



NOTES

March Council Agenda Briefing **Held in the Council Chamber** **Tuesday 17 March 2009** **commencing at 5.30pm**

Present:

Mayor J Best (Chair)

Councillors:

I Hasleby	Civic Ward (from 5.41pm)
P Best	Como Beach Ward
B Hearne	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure
Mr S Cope	Director Development and Community Services
Mr M Kent	Director Financial and Information Services
Mr S Camillo	Manager Environmental Health & Regulatory Services (until 8.20pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr M Taylor	Manager City Environment (until 8.30pm)
Mr S Bercov	Strategic Urban Planning Adviser
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Apologies

Cr G W Gleeson	Civic Ward - Approved Leave of Absence
Cr D Smith	Mill Point Ward - Approved Leave of Absence

Gallery

Approximately 30 members of the public present.
There was no member of the press present.

OPENING

The Mayor opened the Agenda Briefing at 5.30pm and welcomed everyone in attendance.

DECLARATION OF INTEREST

The Mayor reported having received a Declaration of Interest from Cr Hearne in relation to Agenda Items 10.3.8 and 10.3.9.

DEPUTATIONS

Opening of Deputations

The Mayor opened Deputations at 5.37pm

Cristy Secombe, Philp Ave, Como (representing Philp Ave residents)	Agenda Item 10.3.2
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Ms Secombe spoke against the officer recommendation at Agenda Item 10.3.2 (*Proposed Single House Including Bed and Breakfast Accommodation, 3 Philp Avenue*) on the following points:

- R15 zoning and previous consideration at November 2008 Council Meeting
- affect of building on amenity of street
- affect of development on street community
- Bed and Breakfast policy
- community consultation / objections
- ask Council not support proposal

Note: Cr Hasleby arrived at 5.41pm

Mr Webb of Peter Webb & Assoc. (representing applicant)	Agenda Item 10.3.2
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Mr Webb spoke for the officer recommendation at Agenda Item 10.3.2 (*Proposed Single House Including Bed and Breakfast Accommodation, 3 Philp Avenue*) on the following points:

- officer report accurately advises of applicant's actions / modifications
- proposal will not impact on traffic safety
- applicant has provided 'house rules' for proposed Bed and Breakfast accommodation
- landscaping now complies with requirements
- boundary wall now complies
- applicant has addressed community concerns
- ask Council support officer recommendation for approval

Jordan Ennis of Greg Rowe & Assoc. (representing applicant)	Agenda Item 10.3.3
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Mr Ennis spoke against the officer recommendation at Agenda Item 10.3.3 (*Retrospective Additions to 3 Multiple Dwellings 17 South Perth Esplanade*) on the following points:

- development is considered to be in accordance with policy objectives
- screening at plant/equipment achieves a far better amenity outcome
- proposed wall does not impact upon outlook of adjoining dwelling more than approved development
- no impact on overshadowing / building bulk

Jordan Ennis of Greg Rowe & Assoc. (representing applicant)	Agenda Item 10.3.4
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Mr Ennis spoke against the officer recommendation at Agenda Item 10.3.4 (*Amendments to Conditions of Approval 2 x storey Single House 133A Hensman Street*) on the following points:

- boundary wall is in accordance with policy
- design has regard for existing streetscape
- conditions will require a redesign whilst not changing the outcome in terms of maintaining amenity of adjoining properties/streetscape

Paul Odden of Optimum Resource Architects (representing applicant)	Agenda Item 10.3.6
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Mr Odden spoke against the officer recommendation at Item 10.3.6 on the Agenda (*Proposed 2 x storey Single House 37 Carr Street*) and in support of the proposal on the following points:

- street predominately single storey R15
- proposal for sustainable design in every aspect
- visual truncation issue can be amended to comply
- streetscape character
- flat roof proposed to hide solar panels / visual amenity
- ask Council support proposal as submitted

Note: Cr Grayden left the Chamber at 6.30pm and returned at 6.33pm

Chris Brook of Beilby Design (owner/applicant)	Agenda Item 10.3.7
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Mr Brook spoke against the officer recommendation at Agenda Item 10.3.7 (*Proposed 2 x storey Single House 33 Crawshaw Crescent*) on the following points:

- background on proposal
- sustainable design ie solar panels - hence flat roof proposal
- streetscape objectives
- issue with neighbours / parapet wall - addressed
- current proposal deemed a better proposal albeit a flat roof
- ask Councillors support proposal

DECLARATION OF INTEREST : ITEMS 10.3.8 AND 10.3.9 : CR HEARNE

Note: Cr Hearne left the Council Chamber at 6.48pm

Karl Woolfitt - Architect (representing applicant)	Agenda Items 10.3.8 and 10.3.9
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Mr Woolfitt spoke against the officer recommendations at Agenda Items 10.3.8 and 10.3.9 (*Proposed Office Development 3 and 5 Barker Avenue*) on the following points:

- addressed issues raised at Major Development Briefing in February re “Village Street feel”
- proposal modified to incorporate paved area/awning etc
- traffic issues addressed
- car parking shortfall - ask for Council discretion to assess under *Local Commercial Centre* and not *Highway Commercial*
- believe development conforms
- ask Council support in relation to car parking allowance

Note: Cr Hearne returned to the Council Chamber at 7.12pm

Mr Greg Davies, Architect	Agenda Item 10.4.1
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Mr Davies, architect for the proposed alterations and additions at the WCG Thomas Pavilion who has a long association with both the South Perth Cricket Club and the Wesley South Perth Hockey Club provided background on the proposed modernisation/renovation of the pavilion.

Close of Deputations

The Mayor closed Deputations at 7.19pm and thanked the presenters for their comments.

MARCH COUNCIL AGENDA REPORTS

The Mayor advised the meeting that due to the number of Deputations presented on quite a number of the reports on the Agenda and to the amount of questions already raised by Members on those items, that instead of the CEO presenting a summary of all of the reports on the March Council Agenda that Members identify only the reports where they wished to raise points of clarification or ask questions.

The Chief Executive Officer presented a brief summary of the following March 2009 Council Reports. Questions and points of clarification were raised by Members and responded to by the officers.

10.0.1 DAC (Design Advisory Consultants) Appointment of Members

The City, in reviewing membership of the DAC Group, has invited expressions of interest from interested architects (from existing members and others) - wishing to be appointed to this Group.

10.3.1 Planning Policy P355

This report presents a new planning policy for public advertising which deals with "Consultation for Planning Proposals". It replaces P104 "Neighbour and Community Consultation in Town Planning Processes".

10.3.2 SAT Review - Proposed "Bed and Breakfast (*subject of 2 Deputations*)"

An application refused at the November 2008 Council meeting for Bed and Breakfast Accommodation at 3 Philp Avenue is currently before SAT for determination and Council has been invited to reconsider its November 2008 decision.

10.3.3 Retrospective Application for Addns 17 South Perth Esplanade (*subject of Deputation*)

This report deals with a request for the Delegated Authority **refusal**, in relation to an application for an increase in height to the boundary wall of 3 Multiple Dwellings at 17 South Perth Esplanade, issued in November 2008 to be reviewed by Council.

10.3.4 Approved 2 x Storey Single House 133A Hensman Street (*subject of Deputation*)

Conditional approval was granted in December 2008 under delegated authority for a new two storey Single House - the applicant has now requested that two of the listed conditions of approval, relating to the eastern parapet wall and the roofing over the front of the garage, be deleted.

