 complies with the minimum width and clearance from walls; however, it has a length of 5.0 metres which does not comply with the minimum requirement of 5.5 metres under TPS6. As the development exceeds the required minimum number of car parking bays, it is recommended that the Council accept this single 'small' car parking bay.

(g) Vehicular access

In accordance with Clause 3.5.4, A4.5 of the R-Codes, the vehicle access way is required to have a minimum dimension of 4.0 metres. The access way has a length of 35.0 metres to the door of the undercroft garage. For a length of 8.4 metres the applicant proposes to reduce the width of the access way to 3.925 metres, which is a result of the design of the proposed building. The concrete driveway will maintain a width of 3.425 metres at this portion of the building.

The applicant has provided the following justification for the minor relaxation:

- (i) The majority of the driveway is 4.0 metres in width or greater;
- (ii) The driveway only serves four dwellings so the volume of traffic passing in opposite directions would be minimal; and
- (iii) A point has been provided where two vehicles can pass in opposite direction. In addition, because the driveway is straight, there is clear line of sight for vehicles approaching in opposite directions.

This component of the application is deemed to meet the relevant performance criteria, which requires vehicle access to be safe in use, as the small reduction in width is for a small portion of the driveway and clear lines of site are maintained.

(h) Building height

A small portion of the side wall of the building (southern elevation) projects above the maximum permissible 13.0 metre building height limit, however, as this section of wall is contained within the notional 25 degree envelope above the maximum wall height, it complies with Scheme requirements.

(i) Finished floor levels

Clause 6.9 of TPS6 specifies minimum finished floor levels of 1.75 metres above AHD for the portion of the undercroft used for car parking and other non-habitable purposes and 2.3 metres AHD for the gym and associated communal room. The car parking area and storerooms have a finished floor level (FFL) of 0.1 metres AHD; and the foyer and common facilities located on the undercroft level have a proposed FFL of 0.2 metres AHD.

Clause 6.9(3) of TPS6 goes on to state that:

“The Council may permit land to be developed with lower levels than prescribed in sub-Clauses (1) and (2), if:

- (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;*
- (b) the applicant provides the Council with certification from a consulting engineer that adequate water-proofing has been achieved; and*
- (c) the applicant satisfies the Council in such manner as the Council may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.”*

A condition has been included in the recommendation which will require this matter to be addressed prior to the issue of a building licence. The applicant has included a letter from their builder, briefly outlining how they intend to satisfy this requirement. Further detail will be supplied at the time of submission of an application for a building licence.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*
- (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;*

- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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 20 August 2007. The Advisory Architects considered that the design of the proposal will be compatible with surrounding development in the focus area and made the following specific comments:

- (i) *The proposed design demonstrates compatibility to the streetscape.*
- (ii) *Instead of the proposed three separate bands which wrap around the north facing balconies, the design should be modified to incorporate two bands. This could be achieved by deleting the middle band and having the obscure glass screen starting from the balcony floor level.*

The applicant has slightly adjusted the northern elevation to try and address the comment made in relation to the proposed three separate bands. To show the change in levels, the proposal has included an indentation below the 1.0 metre solid portion of wall on each level

(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". During the advertising period, the owners / occupiers of each of the adjoining properties were notified of the proposed development, and invited to lodge submissions during a 14 day period. During the advertising period, no submissions were received.

(c) Manager, 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. Comments received from the engineering department have been included as advice to the applicant, as part of the recommended conditions of approval.

(d) Manager, Environmental Health and Regulatory Services

The Manager, Environmental Health and Regulatory Services was invited to comment on bin storage areas. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located. Comments received from the health department have also been included as advice to the applicant, as part of the recommended conditions of approval.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.6
--

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 four Multiple Dwellings on Lots 50 & 51 (No. 27) South Perth Esplanade, South Perth **be approved**, subject to:

(a) Standard Conditions

340 (north, west and south), 352, 354, 376, 377, 390, 393, 427, 445, 446, (building) 455 (north, west and south), 457, 465, 470, 471, 509, 550, 577 (50 & 51), 616, 625, 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 Conditions

(i) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(ii) A minimum of 80% of the surface area of the fixed vertical glass screens above the boundary walls shall be obscure glazed.

(c) Standard Advice Notes

641 (amalgamation), 645, 646, 646A, 648, 649A, 651.

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

(i) As advised by the City’s Engineering Infrastructure Department:

(A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings” and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.

(ii) As advised by the City’s Environmental Health Department:

(A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;

(B) All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulation 1997,

(C) All sanitary and laundry conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and the Health Act (Laundries and Bathroom) Regulations.

CARRIED EN BLOC RESOLUTION

10.3.7 Retrospective Planning Approval for Additions and Alterations to Single House. Lot 88 (No. 20) Lansdowne Road, Kensington.

Location: Lot 88 (No. 20) Lansdowne Road, Kensington
 Applicant: Tanya Vautier
 Lodgement Date: 13 September 2007
 File Ref: 11.2007. 472 & LA1/20
 Date: 30 November 2007
 Author: Owen Hightower, Planning Officer; and
 Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The City has received an application for retrospective planning approval for a series of unauthorised additions and alterations to the existing dwelling on Lot 88 (No. 20) Lansdowne Road, Kensington.

The unauthorised additions and alterations to the dwelling include:

1. A non-matching carport to the front of the existing dwelling;
2. Two Outbuildings to the rear of the property;
3. An extension to the house (using matching materials), enclosing what was previously the porch area of the dwelling;
4. A non-matching patio enclosed using various materials; and
5. An outdoor laundry / water closet attached to the enclosed patio.

It is considered that the carport and a number of the additions are inconsistent with the City of South Perth Town Planning Scheme No. 6 (the ‘Scheme’) and associated policies. As such, it is recommended that only a portion of the application be approved.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	544.0 sq. metres
Building height limit	7.0 metres
Maximum plot ratio	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.7(a)** Plans of the proposal.
Attachment 10.3.7(b) Photos of the existing development.
Attachment 10.3.7(c) Applicant’s submission supporting the proposal.

The location of the development site is shown below:



Comment

(a) Additions to dwelling

Council's Planning Policy P_370T "General Design Guidelines for Residential Development" (the 'Policy') outlines that "Additions and alterations to an existing building shall be designed in such a way that they match that existing building." The initial extension enclosing the former porch area complies with this provision.

Patios are generally permitted to be constructed of different materials and design when they are not visible from the street. However, the patio has been fully enclosed to the extent that it forms an extension to the dwelling and as such does not comply with policy requirements due to the non-matching materials. In order to rectify this portion of the dwelling, a condition of approval has been formulated which requires the walls of the patio extension be removed.

The laundry/ water closet is also constructed of different materials, colour and design to the original dwelling. However, it is apparent that this non-habitable structure has been in existence for a substantial period of time. It is recommended that Council not approve this structure, but acknowledge its existence and not require removal.

The applicant has provided comment supporting the application and attempting to address relevant Scheme and policy provisions refer **Attachment 10.3.7(c)**. The main point worth discussion is that the additions are not visible from the street. The objectives of the policy outlines residential development should '... enhance residential amenity standards generally ...'. With reference to the photographs at **Attachment 10.3.7(b)**, the proposal clearly does not meet this objective irrespective of the location of the additions.

(b) Carport

The carport is constructed of different materials to the existing dwelling and also does not have half or full brick piers, contrary to the requirements specified within Council Policy P370_T "General Design Guidelines for Residential Development".

In addition to the above, the carport has an internal dimension of 3.0 metres as opposed to the Scheme requirement of 3.1 metres.

The applicant has provided comment supporting the retention of the carport, refer **Attachment 10.3.7(c)**. The main point worth discussion is the applicants assertion that the carport enhances the streetscape. As the carport is inconsistent with the existing main dwelling, the applicants comments are not supported in this respect.

The City's aerial photography clearly demonstrates that the carport has only recently been constructed.

It is recommended the carport be removed.

(c) Outbuildings

It is understood that the two Outbuildings (garden sheds) have been on the property since before the introduction of the current Residential Design Codes 2002. Under the previously operative Residential Planning Codes, such structures were exempt from the need to obtain planning approval. Noting that the outbuildings are provided with a non-complying setback (zero) to the rear property boundary, but that the structures appear to have been on site since the introduction of the current Codes, it is recommended that Council not approve these structures, but acknowledge their existence and not require removal.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered not to meet the following objectives:

(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.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of 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:

(f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;

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

(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.

Consultation

(a) Neighbour consultation

The proposal was referred to adjoining landowners for comment during the assessment of the application and two submissions were received in response to this notification.

The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Concerns regarding the consistency of materials of the extensions with the main dwelling. No concerns regarding the reduced side setback of the carport.	The main issue raised has been discussed in the body of the report The comment is NOTED .
No objections to the existing development on the property	The comment is NOTED .

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.

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

The proposal is largely non-compliant with relevant Scheme and policy provisions. It is recommended that the Council:

1. Not approve and require removal of the non-matching carport to the front of the existing dwelling;
2. Acknowledge the existence of, but not grant approval for the two Outbuildings to the rear of the property;
3. Approve the extension to the house (using matching materials), enclosing what was previously the porch area of the dwelling;
4. Approving the non-matching patio subject to the condition that the non-matching external walls of this structure be removed; and
5. Acknowledge the existence of, but not approve the outdoor laundry / water closet attached to the enclosed patio.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.7
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That...

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for retrospective planning approval for Additions/Alterations to a Single house on Lot 88 (No. 20) Lansdowne Road, Kensington **be approved**, subject to the following conditions:

- (i) **Specific Conditions**

- (A) This approval relates only to the following components of the application:
 - (1) The extension to the house (using matching materials), enclosing what was previously the porch area of the dwelling; and
 - (2) The patio.
- (B) This approval does not extend to the following components of the application:
 - (1) The carport;
 - (2) The laundry; and
 - (3) The outbuildings.
- (C) The non-matching walls of the enclosed patio addition shall be removed.

(ii) Specific Advice Notes

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

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

- (b) Council acknowledges the existence of, but does not grant formal approval for the laundry and the outbuildings to the rear of the site; and
- (c) The property owner be instructed to remove the unauthorised and non-matching car port to the front of the property within 60 days of the date of this determination.

CARRIED EN BLOC RESOLUTION

10.3.8 Proposed Patio Addition to Grouped Dwelling. Lot 304 (No. 1/49) Edgcumbe Street, Como.

Location: Lot 304 (No. 1/49) Edgcumbe Street, Como
 Applicant: Mr G F Owens
 Lodgement Date: 24 October 2007
 File Ref: 11.2007.553 & ED1/49
 Date: 30 November 2007
 Author: Owen Hightower, Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The City has received an application for planning approval for a patio located forward of the existing front Grouped Dwelling on Lot 304 (No. 1/49) Edgcumbe Street, Como. The proposed material and colour of the patio are inconsistent with the existing building and as such it does not comply with the provisions of Council Policy P370_T “General Design Guidelines for Residential Development”. Accordingly, it is recommended that the application **be refused**.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	496 sq. metres
Building height limit	7 metres
Maximum Plot Ratio	Not applicable

This report includes the following attachments:

- Attachment 10.3.8(a)** Plans of the proposal.
- Attachment 10.3.8(b)** Photos of existing development on site.

The location of the development site is shown below:



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

The exercise of a discretionary power

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 Scheme, relevant Planning Policies or Local Laws.

Comment

(a) Description of the proposal

The applicant proposes to construct a patio forward of the existing dwelling, refer **Attachment 10.3.8(a)**. The proposed roofing material of the patio is thatched Indonesian grass. The front setback area of the property contains a pool and is screened by a solid front fence higher than 1.2 metres. It should be noted the fence has not been approved by the City and photographic evidence shows it was constructed after the introduction of the currently operative Residential Design Codes of Western Australia 2002 (the ‘R-Codes’).

The applicants have outlined a desire to construct the patio of Indonesian Grass to continue a ‘tropical’ theme that has been developed throughout the property.

The existing dwelling is constructed of rendered brick and tile, refer **Attachment 10.3.8(b)**.

(b) Policy P370_T “General Design Guidelines for Residential Development”

Section 5 of Policy P370_T states that ‘*Additions and alterations to an existing building shall be designed in such a way that they match that existing building*’.

The current proposal would be clearly visible from the street. The roofing structure of the patio would overlap the existing tiled roof of the existing dwelling and result in a development clearly visible from the street that will be inconsistent in terms of both colours and materials.

An objective of Policy P370_T is *'to enhance residential amenity standards generally*'. To enhance the residential amenity standards 'generally', it is practical to apply a basic standard that the same colours and materials are used for any development located in front of the existing building line. Consistency in design, colours and materials does 'generally' ensure that the appearance of proposed development is acceptable when viewed from the street.

The City of South Perth Town Planning Scheme No. 6 also outlines the requirement for consideration to be given to *'all aspects of (the) design of any proposed development including, construction materials and general appearance'*, [Clause 7.5(j)]. It is the officers view that the 'general appearance' of a development constructed of numerous materials and colours is less aesthetically pleasing than one constructed of the same colours and materials.

Based on the above, it is considered the proposal does not comply with Council's policy or provide an attractive appearance to the street.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal does not meet the following objectives:

- (a) Maintain the City's predominantly residential character and amenity; and*
- (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.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of 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:

- (f) any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (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.*

Consultation

(a) Neighbour consultation

Neighbour consultation was not required under Council's Consultation Policy with respect to the proposed development.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme 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.*

Conclusion

The proposed patio is considered to negatively impact on the general appearance of the existing development on site and be detrimental to the residential amenity of Edgumbe Street generally. The proposal is therefore recommended for refusal.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.8
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That ...

- (a) 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 Patio Addition to the Existing Grouped Dwelling on Lot 304 (No. 1/49) Edgumbe Street **be refused** for the following reasons:
 - (i) 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.
 - (ii) 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.
 - (iii) Owing to the incompatible design, the proposed development does not satisfy the provisions of Policy P370_T “General Design Guidelines for Residential Development” which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character and for additions and alterations to be designed in such a manner so as to match the existing dwelling.
- (b) The property owners be instructed to return the front fencing to a state which demonstrates compliance with the provisions of the Residential Design Codes 2002 by ensuring the sections of fencing 1.2 metres above natural ground level.

CARRIED EN BLOC RESOLUTION

10.3.9 Proposed Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’. Lot 51 (No. 123) Melville Parade and (No. 3) Eric Street, Como.
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Location:	Lot 51 (No. 123) Melville Parade / (No. 3) Eric Street, Como
Applicant:	Plancheck
Lodgement Date:	12 September 2007
File Ref:	11.2007.467 & ME3/123
Date:	30 November 2007
Author:	Owen Hightower, Planning Officer, and Christian Buttle, Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Planning and Community Services

Summary

The City has received an application for a Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’ for Lot 51 (No. 123) Melville Parade / (No. 3) Eric Street, Como. The subject property currently houses two buildings, one of which is used as the Como Furniture Mart, and a second which is used as a Single House. The recommendation is for **approval**, subject to conditions.

Comment

(a) Description of the proposal

The applicants have proposed a change of use to 'Office' for each of the buildings located on the property. No structural changes are proposed to either building, refer **Confidential Attachment 10.3.9(a)**.

The main issue which needs to be considered in conjunction with the assessment of this application is in relation to car parking. Detailed discussion with respect to car parking and other relevant matters are provided below.

(b) Strategic Context - Como Beach Precinct Plan

The draft 'Como Beach Precinct' Plan makes the following comment under the heading of Precinct Community's Aspirations:

"Recognise that the Preston Street Centre is a good shopping complex, but lacks banking facilities and a landscaped parking / pedestrian environment. The Como Furniture Mart is a handy local facility."

The property is located outside the main retail strip of the Preston Street commercial centre and it is considered that an 'Office' use would be an acceptable alternative use, having regard to the location of the development site.

The owner has also outlined that irrespective of the outcome of this proposal, the Como Furniture Mart will cease to operate due to personal reasons.

(c) Parking

The total gross floor area of the proposed office area would require 45 parking bays to be provided on-site in accordance with the provisions of Table 6 of the City of South Perth Town Planning Scheme No. 6. Table 6 prescribes a parking ratio of 1 bay per 20 sq.metres of gross floor area. The applicants have provided five bays on-site - four for the larger office and one for the smaller office. The applicant has requested a dispensation for the remainder of the parking bays.

Clause 6.3 of TPS6 "Car Parking", identifies the capacity for the Council to consider approving a car parking concession in some situations. The proposed development does not fit into any of the categories referred to within Clause 6.3.

Council also has capacity to consider approving a variation to car parking provision more generally under the provisions of Clause 7.8 of TPS6 "Discretion to Permit Variations from Scheme Provisions". Clause 7.8 of TPS6 states that:

"(1) (a) Subject to sub-clause (2), if a development the subject of an application for planning approval does not comply with site requirements prescribed by the Scheme with respect to:

(v) car parking

..

the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

(b) The power conferred by this sub-clause may only be exercised if the Council is satisfied that:

(i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;

- (ii) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) *the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.”*

The stated objectives for the Preston Street Neighbourhood Centre are:

- “(i) To facilitate Neighbourhood Centres which also contain a significant proportion of non-retail commercial activities including banks, agencies and offices. In Preston Street, Council will promote a vibrant after hours village centre by encouraging the development of tourist and / or entertainment facilities (restaurants, theatres etc) and adjoining or accommodating serviced apartments, private hotels / motels or medium to high density residential development. Council will encourage the upgrading of this centre in co-operation with landowners which may include streetscape works, allowing use of footpaths and nil front setbacks and requiring rear car parking. The predominant function of Mixed Use Neighbourhood Centres will however remain retail shopping.*
- (ii) To encourage re-instatement of the Preston Street commercial area as an integrated centre supporting predominantly tourist accommodation facilities and local residents neighbourhood shopping and cultural requirements by suggesting only low scale office accommodation, additional entertainment facilities, restaurants and banking facilities and encouraging development of a centre which thematically reinforces links to Como Beach and the river.”*

The applicant has provided detailed justification for the proposed parking dispensation based on the number of public parking bays located within the immediate vicinity of the development site [refer **Attachment 10.3.9(b)**].