DECLARATION OF INTEREST : CR HEARNE ; ITEMS 10.3.8 AND 10.3.9

Note: Cr Hearne left the Council Chamber at 7.55pm

10.3.8 and 10.3.9 Office Development - 3 and 5 Barker Avenue, Como (*subject of Deputation*)

These reports consider a proposed two storey office development and are referred to Council mainly due to an unacceptable shortfall in car parking bays.

Note: Cr Hearne returned to the Council Chamber at 8.10pm

10.4.1 Thomas Pavilion - Alterations and Additions

This report reviews tenders received for proposed additions and alterations to the Thomas Pavilion and outlines the assessment process followed.

Note: Manager Environmental Health & Regulatory Services retired from the meeting at 8.20pm

10.6.1 Monthly Financial Management Accounts

This report presents account summaries for the month of February 2009.

Note: Manager City Environment retired from the meeting at 8.30pm

12. Motions of Which Previous Notice Has Been Given

Cr Hasleby provided background information in support of his proposed Notice of Motion, as emailed to Members, relating to a request for a change of postal address from the owners of No. 95 Angelo Street.

The Chief Executive Officer responded detailing the process to be followed and the current status of the issue.

Closure

The Mayor closed the Agenda Briefing at 8.55pm and thanked everyone for attending.



NOTES

Concept Forum

- Financial Strategy Briefing
- Financial Strategy Workshop
- EBA Update

**Held in the Council Briefing Room
Tuesday 3 March 2009
Commencing at 5.30pm**

Present:

Mayor J Best

Chairman

Councillors:

G W Gleeson

I Hasleby

P Best

B Hearne

L P Ozsdolay

C Cala

R Wells, JP

R Grayden

S Doherty

K R Trent, RFD

Civic Ward

Civic Ward

Como Beach Ward

Como Beach Ward

Manning Ward

McDougall Ward (from 5.38pm)

McDougall Ward (from 5.58pm)

Mill Point Ward

Moresby Ward

Moresby Ward

Officers:

Mr C Frewing

Mr S Bell

Mr S Cope

Mr M Kent

Ms H Cardinal

Ms D Gray

Chief Executive Officer

Director Infrastructure Services

Director Development and Community Services

Director Financial and Information Services

Manager Human Resource Services

Manager Financial Services

Apologies

Cr D Smith

Cr T Burrows

Mill Point Ward - Approved Leave of Absence

Manning Ward - Approved Leave of Absence

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

The Chief Executive Officer provided an overview of the evening's presentations which focussed on the Budget and Strategic Financial Plan philosophy followed by an EBA Update, a rates issues and information released on Local Government Reform.

1. **Financial Strategy Workshop**

The Director Financial and Information Services commenced his presentation which provided background and context for the Financial Strategy Workshop. The topics addressed included:

- The Local Govt Budget process
- Typical Local Government Program
- Philosophical Considerations
- Economic Factors to Consider
- Operating versus Capital expenditure - and the impacts of cuts
- Efficiency Bonuses
- Focused Review of Costs
- City Borrowing Profile
- Major Capital Considerations - Revenue and cash flow
- Major Capital Expenditures
- Conclusions
- Next Steps

At the conclusion of the presentation, the Director Financial & Information Services addressed questions, feedback and comments from Council Members in relation to the following:

- Local Government Cost Index
- Responsible rates increases
- Trade-offs and discretionary spending
- Electricity cost increase
- Street lighting
- Future UGP stages
- Community expectations
- Protecting the revenue base
- The 'Balanced Budget' philosophy
- Being popular versus sustainable decision making
- The 'Business as Usual' approach

2. **Budget / Financial Discussion**

The Director Financial and Information Services responded to questions about an appropriate and proactive strategy to respond to the challenges of the global financial crisis. The discussion was conducted as an interactive workshop with Council Members.

Council Members requested the Director Financial & Information Services to develop a financial scenario, based on feedback from the workshop, which would be presented back to Council on 18 March 2009 for consideration. The model would address the upcoming year budget and forward projections for the next 5 years.

3. **EBA Update**

The Chief Executive Officer provided an update on the current EBA negotiations addressing the following topics:

- Background
 - 2002 First EBA
 - 2006 Replacement EBA in operation until February 2009
 - 2008 Negotiations commenced in August for replacement of 2006 EBA (Inside/Outside Workforce)

- General Considerations
 - Key Objectives of new EBA
 - Organisational staff turnover / Implications / Challenges / Initiatives
 - Benefits to City
- Features of Current City Offer to Employees / Benefits to City
- Status of Negotiations
- Where to from here?
 - Further discussions with employees / representatives
 - Finalisation of details
 - Council approval of new EBA's
 - Lodgement of EBA's with federal Workplace Authority for certification
 - Existing EBA's remain in force until new EBA's become operational.

4. **Rates Issue**

Council discussed a ratepayer issue relating to an interim rate notice raised following advice from the Valuer General's Office that a property been cleared of the existing building - and as such was now required to be rated at 5% of the land value. Council Members were fully briefed on the cause of the issue (state government legislation), statutory obligations of the City in relation to rating and the process that the City had followed in levying and reviewing the rates.

Council Members agreed that the City's approach and the extensive responses provided to the affected ratepayer were correct and within the extent of our authority. Council agreed that the City had taken appropriate action in bringing this anomaly to the attention of the local Member of Parliament and to the WALGA seeking action at state government level to address the issue so that it was not repeated in the future. It was also acknowledged that the City does not have any further capacity to intervene in this matter.

5. **Local Government Reform**

The CEO briefly referred to the recent announcement made by the Minister for Local Government that local governments had until 31 August 2009 to develop proposals in relation to Local Government Reform. He further advised that the matter had recently been discussed at a Special Meeting of the South Eastern Metropolitan Zone of WALGA and that the State Council had subsequently resolved on this matter. Copies of the State Council resolution had been circulated for information.

The CEO also reported that further meetings were scheduled to be held with neighbouring Councils ie at Canning on 9 March and Victoria Park on 12 March. A Discussion Paper on Local Government Reform options had been previously circulated about a month earlier and a further Discussion Paper on Elected Member Representation would be circulated later in the week.

A detailed check list was required to be presented to the Minister by the end of April 2009. The CEO advised that a Briefing Session was in the process of being arranged in the near future.

6. **Closure**

The Mayor thanked those present and closed the Concept Forum at 9.25pm.



NOTES

Concept Forum

South Perth Ratilway Station Precinct Update
Held in the Council Briefing Room
Wednesday 11 March 2009
Commencing at 5.30pm

Present:

Mayor J Best

Chairman

Councillors:

I Hasleby

P Best

L P Ozsdolay

C Cala

R Grayden

K R Trent, RFD

Civic Ward (from 5.45pm to 7.38 pm)

Como Beach Ward

Manning Ward

McDougall Ward

Mill Point Ward

Moresby Ward

Officers:

Mr C Frewing

Mr S Cope

Mr S Bell

Mr R Bercov

Ms N Cecchi

Chief Executive Officer

Director Development and Community Services

Director Infrastructure Services (from 6.25pm)

Strategic Urban Planning Adviser

PA - Director Development and Community Services (Notes)

Consultants

John Syme

Kristina Svensson

Chris Bebich

Andrew Cartledge

Peter Hale

Brett Priest

Syme Marmion

Syme Marmion

Department for Planning and Infrastructure

Public Transport Authority

Public Transport Authority

MPS Architects

Apologies

Cr G W Gleeson

Cr D Smith

Cr S Doherty

Cr B Hearne

Cr T Burrows

Cr R Wells, JP

Civic Ward Approved Leave of Absence

Mill Point Ward Approved Leave of Absence

Moresby Ward Approved Leave of Absence

Como Beach Ward

Manning Ward

McDougall Ward

Guests

Kate Hislop

5 Students

Senior Lecturer - UWA - Faculty of Architecture, Landscape and Visual Arts

UWA - Faculty of Architecture, Landscape and Visual Arts

OPENING

The Mayor opened the Concept Forum at 5.30pm, welcomed everyone in attendance and requested those present to introduce themselves.

1. South Perth Railway Station Precinct Update

The Mayor advised the program for the briefing and gave a brief history of the study methodology.

Mr Chris Bebich of the DPI provided a PowerPoint presentation on Network City, Activity Centres and Transit Oriented Development (TOD) which included the following topics:

- Vision / Values.
- Spatial plan and strategy - 3 major elements (Activity centres / Activity and transport corridors).
- Transit Oriented Development (TOD).
- Elements of TOD.
- Benefits of TOD.
- TOD Policy.

Mr John Syme of Syme Marmion provided a PowerPoint presentation on the 2nd Concept Forum to brief Councillors on the study progress which included the following topics:

- The project - Objective.
- Proposed South Perth Train Station site.
- Precinct vision.
- Project team (Syme Marmion & Co; Mackay Urban Design; Philip McAllister Architect; EPCAD; Worley Parsons).
- Program:
 - Technical workshop - December 2008;
 - Precinct stakeholder workshop - February 2009;
 - Reporting and draft plan #1 - March 2009;
 - Community information session - April 2009;
 - Draft plan #2;
 - Consideration by City and WAPC.
- Main findings - Community engagement report April 2007 (Estill & Associates).
- Issues and considerations:
 - Rail patronage and operations;
 - Integration with existing community;
 - Heritage;
 - Station access;
 - Parking;
 - Safety and security;
 - Community expectations;
 - Development viability.
- Transport - Train station / Walking and cycling.
- Transit Oriented Development (TOD):
 - Public transport use;
 - Focus on the environment within walking distance of station;
 - Origin;
 - Destination.
- Transport context - Public transport.
- Kwinana Freeway - Access to and from the freeway is constrained.
- Infrastructure capacity:
 - Power;
 - Water and Sewer;
 - Telecommunications;
 - Stormwater drainage.

- Intensification / *Theoretical* Development opportunities - Urban zoned land / Other.
- Assessment criteria.
- Draft development controls.
- Special design areas.
- Performance criteria.
- Development potential.
- Transport - Car parking.
- Outcomes.
- Possible planning process.

Mr Andrew Cartledge of PTA provided a PowerPoint presentation on the concept design of the station which included the following topics:

- Status.
- Plans - Location / Site / Entry and platform / Upper level access.
- Elevations.
- Sections.
- Station entry looking west along Richardson Street.
- Station looking north-east.
- Further activities:
 - Finalise concept with PTA and stakeholders;
 - Determine patronage to enable assessment of station viability;
 - Patronage must be assured by increased density and population in the station catchment;
 - Finalise cost estimates;
 - Business Case to justify investment in public infrastructure;
 - Capital expenditure proposal and operating cost impacts;
 - Subject to Government approval and funding, the final design and documentation for tender could commence.

At the conclusion of the presentation questions were raised on the following issues, and responses were provided by the presenters:

- Design building to create a landmark station and compliment river views.
- Council's commitment - 2 concepts many years apart.
- Marketing potential of development over station - Very expensive.
- Operating and maintenance costs.
- Provision of public facilities.
- Station entry building on PTA land.
- No government law preventing development over station.
- Train stopping schedule.
- Conservative approach by Treasury.
- Land value.
- Richardson Park - A-class reserve.
- Community acceptance.

2. Closure

The Mayor thanked those present and closed the Concept Forum at 7.50 pm.

DELEGATE'S REPORT

RIVERS REGIONAL COUNCIL

This report relates to the Ordinary Council Meeting of the **Rivers Regional Council** (formerly South East Metropolitan Regional Council) held on 19 February 2009 at the Shire of Serpentine-Jarrahdale. Cr Kevin Trent, the CEO and Manager Environmental Health and Ranger Services represented the City at the meeting.

The attached Table of contents was considered by the Regional Council at its meeting. This opportunity is taken to draw the following matters to the attention of Council which may be of particular interest.

If further information relating to any of the items listed on the Table of Contents is required, the complete Minutes are available on the *iCouncil* website and in the Council Lounge. The Delegates to the Regional Council, are supported by the CEO, Director Development and Community Services and Manager Environmental Health Services.

There were a number of routine items contained on the Agenda, but other than the items relating to review of policy detailed below there were only two items that warranted special attention.

- 14.5 Freedom of Information Policy
- 14.6 Public question Time Policy
- 14.7 Disability Service Plan and Statement Policy
- 14.8 Accounting Policy
- 14.9 Investment Policy

All reviews reflect the change of name from the South East Metropolitan Regional Council to Rivers Regional Council and other related matters.

The CEO discussed the Investment Policy (Item 14.9) with the CEO of the Rivers Regional Council and expressed the view that the policy ought to be amended at page 2 in relation to the heading *Investments in Authorised Investments - Prudential Requirements* which appears to restrict investments to At Call or Seven Day periods. The existing policy is unnecessarily restrictive and it was suggested that this paragraph be modified to allow a greater range of investments over a longer period, ie up to 180 days. This suggestion was agreed to.

Comments on other agenda items are as follows.

Item 14.10 - Submission Inquiry into Municipal Waste Management in WA

The Legislative Council Standing Committee on Environment and Public Affairs is conducting an Inquiry into Municipal Waste Management in Western Australia. Submissions closed on Friday, 13 February 2009. Because of the early closing date it has not been possible for the Regional Council to endorse the submission.

A comprehensive submission has been prepared by the Regional Council with assistance from technical officers from members of the Regional Council, including the City of South Perth.

The recommendations contained in the submission are broadly consistent with the recommendations contained in the City of South Perth submission and in particular involve:

- Greater certainty in land use planning for alternative waste treatment facilities;
- Adopting realistic and achievable waste reduction goals;
- Reducing construction waste;
- Developing recycling material markets; and
- A greater role for the Municipal Waste Authority

The Regional Council adopted the recommendation.

Item 14.11 - Draft Deed of Amendment Shire of Waroona

This item provided for the Regional Council to adopt a resolution to admit the Shire of Waroona to the Rivers Regional Council. The admission of Waroona has been envisaged for some time and this item progressed the legal requirements to enable Waroona to become a full participating member of the Regional Council. The Deed of Amendments will be required to be considered by each of the existing members and approved by the Minister prior to the arrangements being finalised.

It would be anticipated that a report will be included on the City of South Perth Council Agenda in March 2009.

The Regional Council adopted the recommendation.