To ensure that the applicants justification could be sustained, Council Officers undertook a separate parking survey based on the parking bays identified in **Attachment 10.3.9(c)**. The main variation to the survey undertaken by Officers and the applicant was the exclusion of a number of bays considered to be dedicated for ‘visitor parking’ for adjoining residential properties along Eric Street.

The outcome of the survey demonstrated that at any time, there was a minimum of 70 bays vacant during normal Office trading hours. It is worth noting that the lowest number of bays available during the survey was on a day where a conference was being held at a nearby facility. This demonstrates that the number of parking bays in the area has the ability to easily accommodate the proposed change of use and still accommodate sufficient bays for infrequent events that may place greater stress on public parking facilities.

A large number of the bays included in the counts undertaken are provided for the Comer reserve park located adjacent to the subject site. These bays would be most commonly used for the park on weekends when the proposed office use would not be operating. As shown in the survey, the park is not used by large numbers of people on weekdays during office hours and therefore it is appropriate to include them in a traffic parking count. This further ensures that the existing parking is fully utilised to its potential and that there is not an over emphasis on parking supply in the area.

Based on the above, it is considered that there is a sufficient number of bays to support the proposal without any adverse impact on the surrounding businesses and community.

It is appropriate, however, to impose standard requirements with respect to the provision of bicycle parking, and conditions have been formulated to address this matter. These conditions require the provision of 4 bicycle parking bays for the building currently used as the Furniture Mart, 1 for the building used as the Single House, and associated infrastructure such as showers, change rooms and lockers.

(d) Landscaping

Approximately 7% of the site is currently developed as landscaped area as opposed to the requirement of 15% prescribed by the Scheme. As the development is existing, it is not appropriate to ask for modifications to the property to further accommodate more landscaping on-site. However, it is reasonable to request that a revised landscaping plan be submitted to the City and approved for upgrading of the existing landscaping areas, and a condition of approval has been included within the recommendation to this effect.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality;*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of 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;*
- (i) *the preservation of the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (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;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Neighbour consultation

The application was referred to potentially affected neighbours in accordance with Council Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The city received seven letters raising concerns over the proposal.

The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter’s Comment	Officer Response
<p><u>Parking Provisions</u> Every submission received by Council referred to the potential impact on parking in the area. Submitter’s commented upon the fact that the proposal would restrict the ability for the public to utilise Comer reserve and also limit parking available to visitors of other businesses and residential properties in the area.</p>	<p>As discussed above under the heading of ‘Parking’, the number of public parking bays available during standard office hours has been shown to easily accommodate the proposal and provide a significant amount of additional bays for the public and visitors to the area / Comer Reserve to utilise. All parking bays taken into account will be fully available on weekends when the park would primarily be used. The comment is NOTED.</p>
<p>Should this be approved, there could be substantial redevelopment of the property to accommodate a larger commercial premises.</p>	<p>Any proposed redevelopment of the site would require further approvals from the City. If any application for complete redevelopment of the site were proposed, it is likely that the City would recommend that parking be provided in accordance with the number of bays prescribed by the Scheme. With the current application, there is no physical expansion of existing floor area, but simply a change from existing land uses to alternative land uses. The comment is NOT UPHELD.</p>

(b) Manager, Engineering Infrastructure

The application was referred to the Manager, Engineering Infrastructure in relation to the Council’s potential to consider a cash-in-lieu payment for the parking dispensation.

Clause 6.3 (b) of the City of South Perth Town Planning Scheme No. 6 states that:

“When considering an application for planning approval relating to non-residential Uses, where the required minimum number of car parking bays referred to in paragraph (a) is not provided on the development site, the Council may accept a cash payment in lieu of the provision of some or all of those bays, subject to the following requirements:

- (i) *The Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of granting planning approval. Such proposals may include one or more of the following:*
 - (A) *the provision of additional public parking bays in the vicinity of the development site;*
 - (B) *the acquisition of land for the purpose of providing such additional bays;*

- (C) *the construction or installation of facilities which will regulate the permissible duration of stay of a vehicle occupying an existing bay; and*
- (D) *the implementation of measures designed to encourage the full capacity use of existing public parking bays in the vicinity of the development site.”*

The Managers comments suggested that additional provision for public parking facilities is intended to be undertaken at some future time. However, due to commitments to other projects, a specific time frame for the implementation of these upgrades could not be identified.

As there are no ‘firm proposals’ in place, the Council is not reasonably in a position to consider the imposition of a cash in lieu requirement in this instance.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Conclusion

The proposal is considered to have no significant impact on the surrounding residents or businesses. The number of parking bays located in the immediate vicinity of the subject property will easily accommodate the change of use and as such the proposal is recommended for approval.

OFFICER RECOMMENDATION ITEM 10.3.9

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’ on Lot 51 (No 123) Melville Parade / (No. 3) Eric Street, Como **be approved**, subject to:

(a) **Standard Conditions**

330 (4 bays for former Showroom and 1 bay for former Single House), 332 (4 and 1 for former Showroom. 1 and 1 for former Single House) 351, 352, 354, 416, 505, 661, 664.

(b) **Standard Advice Notes**

645, 649A, 651.

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

(c) **Specific Advice Notes**

- (i) It is necessary for the applicant to provide the City with detail of all required infrastructure associated with the required bicycle parking in conjunction with an application for a building licence.
- (i) Any signage for the proposed site will require separate approval. Please liaise with the City's Planning Services with respect to any proposed.
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Department with respect to ascertain any relevant requirements.

MOTION

Cr Gleeson moved the officer recommendation, Sec Cr Best

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Gleeson opening for the Motion

- been to Como Furniture Mart many times / quite like it as it is - having said that it will not prevent me looking at application for change of use to office
- proposed change of use to office would seem a more attractive use than the current successful furniture mart with furniture on footpaths and trucks coming and going up the primary street on a daily basis

Point of Clarification - received a pamphlet in relation to this application which states the CoSP has discretion to charge parking but has chosen to charge no fee - is that a factual statement?

Manager Development Assessment stated that the suggested additional provision for public parking facilities is intended to be undertaken at some future time. However, due to commitments to other projects, a specific time frame for the implementation of these upgrades could not be identified. As there are no 'firm proposals' in place, the Council is not reasonably in a position to consider the imposition of a cash in lieu requirement in this instance.

- believe to take this pamphlet into consideration is 'scare mongering'
- officer assured me they recommended approval because there is ample parking
- allegations made that vehicles are parking under trees on the road reserves
- suggest vehicles park under trees on the road reserves for shade due to hot weather
- proposed use more applicable to the area than a second hand furniture mart
- support the Motion

Cr Best for the Motion

- impressed by community action about this proposal
- there were 6 objections to the proposal 2 of which related to possible future use if the current use ceased
- one of the objections stated they believe the current proposal required 45 parking bays
- received phone call reporting parking bays were full
- immediately visited the site/took photographs and found numerous parking bays available in the area - parking itself does not appear to be an issue
- impressed by lengths objectors have gone to but cannot support their objections
- support the Motion

Cr Smith against the Motion

- perambulated/driven around the area many times
- on many occasions when activities at the Pagoda/Broadwater have seen parking chaotic with cars parked on verges etc contrary to Cr Best's comments
- have seen trucks / utes picking up creating problems
- acknowledge deficit in parking
- change of use will increase parking in the area - no what objectors are saying
- do not support claim there is always adequate parking

FORESHADOWED MOTION

Cr Smith foreshadowed he would be moving to defer consideration of the application to allow for other interested parties to make submissions on the proposal if the current Motion is Lost.

- any future change of use for the site would be taken on its merit
- cannot see any problem with deferral to allow for further submissions
- a matter of community consultation - ratepayers have a right to object if they see fit
- acknowledge Ward Members support officer recommendation however believe people who are effected / live in the vicinity should be given opportunity to make submissions.

Cr Ozsdolay point of clarification - Deputation sought deferral, if deferred have the applicants given any indication as to any adverse impact this will have to them?

Director Development and Community Services said officers have been advised that it would cause personal difficulties to the applicant if deferred.

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

Director Development and Community Services stated that the neighbour consultation was carried out in accordance with Council policy and the preparation of the report as per standard procedures. He said the supporting submission from the consultant representing the applicant covers 8 pages and supports the planning teams' assessment that there is substantial parking in the vicinity which is also supported by a parking survey undertaken during business hours which shows car bays are not fully utilised.

Cr Hearne against Motion

- listen to comments raised in Deputation
- deferral will not seriously affect applicant
- any initial tries to renovate will be dealt with by Council
- parking concerns need to be addressed
- rubbish issue not addressed

FORESHADOWED MOTION

Cr Hearne Foreshadowed that he would be moving for deferral to give objectors an opportunity to call a Special Electors Meeting if the current Motion is Lost.

Cr Grayden against the Motion

- 45 car parking bays recommended is basically the minimum
- could have 90 car bays taken up - this would have significant impact on car bays close to the development being taken up
- concerns about parking issues
- concerns about consultation
- support deferral

Cr Hasleby against the Motion

- heard Deputation/objections to change of use
- change of use seems to be overlooked - from showroom to office
- objectors are near by residents - although there appears to be no disadvantage how would you like to live in the area with this being thrust upon you
- heard parking is a problem
- concerns expressed need to be further discussed with residents who will be affected / they need to be consulted and their feedback needs to be considered in respect to this change of use
- proposed change of use is going to bring a greater concentration of traffic - needs to be addressed
- consultation needs to be done with residents in the area who are going to be affected by change
- take time to assess - application does not need to be rushed through tonight
- support application be deferred to give greater consideration to residents affected by change of use

Cr Gleeson closing for the Motion

- application for change of use from shop to office
- parking issues - parking metered - yes - approved
- Cr Best took photos - states no traffic/ parking issues
- Cr Smith states area is chaotic - agree some times it is chaotic
- I work in a commercial site with the same issues - no consistency to parking availability
- officers have assessed site and state there is ample parking
- only consistency I have is who do you believe - this is a dilemma
- Cr Smith also states no trucks backing up daily - agree not daily
- same issue with somebody loading up a car boot and backing into somebody on the footpath

Cr Smith point of order did not suggest backing into people on the footpath

Mayor Best supported the point of order, requested Cr Gleeson keep to the points already raised and that he had 5 minutes to sum up.

- lets not delay this - does the applicant have issues - yes - stressed out because of money put into plans for this proposal
- support applicant's proposal
- ask Members support the Motion

The Mayor put the Motion.

LOST (3/10)

MOTION

Moved Cr Smith, Sec Cr Wells

That this application for planning approval for a Change of Use from 'Showroom' and 'Single House' to 'Office' on Lot 51 (No 123) Melville Parade / (No. 3) Eric Street, Como **be deferred** until further community consultation with those objectors who consider their amenity will be affected by the development has been carried out and a report on the outcome of this consultation be presented to the February 2008 meeting of Council.

COUNCIL DECISION ITEM 10.3.9

The Mayor put the Motion

That this application for planning approval for a Change of Use from 'Showroom' and 'Single House' to 'Office' on Lot 51 (No 123) Melville Parade / (No. 3) Eric Street, Como **be deferred** until further community consultation with those objectors who consider their amenity will be affected by the development has been carried out and a report on the outcome of this consultation be presented to the February 2008 meeting of Council.

CARRIED (12/1)

Reason for Change

Council believed it important to defer consideration of the application to allow for further community consultation to be done with affected neighbours.

Note: Legal and Governance Officer retired from the meeting at 9.44pm
Cr Gleeson left the Council Chamber at 9.44pm

10.3.10 Proposed 8 Multiple Dwellings and 2 Single Bedroom Dwellings within an 8 storey Building/ Lot 8 (No.52) Mill Point Road, South Perth

Location: Lot 8 (No. 52) Mill Point Road, South Perth
Applicant: Robert Hart Architects Pty Ltd
Lodgement Date: 31 August 2007
File Ref: 11.2007.451 & MI3/52
Date: 30 November 2007
Author: Matt Stuart, Planning Officer
Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

To consider an application for planning approval for an eight storey building containing eight Multiple Dwellings and two Single Bedroom Dwellings, constructed to the maximum allowable 24.5 metre height limit, and 1.25 plot ratio.

Variations to statutory provisions involve a boundary wall on the southern boundary, and setback variations to the northern and southern boundaries of the site.

An additional issue has arisen due to the adjoining land use to the north of the subject site being a WaterCorp wastewater pumping station of low-intensity, which has particular relevance to this proposal due to potential odours, wall setbacks and visual privacy setbacks.

It is recommendation that the proposal **be approved** subject to conditions.

Background

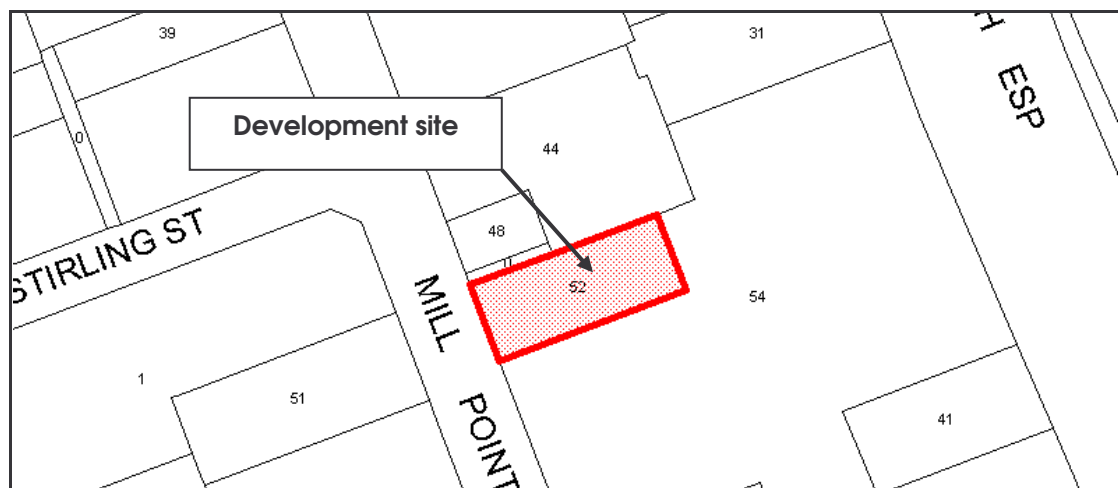
This report includes the following attachments:

Confidential Attachment 10.3.10(a) Plans of the proposal.
Attachment 10.3.10(b) Applicant's supporting report.
Attachment 10.3.10(c) Site photographs.
Attachment 10.3.10(d) Letter from Water Corporation dated 23 November 2007.

The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	1,029 sq. metres
Building height limit	24.5 metres
Development potential	10 Multiple Dwellings (at an R100 density code)
Plot ratio	1.25 (at an R100 density code)

The location of the development site is shown below:



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

Large scale development proposals

- (i) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*
- (ii) *Proposals involving 10 or more dwellings.*

Comment

(a) Description of the proposal

This application proposes the construction of an 8 storey (and roof deck) high-rise featuring eight Multiple Dwellings and two Single Bedroom Dwellings, on a currently vacant site.

The applicant’s report at **Attachment 10.3.10(b)** describes the proposal in more detail, While site photographs at **Attachment 10.3.10(c)** depict the current site.

The proposal has variations to the R-Codes in regards to wall setbacks, and variations to City policy in regards to residential boundary walls.

The proposal largely complies with the provisions of Town Planning Scheme No. 6 (**TPS6**), the Residential Design Codes (**R-Codes**) and relevant Council Policies. Specific discussion with respect to various matters is provided below.

(b) Dual density coding

The subject site has a dual density coding of R80/100. In assessing the relevant criteria within TPS6, this application complies with four of the eight criteria, thereby enabling development at an R100 density code.

The successful criteria relates to the current development of adjacent properties, the development of properties within the focus area, under cover and concealed car parking, and extra visitor car parking.

(c) Plot ratio

The R-Codes limit the plot ratio of residential buildings on the subject site to a maximum of 1.25 and the application incorporates a plot ratio floor area of 1.24.

In calculating the plot ratio, the relevant area of the patio on the roof has been included in the calculations, as it is proposed that this area is for the exclusive use of the Penthouse.

(d) Building height

The height limit pertaining of this site is 24.5 metres, in accordance with the TPS6.

It is necessary for the height of the building to be reduced by 100mm in order for the development to comply with the maximum permissible building height. A condition of approval has been formulated to address this matter.

(e) Potential odour issue from the wastewater pump on the adjoining property

The adjoining land use to the north of the subject site is a WaterCorp wastewater pumping station of low-intensity. The WaterCorp site is currently zoned Residential under TPS6, however the City has been advised by WaterCorp that the future land use of the site is not planned for residential purposes, nor is the site planned to be sold.

WaterCorp has provided written comment to the City in the process of neighbour consultation, undertaken by the City (see discussion in following section). These comments have been amended after successful liaisons between the City and the Applicant.