Delegates: James Best (Mayor)
Cr Kevin Trent

Rivers Regional Council

Meeting 19 February 2009

Agenda

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
2. ATTENDANCE AND APOLOGIES
3. DISCLOSURE OF INTEREST
4. ANNOUNCEMENTS BY THE CHAIR WITHOUT DISCUSSION
5. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
6. PUBLIC QUESTION TIME
7. APPLICATIONS FOR LEAVE OF ABSENCE
8. PETITIONS, DEPUTATIONS AND PRESENTATIONS
9. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING
 - 9.1 Confirmation of the Minutes of the Ordinary Council Meeting held on 16 October 2008
10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
11. QUESTIONS WITHOUT NOTICE
12. ANNOUNCEMENTS OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
13. BUSINESS NOT DEALT WITH FROM PREVIOUS MEETING
14. REPORTS OF OFFICERS
 - 14.1 Payments for the Period 1 December 2008 to 31 January 2009
 - 14.2 Financial Report for the Period Ending 31 January 2009
 - 14.3 CEO - Activity Update
 - 14.4 Compliance Audit Return: 1 January 2008 to 31 December 2008
 - 14.5 Freedom of Information Policy - Review
 - 14.6 Public question Time Policy
 - 14.7 Disability Service Plan and Statement Policy
 - 14.8 Accounting Policy
 - 14.9 Investment Policy
 - 14.10 Submission - Inquiry into Municipal Waste Management in Western Australia
 - 14.11 Draft Deed of amendment - Shire of Waroona
15. REPORTS OF COMMITTEES
 - 15.1 Audit Committee
16. REPORTS OF DELEGATES
 - 16.1 Municipal Waste Advisory Council
17. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
18. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR BY DECISION OF THE MEETING
19. CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
20. ADVICE OF NEXT MEETING
21. CLOSURE

DELEGATES' REPORT

Special Meeting - WALGA South East Metropolitan Zone

The South East Metropolitan Zone of WALGA met on Wednesday, 25 February 2009 at the City of Armadale. The Special Meeting was called to prepare an initial Local Government response to the amalgamation proposal of the Minister for Local Government.

The background paper included on the WALGA Zone Agenda has since been provided to elected members for information.

Recommendation

That WALGA:

1. Lobby all Members of State Parliament seeking opposition to forced amalgamations of Local Governments and a commitment to the Principles and Actions of the Systemic Sustainability Study (SSS) Report.
2. Co-ordinate a Local Government response to the State Government's reform proposals
3. Endorse the reformation of the State Council SSS Taskforce to oversee Local Government's response to this issue
4. Advise the State Government of Local Government's commitment to work together with the State Government towards a voluntary reform process.

The resolutions passed at the meeting were considered by the WALGA State Council at its meeting on 4 March 2009 along with other responses by all other Zones.

For information purposes, the WALGA State Council resolved at this meeting as follows:-

That WALGA:

- 1 *lobby all Members of State Parliament seeking a commitment to the Principles and Actions of the Systemic Sustainability Study (SSS) Report and support for a collaborative approach between the State Government, the Department of Local Government and Regional Development, Local Government and the Western Australian Local Government Association to ensure the best possible outcomes for structural reform of the sector;*
- 2 *commit to expediting the implementation of the recommendations stemming from the SSS report;*
- 3 *endorse the re-formation of the SSS Taskforce, with the addition of a representative from the North West, to oversee and facilitate a response from the Local Government sector to the State Government reform proposals;*
- 4 *support Councils throughout the reform process and assist Local Governments in preparing responses to the Minister for Local Government;*

- 5 *lobby the Minister for Local Government to ensure that any adjustment to Local Government boundaries is based on an appropriate business case that is demonstrated and proven to develop sustainable Local Government;*
- 6 *advise the Minister that a 6 month period for response is inadequate and that a more realistic timeframe be considered in consultation with WALGA;*
- 7 *lobby the Minister for Local Government seeking appropriate reimbursement to Councils for costs associated with the preparation of reform submissions;*
- 8 *advise the Minister for Local Government of WALGA's commitment to work together with the State Government towards a voluntary reform process; and*
- 9 *partner with the State Government to develop quantitative guidelines outlining preferred reform models and benchmarks, specifically identifying elected member to resident ratios and Local Authority area and/or population, depending on their specific geographical location within the State.*

Delegates:

**Mayor James Best
Cr Kevin Trent - Delegate
Cliff Frewing - Delegate**

3 March 2009



South East District Planning Committee

Agenda

Thursday 5 February 2009

- 1 Attendance, apologies and leave of absence**
- 2 Declarations of interest and representations**
- 3 Announcements by Chairman and communication from WAPC**
- 4 Confirmation of Minutes**
 - 4.1 Minutes of the South East District Planning Committee meeting held on 4 December 2008
- 5 Business arising from the minutes**
 - 5.1 Realignment of Holmes Street in Southern River precinct
 - 5.2 Identification of Southern River Road as blue road
 - 5.3 Rezoning of City of Gosnells land in precinct 3F
- 6 Outstanding actions**
- 7 Business before the Committee**
 - 7.1 Metropolitan Region Scheme Proposed Amendment 1167/27
Maddington Road/Alcock Street, Maddington
(Copy of amending plan No 4.1541 attached)
- 8 Local Area Presentations**
- 9 Reports from Representatives**
 - 9.1 Metropolitan Region Planning Committee
 - 9.1.1 Minutes of the MRPC meeting of 9 December 2008
 - 9.2 Metropolitan Region Scheme Amendment Program Progress Report 30 January 2009
(attached report for noting)
- 10 General business**
- 11 Forward agenda**
- 12 Date of next meeting**

The next ordinary meeting is scheduled for 6.00 pm on Thursday 2 April 2009 at the Shire of Serpentine-Jarrahdale.
- 13 Closure**

DELEGATE'S REPORT

SOUTH EAST DISTRICTS PLANNING COMMITTEE MEETING HELD THURSDAY, 5 FEBRUARY 2009

The South East District Planning Committee (SEDPC) of the WA Planning Commission met on Thursday, 5 February 2009. Cr Colin Cala and the Acting Manager, Development Services attended the meeting on behalf of the City of South Perth.

The attached table of contents was considered by the SEDPC at the meeting. The substantive items of business considered at the meeting relate to planning matters which do not impact on the City of South Perth.

The next meeting of the SEDPC is scheduled for 2 April 2009.

Delegate - Cr Colin Cala

1 Attendance, apologies and leave of absence

2 Declarations of interest and representations

3 Announcements by Chairman and communication from WAPC

4 Confirmation of Minutes

- 4.1 Minutes of the South East District Planning Committee meeting held on 4 December 2008

5 Business arising from the minutes

- 5.1 Realignment of Holmes Street in Southern River precinct
5.2 Identification of Southern River Road as blue road
5.3 Rezoning of City of Gosnells land in precinct 3F

6 Outstanding actions

7 Business before the Committee

- 7.1 Metropolitan Region Scheme Proposed Amendment 1167/27
Maddington Road/Alcock Street, Maddington
(Copy of amending plan No 4.1541 attached)

8 Local Area Presentations

9 Reports from Representatives

- 9.1 Metropolitan Region Planning Committee
9.1.1 Minutes of the MRPC meeting of 9 December 2008
9.2 Metropolitan Region Scheme Amendment Program Progress Report 30 January 2009
(attached report for noting)

10 General business

11 Forward agenda

12 Date of next meeting

The next ordinary meeting is scheduled for 6.00 pm on Thursday 2 April 2009 at the Shire of Serpentine-Jarrahdale.

13 Closure

DELEGATE'S REPORT

IPWEA National Conference on Climate Change Response and Study Tour

3 - 8 August 2008
Coffs Harbour, Gold Coast and Brisbane

BACKGROUND

The visit to Coffs Harbour, Gold Coast and Brisbane had the following objectives:

- To attend the IPWEA (Institute of Public Works Engineering Australia) National Conference on Climate Change Response;
- To visit the waste management facility at Coffs Harbour;
- To visit Gold Coast City Council to discuss with them their experiences in managing rapid population growth and its impact on infrastructure and importantly, how they manage hi-rise development;
- To visit several golf driving range facilities to view their operation.

1. IPWEA CLIMATE CHANGE CONFERENCE

The aim of the Coffs Harbour Conference was as follows:

Sea level rise will present infrastructure challenges to government and the wider community. The aim of the conference was to provide an opportunity for coastal and tidal councils, State Governments, researchers and consultants to meet and learn about what adaption strategies are occurring in response to existing and projected sea level rise in different types of coastal regimes.

The Conference focused on research and adaption strategies planned and in place in many coastal regions of Australia.

Sessions/ Themes

Thirty one papers were delivered in concurrent sessions during the conference under the following themes:

1. Vulnerability of the Australian Coast to Climate Change: An international perspective;
2. Extent of Sea Level Rise - Setting the Scene;
3. Impacts and Risk Assessment - Planning Responses;
4. Impacts and Risk Assessment - Council Responses;
5. Impacts and Risk Assessment - Site and Locale Responses;
6. Adaption Strategies;
7. Wider Impacts and Responses;
8. Community Impact and Engagement;
9. Planning Land Use;
10. Storm Tide & Emergency Management.

The Manager City Environment and I intended to attend separate sessions to maximise the information being delivered, however there were several papers that we felt were directly relevant to the City of South Perth, so we attended these together.

Conference Outcomes

The key themes from this conference relevant to the City of South are as follows:

- Sea level rise as a result of climate change is a serious challenge to Australian coastal communities;
- A number of adaption strategies are being researched and trialled around the country;
- Local government will be at the forefront of the impacts and therefore the response;
- Measures adopted in local communities will have a key role to play on a much bigger stage;
- Be prepared with good planning. Ensure the most up to date data is available and ensure your risk management process is robust.

The conference papers can be found at:

<http://www.ipwea.org.au/Content/NavigationMenu/SIGS/ClimateChange/ConferencePapers/default.htm>

2. TECHNICAL TOUR

a) Coffs Coast Resource Recovery Centre (5 August)

<http://www.coffsharbour.nsw.gov.au/www/html/1094-construction-of-the-resource-recovery-park.asp>

There are two facilities on this site:

- The \$7 million Materials Recovery Facility (MRF) which was constructed in 2005. More than 230 tonnes of recyclable materials are collected each week from 40,000 households and a number of commercial premises on the Coffs Coast, and sorted at the MRF;
- The Biomass Facility. This plant processes mixed waste and organics waste into a range of high-grade composts and soil enhancers. It also turns mixed waste into mulch for use in the agricultural industry and separates out any residual recyclable materials. One of the main aims of this project is to recover beneficial products from 80 per cent of wastes currently landfilled and ultimately eliminate the need for landfill by 2020.

b) Gold Coast City Council (6 August)

<http://www.goldcoast.qld.gov.au/default.aspx>

We met with David Corkill (Manager Strategic & Environmental Planning & Policy), who was kind enough to spare 90 minutes of his time for a detailed discussion about the pressures facing the Gold Coast City Council as one of the fastest growing regions in the country. The discussion centred on:

- Infrastructure response to population growth;
- Pressure on the natural environment of the region;
- Water shortages and the City's responses;
- Lessons learnt from hi-rise development and more recent approaches;
- Communication and engagement with the community. Developing partnerships;
- The interrelationship between the problems - an integrated approach is required.

Gold Coast Council has many challenges to deal with including within the organisation as it is extremely large, servicing a population of around 1 million people.

c) Golf Course Facilities Tour (7 August)

We visited two facilities:

Victoria Park Golf Complex (<http://www.victoriaparkgolf.com.au/>): This complex is operated by the City of Brisbane and consists of:

- An 18 hole course;
- A two storey driving range facility, including pro-shop and eating area (operated privately under a lease arrangement);
- A large and separate function area;
- A mini 'put put' course.

The main reason for the visit was to meet the operators and view the driving range facility. This is a 'manual' range, meaning those golfers need to place the balls on the tees themselves. It is extremely popular gauging from the discussion and activity occurring while we visited. The facility also has a large and very well equipped pro-shop and el-fresco dining area, which appears also to be very popular.

Golf Mania (<http://www.golfmania.com.au/>) This is a fully automatic driving range, which means the balls are automatically teed up. This facility is not part of a golf course. Unfortunately, the facility is old and quite run down. Our discussion with the operator was colourful. He was experiencing problems with the automated system and was not very positive about it.

d) Roma Street Gardens, Brisbane (7 August) (<http://www.ourbrisbane.com/see-and-do/places-to-see/brisbanes-city-parks-and-gardens>)

This visit was added to our trip on the recommendation of our Chief Executive Officer. Developed on an old railway transport and freight site, the 16 hectares of manicured gardens, lawns and celebration spaces is the world's largest subtropical garden in a city. The gardens are run by the City of Brisbane, with a large volunteer workforce. They are very labour intensive to manage, but quite magnificent.

Overall, this was a most informative and rewarding visit. We attempted to cram a number of different experiences into the trip to ensure that the City would be getting value for its expenditure. I gained a lot out of the trip and am sure the Manager City Environment did as well.

A digital photo library of this trip can be made available on request.

James Best

MAYOR

City of South Perth

DELEGATE'S REPORT

Australian Council of Local Government Summit

**18 November 2008
Parliament House, Canberra**

BACKGROUND

The inaugural meeting of the Australian Council of Local Government (ACLG), highlighted the Australian Government's agenda for forging a new and stronger partnership with local government.

More than 400 mayors and shire presidents across Australia (of 550) attended the summit to begin a genuine dialogue on a number of issues of concern to both levels of government.

These included local, regional and national infrastructure, local government efficiency, improving the liveability of our major cities, strengthening regional economies, adapting to climate change, housing affordability, tackling Indigenous disadvantage and improving community wellbeing.

At the meeting, the Prime Minister announced initial funding of \$300 million to councils and shires to build and improve community infrastructure and boost local economies through the new Regional and Local Community Infrastructure Program.

Australian Government Cabinet Ministers attended, along with heads of local government representative organisations' (such as WALGA) and state and territory ministers for local government & planning were also present.

SUMMIT PROCESS

The Summit focused on issues where dialogue and partnership can help improve the quality of life in our communities.

The format used to facilitate dialogue and discussion between Local Government and the Australian Government was through 10 sessions on the following key themes:

Sessions/ Themes

1. investing in local, regional and national infrastructure;
2. making our major cities more liveable, productive and sustainable;
3. working towards more efficient and sustainable local government;
4. partnering to make housing more affordable, including more effective planning and development processes;
5. closing the gap: Indigenous leadership, training and employment;
6. facilitating social inclusion in our communities.
7. improving engagement of local and federal governments, including Constitutional recognition;
8. adapting to our changing local environments;
9. strengthening regional economies, including broadband and communications; and
10. improving wellbeing in our communities.

The 10 sessions were chaired by a relevant Australian Government Minister and involved a presentation from a Mayor to stimulate the discussions. Sessions were also facilitated and supported by scribes. Participants nominated their preferred theme sessions in order of priority, and were allocated two sessions by ballot.

SUMMIT OUTCOMES

The outcomes of the discussions were summarised at the closing plenary and will inform the future work of the Australian Council of Local Government. Progress was made in three key areas: developing a stronger relationship between the two spheres of government; progressing the constitutional recognition of local government; and reforming infrastructure and services provided by local government.

The list of agreed outcomes is detailed and can be found at

http://www.aclg.gov.au/media_centre/session_outcomes.aspx

SESSION PRESENTATION ON ADAPTING TO OUR CHANGING LOCAL ENVIRONMENTS By Mayor James Best

For each theme a mayor was invited to give a presentation to stimulate discussion. I was fortunate to be one of the 10 mayors invited to speak, and the summary follows.