WaterCorp recommends that due to potential odour emanating from the pump station, an easement should be placed upon the Certificates of Title to restrict the use within a 10-metre buffer from the pump station.

Council's solicitors have advised that an easement is not an appropriate tool by which to deal with this matter, and that alternatively, it is appropriate to impose a condition on the approval requiring a section 70A notification to be placed on the title under the Transfer of Land Act 1893. Section 70A of the Transfer of Land Act is titled "Record on title of factors affecting use and enjoyment of land".

(f) Wall setbacks - Top floor

For calculating purposes (as per the R-Codes), the walls of the top floor are broken up into several separate walls, as well as the bulk of the building as one 'wall'.

The proposed walls to the north are set back from the boundary by dimensions ranging from 2.4 metres to 4.0 metres, in lieu of required setbacks ranging from 5.5 metres to 9.75 metres. Walls not complying with the Acceptable Development standards are the north-eastern wall, and the overall bulk of the building.

The proposed walls to the south are set back from the boundary by dimensions ranging from 2.85 metres to 7.4 metres, in lieu of required setbacks ranging from 2.75 metres to 10.3 metres. The only wall not complying with the Acceptable Development standards is the overall bulk of the building.

The applicant has successfully addressed the Performance Criteria 3.3.1 P1 of the R-Codes, as outlined below:

- The proposed structure provides adequate sun and ventilation to the subject site;
- The proposed structure provides adequate sun and ventilation to the neighbouring properties;
- Building bulk to the north is not an issue, due to the non-residential use of the neighbouring property to the north, which in effect provides a large setback;
- Building bulk to the south is not an issue, due to the large driveway and building setback abutting the property to the south, which in effect provides a large setback; and
- Privacy is not an issue with adjoining residential and non-residential properties.

In assessing the wall setback issues, it is considered that the proposal meets the Performance Criteria, and is therefore supported by the City.

(g) Boundary wall - South

This application proposes a boundary (parapet) wall on the southern boundary, which does not initially comply with the City's policy on residential boundary walls (P376). However, the policy allows over-height and / or over-length walls, if neighbours do not object and the relevant criteria are met. In summary, the proposed boundary wall is considered acceptable due to the following reasons:

- The applicant has addressed the criteria;
- The neighbours have not provided any comment of objection;
- The streetscape character will not be adversely affected due to the adjacent driveway and building setback, providing a visual impression of adequate setbacks between buildings;
- The outlook from major openings of adjoining lot are acceptable due to the above;
- Access to daylight into major openings of the adjoining lot is applicable due to the modest height of the wall, and setbacks to it;
- Access to winter daylight to private open space of the adjoining lot is applicable due to the above;
- Glare is not an issue due to the proposed non-reflective surface, subject to a planning condition; and
- The view from the adjoining lot is not an issue due to the modest height of the wall, and setbacks to it.

In assessing the boundary wall issue, it is considered that the proposal meets the policy provisions, and is therefore supported by the City.

(h) Car parking

Although the proposed car parking plan is compliant with the car parking requirements of TPS6, Australian Standard 2890.1 requires end bays to have an additional 1.0 metre reversing section in the accessway. The proposed car parking plan does not currently propose this reversing section, however, a suitable planning condition could solve this issue.

This amendment, in conjunction with the remainder of the current car parking plan would comply with Schedule 5 (Minimum Dimensions of Car Parking Bays and Accessways) of TPS6, and AS 2890.1.

(i) Storerooms

The storerooms on the first floor are depicted with walls of minimal thickness, which suggests an indicative wall, rather than a proposed wall. As a consequence, it is considered that a planning condition is required to ensure that the minimum store areas per dwelling are satisfied.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (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;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of 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;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;*

- (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;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

It is considered that the above matters have been satisfactorily addressed.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held on 25 September 2007. The initial proposal was unfavourably received by the consultants, however the applicant has since provided amended plans and supporting comments. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Project Architect Response	Officer Comment
The elevation drawing does not correctly represent the curvatures on the balconies, as is also suggested by the shadows cast on the building.	Amended plans have been received to successfully address this comment.	Amended plans have been received to successfully address this comment. RESOLVED
The internal layout of various spaces within the dwelling in terms of their functional linkage with each other is required to be improved significantly. In particular, the second floor plan (Apartment 1) has scope for significant improvement.	Amended plans demonstrate that the internal layout is an acceptable standard.	Amended plans have been received to successfully address this comment. RESOLVED
The room sizes within a dwelling range from too small to too large.	No comment.	Not currently a statutory planning concern. NOTED
The layout of rooms has not been carefully considered, noting that columns are sticking out into the room in certain cases.	No comment.	Not currently a statutory planning concern. NOTED
The proximity of Laundry to the Kitchen area is unacceptable from the perspective of Health regulations.	Amended plans have been received to successfully address this comment.	Amended plans have been received to successfully address this comment. RESOLVED
The sets of drawings submitted to the City on 3 September 2007 and later on 13 September do not match.	Amended plans have been received to successfully address this comment.	Amended plans have been received to successfully address this comment. RESOLVED
Cantilevered screens hanging at the rear of the building, adjacent to the communal open space of the adjoining property to the north, are visually undesirable and should be deleted.	Amended plans have been received to successfully address this comment.	Screens reduced where possible in accordance with visual privacy provisions of the R-Codes. RESOLVED
The facade treatment and elevations were seen to be unresolved and lacking the desired architectural appeal.	Amended plans have been received to successfully address this comment.	Changes include rendering, painting and stainless steel balustrade fittings. RESOLVED
The pitched roof over the garage, as seen in the elevations, has not been shown in the plan.	No comment.	Amended plans have been received to successfully address this comment. RESOLVED

DAC Comments	Project Architect Response	Officer Comment
The Advisory Architects suggested moving the entire building back to the rear boundary to gain additional space within the communal open space at the front.	Moving the building back will create interface problems with pedestrians / parking / lifts; as well as increasing overshadow issues to the south; and privacy problems on the north side.	Given the size of the communal and private open spaces within the proposed development, it is not considered that additional space is required. NOT UPHELD
As visible in the front elevation facing Mill Point Road, where the building steps in, the roof should be concealed within the building rather than having a skillion roof.	Skillion roof softens the stepping of the building and avoids box gutters.	Not currently a Statutory Planning concern. NOT UPHELD
The pitched roof as visible on the south elevation should be concealed within a parapet wall.	Without a pitched roof, the area of cover on the roof couldn't be achieved.	Roof not noticeable from the street due to street trees, the height and the setback of the patio from the edge of the roof. NOT UPHELD
The traditional pitch roof form of structures at the roof top level should be replaced and redesigned to integrate with the building.	As above.	As above. NOT UPHELD

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of properties at Nos. 44, 48, 51, 54 and 55 Mill Point Road, and No. 1 Stirling Street were invited to inspect the application and to submit comments during a minimum 14-day period. A total of nine neighbour consultation notices were mailed to individual property owners and strata bodies. During the advertising period, two submissions were received, one conditionally in favour and one against the proposal.

The comments of the submitters, together with officer responses, are summarised as follows:

Submitter's Comments	Officer Response
Potential restriction of views from apartment building opposite the street.	Whilst views are universally and extremely desirable, they are not a property right in WA, and should not be a means to stop other landowners realising their potential views. The comment is NOT UPHELD .
WaterCorp advises that there is a potential odour issue from the existing WaterCorp wastewater pumping station to the north of the subject site. As a result WaterCorp recommends that an easement be placed on the Certificates of Title, to restrict the use within a 10.0 metre buffer from the pump.	See "Comments" section above. The comment is UPHELD
The presence of Acid Sulphate Soils (ASS) could have adverse affect on the quality of groundwater and nearby waterways.	This matter will be considered in more detail in conjunction with the application for a building licence. The comment is NOTED .

(c) **Engineering Infrastructure**

The Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. The section advises that:

- (i) Plans appear to be acceptable;
- (ii) The current carriageway is able to manage the increase of traffic volume contributed by the proposed development;
- (iii) Proposed car bays appear to be acceptable;
- (iv) No objection is raised to the proposed relocation of the bus shelter;
- (v) Crossovers are to be to the City's specifications, with surplus crossovers to be removed;
- (vi) Property ground levels are to be higher than the kerb;
- (vii) All verge treatments will require written application for approval;
- (viii) Stormwater drainage is to be designed in accordance with local Policy P415 and associated Management Practice;
- (ix) The storage of stormwater onsite for reuse is encouraged;
- (x) Stormwater drainage design is to be to a 1:10 year ARI event; and
- (xi) Soak wells are not to be used.

In response, the applicant has successfully addressed these issues in this application, or will more appropriately address them as part of the future application for a building licence.

(d) **Environmental Health**

Comments have also been invited from the Environmental Health areas of the City's administration.

Environmental Health Services provided comments with respect to the physical separation of laundries and kitchens, as well as bin enclosures. The section recommends that:

- (i) All laundries will be subject to, and comply with conditions contained within the City of South Perth *Health Local Laws 2002, specifically 16 (1) and 16 (5) doors*;
- (ii) All sanity and laundry conveniences shall be constructed in accordance with the *Health Act (Laundries and Bathrooms) Regulations, with respect to capacity and physical separation from kitchens*;
- (iii) The bin enclosure is provided with a tap, smooth walls and floor, a wider accessway, and a larger enclosure size.

In response, the applicant has successfully addressed these issues via amended plans and supporting comments, but should none-the-less be placed as approval conditions.

(e) **City Environment**

The City Environment section has provided the following comments with respect to the separation distance between the proposed crossover and an existing street tree:

- The crossover is to be modified so as to be no closer than 3 metres from the existing street tree.

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.*

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and is seen to generally meet relevant Scheme Objectives. Provided that conditions are placed on the approval as recommended, it is considered that the application should be approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.10

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 eight Multiple Dwellings and two Single Bedroom Dwellings on Lot 8 (No. 52) Mill Point Road, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (wall / south), 352, 353, 354, 376, 377, 390, 393, 405, 416, 417, 427, 455 (side and rear), 456, 465, 470, 471, 472, 509, 550, 560, 616, 625, 660, 663 (new units).

(b) **Specific Conditions**

~~(i) Prior to the issue of a building licence, a notification in the following terms shall be registered on the Certificate of Title for lot 8 under section 70A of the Transfer of Land Act 1893 at the expense of the developer:~~

~~“The portion of the ground level of lot 8 which falls within a 10 metre buffer area adjacent to the Water Corporations Wastewater Pump Station site on Lot 1 (No. 48) Mill Point Road may be affected by odour associated with this facility.”~~ **** Condition (b)(i) Revoked at Item 10.0.1 Council Meeting 26.2.2007**

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

(A) Storerooms in accordance with Acceptable Development standard 3.10.3 A3.1 of the Residential Design Codes of Western Australia;

(B) The arrangement of bays 11 and 23 shall be modified in such a way as to provide a 1.0 metre blind aisle adjacent to these bays and an aisle width which demonstrates compliance with the provisions of the City of South Perth Town Planning Scheme No. 6, while maintaining compliance with required minimum bay widths.

(iii) The landscaping in the front pool area shall not include species or volumes of vegetation likely to grow greater than 0.75 metres above the ground level of the footpath.

(iv) All laundry(ies) and bin enclosure(s) shall be subject to, and comply with conditions contained with in the City of South Perth *Health Local Laws 2002*.

(v) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed compliance certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(vi) The height of the building shall be lowered by 100mm in order to comply with the maximum permissible building height, measured above an RL of 1.7 metres AHD.

- (c) **Standard Advice Notes**
645, 646, 646A, 647, 648, 649A, 651.

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

(d) **Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements.
- (ii) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required.

CARRIED EN BLOC RESOLUTION

10.3.11 Proposed Carport Addition to Single House. Lot 78 (No. 36) Campbell Street, Kensington.

Location: Lot 78 (No. 36) Campbell Street, Kensington
 Applicant: Mrs M Johnston
 Lodgement Date: 29 October 2007
 File Ref: 11.2007.563 & CA4/36
 Date: 30 November 2007
 Author: Owen Hightower, Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The City has received an application for a carport located within the front setback area of Lot 78 (No. 36) Campbell Street, Kensington. The proposed development conflicts with the provisions of Council Policy P370_T "*General Design Guidelines for Residential Development*" (the 'Policy') and as such it is recommended the application **be refused**.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	506.0 sq. metres
Building height limit	7.0 metres
Development potential	One Single House
Plot ratio	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.11(a)** Plans of the proposal.
Attachment 10.3.11(b) Applicant's submission in support of the proposal.

The location of the development site is shown below:



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

The exercise of a discretionary power

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 Scheme, relevant Planning Policies or Local Laws.

Comment

(a) Description of the proposal

The applicant proposes construction of a 5.5m x 5.5m carport within the front setback area [refer **Confidential Attachment 10.3.11(a)**]. The carport is to be constructed of materials and colours consistent with the main dwelling. The dimensions of the car parking bays do not meet the City of South Perth Town Planning Scheme No. 6 (the 'Scheme') requirements. Should the application be approved, the applicants have outlined they would accept a condition requiring the carport to be widened.

The City approved additions and alterations to the existing building under delegated authority in October 2007 (outlined as 'PROPOSED ADDITION' and 'PROPOSED CABANA' on site plan).

(b) Planning Policy P_370T "General Design Guidelines for Residential Development"

The Policy outlines where dwellings have space for parking behind the front setback area, a carport will not be permitted in the front setback area unless it is consistent with the existing streetscape and the proposed materials and colours are consistent with the existing building.

The property has an existing carport with access from a secondary street (Monk Avenue), demonstrating there is ample space behind the front setback area to accommodate car parking. The site plan shows that the property has ample outdoor living area should the car parking area for the property be required to be located in the rear setback area.

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

Clause 3.5.4 'Vehicular Access' of the R-Codes requires vehicular access to be taken from a secondary street for a corner block. The proposed development does not satisfy the provisions contained within Clause 3.5.4 of the R-Codes.

(d) **Street tree**

The application was referred to the City Environment Department for comment as the proposed crossover conflicts with the location of an existing street tree. Although it is preferable that the street tree remain in its current location, it is possible that this tree could be re-located upon payment of a fee of \$278.30.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered not to meet the following objectives:

(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.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of 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:

(f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*

(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;*

Consultation

The application was referred to adjoining landowners for comment in accordance with Council Policy. No comments were received.

The applicant has made a written submission in support of the application (**Attachment 10.3.11(b)** refers). The applicants comments and officer response are summarised below:

Applicants Comment	Officer Response
<p>Planning approval has been granted for an addition to the rear of our existing home. This new extension, when finished, will occupy a large part of our back yard. The remaining space is mostly occupied by the existing carport leaving little room for much else. Locating the carport in the front setback will allow maximisation of the property area and allow for a larger and more useable outdoor living area.</p>	<p>There is ample space to locate car parking bays in the rear setback area and allow for a sufficient outdoor living area after the approved additions are complete. Indeed, the drawings show that there is an outdoor area of over 82 sq.metres located between the rear of the extended dwelling and the existing parking structure. The applicants could easily integrate a carport or garage into the recently approved additions in a manner that would maximise the remaining open space of the property. The comment is NOT UPHELD.</p>
<p>There are future plans to locate a pool at the rear of the property. If parking is required to be provided in the rear setback area, there would be insufficient room to accommodate a pool.</p>	<p>There is still ample space to accommodate a pool to the rear of the property and allow for a carport to be located off the secondary street. The comment is NOT UPHELD.</p>
<p>The carport is fully consistent in design and materials as the existing dwelling</p>	<p>It is a standard expectation that a carport addition of this kind would be constructed of matching materials and design. The comment is NOTED.</p>
<p>There are a large number of properties along the street with carports in the front setback. The property directly behind our property has a carport in the front setback, which was approved in order to reclaim the backyard for people rather than car parking.</p>	<p>Carports appurtenant to other dwellings within the same 'focus area' differ to the extent that these dwellings have limited (and often no) capacity to accommodate car parking behind the street setback line as there is insufficient width on either side of the existing dwellings to provide access to the rear of the property. The subject property differs from the other properties as it has an easily accessible area at the rear of the property via the secondary street (Monk Avenue). The comment is NOT UPHELD.</p>

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

There are no financial implications related to this proposal.

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

The subject property has ample space to locate car parking behind the front setback area. As the property is a corner block, the secondary street to the property (Monk Avenue) allows for easy access to the rear setback area. The proposal does not comply with the Council Planning Policy P_370T "General Design Guidelines for Residential Development" and as such is recommended for refusal.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.11**

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 carport addition to a 'Single House' on Lot 78 (No 36) Campbell Street, Kensington **be refused** for the following reasons:

- (a) The subject property has sufficient area and access to provide parking behind the front setback area and therefore the siting of a carport within the front setback area is inconsistent with the provisions contained within Clause 11(d) of Council Policy P370_T, "General Design Guidelines for Residential Development".
- (b) The proposal is inconsistent with the predominant character of the existing streetscape within Campbell Street.
- (c) the siting of the carport conflicts with the location of an existing street tree within the verge area forward of the development site.
- (d) The dimensions of the proposed carport do not comply with those specified within the City of South Perth Town Planning Scheme No. 6.
- (e) The proposed siting of the carport conflicts with the provisions contained within Clause 3.5.4 of the Residential Design Codes 2002 which requires vehicular access to be provided solely from a secondary street.
- (f) Approval of the proposed development would be contrary to the orderly and proper planning of the locality.
- (g) Having regard to the matters identified in reasons (a - f) above, the proposed development conflicts with the "Scheme Objectives" identified in Clause 1.6 of the City of South Perth Town Planning Scheme No. 6.
- (h) Having regard to the matters identified in reasons (a - f) above, the proposed development conflicts with the "Matters to be Considered by Council" in Clause 7.5 of the City of South Perth Town Planning Scheme No. 6.