My Presentation goal

Identify top issues under each theme that federal and local governments can work together in partnership to take forward and stimulate discussion through open-ended questions...

Introduction

- All ten themes at the summit will to some extent be affected and will be increasingly affected by climate change.
- Climate Change is not just an environmental challenge but a social and economic issue -- how do we get the community to engage in the dialogue ?

Issues

Local govt has the highest level of vulnerability

- Large scale of aging community assets
- population -- level of government closest to the people
- no significant income

Leadership

- Cooperative/ connected **partnerships**. How can we work together more collaboratively ?
- How can we get improved **communication** between all stakeholders LG/ State/ Fed/ Industry & Commerce/ community ?
- How can we improve **coordination** with all of the stakeholders ? How can we map the stakeholder network ?

Information

- Information -- what's happening now & the best guesses for the future.
- DATA -- **Digital Elevation Mapping** (need high resolution) made available for all LG
- Rainfall and Storm event handbooks need to be revised
- **Integrated** approach to **sharing** data and information.
- **Continuity** -- stop re-badgeing things when there's a different party in power (The Australian Greenhouse office is now the Department of Climate Change = mums and dads have enough difficulty keeping up --> difficult to find some of the great resources during the transitions)
- More of a wiki style approach to the web.

Policy framework

In line with the global financial crisis -- even more imperative we set the policy asap
Especially with the potential legal issues associated with town planning.

We need the Australian Govt to set the scene (the helicopter view) and allow LG to plan to the individual householder level

Adaptation planning

- Coastal and estuarine -- how do we know what the risk is ?
- Inland -- how will communities deal with increases in heat & more extreme variations in climate ?
- Risk for our infrastructure -- thermal concrete failure/ bitumen melt ?
- \$ for Adaptation plans -- do this for all LG
- Tool kits -- planning considerations/ smart housing (no Tuscan mansions)

Community

- Living smart education \$ -- locally coordinated to avoid multiple messages (Aust govt Think Climate, think Change/ WA Govt Act Now/)
- Inland agricultural areas -- social fabric disintegrating
- Impact on public health/ diseases etc ?

Biodiversity

- How do we increase the resilience of our unique flora & fauna ?
- How do we link up stranded reserves ?

Opportunities

- How can we make our communities more resilient to respond to changing conditions and prosper ?
- How can we get LG's to be more effective in engaging their communities
- How do we get those LG's who are not currently thinking about climate change to become involved (Eg only 233 LG's members of the Cities for Climate Protection ICLEI)
- How will we continue this discussion after this session ?

Conclusion

Mayors Summit Canberra 2008

- Climate change exacerbates the pressure on already stressed infrastructure that serves our community.
- We need some audacious goals to unite the community, demonstrate the urgency. For example lets aim to become the "*Solar Nation*" -- photovoltaic's for baseload with panels on every home and business and feed surplus back into the grid.

James Best

MAYOR

City of South Perth

SCANNED

Patrick Pinder
B.Arch (ADEL), L.F.R.A.I.A., M.I.A.M.A.

Ref: C:\Persons\South Perth\02

1 February 2009

Chief Executive Officer
City of South Perth
Civic Centre
Sandgate Street cnr South Terrace
SOUTH PERTH, WA, 6151

CITY OF SOUTH PERTH	
- 3 FEB 2009	
DocID No:	569176
File No:	D.B.501
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Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/> File <input type="checkbox"/>

Attention: Mr. Rod Bercov

Dear Sir,

**DESIGN ADVISORY CONSULTANTS (DAC)
EXPRESSION OF INTEREST**

In response to a notice in the Australian Institute of Architects recent newsletter I wish to register my interest in appointment to the City of South Perth's Design Advisory Consultants (DAC) group.

I enclose herewith a brief CV which gives an indication of my past and present involvement as an architect both as a practitioner and currently as a consultant. I would be very pleased to be able to contribute to the community in which I 'live, work and play' and trust that I have the knowledge and experience to be of use in the City's DAC group.

As can be seen from my CV, I am retired from the rigors of day to day architectural practice, however I am very active within the architectural profession in a range of areas in addition to those mentioned in my CV. This involvement includes

- Conducting of tutorials for candidates intending to register as architects.
- Assessment of overseas graduates as to their qualification equivalence to Australian universities.
- Recent chairmanship of the National Education Committee of the Royal Australian Institute of Architects.
- Involvement at a state level in the assessment of Design Awards of the Australian Institute of Architects, and
- Responding as a Senior Counsellor (RAIA) to public enquiries wherein I provide advice to members of the public and practitioners on a wide range of issues relating to architectural, building and industry matters.

My current activities usually result in a commitment of approximately 10 days per month. Of these days, only one each month is a fixed commitment, that is the Builders Registration Board Meeting on the fourth Wednesday of the month. The remainder of my

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SOUTH PERTH WA 6151
Phone/Fax: 08 9368 1791
Mobile: 0417 988 005
Email: patpin@inet.net.au

2.



activities are flexible and as a consequence I should, if appointed, be available for DAC group meetings at times other than the fourth Wednesday.

I have perused the City's Policy P371 Design Advisory Consultants and note that at Policy 5(a)(ii) some of the selection criteria for the DAC are identified. In regard to those criteria I comment as follows:

City of South Perth

I have been a resident of South Perth since 1989, approximately six years in Forrest Street and thirteen in Wattle Street. As a consequence I have a 'detailed knowledge of the composition and character of the City of South Perth'. Not only that, I enjoy the place and the lifestyle that it facilitates.

Sustainable Design & Heritage Preservation

Over the years I have seen, and been involved, through my experience as a practicing architect, in the issue of sustainability.

Having been born and, until attending the University of Adelaide, lived in Broken Hill in far western NSW, I was, at a very young age, very much aware of the harsh consequences of extreme temperatures and the precious nature of water. Such a background became an ingrained element of my architectural training and the consequential need to utilise natural phenomenon in the design of buildings. Very early in my architectural career I realized that it was essential to keep the sun off the glass in summer, make the rainwater tanks big enough and control cross flow ventilation (when no air conditioning was incorporated in a building). These simple issues helped create a comfortable environment in a building in an economical manner. Sustainability as such at that time was not a prime consideration in itself. It was a by-product of a sensible design approach. In recent years the issue of sustainability has emerged as one of the drivers in design of the fabric of our environment, and so it must.

Over the years, the basic principles and aims for sustainable development have not changed significantly. However, it is exciting to now see that through research and technical development, responsible design continues to develop the methods of enhancing and implementing sustainability in the ever increasing components and services in our buildings. The voluntary sustainability accreditation of practitioners is an initiative that has raised the awareness of the importance of designing for sustainability.

During the 1960's and 70's whilst living and working out of South Australia I was an active member of the Early Buildings Committee of the National Trust of South Australia. At the time our main task was the recording and classification of the buildings of the first 50 years of the colony. That involvement resulted in my gaining appreciation of those early heritage buildings. It also resulted in having a satisfying involvement in the restoration of the derelict 1855 Willunga Court House and Police

Station which is now a National Trust Museum. (Featured on the jacket of Australian National Trust's publication 'Historic Places'.

3.

Due to the nature and extent of the early built fabric of Adelaide and South Australia it was common to be exposed to alterations and additions to early buildings which needed to be undertaken in a responsible and respectful manner using modern techniques and materials. It was not unusual that restoration of existing fabric would also form part of such projects. Some work undertaken on some of the early 'grand houses' of Adelaide was challenging and satisfying.

In WA my experience with heritage preservation has included the conversion in 1983 of the 1888 Albany Town Hall into an intimate theatre whilst conserving the essential existing elements of the building. I also jointly prepared the Conservation Plan for the Mt Barker Railway Station. This plan has now been implemented and hopefully the deterioration of the complex has now been halted.

Architectural Expertise

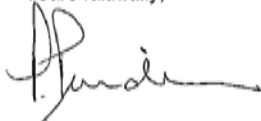
I refer to the contents of this letter and the enclosed CV. Over the years I have had the opportunity to have a very wide range of experience in architecture and associated activities. I am always enthusiastic to continually expand that knowledge and experience and to bring them to bear upon the activities in which I become involved.

Royal Australian Institute of Architects

I am a Life Fellow of the Institute.

I would be pleased to provide further information if required and/or to meet to discuss this Expression of Interest.

Yours faithfully,



PATRICK PINDER

Encl:

PATRICK PINDER

Qualifications

Bachelor of Architecture (Adelaide University)

Professional Affiliations

- Life Fellow of the Royal Australian Institute of Architects (RAIA)
- Past President RAIA (WA Chapter)
- Senior Counsellor RAIA (National Appointment)
- Registered Architect in Western Australia
- Member of Institute of Arbitrators & Mediators Australia (Graded Arbitrator and Accredited Mediator)
- Member of the Builders Registration Board of Western Australia
- Member of Building Disputes Tribunal
- Senior Sessional Member of State Administration Tribunal

Career Summary

After graduating in 1963, Pat joined the Adelaide office of architectural firm, Hassell and McConnell.

In 1973 Pat became a principal of Hassell and Partners, responsible for a range of clients and projects. From providing architectural services for South Australian television stations, Pat became involved in planning work at TVW7 television and 6IX radio stations in Perth. He subsequently established an office in Perth in 1977 for Hassell and Partners and was the Partner responsible for that practice until 1984.

In July 1984, after deciding to remain in Perth in preference to returning to the eastern states with Hassell, Pat continued on the Perth practice that had been Hassell and Partners as Pinder Architects Pty Ltd. In 1995 Pinder Architects merged with Sandover Architects to become Sandover Pinder Pty Ltd.

In July 2000 Pat resigned as a founding Director of Sandover Pinder Architects and accepted an appointment as a Lecturer (half-time) in the School of Architecture, Construction & Planning at Curtin University. He resigned from this position in July 2006 and is currently involved in the construction industry as arbitrator, mediator and expert witness.

In recent times involvement within the industry has included

- Sitting once a month on the Builders Registration Board (appointment current).
- Sitting regularly on the Building Disputes Tribunal (appointment current)
- Sitting on planning and building technical matters and conducting mediations at the State Administrative Tribunal as a Senior Sessional Member (appointment current)
- Hearing evidence and making awards as an arbitrator on various types of disputes that result from building contracts and/or consultant agreements.
- Expert Opinions for a range of matters for Court proceedings. These have included building construction, design, and practice topics related to issues for architects and other building design consultants.

On the following pages (2 to 4) are examples of the range of projects in which I was involved during my thirty six years in practice as an architect.

PATRICK PINDER

Professional Practice Experience

1995-2000

Sandover Pinder Architects

- Beijing Underwater World
Project Manager
Construction of Entertainment project in Beijing, PR of China was completed in 1998
- Kalgoorlie – Boulder Airport Terminal (Stage 2)
Director in Charge and Designer
Construction completed 1998
- Karratha Airport Terminal Building (Stage 2)
Director in Charge and Designer
Construction completed 1998
- Lakelands Country Club House (Stage 1)
Director in Charge
Construction completed 1998
- Jausaurus Cable Termination Facility, Port Hedland (Telstra/Optus J.V.)
Director in Charge and Designer
Construction completed 1996
- New Facilities for Western Mining, Mt. Keith, WA
Director in Charge
Construction completed 1998
- Royal Perth Yacht Club Upgrade
Director in Charge and Designer
Construction completed in 1999
- Airport Redevelopment, Port Hedland, WA
Director in Charge, Masterplanning Study
Major Alterations & Additions completed in 2000
- Airport Terminal, Paraburdoo, WA
Director in Charge, Masterplanning Study
- Aboriginal Hostel, Maylands, WA
Director in Charge
Project completed in 1997
- Aboriginal Hostel, Derby, WA
Planner & Director in Charge
Construction commenced in 1999
- State Drill Core Facilities, Kalgoorlie and Carlisle
Director in Charge and Designer
Construction completed Kalgoorlie in 1999, Carlisle in 2003

PATRICK PINDER

- Melbourne Underwater World
Director in Charge (Sandover Pinder)
Joint Venture with Peddle Thorpe Melbourne for city project on north bank of Yarra River
Completed in 1999
- 1984-1995
Pinder Architects
- Department of Land Administration Offices, Midland
Appointed as architectural independent consultant to monitor Government interest in the \$55M project during documentation and construction
- ANZ Bank Relocation of Head Office
Director in Charge and Designer
Incorporating state-of-the-art ground floor banking chamber and State Headquarters in Allendale Square and adjacent property
- New Complex for Channel 7, Tuart Hill, WA
Designer
- Perth International Telecommunications Centre, Gnangara, WA
Master Planning & Designer
This satellite monitoring, control and communication facility houses vital equipment for international communications in Western Australia
- Scarborough Civic Centre, WA
Masterplanning and Design
Comprising four building elements (Library, Autumn Centre, Sports Centre and Community Centre) loosely surrounding an informal "Town Square"
- New Kalgoorlie-Boulder Airport Terminal (Stage I)
Director in Charge & Designer
The building was designed to reflect the character of the Kalgoorlie-Boulder region.
- 1970-1984
Hassell and Partners
- Adelaide Festival Centre, Adelaide, SA
Co-ordinating Project Architect
This project consisted of the 2,000 seat Festival Theatre, 650 seat Drama Theatre, 300 seat Experimental Theatre and a multi-level carpark for 300 cars
- Albany Intimate Theatre, Albany, WA (Conversion of 19th century Town Hall)
Designer & Partner in Charge
Construction completed in 1983
- New Karratha Airport Terminal Building (Stage I)
Designer and Partner in Charge
New Terminal completed in 1983

PATRICK PINDER

- Franklin Street Office Development, Adelaide, SA
Project Architect and Designer
10-storey office development in the Adelaide CBD
Completed in 1974
- TVW Enterprises (Channel 7 Perth)
Partner in Charge
Masterplanning for TVW complex at Tuart Hill incorporating radio and television
broadcasting
Major alterations and additions undertaken in 1979
- AUSSAT Earth Station
Design of satellite communication facility at Lockridge (now Optus)
Completed in 1983

1963-1970

Hassell and McConnell – Architects

- Flinders University (South Australia)
Involved in design and documentation of first buildings at second S.A. University in
1964-67
Managed site office during construction phase
- Broken Hill Hospital Pathology and Radiology Complex – NSW
Project Architect & Designer
Additional to existing regional hospital
Completed 1976
- Meningie District Hospital, SA
Project Architect & Designer
Ongoing development and extensions of wards, theatres and services facilities
Completed 1977



Evaluation Panel

Recommendation Report

Request for Quotation

Karawara Amendment No. 8

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1. Introduction

1.1 Title

The City of South Perth issued a Request for Quotation for the provision of a consultant undertake research and community engagement, leading to the preparation of TPS 6 Amendment No. 8 relating to Karawara.