CARRIED EN BLOC RESOLUTION

**10.3.12 Proposed Addition of Carport to Existing Single House. Lot 12 (No. 28)
Jubilee Street, South Perth.**

Location:	Lot 12 (No. 28) Jubilee Street, South Perth
Applicant:	Abel Roofing
Lodgement Date:	2 October 2007
File Ref:	11.2007.505 & JU1/28
Date:	30 November 2007
Author:	Lloyd Anderson, Planning Officer and Christian Buttle, Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Planning and Community Services

Summary

This application for planning approval is for a carport located within the front setback area, forward of the existing dwelling on Lot 12 (No. 28) Jubilee Street, South Perth. The proposed carport is intended to replace an existing flat roof carport in a similar location. Although Officers have been able to ascertain that the existing carport has been in existence since at least the year 2000, there are no records on file relating to the approval of this structure.

The proposed carport conflicts with provisions of Council Policy P370_T “General Design Guidelines for Residential Development”, in that it has an insufficient setback from the street boundary as well as an insufficient size to meet with the car parking bay dimensions prescribed by the City of South Perth Town Planning Scheme No. 6. Accordingly, it is recommended that the application **be refused**.

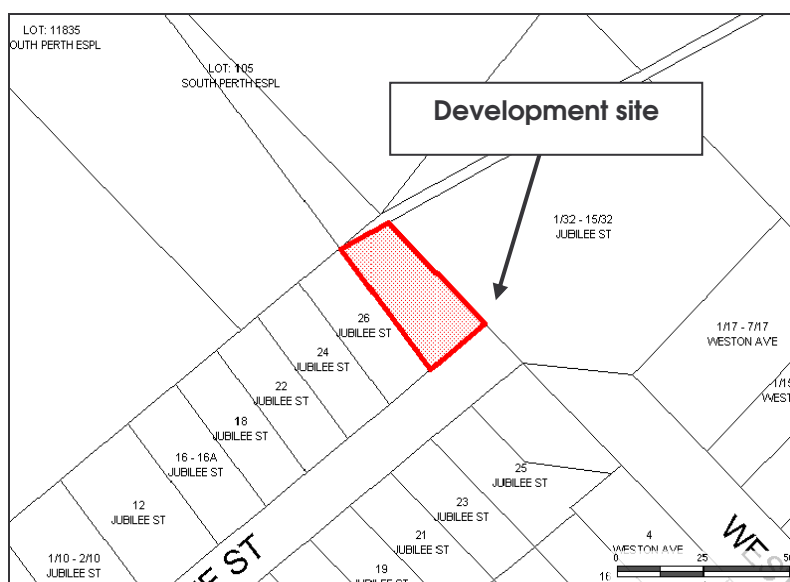
Background

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	731 sq. metres
Building height limit	10.5 metres
Development potential	Two or Three Grouped Dwellings
Maximum plot ratio	Not applicable

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.12*.

The location of the development site is shown below:



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

“The exercise of a discretionary power

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 Scheme, relevant Planning Policies or Local Laws.”

Comment

(a) Description of the proposal

The application proposes construction of a carport with dimensions of 5.44 metres in width (measured internally, clear of the face of the columns) and 5.435 metres in length, forward of the existing dwelling. Both the length and width dimensions of the carport conflict marginally with the provisions of the City of South Perth Town Planning Scheme No. 6 which specifies a minimum bay length of 5.5 metres and a minimum internal width of 5.6 metres.

With reference to the site plan, the subject property has a flat carport already existing within the front setback area. An existing garage is situated behind the proposed carport. The dimensions of this garage are compliant with the requirements of TPS6 in relation to double garages and as such could still be utilised for this purpose.

With reference to the elevation plan, the Proposed carport is a freestanding traditional gable structure.

(b) Policy P370_T “General Design Guidelines for Residential Development”

Council Policy P370_T “General Design Guidelines for Residential Development” requires that:

“The design and materials of construction of carports, garages and habitable outbuildings shall be compatible with the existing or proposed dwelling. Where a proposed carport is designed with a pitched roof, either half-height or full-height brick piers are required to be used to support the roof”.

The proposed carport is to be constructed of colours which are not consistent with the main dwelling, contrary to policy provisions, and the design of the carport does not incorporate half or full height brick piers.

Policy P370_T goes on to state that:

*“In the case of existing dwellings which do have space behind the front setback line to accommodate car parking, the siting of carports within the front setback area will **not** be permitted **unless**:*

- (i) such siting is consistent with the established streetscape character attributable to the existence of other carports within the front setback area, in the section of the street in which the new carport is proposed to be located; and*
- (ii) the design and construction materials of the proposed carport are compatible with the existing dwelling.”*

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

In this case, the siting of a carport within the front setback area is not consistent with the predominant character of Jubilee Street, and the dwelling has on site parking provision behind the street setback line.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered not to meet the following 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.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of TPS6 which are, in the opinion of 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:

- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

Consultation

As the rear of the development site abuts the management area of the Swan River Trust, it was necessary to refer the application to that organisation for consideration and comment. The Trust have advised that they have no objection to the proposal.

In accordance with the provisions of Policy P104 “Neighbour and Community Consultation in Town Planning Processes”, it was not necessary to undertake neighbour consultation with respect to the proposed development.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact in this 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.*

Conclusion

The proposed development conflicts with the provisions of Council Policy P370_T “General Design Guidelines for Residential Development”, as the carport is proposed to be located within the street setback area, is not consistent with the existing dwelling, and approved car parking already exists behind the prescribed street setback line. The proposed development is seen to adversely impact upon the visual amenity of the Jubilee Street streetscape, it is recommended that the application be refused.

Noting the length of time that the existing flat roof carport has been in existence, it is not recommended that enforcement action be instigated with respect to this structure.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.12

Moved Cr Trent, Sec Cr Doherty

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 carport located within the front setback area on Lot 12 (No. 28) Jubilee Street **be refused**, for the following reasons:

- (a) the subject property has sufficient area and access to provide parking behind the front setback area and therefore a carport within the front setback area is inconsistent with the provisions contained within Clause 11(d) of Council Policy P370_T, “General Design Guidelines for Residential Development”;

- (b) the dimensions of the carport are less than those required by the City of South Perth Town Planning Scheme No. 6;
- (c) the proposed carport is inconsistent with the existing main dwelling with respect to roof colour;
- (d) the proposed carport does not incorporate half or full height brick piers, contrary to the provisions of Council Policy P370_T “General Design Guidelines for Residential Development”;
- (e) the proposal is inconsistent with the existing streetscape character of Jubilee Street;
- (f) approval of the proposed development would be contrary to the orderly and proper planning of the locality;
- (g) having regard to the matters identified in reasons (a - c) above, the proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of the City of South Perth Town Planning Scheme No. 6; and
- (h) having regard to the matters identified in reasons (a - c) above, the proposed development conflicts with the “Matters to be Considered by Council” in Clause 7.5 of the City of South Perth Town Planning Scheme No. 6.

CARRIED (12/0)

10.3.13 draft Policy 3 “Car Parking Access, Siting and Design” and draft Amendment No. 11 to Town Planning Scheme No. 6
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Location:	City of South Perth
Applicant:	Council
File Ref:	DB 202
Date:	3 December 2007
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Planning and Community Services

Summary

The purpose of this report is firstly, to establish Council’s position on minimum car bay width, where the bays are situated in a garage or undercroft with supporting columns or walls abutting the sides of some bays. The report explains why Council should exercise discretion under clause 7.8 of Town Planning Scheme No. 6 (TPS6) to approve certain minor variations from the prescribed car bay width, having regard to the less stringent minimum width (and length) of a car bay prescribed by the Residential Design Codes (R-Codes) and Australian Standard 2890.1 2004 (AS 2890). The report also recommends that, in order to formalise the permissible variations from the perfectly rectangular shape of a minimum size car bay, the Council supports the inclusion of appropriate provisions in draft Policy 3 relating to car parking, and that Amendment No. 11 to TPS6 be initiated to further formalise the required dimensions of a minimum size car bay ‘envelope’.

Background

(a) **Historical requirements for car bay dimensions**

The Council’s former district Town Planning Scheme (TPS5) became operational in September 1986 and prescribed minimum car bay dimensions of 5.5 metres length and 2.8 metres width where there was an obstruction on one side of the bay. The TPS5 minimum car bay dimensions are identical to those in the currently operative TPS6. Clause 87 of the former TPS5 provided general discretionary power for the Council to approve variations from prescriptive site requirements, including car bay dimensions.

AS 2890 was originally prepared and became operational in 1993. From that time onward, over a period of some 14 years, by way of clause 87 of TPS5 (and later under clause 7.8 of TPS6), under delegated authority, City Officers have exercised discretionary power where appropriate, to allow minor variations from the prescribed car bay dimensions, generally to the extent of maintaining compliance with AS 2890.

The Council's TPS5 minimum car bay dimensions (as later carried forward in TPS6) were more stringent than those of the R-Codes. Many applicants have challenged the need for the 100 millimetre greater car bay width and length, however the more stringent requirement has been applied continuously. At the same time, the City has been prepared to offer a very minor concession to the extent of approving the intricately shaped car bay 'envelope' depicted in AS 2890. The application of the Australian Standard has been long-standing practice by the City, without any adverse consequences.

When the 2002 version of the R-Codes was introduced, for the first time those Codes incorporated the provisions of AS 2890 by way of direct reference in clause 3.5.3 A3.2. The R-Codes represent 'industry standard' as they apply universally throughout Western Australia. While the R-Codes have accepted these national Australian (and New Zealand) standards, the City's TPS6 (gazetted in April 2003) has not directly embraced AS 2890, although from the time of gazettal, TPS6 has contained a margin note making reference to AS 2890.

(b) Current requirements for car bay dimensions: TPS6 v R-Codes and Australian Standard

Based solely on clause 6.3(8) and Schedule 5 of TPS6, the required minimum car bay has a perfectly rectangular shape measuring 5.5 metres long x 2.8 metres wide where there is an obstruction on one side of the bay. However, under clause 7.8, Council has discretionary power to approve variations from the prescribed car bay dimensions. The minimum length and width prescribed in TPS6 are 100 mm greater than the dimensions prescribed by the R-Codes and also greater than the minimum under AS 2890. The R-Codes prescribe a minimum bay length of 5.4 metres and a minimum bay width of 2.7 metres where there is an obstruction on one side of the bay.

The 2004 version of AS 2890 is a joint Australian / New Zealand Standard prepared by a Joint Technical Committee on behalf of the Council of Standards Australia and the Council of Standards New Zealand. Fifteen different State and National agencies are represented on the Joint Technical Committee, being:

- ACT Department of Urban Services
- Association of Consultants in Access Australia
- Australian Building Codes Board
- Disabled Persons Assembly New Zealand
- Institute of Public Works Engineering Australia
- Institution of Engineers Australia
- Institution of Professional Engineers New Zealand
- Local Government New Zealand
- Main Roads Department, Queensland
- Monash University
- New Zealand Automobile Association
- Parking Association of Australia
- Property Council of Australia
- Property Council of New Zealand
- Roads and Traffic Authority of NSW

Reflecting close scrutiny of actual space requirements for functional operation, AS 2890 depicts an intricately shaped car bay 'envelope', with greater width where required for ease of manoeuvre and door opening, and lesser width for the balance of the bay. The 2002 R-Codes require compliance with this Australian Standard, meaning that the 'width variations' of AS 2890 are permitted under the R-Codes. Noting the more demanding car bay dimensions prescribed in TPS6, it is considered that the Council should exercise discretion to allow a more functionally shaped car bay envelope to the extent indicated in Figure 5.2 of AS 2890, while still maintaining the greater 'base' length and width requirements of TPS6.

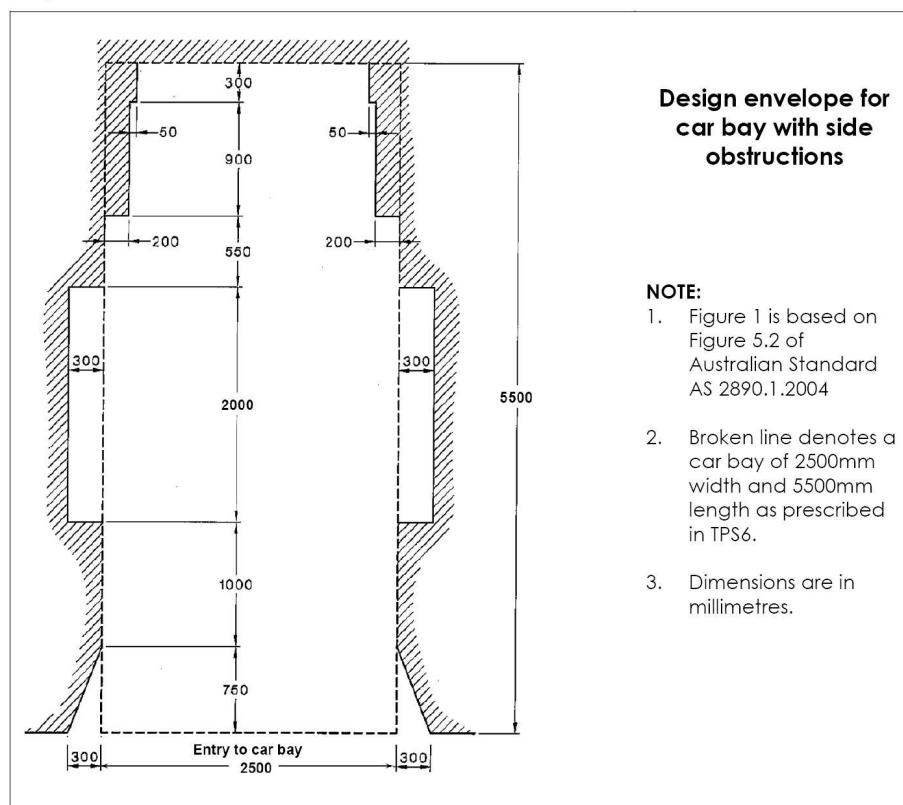
Draft Council Policy 3 "Car Parking Access, Siting and Design" will be included in the Residential Design Policy Manual when that policy is presented for endorsement prior to public advertising. An exposure draft of Policy 3 was circulated to Council Members on 28 September 2007 as an attachment to the Council Members' Weekly Bulletin. Figure 1 in the exposure draft of Policy 3 is a car bay 'envelope' based on Figure 5.2 in AS 2890. This 'design envelope' is incorporated into clause 11 of draft of Policy 3. Clause 11 and Figure 1 are reproduced below:

"11. Variation from Prescribed Car Bay Dimensions

Clause 6.3(8) and Schedule 5 of TPS6 prescribe minimum dimensions for car parking bays. Wherever possible, every proposed car bay should comply with these dimensions. However, clause 7.8 of TPS6 provides discretionary power for approval of variations.

Figure 1 of this Policy depicts a car bay 'design envelope' representing a minor variation from the dimensions prescribed by TPS6. Under the power conferred by clause 7.8, in order to facilitate ease of vehicle manoeuvre and door opening, while also accommodating a degree of design flexibility, the Council will permit car bays which comply with the dimensions shown in Figure 1."

Figure 1



Comment

In deciding whether to accept the Australian Standard car bay envelope in appropriate circumstances, the following factors need to be considered:

- (a) The ‘base’ length and width of a minimum car bay as prescribed in TPS6 are 100 mm longer and wider than the dimensions prescribed in the R-Codes and the Australian Standard, and the TPS6 ‘base’ dimensions will continue to apply.
- (b) The more intricately shaped car bay envelope in AS 2890 was devised through research into the functional requirements, carried out by reputable State and national agencies.
- (c) If Council accepts the ‘shape’ of the car bay envelope depicted in AS 2890, the necessary additional width will still be available where required for ease of access to the parking bay and for opening car doors.

Having regard to each of these factors, it is considered that the Council should now implement measures to formally endorse the shape of the Australian Standard car bay envelope, while still requiring the minimum dimensions to be 100 mm longer and wider than those prescribed in the R-Codes and AS 2890. These measures involve:

- supporting the retention of Figure 1 in Policy 3 referred to above, depicting a car bay envelope based on Figure 5.2 in AS 2890;
- initiating Amendment No. 11 to TPS6 to give full statutory effect to the Policy 3 provisions; and
- pending finalisation of Policy 3 and Amendment No. 11, exercising discretionary power under clause 7.8 of TPS6 to continue the long-standing practice of allowing minor variations to car bay widths in appropriate circumstances, to the extent described above.

To implement these measures, Council should adopt the recommendation in this report.

Consultation

At this stage, no community consultation has been undertaken. Formal advertising procedures will be implemented in this regard following Council's endorsement of the draft Policy 3 in February or March next year.

In the course of preparing the draft Policy the City's Chief Executive Officer; Director Planning and Community Services; and the Manager Development Assessment have been consulted.

Policy and Legislative Implications

Clause 9.6 of TPS6 contains the procedure for preparation and adoption of planning policies. In accordance with Clause 9.6 and Policy P104 relating to community consultation processes, the required procedure is as follows:

- After Council has endorsed draft Policy 3, a notice is to be published once a week for two consecutive weeks in the *Southern Gazette* newspaper inviting comments on the draft policy. The submission period is to be not less than 21 days.
- At the conclusion of the submission period, a report on any submissions received is to be presented for Council's consideration. Having considered the submissions, the Council decides either to finally adopt the policy, with or without modification, or not to proceed with the policy.

Financial Implications

If a diagram based on Figure 5.2 in the Australian Standard is included in Council's Policy 3, an annual licence fee of \$160 will be payable to SAI Global, the distributors of all Australian Standards.

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 AND COUNCIL DECISION ITEM 10.3.13

That...

- (a) as part of draft Policy 3 "Car Parking Access, Siting and Design", Council supports the retention of Figure 1 depicting a car bay "envelope" based on Figure 5.2 in Australian Standard AS2890.1.2004, noting that the car bay envelope in draft Policy 3 is 100 mm longer and wider than the minimum dimensions prescribed in the Residential Design Codes 2002 and the Australian Standard;
- (b) Council in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 in relation to the required minimum width of a car bay with side obstructions, to allow variations from the standard rectangular shape, based upon Figure 5.2 in Australian Standard AS2890.1.2004, while not allowing the width to be reduced below the currently prescribed 2.5 metres minimum other than for the forward-most 1.2 metres length of the bay, and while also maintaining the currently prescribed 5.5 metres minimum length;
- (c) a Report on the Amendment containing the draft Amendment No. 11 to the City of South Perth Town Planning Scheme No. 6, be presented to the March 2008 Council meeting for consideration; and
- (d) pending finalisation of Policy 3 and Amendment No. 11, Council will use its discretionary power under clause 7.8 of Town Planning Scheme No. 6 to continue the long-standing practice of allowing minor variations to car bay widths in appropriate circumstances, to the extent described in part (b) above.

CARRIED EN BLOC RESOLUTION

10.3.14 Proposed Outbuilding to Single House. Lot 200 (No. 2) Boongala Close, Karawara

Location: Lot 200 (No. 2) Boongala Close, Karawara
 Applicant: Highline Ltd for owner: Professor Peter Howat
 Lodgement Date: 31 August 2007
 File Ref: 11.2007.453 BO2/2
 Date: 3 December 2007
 Author: Gina Fraser, Senior Strategic Planning Officer; and Rod Bercov, Strategic Urban Planning Adviser
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

An application for planning approval has been lodged with the City for an outbuilding (shed) addition to an existing Single House on a lot which has a boundary to an open space reserve in Karawara. Under the provisions of clause 4.3(1)(e) of Town Planning Scheme No. 6 (TPS6), a 'special' prescribed setback applies to such boundaries as a variation from the Residential Design Codes (R-Codes). The applicant seeks approval for a variation from the prescribed setback from this boundary.

It is recommended that the proposal be **conditionally approved** based on discussion contained in this report.

Background

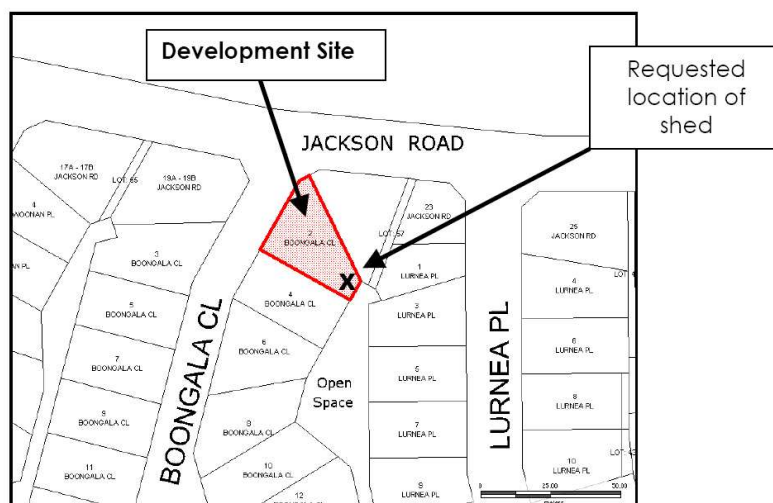
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	760 sq. metres
Building height limit	7.0 metres
Development potential	Not applicable
Plot ratio	Not applicable

This report includes the following attachments:

- Attachment 10.3.14(a)** Photographs of the site.
- Attachment 10.3.14(b)** Plans of the proposal.
- Attachment 10.3.14(c)** Owner's supporting report.
- Attachment 10.3.14(d)** December 2006 Council Minutes including a Planning Officer's report on a proposed Scheme Amendment.

The location of the development site is shown below:



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

3. ***The exercise of a discretionary power***
 - (iii) *Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*

6. ***Amenity impact***

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

Comment

(a) Description of the proposal

The proposal is for the addition of an outbuilding to an existing two-storey Single House. The outbuilding is in the form of a ‘garage’, which will not be used for vehicular parking, but as a shed for the storage of tools, recreational equipment and other materials. It will be constructed of colourbond material, and will measure 6.0 metres x 6.1 metres x 2.7 metres high, with a 12 degree simple ridged gable roof, the ridge aligned at 90 degrees to the open space reserve boundary. The outbuilding will be set back 1.0 metre from the open space reserve boundary of the lot.

The rear of the development site is depicted in the site photographs in **Attachment 10.3.14(a)**. The outbuilding is depicted in the plans of the proposal in **Attachment 10.3.14(b)**.

The owner’s supporting report, **Attachment 10.3.14(c)**, describes the proposal in more detail and provides reasons supporting the requested setback variation. His comments are discussed under the ‘Consultation’ section of this report.

The proposal complies with TPS6, R-Codes and relevant Council Policies, with the exception of the setback variation discussed below, where Council discretion needs to be exercised if the application is to be approved.

(b) **Variation from ‘open space reserve’ boundary setback prescribed in TPS6**

The outbuilding is proposed to be set back 1.0 metre from the eastern (open space reserve) and southern side boundaries of the site. The northern side boundary of the site is widely ‘splayed’. The outbuilding will be set back 1.1 metres from that boundary at the closest point and approximately 5.0 metres at the furthest point.

Clause 4.3(1)(e) of TPS6 relates to a ‘Scheme’ variation from the lesser minimum setback that would otherwise apply under the R-Codes. This clause states that in Karawara, other than within the ‘Karawara Redevelopment Area’, a Single House and **any associated outbuilding** shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the boundary of an open space reserve. The subject lot is not within the Karawara Redevelopment Area and therefore the ‘special’ setback applies. The proposal does not comply with clause 4.3(1)(e) of TPS6, being set back 1.0 metre, although this setback complies with the R-Codes. The TPS6 provision overrides the R-Codes in relation to the setback from the open space reserve boundary.

On Karawara lots with a boundary to an open space reserve, clause 4.3(1)(e) of TPS6 provides that an outbuilding appurtenant to a dwelling may be situated within the street setback area, if the Council is satisfied that such outbuilding will be aesthetically desirable and will be visually compatible with buildings in close proximity. The applicant has not selected this option, because such location would not be aesthetically desirable nor visually compatible with buildings in close proximity.

(c) **Residential Design Codes**

The proposal complies with the R-Codes to the extent of its setback from side and rear (open space reserve) boundaries. The R-Codes do not apply to the open space reserve boundary, by virtue of the setback variation prescribed by clause 4.3(1)(e) of TPS6. However, as previously stated, the setback variation prescribed by clause 4.3(1)(e) of TPS6 for the open space reserve boundary overrides the R-Codes.

(d) **Possible future amendment to TPS6**

In December 2006, in response to three development applications determined during the previous year, the Council considered a report suggesting that TPS6 could be amended so as to ‘soften’ the current TPS6 setback requirements in certain instances. The December report is provided as **Attachment 10.3.14(d)**. At that time, a range of objectives was adopted by the Council as the basis on which the Scheme Amendment should be prepared:

- “(i) *Objective 1: Schedule 4 and its related definition shall be replaced with a plan and definition reflecting the ‘Karawara Special Area’ to which the new provisions relate.*
- (ii) *Objective 2: Where a portion of open space reserve is less than 5.0 metres wide, buildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.*
- (iii) *Objective 3: Where a portion of open space reserve is 5.0 metres wide or wider, buildings shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the open space reserve. No special fencing requirements apply; or*

- (iv) *Objective 4: Where a portion of open space reserve is 5.0 metres wide or wider, buildings may be set back as required by the R-Codes to a minimum of 1.5 metres from the open space reserve. This provision shall only apply if a full-height portion of fence on the open space reserve boundary, measuring three times the width of a window to a habitable room, is fitted with a wrought iron panel or similar, providing an outlook onto the reserve.*
- (v) *Objective 5: Every dwelling in Karawara shall be provided with at least one window to a habitable room facing the open space reserve.*
- (vi) *Objective 6: Outbuildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.”*

A formal Scheme Amendment report was to have been presented to the February 2007 Council meeting for consideration. However, Officers recognised that further research was necessary to better accommodate the changing character of Karawara. It was also considered that, prior to any permanent change to the Council's official position, a wider range of options should be fully examined with respect to the estate's unique 'green-way' reserve system. Officers have visited other estates designed to reflect similar planning principles, but have not yet completed research of possible options for the future of Karawara. It is possible that an opportunity could exist for the Council to further enhance and promote this valuable resource which, to date, has not achieved its full potential. Future research will involve wide community consultation before any firm options are presented to the Council. This may necessitate employment of the services of an experienced subdivision consultant design who is also skilled in community engagement.

The Karawara estate was designed in the early 1970s. The subdivision layout was designed differently from other parts of the City, being modelled on the 'Radburn' principle. Radburn, New Jersey, was an experimental 'New Town' designed in 1929 to accommodate a modern, safe lifestyle for the 'motor age'. It was a well ahead of its time to the extent that its main principle was the separation of pedestrians and vehicles, at a time when motor vehicles themselves were still relatively new and experimental. Today, Radburn still operates successfully, as do many other residential areas following similar design principles in Perth and around the world.

In Karawara, the separation of pedestrians from vehicles was achieved through the introduction of a complex system of pedestrian paths set within a network of pleasant reserves. These reserves provide a place for passive recreation as well as containing the pedestrian spine (originally) linking all dwellings to the local school in Abjornson Street / Goss Avenue in the west, and the shopping centre in Walanna Drive / Kent Street at the eastern end of the estate. The Karawara subdivision design was not a great success in its early years, possible due to it being principally a public housing estate. After 30 years, there did not appear to be a common understanding by residents of the intent of the particular subdivision design, or a local guiding body to assist with the enjoyment and development of the estate to its full potential. With the more recent change in character and demographics of Karawara, there could now be an opportunity to realize the full benefit from application of the original design principles and to better promote the unique advantages of this estate.

(e) **Assessment of current application against Scheme Amendment objectives**

Although the proposed Scheme Amendment might not ultimately proceed along the same lines as the objectives endorsed by the Council in December 2006, these objectives have so far been supported by the Council. Therefore, the current proposal has been assessed to determine whether or not it meets these objectives. This assessment reveals the following:

Council Objectives	Compliance of proposed outbuilding with Council Objectives
Objective 1: Schedule 4 and its related definition shall be replaced with a plan and definition of the 'Karawara Special Area' to which the new 'Scheme Amendment' provisions would apply.	The subject site is situated within that part of Karawara which would be affected by the suggested Scheme Amendment.
Objective 2: Where a portion of open space reserve is less than 5.0 metres wide, buildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.	N/A. The width of the adjoining portion of open space reserve ranges from approximately 6.0 metres to 10.0 metres.
Objective 3: Where a portion of open space reserve is 5.0 metres wide or wider, buildings shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the open space reserve. No special fencing requirements apply; OR	The proposed setback of 1.0 metre does not comply with this Objective.
Objective 4: Where a portion of open space reserve is 5.0 metres wide or wider, buildings may be set back as required by the R-Codes to a minimum of 1.5 metres from the open space reserve. This provision shall only apply if a full-height portion of fence on the open space reserve boundary, measuring three times the width of a window to a habitable room, is fitted with a wrought iron panel or similar, providing an outlook onto the reserve.	Owing to the shape of the site, it is not possible to locate a large outbuilding in the proposed location, while at the same time including a visually permeable panel of fencing to provide an outlook onto the reserve from a habitable room window of the house. The proposal does not comply with this Objective.
Objective 5: Every dwelling in Karawara shall be provided with at least one window to a habitable room facing the open space reserve.	The proposal would prevent this Objective from being met , by almost totally occupying the rear portion of the site.
Objective 6: Outbuildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.	This Objective is met.

The above analysis shows that the current proposal **does not meet** the adopted Objectives 3, 4 and 5 of the possible Scheme Amendment. While it could be argued that at this early stage, the Council's adopted Objectives provide no more than an early indication of the possible form of a future Scheme Amendment which might not eventuate, it must also be appreciated that the prescriptive provisions of clause 4.3(1)(e) of TPS6 discussed above, still apply.

(f) Clause 7.8 of TPS6: Discretionary power to approve variation from TPS6 provisions

Under clause 7.8 of TPS6, the Council may approve a development which does not comply with prescribed setbacks, subject to such conditions as the Council thinks fit. This provision may only be exercised if the Council is satisfied that:

- (i) such approval would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (ii) the non-compliance will not have any adverse effect on the site in question, the precinct, or the likely future development of the precinct; and
- (iii) the proposed development meets relevant Scheme objectives.

The Council has indicated that it would be prepared to amend TPS6 so as to reduce the TPS6 setbacks for buildings in certain instances. The proposal does not meet the Council's adopted Objectives in this regard, and may therefore be seen to be inconsistent with the orderly and proper planning of the precinct. Similarly, by not meeting the objectives endorsed by the Council, the proposal could be seen to have an adverse effect on the likely future development of the precinct. The following section of this report discusses Scheme objectives, which are referred to in part (f)(iii), above.

(g) Clause 1.6 of TPS6: Scheme Objectives

Clause 1.6 of TPS6 sets out the Scheme Objectives. The following relevant Scheme objectives are **not** completely met:

- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

If it is determined that the subject site is adjacent to a 'wide' portion of open space reserve, the proposal could jeopardise future Scheme controls by not meeting the objectives of the possible future Scheme Amendment which have been endorsed by the Council. In such a case, it may be concluded that the proposed outbuilding would not enhance the amenity of the area.

(h) Clause 7.5 of TPS6: Other Matters to be Considered by Council

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of 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;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (x) *any other planning considerations which the Council considers relevant.*

On balance, having regard to the special factors discussed below, it is considered that the applicant's proposal is satisfactory in relation to these matters.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was not considered by the City's Design Advisory Consultants.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of No. 4 Boongala Close were invited to inspect the application and to submit comments during a 14-day period. During the advertising period, one submission was received, which was **opposed to** the proposal.

The comments of the submitter, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer Response	Owner's Comment
Space and openness of submitter's site are adversely affected by the minimal side boundary setback of the applicant's existing dwelling and proposed outbuilding.	The existing dwelling has previously been granted planning approval and the proposed outbuilding complies with the required minimum side setback, and is therefore deemed to meet amenity standards. However, the 2.7m height of the walls of the proposed outbuilding is considered to cause unreasonable visual intrusion. The submitter's comment is UPHELD , to the extent that the wall height should be reduced to 2.4m.	The extra (2.7m) height is to enable storage of weight training machine, tools and other materials. However, if 2.7m is not acceptable, owner will accept 2.4m height.
Space and openness of submitter's site are adversely affected by proposed 'over-height' structure.	The visual amenity of the submitter's property appears to be adversely affected by the height of the outbuilding which will extend approximately 0.9m above the fence height. The submitter's comment is UPHELD , to the extent that the wall height should be reduced to 2.4m.	As above.

The owner's offer to lower the height of the outbuilding from the preferred 2.7 metres to 2.4 metres would reduce the visual impact on the submitter and on the open space reserve, if the application were to be approved. The lower height is favoured by the City.

(c) Owner's supporting report

The owner has made a submission in support of his application. The submission is provided, in full, in **Attachment 10.3.14(c)** to this report. The owner's comments, together with Officer responses, are summarised as follows:

Owner's Comment	Officer Response
Council approval of a variation from the unusual 3.0m rear setback is sought, to 1.0m. Was not aware of this requirement when purchasing the land.	The request is NOTED .
Delays in processing this application will delay landscaping and result in owner's vehicles being parked on the street, as the garage currently holds the equipment which will be relocated to the outbuilding.	The comment is NOTED .
The December 2006 report on the suggested TPS6 amendment provides for a building with no major openings to habitable rooms to be set back 1.0m from the boundary of a narrow portion of open space reserve.	While not part of a major open space node, the portion of open space reserve adjacent to the subject lot would technically not be classified by the December 2006 resolution as 'narrow', being between 6.0m and 10.0m wide. The 1.0m setback in the December 2006 resolution therefore does not apply to the current situation. However, the character of this portion of the open space reserve is more an 'accessway' than a 'recreation reserve'. Therefore, there is a case for treating the reserve as if it were a 'narrow' portion of reserve.
The December 2006 report also refers to other applications which have been approved by the Council with setbacks of as little as 1.0m from the open space reserve boundary.	The Council has approved reduced setbacks in other instances, on individual merit, prior to adopting the guiding objectives in December 2006. Approval of an application which does not comply with those adopted objectives could be seen as contradictory, unless the subject portion of open space reserve is determined to have the character of a 'narrow' portion of reserve.
The current proposal will maintain the integrity of TPS6 and in no way detract visually, or present a nuisance to neighbours.	The proposal does not comply with Objectives 3, 4 and 5 of the suggested Scheme Amendment, and therefore could be seen as not maintaining the integrity of the Amendment objectives. The 2.7m height of the proposed outbuilding will also be visually obtrusive. However, for the reasons previously explained, there is considered to be a special case for approving the current proposal, subject to the height of the outbuilding being reduced to 2.4m.
The subject lot adjoins a walkway which is a substantial distance from a portion of open space useable for recreation purposes.	According to the description contained in the December 2006 report, a 'narrow' portion of open space reserve would be less than 5.0m wide. As a preliminary concept, this could be modified by the Council in future. However, at present, this dimension provides the only guidance as to the accepted width of the reserve for determining permissible setbacks. The applicant further points out that in a practical sense, in the current case the small portion of open space adjoining the subject lot is situated at the end of a longer, wider area of open space and is somewhat constricted by a narrow point directly opposite the subject lot, creating a small 'bulb' opposite his lot. It is agreed that this small 'bulb' of open space is not likely to be valued by the community for its recreational potential, and does, after all, have the appearance of a pedestrian accessway, rather than an area of open space.

Owner's Comment	Officer Response
<p>The outbuilding will be unobtrusively located behind the house at the rear of the site:</p> <ul style="list-style-type: none"> ▪ Proposed location provides the greatest distance from neighbours' and owner's houses. ▪ Neighbours have dense foliage which will screen the outbuilding from their view and partially screen from the reserve. ▪ A line of sight is maintained from living room and a bedroom to the rear of the site, but this is meaningless if there is a 1.8m high fence. Without the outbuilding, the land would be planted with trees and bushes. 	<ul style="list-style-type: none"> ▪ In the case of large portions of Karawara, the open space reserves were intended to provide a dual frontage to properties. Therefore, the location of the outbuilding is not considered to be 'behind' the house. ▪ The requested 2.7m height of the outbuilding would render it obtrusive in any location. However, the owner has offered to reduce the height of the outbuilding to 2.4m, which would reduce its visual impact on the neighbourhood. This reduced height would be supported by the City. ▪ The proposed line of sight referred to in the December 2006 resolution applies to the requirement for an open portion of fencing which is intended to provide a visual link to the open space reserve. This link would not only visually extend the garden aspect of the lot, but would strengthen security by enhancing the 'eyes on the street' principle.
<p>While not preferred, the owner would accept a 3.0m setback from the open space reserve boundary. This would create a wasted 3.0m strip between the outbuilding and the fence.</p>	<p>This would achieve the required TPS6 setback of 3.0m minimum and average 6.0m setback. However, it is accepted that the 3.0m setback would not achieve any benefit, either to the owner or the community, and could prove to be a hazard. The City would not favour the outbuilding being set back 3.0m in this instance.</p>
<p>The rear of the lot is the most appropriate location for the outbuilding because the remainder of land to the north and east of the house is proposed to be landscaped. There are views to the golf course from the garden and from living areas of the house. Placing the outbuilding in this area would detract from the visual amenity of the property.</p>	<p>Clause 4.3(1)(e) of TPS6 provides for appropriately designed outbuildings to be located within the street setback area, contrary to the situation elsewhere in the City. In the current case, however, it is accepted that this would not be appropriate.</p> <p>The comment is UPHELD.</p>
<p>Despite the proportion of public housing decreasing, there is still a significant transient population in Karawara due to the large number of rental properties.</p>	<p>This issue is not relevant to the current application.</p>
<p>Caution should be exercised in reconsidering the 'Radburn model' for Karawara. The principles of the December 2006 report are preferred. The principle of the open space reserves should be reviewed. Council funds should be allocated to better maintenance of the reserves to make them more attractive and useable. Owner would be happy to participate in the future planning of Karawara.</p>	<p>The owner's comments are noted, but do not affect the current application.</p> <p>The City certainly intends to thoroughly review the principles of the Karawara subdivision before any firm decision is made. This process will involve consultation with the local community, although precise details of how this will be managed have not yet been decided. The owner's support is appreciated.</p>

Having regard to the particular circumstances of this application and the nature of the particular open space reserve adjacent to the development site, the comments of the owner are generally UPHELD to the extent of accepting the proposed 1.0 metre setback, subject to the wall height of the proposed outbuilding being reduced to 2.4 metres.

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

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.*

Conclusion

Having regard to the comments contained in this report, comments made by the affected neighbour and by the owner, it is considered that the proposal will have very little detrimental impact on adjoining residential neighbours, and meets relevant Scheme objectives. It is considered that the application should be approved, subject to standard conditions and a special condition requiring the height of the proposed outbuilding to be reduced.

It should be noted, however, that the recommendation of conditional approval is made taking into account the particular local circumstances relating to the current application, and in no way should be construed as a precedent to be followed in other applications. As in the past, each application should be considered on individual merit until such time as the Council has properly investigated and considered the most appropriate options for the future development of Karawara and the form of site planning within the area, taking into account the unique design of the estate and the original principles of the subdivision design.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.14

- (a) 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 outbuilding appurtenant to a Single House on Lot 200 (No. 2) Boongala Close, Karawara, be **conditionally approved**, subject to:

- (i) **Standard Conditions**
530, 531, 660.

Footnote A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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- (ii) **Specific Conditions**

- (A) The external colours of the proposed colourbond outbuilding shall match with those of the existing dwelling.
(B) Revised drawings shall be submitted incorporating a maximum wall height of 2.4 metres for the outbuilding.

(iii) **Standard Advice Notes**

647, 648, 651.

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

- (b) This conditional approval is granted taking into account the particular local circumstances relating to the current application for planning approval, and in no way is to be construed as a precedent to be followed in determining future applications. As in the past, each application will be considered on individual merit until such time as the Council has properly investigated and considered the most appropriate options for the future development of Karawara and the form of site planning within the area, taking into account the unique design of the estate and the original principles of the subdivision design.

CARRIED EN BLOC RESOLUTION

10.3.15 Proposed 3x Storey Single House. Lot 249 (No. 152) Lockhart Street, Como.

Location: Lot 249 (No. 152) Lockhart Street, Como.
 Applicant: Mr P and Mrs S Abernethy
 File Ref: 11.2007.494 and LO1/152
 Application Date: 26 September 2007
 Author: Andrew Carville, Planning Officer
 Date: 30 November 2007
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The application for planning approval is for a three storey Single House on a lot which is in the process of being subdivided at No. 152 Lockhart Street, corner Wooltana Street, Como. The application has been through a series of revisions in order to comply with various provisions of the Residential Design Codes 2002 and Town Planning Scheme No. 6 (TPS6), and although the majority of requirements have now been satisfied, the design still does not meet with the provisions contained within Clause 6.10 of TPS6 in relation to an appropriate maximum finished floor level. As agreement has not been reached between the applicant and City Officers in relation to this component of the application, the matter is referred to a Council meeting for determination.

Council's determination is sought with respect to the proposed finished floor level and driveway gradient. The recommendation is **for approval**, subject to a number of standard and special conditions.

Background

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.15*.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	501.0 sq. metres
Building height limit	7.0 metres
Development potential	One Single House
Maximum Plot Ratio	Not applicable

The location of the development site is shown below. The site is adjoined by residential development.



Comment

(a) Description of the proposal

The proposed development comprises a three storey Single House. Consultation with the applicants has not resulted in agreement with respect to an appropriate finished floor level for the dwelling and accordingly, the application has been referred to a Council meeting for determination in this respect.

With the exception of the finished floor level of the building, communication between the City and the applicant has resulted in various other design changes to the building which have ensured compliance with provisions of the City’s TPS6, the Residential Design Codes (R-Codes) and relevant Council Policies.

(b) Finished floor level

The proposed FFL of RL 16.60 is approximately 600mm higher than would normally be permitted under Clause 6.10 of Town Planning Scheme No. 6. The appropriate maximum FFL for the proposed design, calculated in accordance with the provisions of TPS6, is an RL of 16.00.

Clause 6.10(1) of TPS6 states that:

“The floor level of a building other than a parking structure shall be calculated to generally achieve equal cutting below and filling above the ground level at the perimeter of the building, subject to the following:

- (a) Such level may be raised by up to 100 millimetres;*
- (b) The Council may permit or require the floor level to be varied to the extent necessary to comply with the following:*
 - (i) In no case shall the floor level be lower than required by Clause 6.9.*
 - (ii) The floor shall not be at a level which, in the Council’s opinion, would cause the building to unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.*
 - (iii) The Council may require the floor level to be varied where necessary in the Council’s opinion to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots.”*

The applicant suggests that the proposed FFL is correct as it demonstrates equal cut and fill across the lot. The following comments are made in response to this suggestion:

Firstly, Clause 6.10 of TPS6 specifically states that the cut and fill requirement is for *“the floor level of a building other than a parking structure”*. The applicant’s calculation of equal cut and fill includes the area of cut immediately beneath the proposed garage, and therefore does not demonstrate compliance with the Scheme in this respect.

Secondly, the intent of the equal cut and fill requirement is to arrive at an average or median ground level for the lot with cut from the higher areas of the lot and fill to the lower areas, thus producing a relatively level lot which is at an average height. The proposed design instead cuts from the lower area (beneath the basement) and fills the higher area (beneath the kitchen / office). Whilst this may demonstrate equal cut and fill in a technical sense, it does not satisfy the objective of finding an appropriate average level for the lot.

Thirdly, Clause 6.10 states that *‘the Council may require the floor level to be varied where necessary...to achieve a visually balanced streetscape...’*. A site inspection along the Woollana Street frontage clearly shows that whilst most lots demonstrate filling and retaining at the lower end of the lot, they also demonstrate cutting at the higher end, thereby meeting the Scheme objective of finding an appropriate average level. The proposed design demonstrates no cutting around the ground floor level at the higher end of the development site. The portion of the site beneath the main ground floor level of the building is proposed to be filled by around 200mm to the higher (eastern) end of the lot and up to 1600mm toward the centre of the lot.

The applicants state that the higher FFL is to achieve a similar height to the existing dwelling at No. 156A Lockhart Street. However, as the lots at Nos. 156 and 156A Lockhart Street were created by subdividing an existing lot lengthways, these lots reach twice as far up the natural slope as the lot at No. 152 Lockhart. Due to the subdivision design, the calculation of an appropriate FFL for these lots will naturally result in a higher level than for No. 152 Lockhart Street. Additionally, as the lots at Nos. 156 and 156A Lockhart Street are not corner lots, they only need to demonstrate streetscape compatibility along one street frontage as opposed to the property at No. 152 Lockhart Street which must demonstrate compatibility with two street frontages. An RL 16.00 would create a balanced streetscape along both Lockhart Street and Woollana Street frontages, thereby complying with the Scheme requirements.

(c) Driveway gradient

In lowering the proposed design to achieve a finished floor level of RL 16.00, and assuming no modifications are made to the height of the garage, the resulting driveway gradient would be marginally steeper than would ordinarily be accommodated by TPS6. TPS6 permits a driveway gradient of 1:12 for the first 3.6 metres of the driveway, with a gradient of 1:8 for the remainder. The resulting gradient will be 1:8.75, slightly less steep than the second Scheme measurement. The resulting gradient is, however, comfortably within the gradient required by Australian Standard AS 2890.1 “Parking Facilities - Off Street Car Parking”, and is at a gradient which is commonly approved by the City.

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

The proposal has 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.

However, the proposal is considered **not** to meet the following relevant general Scheme Objectives:

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.

(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 list of 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;*
- (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;*
- (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;*
- (q) the topographic nature or geographic location of the land.*

Consultation

Comments have been invited from the City Environment department, with respect to the street trees present at the site. The design has been modified in such a way as to pose no impact to the existing street trees.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

OFFICER RECOMMENDATION ITEM 10.3.15

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 Proposed Three Storey Single House on Lot 249 (No. 152) Lockhart Street, Como **be approved**, subject to:

(a) **Standard Conditions**

359, 377, 390, 416, 427, 455 (south and east), 456, 470, 471, 550, 578 (249), 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 Conditions:**

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

(A) The main finished floor level of the dwelling shall be reduced from an RL of 16.60 to an RL not exceeding 16.00;

(B) Demonstration that the height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment does not exceed the 0.75 metre limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.

(C) The width of the driveway not exceeding the width of the crossover where they meet at the front property boundary.

(c) **Standard Important Footnotes**

641 (subdivision), 646, 646A, 647, 648, 651.

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

Note: Cr Gleeson returned to the Council Chamber at 9.50pm

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation. The officer recommendation Lapsed.

MOTION

Moved Cr Hearne, Sec Cr Doherty

That....

(a) the officer recommendation not be adopted;

(b) 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 three storey Single House on lot 249 (No. 152) Lockhart Street, Como **be approved** subject to the following conditions:

(i) **Standard Conditions**

377, 390, 416, 427, 455 (south and east), 456, 470, 471, 550, 578 (249), 660.

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

(ii) Specific Conditions:

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

- (1) Demonstration that the height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment does not exceed the 0.75 metre limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.
- (2) The width of the driveway not exceeding the width of the crossover where they meet at the front property boundary.

(iii) Standard Important Footnotes

641 (subdivision), 646, 646A, 647, 648, 651.

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

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne opening for the Motion

- difference in the proposed finished floor level (600mm) is not considered to be significant in relation to either Lockhart Street or Wooltana Street
- Council is able to exercise its discretion

Cr Gleeson against the Motion

- if relocated to secondary street it would be approved
- issue is about location
- drive up Wooltana Street - would not know floor level / internal

COUNCIL DECISION ITEM 10.3.15

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted;
- (b) 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 three storey Single House on lot 249 (No. 152) Lockhart Street, Como **be approved** subject to the following conditions:

(i) Standard Conditions

377, 390, 416, 427, 455 (south and east), 456, 470, 471, 550, 578 (249), 660.

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

(ii) Specific Conditions:

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

- (1) Demonstration that the height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment does not exceed the 0.75 metre limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.
- (2) The width of the driveway not exceeding the width of the crossover where they meet at the front property boundary.

(iii) Standard Important Footnotes

641 (subdivision), 646, 646A, 647, 648, 651.

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

CARRIED (13/0)

Reasons for change

- (a) The difference in the proposed finished floor level (600mm) is not considered to be significant in relation to either Lockhart Street or Wooltana Street; and
- (b) Council is able to exercise its discretion in relation to the provisions contained within clause 6.10 "Maximum Ground and Floor Levels" of the City of South Perth Town Planning Scheme No. 6.

10.4 GOAL 4: INFRASTRUCTURE
Nil

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	4 December 2007
Author:	Christian Buttle, Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Planning and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of November 2007.

Background

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

"That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the

- (b) exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor's Bulletin."*

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

Comment

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

Consultation

During the month of November 2007, sixty four (64) development applications were determined under delegated authority, **Attachment 10.5.1** refers.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Goal 5 "Organisational Effectiveness" within the Council's Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of November 2007, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	3 December 2007
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:
That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

Extracts from the Register for the month of November appears below.

November 2007

Nature of document	Parties	Date Seal Affixed
Deed of variation CPV Lease Agreement	CoSP & Betty Carter	7 November 2007
Tender 12/2007	CoSP & Malta Management PL (trading as Plant & Soil Management)	22 November 2007

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City’s Standing Orders Local Law 2002 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

The report aligns to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2
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That the report on the use of the ‘Common Seal’ for the month of November 2007 be received.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - November 2007

Location: City of South Perth
 Applicant: Council
 File Ref: FM/301
 Date: 6 December 2007
 Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries compiled according to the major functional classifications compare actual performance against budget expectations. These are presented to Council with comment 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 considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also 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 being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

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

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month. This schedule reflects a reconciliation of movements between the 2007/2008 Adopted Budget and the 2007/2008 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

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

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.6 (A) & (B)**
- Rate Setting Statement - **Attachment 10.6.1 (7)**

Operating Revenue to 30 November 2007 is \$27.91M which represents 101% of the \$27.82M year to date budget. Major factors contributing to this favourable variance include a better than expected rates revenue performance (due to new interim valuations since the rates strike), higher infringement revenue after the Red Bull Event, higher RCS subsidies being earned at the Collier Park Hostel (although these come with an offsetting cost burden for carers) and significantly better than anticipated investment revenue performance due to higher volumes of cash held. A favourable variance also exists due to unbudgeted building fees for the large development at 76 South Tce and the trade in of a vehicle that was delayed from June 2007. The favourable variances are partly offset by less than expected revenue from rubbish service levies and a slightly slower than anticipated start to the year at the golf course (although this is beginning to correct). Relevant items were addressed in the Q1 Budget Review, but recognising these approved budget adjustments in the accounts has necessarily resulted in apparent unfavourable monthly variances – although the year to date figures give a truer reflection of the actual situation.

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

Operating Expenditure to 30 November 2007 is \$12.73M which represents 96% of the year to date budget of \$13.33M. Operating Expenditure to date is around 4% favourable in the Administration area and about 5% under budget in the Infrastructure Services area.

Most of the favourable variance in the administration areas relates to budgeted but vacant staff positions although other factors such as savings on bank fees, timing differences on training costs and planning legal costs are also significant contributors. Favourable variances in the Infrastructure area are regarded as being of a timing nature as early in the year programs for operational and maintenance activities are developed, specifications documented and quotations sought. As a consequence a number of apparent timing variances appear on the management accounts - but these are correcting (and will continue to do so) in future months as the various programs are rolled out.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 8% under the budget allocation for the 213.4 FTE positions approved by Council in the budget process - although some agency staff invoices were not received at month end.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**. Relevant items were addressed in the Q1 Budget Review and will continue to be monitored in the second quarter - so that we continue to exercise dynamic treasury management and respond to emerging opportunities and changing circumstances.

Capital Revenue is disclosed as \$0.81M at 30 November against a budget of \$0.61M. Lease premiums and refurbishment levies from the newly occupied units at the Collier Park Village represent the majority of this difference as the number of units turned over is well ahead of expectations (it was behind predictions for the second half of last year – but as this relates largely to the frailty of residents it is very difficult to model accurately). This, combined with road grants received ahead of budget timing, contribute to the favourable variance at reporting date. Relevant matters were considered in the Q1 Budget Review.

Capital Expenditure at 30 November is \$2.77M against a year to date budget of \$3.91M representing 71% of the year to date budget. Overall, the City has now completed around 14.2% of the full year capital program including the carry forward works - or 18.9% of the full program excluding the UGP project. A detailed report on the progress of the capital works program will be presented as Item 10.6.4 in the next Council agenda (after the end of Q2).

A summary of the progress of the revised capital program (including the carry forward works approved by Council at the August meeting) by directorate is provided below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	85,000	28,544	44%	3,195,000
Financial & Info Services	133,500	101,424	76%	360,000
Corp & Community Services *	259,836	228,998	88%	1,280,978
Strategic & Reg Services	65,000	56,038	86%	710,000
Infrastructure Services	3,370,000	2,357,587	70%	9,069,060
Underground Power	0	0	-	4,800,000
Total	3,913,336	2,772,591	71%	19,415,038

Capital Expenditure relating to the former Corporate & Community Services directorate is to be re-classified among the other directorates in line with the revised organisational structure during the Christmas break. It will be reported under the new format from the start of the 2008 calendar year.

More than 60% of the variance in the CEO area relates to unspent Council Members Discretionary Ward Funds (including carry forward funds from 2006/2007). The Director Financial & Information Services has been contacting Council Members during October and November to clarify Council Members intentions in relation to the ward funding allocations and to progress these initiatives.

Details on the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this agenda.

The attachments to this report also include a Rate Setting Statement (required under Regulation 34 of the Local Government Financial Management Regulations). As advised in the director's report to the last Audit & Governance Committee, this schedule is only relevant or meaningful at the date that rates are struck - hence it is provided monthly simply to achieve statutory compliance.

Consultation

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

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.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

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*'. Such actions are necessary to ensure the City's financial sustainability.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received.
- (d) the Rate Setting Statement provided as **Attachment 10.6.1 (7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 November 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 December 2007
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

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 & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as 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 \$37.69M compare very favourably to \$34.11M at the equivalent stage of last year. Around 65% of the difference relates to higher holdings of cash backed reserves whilst the remainder is due to funds associated with carry forward works being held as investments until needed later in the year. The strong free cash position is also impacted by excellent rates collections to date - with collections being slightly ahead of last year’s best ever result. Our customer friendly payment methods, prompt and proactive debt collection actions and the Rates Early Payment Incentive Prize have all contributed to this very pleasing result.

The net Municipal cash position is improved relative to November 2006 by around \$0.9M with monies brought into the year (and our subsequent cash collections) being invested in secure financial instruments to generate interest until those monies are required to fund operations or projects later in the year. Astute selection of appropriate financial investments means that the City does not have any exposure to higher risk investment instruments such as CDOs (the sub prime mortgage market).

Excluding the ‘restricted cash’ relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$17.99M (compared to \$17.09M in 2006/2007). **Attachment 10.6.2(1)**. Considering future cash demands for capital and operating expenditure for the remainder of the year, and likely cash inflows (as budgeted) during the same period, the City currently anticipates finishing the year close to the budgeted cash position (after allowing for quarantined / committed funds for carry forward works).

(b) Investments

Total investment in short term money market instruments at month end is \$36.11M compared to \$33.86M last year. As discussed above, the difference relates to good cash collections, higher reserve cash holdings and delayed outflows for capital projects.

Funds held are responsibly spread across various approved financial institutions to diversify risk as shown in **Attachment 10.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$0.89M - significantly up from \$0.75M at this time last year. This is attributable to higher cash holdings and timely, effective treasury management.

The average rate of return for the year to date is 6.81% with the anticipated yield on investments yet to mature currently at 6.83%. This reflects careful selection of investments to meet our immediate cash needs. During the year it is necessary to balance between short and longer term investments - to ensure that we can responsibly meet our cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income.

(c) **Major Debtor Classifications**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of November 2007 (after the due dates for the second rates instalment) represent 81.7% of total rates levied compared to 81.5% at the equivalent stage of the previous year. This suggests that collections to date are again strong - being slightly in advance of last year's best ever result. It also provides evidence that the rating and communication strategy used for the 2007/2008 rates strike have again established a good foundation for successful rates collections this year.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the early payment incentive scheme (generously sponsored by local businesses) and timely follow up on outstanding debts, have again had a very positive impact on initial rates collections.

General debtors stand at \$1.32M at 30 November 2007 compared to \$0.93M at the same time last year. Most debtor categories are at similar levels to this time last year - other than Balance Date Debtors which is adversely impacted this year by outstanding balances for road grant funds (billed at month end) and a larger monthly balance for GST Receivable.

Consultation

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

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19 is also relevant to this report.

Financial Implications

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

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 30 November 2007 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 December 2007
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 (Delegation DC602) between 1 November 2007 and 30 November 2007 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's Auditors each year during the conduct of the annual audit. After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is 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 financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

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'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3

That the Warrant of Payments for the month of November 2007 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Underground Power Project - Additional Billing Information
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 December 2007
Author & Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

To provide additional information on the proposed pensioner concessions and instalment payment options for the UGP Stage 3 project in the Como East UGP region for Council information.

Background

At the November round of meetings, Council resolved:

That...

- (a) to facilitate the under grounding of power lines in the Como East Underground Power Area as a Round Three Project the estimate of costs as prepared by the SUPP Project Manager be accepted, with the signing of the Agreement between Co-Partners prepared by the Office of Energy being approved;*
- (b) as requested by the SUPP Project Manager formal advice of the approval in the form of a letter of intent be provided prior to the signing of the Agreement to facilitate the purchase of materials and minimise further delays;*
- (c) funding for the implementation of the under grounding of power lines be a service charge against all properties in the area, with an amount of \$400,000 from Council sources; and*
- (d) the Service Charge Schedule comprising a network charge and a connection charge as detailed in report Item 10.4.1 of the November 2007 Council Agenda be adopted.*

It was proposed at that time that additional information in relation to the applicable pensioner concessions and instalment payment options would be presented to Council at the December round of meetings. This information has been considered by Council during briefings on the project but is was considered important to place these issues on the public record prior to billing for the project.

Comment

The matters of applicable pensioner concessions and instalment payment options were considered by Council during the briefings on the UGP project. It was recognised that the project will ultimately impact positively upon the property values of those who reside within the affected area - but nonetheless the upfront impost to achieve the undergrounding of power may be significant (particularly relative to other stages when the total cost for the project area was somewhat less than the current estimates for the Stage 3 project). It is recognised by the City that individual property charges for the Stage 3 area will be relatively higher than for the first two stages. The City also recognises that a number of the affected property owners, particularly pensioners and seniors may be 'asset rich' but 'cash poor'. For this reason it has been determined that the City would offer a 5 year instalment option (maximum 3 years in earlier stages). However, to facilitate this, the City would need to borrow funds (unlike UGP stages 1 & 2) and as such would need to include interest charges in the levied amount to cover the cost to the City of servicing these borrowings

Payment Options and Instalments

The project manager (Western Power) will make a series of cash calls (at pre-determined dates) on the City during the 12 month project construction phase. Whilst the City will be required to fully meet its \$7.2M share of the project cost by the end of that construction phase, past experience suggests that only a small portion of the ratepayers within the UGP Como East area are likely to pay the UGP Service Charge to the City as a single lump sum payment.

It is anticipated that a significant portion of the property owners in the affected area will be seeking an alternative payment option to the single lump sum payment. In past stages, the City has provided a quarterly instalment payment option - with instalments spread over a three year timeframe. Because of the significantly higher service charge per property in the Round 3 UGP project, it is suggested that this payment option could be extended out to five years rather than three. That is, property owners could progressively pay off the UGP Service Charge in up to 20 instalment amounts.

Such an arrangement offers a more customer focussed approach because the instalment payment amounts should be more manageable - and would be staged to fit around other instalment dates for Rates etc. There are, however, impacts on the City in delivering such a scheme. Firstly, the scheme becomes more complex to administer because it is likely that more than 40% of the properties in the area will change ownership during the five years that the scheme would operate (based on current trends). Secondly, and more importantly, the City will need to borrow funds to provide such a funding accommodation to property owners. The 2007/2008 Budget provides for \$3.0M in borrowings - although with the higher project cost, it is likely that this requirement would more likely be \$4.0M in the short term. Such borrowing was not necessary in earlier UGP stages.

Because the City must undertake borrowings in order to cover the project's cash calls until such time as the instalment payments are ultimately collected from property owners, the instalment payment option will necessarily attract interest charges on the unpaid balance - to allow the City to meet the costs of servicing the loan. For administrative simplicity, the interest rate used would be the same as is applied to outstanding Rates and ESL (10% PA).

Consistent with previous practice (for both UGP and Rates) there would also be an Instalment Administration Fee of \$5 per instalment to assist with the costs of managing the instalment scheme and preparing of quarterly instalment reminder notices.

Assuming a single residential property with no concessions applicable, the **annual** cost of the instalment option (including administration fees and interest) would be approximately \$1,360 (per year) for the 12 instalment plan or \$895 (per year) for the 20 instalment plan.

Depending upon the number of instalments that the property owner chooses to pay off the service charge over, there would be a total interest component of between \$590 (3 years) and \$985 (5 years), approximately, for a single residential property. This amount would of course be proportionately reduced for pensioners and seniors who would enjoy a 50% and 25% discount respectively. It should be noted that these concessions for older Australians are provided exclusively by Council and are **not** reimbursed by the state government - as occurs with Rates concessions.

Consultation

This financial report provides further information on specific elements of the proposed billing regime for the project.

Policy and Legislative Implications

Consistent with previous Council policy / practices on UGP projects – subject to the modifications that have evolved through lessons learned on earlier stages in relation to equity and defensibility of the charging model.

Financial Implications

As noted in the report.

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’*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That Council notes the financial impacts of providing pensioner concessions and the instalment payment option over a maximum of 5 years and authorises the administration to include these elements in the approved billing model for the Underground Power Project Stage 3 - Como East Area.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence : Mayor Best 20.1.08 - 10.2.08 (9.55pm)

Moved Cr Trent, Sec Cr Doherty

That Mayor Best be granted leave of absence from any meetings held between 20 January and 10 February 2008 inclusive.

CARRIED (13/0)

11.2 Request for Leave of Absence : Cr Doherty 9.2.08 - 4.3.08

Moved Cr Trent, Sec Cr Hearne

That Cr Doherty be granted leave of absence from any meetings held between 9 February and 4 March 2008 inclusive.

CARRIED (13/0)

11.3 Request for Leave of Absence : Cr Ozsdolay 3.1.08 - 17.1.08

Moved Cr Trent, Sec Cr Doherty

That Cr Ozsdolay be granted leave of absence from any meetings held between 3 January and 17 January 2008 inclusive.

CARRIED (13/0)

11.4 Request for Leave of Absence : Cr Grayden 14.1.08 - 28.1.08

Moved Cr Trent, Sec Cr Hasleby

That Cr Grayden be granted leave of absence from any meetings held between 14 January and 28 January 2008 inclusive.

CARRIED (13/0)

11.5 Request for Leave of Absence : Cr Burrows 26.12.07 - 7.1.08 and 24.2.08 - 4.3.08

Moved Cr Trent, Sec Cr Hearne

That Cr Burrows be granted leave of absence from any meetings held between 26 December 2007 and 7 January 2008 and 24 February and 4 March 2008 inclusive.

CARRIED (13/0)

11.6 Request for Leave of Absence : Cr Cala 28.12.07 - 5.1.08

Moved Cr Trent, Sec Cr Ozsdolay

That Cr Cala be granted leave of absence from any meetings held between 28 December 2007 and 5 January 2008 inclusive.

CARRIED (13/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

At the Council meeting held 27 November 2007 the following question was taken on notice:

13.1.1 Progress on Mediation following DoLG Inquiry : Cr Hasleby

Summary of Question

How was the mediation process moved forward in line with the fulfilment of the City's Code of Conduct and has there been Elected Member training?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 December 2007, a summary of which is as follows:

At the Council meeting on 27 November 2007, the Mayor responded as follows:

The first part of the question is taken on notice. In relation to Member training would say extensive training has taken place on the Code of Conduct and the new Official Conduct Regulations under the Local Government Act covering the roles of Councillors and staff.

In relation to the first part of the question taken on notice, I advise the processes of mediation and code of conduct complaints are quite separate and proceed along their own particular pathways. A complaint lodged under the Code of Conduct may also be the subject of a mediation process if this was agreed to by the complainant.

As you would be aware the mediation process has reached the stage where a mediation session will be convened on the evening of Monday 10 December involving senior officers and current Councillors who were Members of the previous Council. A later mediation session will be convened in the new year to include new Councillors. I would anticipate that the mediator, Mr Graham Castledine, will wish to present a report to new Councillors which will summarise the outcomes obtained in the initial mediation session.

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 18.12.2007

13.2.1 Activity Report : Cr Hasleby

Summary of Question

Cr Hasleby referred to the Mayor's Activity Report listed as an attachment to the back of the Agenda paper and asked why it was listed there and also was there a reason why the activities of Councillors cannot also be listed alongside the Mayor's report so that people who read the Minutes will know that Councillors are just as diligent and also attend meetings etc.

Summary of Response

The Mayor responded that he introduced his Activity Report because it was a criticism of the former Mayor that we did not know what he was doing. He further stated it was his intention in the New Year to also establish a blog site in order that interested parties can check out information relating to meetings attended etc thereby providing transparent governance of what this Council is doing and what issues it is involved in. In terms of Councillors doing the same the Mayor said he would welcome this and would be happy to include Councillors activities in the list as part of the Council Agenda paper however it was optional.

Cr Hasleby asked for an indication from Members as to whether they would be subscribing to an activities report.

Following discussion / feedback from Members Cr Hasleby stated that he took on board comments made and that as a result he would not be the sole contributor to a Councillor Activities Report.

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that an item of 'New Business of an Urgent Nature' had been received relating to an invitation by the State Government to attend a Study Tour and is the subject of a late report.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 14

Moved Cr Smith, Sec Cr Hearne

That the item of new business be introduced for discussion and determination.

CARRIED (13/0)

Note: Cr Wells left the Council Chamber at 10.08pm

14.1 Overseas Study Tour

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	18 December 2007
Author:	Chief Executive Officer

Summary

The purpose of this report is to seek approval of the Council to endorse the attendance of Mayor Best and the Director Development and Community Services, Steve Cope in attending an overseas Study Tour to the United States of America and England in connection with obtaining first-hand information on the latest trends in development of technology precincts and the latest technology associated with waste resource facilities.

Subject to the Minister's approval, the State has agreed to cover the cost of economy cost travel, ground transfers, accommodation and meal expenses to the value of \$300 per day for the Mayor to attend the Study Tour to the United States of America and England. This report also seek endorsement for the Director Development and Community Services to also attend at the City's expense.

Background

Two of the major projects that the City is becoming increasingly involved in relate to the expansion of the Bentley Technology Park and the establishment of a Resource Recovery Facility through the SEMRC. Both of these particular projects have gathered momentum during the 2007 calendar year when significant planning investigation and research has occurred involving numerous government departments in relation to the Bentley Technology Park proposal and other local governments in relation to the resource recovery Facility. It is reasonably anticipated that firm plans will be established during the early part of 2008 which will set the parameters for the future developments of these projects. The City of South Perth is involved as a key stakeholder and potential contributor in both projects and both projects will have a long term impact on the City.

Bentley Technology Park

The Bentley Technology Park was established in 1975 with a total land area of 42 hectares and is near capacity. The Technology Park is one of the world's largest and most successful centres for innovation, technology and communication business environments. It is ideally located to nearby educational facilities and in particular Curtin University.

The State Government is keen to broaden the State's economic output from the technology precinct and has committed a \$20m investment program to expand the precinct. At the current time there are some one hundred companies employing approximately 2,500 employees who are based at the technology park, 90% of whom have at least a degree qualification.

The estimated value of the output from the technology precinct is estimated at \$500m (which is also estimated to be close to \$1 billion when the multiplying effect is added). Annual export earnings amount to some \$300m

The government wishes to maximise its investment in infrastructure located within the precinct and has embarked on an expansion plan which involves reviewing the use of 314 hectares of crown land within the precinct currently vested in education and state agencies.

To facilitate the re-development and expansion of the technology precinct the government has formed a Steering Committee which includes the Mayor of the City of South Perth, James Best and also the Mayor of the Town of Victoria Park, as Members. The CEO, Cliff Frewing and Director of Development and Community Services, Steve Cope also represent the City as observers on the Steering Committee. Mr Cope also represents the City on a project team committee which reports to the Steering Committee.

South East Metropolitan Regional Council

The City became a member of the SEMRC in 2001. The Members of the Regional Council currently consists of the Cities of Armadale, Gosnells and South Perth. There are currently plans to extend the membership by inviting three additional Councils to become members ie the City of Mandurah and the Shires of Murray and Serpentine/Jarrahdale.

The primary task of the Regional Council, since its inception, is to investigate future options and locations for a major Resource Recovery Facility within the southern-metropolitan region. The consultants employed by the Regional Council have now completed a major part of the consultancy assignment and have identified two primary sites of principal interest within this area for which negotiations are currently being conducted. The Regional Council has determined that the constructed facility shall be a “build own operate” facility which reduces the risk to the Regional Council and to the Members of the Regional Council. The technology that will be used at the facility has not yet been determined, but will be aligned to World’s Best Practice.

Mayor Best is one of two Council Members nominated by Council to represent the City on the Regional Council. Mr Steve Cope is the principal officer that represents the City and attends the City Regional Council Meetings and Technical Advisory Committee Meetings.

Comment

The Department of Industry and Resources is arranging a mission to the United States of America and England for members of the Technology Precinct Steering Group and advisors from 21 January - 3 February 2008, subject to approval by the Minister.

The main objectives of the mission are to:

- learn from leading examples of how built form and public space can combine to stimulate innovation, creativity and the commercialisation of new products and services into sustainable businesses.
- allow planners involved in the Bentley Technology Precinct development project to tour and experience first hand the economic, cultural, social and spatial dynamics of successful precinct environments.

As Mayor of the City of South Perth and a key stakeholder in the precinct project, the Department has invited Mayor Best to join the mission as a guest of the Department. The Department will cover the cost of economy class travel and ground transfers (except in Perth), plus accommodation and meal expenses to the value of \$300 per day. A draft itinerary for the proposed Study Tour of the USA and England is at **Attachment 14.1**.

The Study Tour to the United States of America, intends to travel on to London to examine aspects of technology clusters in England. While in London, delegates will meet with the Commission for Architecture and the Built Environment (CABE) to discuss their projects and observe a design review session aimed at guiding the creation of innovative, vibrant, people-friendly developments.

CABE is a statutory body set up by the British Government in 1999 to advise on architecture, urban design and public space. It provides advice to public sector organisations which are commissioning new buildings, masterplans, urban frameworks, open space strategies and other public projects. Its enabling work supports organisations in their aspirations for design quality, and champions the highest standards in urban design, landscape, architecture and regeneration - with the aim of achieving better designed spaces and places. It has also commissioned extensive research into the economic benefits of good urban design. In addition, there is an opportunity to visit the Science Park in Cambridge - from where the world famous "Cambridge Phenomenon" emerged.

One of the objectives of the Precinct Park Steering Group is to ensure that new buildings are constructed to a high contemporary standard and a visit to CABE is anticipated to be beneficial in obtaining information that will be utilised in setting design guidelines for buildings that will be located within the Technology Park Precinct.

It also seems apparent that it would be sensible for Mayor Best to spend some time, whilst in Europe, to review the latest technologies in relation to waste treatment facilities, as it is known that Europe houses some of the latest technologies in Resource Recovery Facilities. It has not been possible to prepare an itinerary for such an extended Study Tour as the invitation has only been received from the Department of Industry and Resource in connection to the Bentley Technology Park Tour this afternoon (18 December 2007).

It is proposed that Council endorse the attendance of Mayor Best on the Delegation to visit Business Precincts in the United States of America and England. It is noted that the bulk of the costs incurred, in connection with the trip, will, subject to the approval of the Minister of Industry and Resources, be borne by the State Government. The only costs likely to be incurred by Mayor Best will relate to accommodation and travel expenses in England (and possibly other countries in Europe) in relation to Resource Recovery Facilities.

It is therefore proposed that Mayor Best be authorised to extend the State Study Tour by participating in an additional tour to examine the features of contemporary Resource Recovery Facilities in Europe. The anticipated length of the extension to the study tour will be no longer than a week and would maximise the benefit of the Study Tour invitation received by the State.

It is also proposed that Mr Steve Cope, Director and Development and Community Services attend the study tour with Mayor Best, at the City's expense. The estimated costs are understood to be in the region of \$10,000.

Consultation

Communication has occurred with the Manager Innovation, Department of Industry and Resources and with the Project Manager of the Bentley Technology Park Steering Committee. If the Study Tour is approved by the Minister for Industry and Resources, further consultation will be held with representatives of the South Eastern Metropolitan Regional Council and other related industry groups in connection with the proposed extended Study Tour of Resource Recovery Facilities.

Policy Implications

It would be appropriate for Council to endorse the attendance of Mayor Best and the Director Development and Community Services on the proposed Study Tour following receipt of the confirmation that invitation by the Department of Industry and Resources has been approved by the Minister.

Policy P513 "Travel" requires Council approval for a Council Member / officer to attend overseas travel.

Financial Implications

Subject to the Minister's approval, the State has agreed to cover the cost of economy cost travel, ground transfers, accommodation and meal expenses to the value of \$300 per day for the Mayor to attend the Study Tour to the United States of America and England in relation to the Technology Park Precinct Study Tour. Other than any internal flights within Europe, it is not anticipated that there will be any additional air fare costs incurred by the Mayor. Accommodation and meal expenses will be incurred by the Mayor at an average cost of \$300 per day, totalling approximately \$1,500. The total anticipated cost for the attendance of the Director Development and Community Services for all components of the Study Tour would be in the order of \$10,000.

Legal Implications

Nil

Strategic Implications

Both projects are of significant importance to the City and are specifically contained within the City's Strategic Plan at Goal 3 "Environmental Management *To sustainably manage, enhance and maintain the City's unique, natural and built environment* ' and in particular:

Strategy 3.5 Ensure the Town Planning Scheme and supporting policies facilitate the orderly development of the City and provides lifestyles options for residents, opportunities for business and an attractive environment for all.

Strategy 3.7 - Continue to actively support and encourage waste reduction, recycling and reuse. Seek opportunities to implement suitable secondary waste treatment processes to significantly reduce the amount of waste going to land fill sites.

Note: Cr Wells returned to the Council Chamber at 10.108pm

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 14.1.

Moved Cr Hearne, Sec Trent

That subject to receiving a confirmed invitation from the Minister of Industry and Resources:

- (a) the Council authorise the attendance of Mayor Best and the Director of Development and Community Services on a Delegation to the United States of America and England organised by the Department of Industry and Resources to study technology precinct planning during the period approximately 21 January to 3 February 2008;
- (b) the Council authorise the attendance of Mayor Best and the Director of Development and Community Services on an extended tour to view Recourse Recovery Facilities in Europe during the period 4 February to 9 February 2008;
- (c) the cost of approximately \$1,500 incurred by the Mayor and \$10,000 for the Director of Development and Community Services be approved; and
- (e) a detailed report on the findings of the Study Tour be presented to Council at the earliest opportunity upon return.

CARRIED (13/0)

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Trent, Sec Cr Doherty

That the meeting be closed to the public at 10.18pm in accordance with the *Local Government Act Sections 5.23(2)(a) and (h)* while Items 15.1.1 and 15.1.2 are discussed as:

- Item 15.1.1. relates to the selection of a community member(s) as the recipient of an Award to be announced and presented at the Australia Day Ceremony; and
- Item 15.1.2 relates to matters affecting an employee.

CARRIED (13/0)

Note: Cr Gleeson left the Council Chamber at 10.18pm

Note: The following staff and members of the public gallery left the Council Chamber at 10.18pm.

Mr S Cope	Director Development and Community Services
Ms D Gray	Acting Director Financial Services
Mr C Buttle	Manager Development Assessment
Mr M Taylor	Manager City Environment
Mr R Bercov	Strategic Urban Planning Adviser
Mr O Hightower	Planning Officer
Ms R Mulcahy	City Communications Officer

Note: Manager Human Resources, joined the meeting at 10.18pm

**15.1.1 City of South Perth Australia Day Citizen of the Year and Premier's Australia Day Active Citizenship Awards
CONFIDENTIAL- NOT TO BE DISCLOSED REPORT**

Location:	City of South Perth
Applicant:	Council
File Ref:	CC/CA/1
Date:	2 December 2007
Author:	Lyndal Palmer, Community Projects Officer
Reporting Officer:	Steve Cope, Director Planning and Community Services

Confidential

This report is declared ***Confidential*** under Section 5.23 (h) of the *Local Government Act* as it relates to the selection of a community member as the recipient of an Award to be announced and presented at the Australia Day Ceremony.

Note: Copy of ***Confidential - Not to be Disclosed*** Report circulated separately.

Note: Cr Gleeson returned to the Council Chamber at 10.20pm

COUNCIL DECISION ITEM 15.1.1

Moved Cr Trent, Sec Cr Burrows

That....

- (a) following consideration of the nominations received for the 2008 City of South Perth Citizenship Awards the nominees as presented in the recommendation of the *Confidential* Report Item 15.1.1 of the December 2007 Council Agenda, be approved;
- (b) the contents of this report remain *Confidential* until after the Award presentation on 26 January 2008; and
- (c) letters be sent to nominees not receiving awards, commending them on their nominations and on their commitment to community service.

CARRIED (13/0)

Note: Manager Community, Culture and Recreation retired from the meeting at 10.22pm

DECLARATION OF INTEREST : CHIEF EXECUTIVE OFFICER : ITEM 15.1.2

I wish to declare a Financial / Conflict Interest in Agenda Item 15.1.2 "Recommendations from CEO Evaluation Committee Meeting 11.12.07" on the Agenda for the Ordinary Council Meeting to be held 18 December 2007. As I am the subject of the item in question I will leave the Council Chamber while these matters are being debated, however I would like the opportunity to address the meeting prior to doing so.

**15.1.2 Recommendations from CEO Evaluation Committee Meeting 11.12.07
*CONFIDENTIAL Not to be Disclosed REPORT***

Location: City of South Perth
Applicant: Council
Date: 12 December 2007
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as *Confidential* under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

Note: Copy of *Confidential - Not to be Disclosed* Report circulated separately.

COMMITTEE RECOMMENDATION ITEM 15.1.2

That Council adopt the following Recommendation of the CEO Evaluation Committee Meeting of 11 December 2007:

That....

- (a) consideration be given to revoking Item 15.1.1 of the Minutes of the Council Meeting dated 25 September 2007 as follows:
 - (a) *the Report from Kellehan Saunders (Confidential Attachment 4.1) for the Assessment of the CEO KPI's for the 2006/2007 period be noted;*
 - (b) *the evaluation process continue consistent with Model 2, as adopted at Item 13.1.1(d) of the Minutes of the Council Meeting 24 April 2007, and*

that the report on the 360° feedback component of Model 2 (which involves feedback from 'direct reports' and Elected Members), separates Elected Member and Officer feedback, and this be presented to a Special Council meeting at a date to be determined; and

- (c) *subject to the CEO's concurrence, the Council accept the expedited on-line process as recommended by Consultants, Kellehan Saunders.*

** Support of a Minimum of one Third of the Members is Required)*

- (b) Item No. 15.1.1 of the Minutes of the Council Minutes dated 25 September 2007 be revoked.

** An Absolute Majority is Required*

- (c) Council accepts the report by Kellahan Saunders that finds the City of South Perth CEO, Mr Cliff Frewing has achieved the set 2006/2007 KPI's to the required minimum 75% acceptance rating and dispenses with the suggested face to face interviews for the 2006/2007 period; and
- (d) Council records its concern that it has not had an opportunity to conclude the 360° feedback for the 2006/2007 period because it could not reach agreement with the CEO on the process.
- (e) Council adopt the Performance Measures together with KPI's for the 2007/2008 period in line with the process outlined in "Model 2" (with Council Member feedback only), as developed by Kellahan Saunders;
- (f) a progress report on 2007/2008 KPI's be presented to the earliest available meeting of the CEO Evaluation Committee in 2008;
- (g) the CEO's Remuneration be increased by the Consumer Price Index for the 2006 and 2007 years retrospectively; and
- (h) HR contractors be identified from within the State Public Sector 'Common Use Arrangements' for Provision of Human Resource (HR) Services relevant to seeking Expressions of Interest in undertaking to progress the development / review of KPI's for the 2008/2009 period.

STATEMENT FROM CEO IN RESPONSE TO ITEM 15.1.2(d)

The Chief Executive Office provided a chronology of events in relation to the CEO Evaluation Committee Recommendation at Item 15.1.2 part (d).

The Chief Executive Officer tabled a copy of his response at the conclusion of his presentation.

Note: Chief Executive Officer left the Council Chamber at 10.52pm

MOTION

Moved Cr Hearne, Sec Cr Trent

That Council consider each part of the CEO Evaluation Committee Recommendations separately on their merit.

CARRIED (13/0)

COUNCIL DECISION ITEM 15.1.2 part (a)

Moved Cr Trent, Sec Cr Ozsdolay

That.....

(a) consideration be given to revoking Item 15.1.1 of the Minutes of the Council Meeting dated 25 September 2007 as follows:

- (a) *the Report from Kellehan Saunders (Confidential Attachment 4.1) for the Assessment of the CEO KPI's for the 2006/2007 period be noted;*
- (b) *the evaluation process continue consistent with Model 2, as adopted at Item 13.1.1(d) of the Minutes of the Council Meeting 24 April 2007, and that the report on the 360° feedback component of Model 2 (which involves feedback from 'direct reports' and Elected Members), separates Elected Member and Officer feedback, and this be presented to a Special Council meeting at a date to be determined; and*
- (c) *subject to the CEO's concurrence, the Council accept the expedited on-line process as recommended by Consultants, Kellehan Saunders.*

CARRIED (12/1)

by Required Support of One-Third of Members

COUNCIL DECISION ITEM 15.1.2 part (b)

Moved Cr Trent, Sec Cr Ozsdolay

(b) That Item No. 15.1.1 of the Minutes of the Council Minutes dated 25 September 2007 be revoked.

CARRIED (12/1)

by Required Absolute Majority

COUNCIL DECISION ITEM 15.1.2 part (c)

Moved Cr Doherty, Sec Cr Hasleby

(c) That Council accepts the report by Kellahan Saunders that finds the City of South Perth CEO, Mr Cliff Frewing has achieved the set 2006/2007 KPI's to the required minimum 75% acceptance rating and dispenses with the suggested face to face interviews for the 2006/2007 period.

CARRIED (12/1)

NOTE:CR SMITH REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

COUNCIL DECISION ITEM 15.1.2 part (d)

Moved Cr Hearne, Sec Cr Burrows

(d) That Council records that it has not had an opportunity to conclude the 360° feedback for the 2006/2007 period because agreement has not yet been reached on the process; and that the CEO be invited to include his 'Statement of Facts' **Attachment 15.1.2(d)** in relation to this item as part of the Council record.

CARRIED UNANIMOUSLY (13/0)

COUNCIL DECISION ITEM 15.1.2 part (e)

Moved Cr Doherty, Sec Cr Hearne

- (e) That Council adopt the Performance Measures together with KPI's for the 2007/2008 period in line with the process outlined in "Model 2" (with Council Member evaluation feedback only), as developed by Kellahan Saunders.
CARRIED (13/0)

COUNCIL DECISION ITEM 15.1.2 part (f)

Moved Cr Doherty, Sec Cr Hasleby

- (f) That a progress report on 2007/2008 KPI's be presented to a CEO Evaluation Committee Meeting to be held in February 2008.
CARRIED (13/0)

MOTION

Cr Hasleby moved the Committee Recommendation for part (g), Sec Cr Gleeson

- (g) That the CEO's Remuneration be increased by the Consumer Price Index for the 2006 and 2007 years retrospectively.

AMENDMENT

Moved Cr Ozsdolay, Sec Cr Trent

- (g) That the words *and 2007 years retrospectively* be deleted and replaced with the words: *year, and that the 2007 base rate be increased to a level of \$160,000 affective from 9 May 2007.*

FORESHADOWED MOTION

Cr Hearne foreshadowed he would be proposing an alternative Amendment if the current Motion is Lost.

MOTION

Moved Cr Smith, Sec Cr Hearne

That the Amendment be put. CARRIED (13/0)

The Mayor put the Amendment CARRIED (8/5)

NOTE: CRS HEARNE AND SMITH REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE AMENDMENT.

COUNCIL DECISION ITEM 15.1.2 part (g)

The Mayor put the Amended Motion

- (g) That the CEO's Remuneration be increased by the Consumer Price Index for the 2006 year, and that the 2007 base rate be increased to a level of \$160,000 affective from 9 May 2007.
CARRIED (10/3)

NOTE: CRS SMITH AND WELLS REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE AMENDMENT.

COUNCIL DECISION ITEM 15.1.2 part (h)

Moved Cr Hearne, Sec Cr Burrows

- (h) That HR contractors be identified from within the State Public Sector 'Common Use Arrangements' for Provision of Human Resource (HR) Services relevant to seeking Expressions of Interest in undertaking to progress the development / review of KPI's for the 2008/2009 period.

CARRIED (12/1)

NOTE: CR WELLS REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

Note: The Chief Executive Officer returned to the Chamber at 11.54pm

COUNCIL DECISION : MEETING OPEN TO THE PUBLIC

Moved Cr Trent, Sec Cr Doherty

That the meeting be again open to the public at 11.55pm

CARRIED (13/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the two members of the public gallery that returned to the Council Chamber the Council Resolutions for Items 15.1.1 and 15.1.2 were read aloud by the Minute Secretary.

SEASONS GREETINGS

Prior to closing the meeting the Mayor, on behalf of Council, extended best wishes for Christmas and New Year to the Councillors and staff and their families.

Cr Trent, on behalf of Councillors recorded his appreciation to the Mayor in his handling of the meetings and wished him and his family well for Christmas and the New Year.

16. CLOSURE

The Mayor closed the meeting at 11.59pm.

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate.

Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 26 February 2008

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.