1.2 Scope

The appointed consultant will be required to examine the full potential of the 'Radburn' design principles within Karawara generally and provide advice to the Council as to whether these principles should be protected and enhanced, or abandoned in favour of 'standard' R-Codes setback throughout Karawara, as elsewhere in the City. This will involve research into comparable housing estates elsewhere and extensive community engagement, preparatory to the formulation of Amendment No. 8 to Town Planning Scheme No. 6.

1.3 Value

The rates for the period of the contract will be fixed in accordance with the Consultant's offer.

1.4 Contract Period

The term of any contract resulting from this Request for Quotation is yet to be agreed between the City and the appointed consultant. The contract period will be confirmed in the Inception Report to be prepared by the consultant.

1.5 Advertising Details

The Request Quotation was sent to five selected consultant during the latter part of 2008. Three of those consultants submitted quotations.

2. Background

2.1 Name of Consultants

Quotations were received from the following consultants:

- a. Taylor Burrell Barnett
- b. The Planning Group
- c. Development Planning Strategies

2.2 Consultant Price

The consultants were not given a price range in the Request for Quotation. The submitted prices ranged between \$45,100 and \$248,446 all inclusive of GST. The consultants have been ranked from lowest to highest price.

1. Consultant (b)
2. Consultant (c)
3. Consultant (a)

2.3 Project Background

The purpose of the Review is to investigate and examine the full potential of the 'Radburn' design principles within Karawara generally, and provide advice to the Council as to whether these principles should be protected and enhanced, or abandoned in favour of 'standard' R-Codes setbacks throughout Karawara, as elsewhere in the City.

If the consultant concludes that the 'Radburn' principles should be enhanced, the consultant should recommend a strategy as to how this should best be achieved. This would probably involve a combination of the Scheme Amendment and Council initiatives and action in relation to enhancement of the open space reserves.

Conversely, if it is concluded that the 'Radburn' principles should be abandoned, the consultant should recommend which, if any, of the narrow legs of open space should be closed and divided among adjoining properties, the manner in which setback requirements should be modified and any other special action to be taken. The Project Outline that was sent to consultants is attached.

In accordance with City of South Perth purchasing policy, the selection of a study consultant must be made via a Request for Quotation (RFQ). The RFQ was circulated for a period in excess of 14 days to consultants with known experience and/ or expertise in Town Planning and Radburn design principles.

Five consultants were invited to submit quotations; 3 submissions were received. The selection criteria was specified in the Project Outline. Standard criteria and specific criteria relating to the Karawara area were used in the assessment of quotations.

3. Evaluation Panel

3.1 Participants

An evaluation panel was formed to assess each Consultant based on the selection criteria. Details of the members of the Panel are contained in the table below:

Name	Position/ Role
Rod Bercov	Strategic Urban Planning Adviser
Gina Fraser	Senior Strategic Planning Officer
Matt Stuart	Senior Statutory Planning Officer

4. Selection Criteria

4.1 Compliance Criteria

Compliance Criteria
1. Request for Quotation was received on time and correctly marked
2. Compliance and completion of Price Schedule
3. Organisational Profile attached
4. Details of previous clients
5. Conflict of interest
6. Financial Position
7. Insurance Cover
8. Quality Assurance
9. Resumes and details of Personnel

4.2 Qualitative Criteria

Qualitative Criteria
1. Details of similar project/s to support the required technical skills.
2. Details of previous projects/s that involved community consultation and or community engagement.
3. Names of key personnel to be involved in the project, their role and extent of time commitment to the project.
4. Skills, experience and qualifications of specified personnel.
5. Availability of team members for the project and back up arrangements.
6. Previous experience with similar projects.
7. Adequacy and suitability of proposed approach and methodology.
8. Description of the proposed tools and techniques to be used in successfully completing the project.
9. Examination and analysis of current Karawara Estate.
10. Implementation of the preliminary community consultation process.
11. Programme of tasks, including timing.
12. Ability to meet deadlines/ time frames.
13. Understanding of Project Brief.
14. Identification of key issues.

15. Understanding of the outcomes expected from the study.
16. Identification and analysis of Radburn design principles for Karawara Estate.
17. Research into similar estates.
18. Consultation with (ARROK) Association of Residents and Ratepayers of Karawara, representatives of the Department of Housing and Works (DHW) and the owners and residents of Karawara.
19. Informing residents and responding to any submissions/ comments from residents.
20. Analysis of submissions and feedback from residents.
21. Total fee to undertake project or hourly cost with nominated maximum hours.
22. Fee and timeframe given, with costs per stage.

4.3 Scoring

Each quotation was assessed by the Panel Members to select the response that represents the most advantageous outcome to the City of South Perth.

5. Evaluation Methodology

5.1 Initial Compliance Check

All the submissions were progressed through to the qualitative criteria assessment on the basis that all terms and conditions and mandatory requirements of the RFQ had been met.

5.2 Qualitative Criteria Assessment

The qualitative criteria assessment was carried out by the Evaluation Panel between 21 and 22 of January 2009 with the Panel scoring the consultants according to the evaluation matrix.

All submitted quotations were individually scored against the qualitative criteria. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel.

6. Evaluation Tools

6.1 Panel Evaluation

A weighted scoring method was adopted by the panel, whereby the criteria were divided into several groups and those groups were given specific weightings agreed by the panel.

Based on the agreed weightings, panel members scored each criteria out of 100 per quotation. The score was then converted into a weighted score. An average weighted score was taken of each criterion for all quotations and each individual quotation.

The average weighted scores taken from all quotations were used as the minimum benchmark scores that each quotation had to meet in order to be even considered. The matrix of scores is attached to this report.

The consultants were ranked by the Panel as follows:

Minimum Benchmark	73.45
Development Planning Strategies	77.96
Taylor Burrell Barnett	75.38
The Planning Group	67.00

6.2 Referee Checks

Four referee checks were conducted by Panel Members regarding the past performance of the preferred consultants, being Development Planning Strategies in collaboration with Creating Communities. All referees were satisfied with the consultants performance. The referees' response forms are attached.

7. Basis of Decision

7.1 Basis for Recommending a Consultant

Based on the Panel's evaluation, Development Planning Strategies represented the highest rated assessment against the qualitative criteria and demonstrated the most advantageous quotation to the City and this firm is therefore recommended as the preferred consultant.

8. Decision

The Evaluation Panel recommend that the contract be awarded to Development Planning Strategies.

Endorsement by Evaluation Panel

Rod Bercov

(Signature)

(Date)

Gina Fraser

(Signature)

(Date)

Matthew Stuart

(Signature)

(Date)

MATRIX OF SCORES

	Taylor Burrell Barnett	The Planning Group	Development Planning Strategies
Selection Criteria	Total Weighted Av	Total Weighted Av	Total Weighted Av
Relevant Experience in a similar role	11.25	6.88	9.17
Proposed personnel and capacity	8.96	6.88	7.71
Understanding of Project Outline	19.00	17.67	14.00
Methodology	22.50	17.92	20.42
Community Engagement Strategy	13.33	8.67	18.67
Price	0.33	9.00	8.00
TOTAL	75.38	67.00	77.96
Due to the closeness of the scoring for each criteria the decision will be based on the totals. Development Planning Strategies are the highest scoring consultant and through the evaluation process they have come out on top. Therefore DPS should be approached as the recommended consultant for the No.8 Karawara Amendment.			



Strategic Plan Goal 1
Customer Focus

POLICY P104

Neighbour and Community Consultation
in Town Planning Processes

Relevant Management Practice

Nil

Relevant Delegation

DC342 : Town Planning Scheme No. 6

Rationale

1. This Policy contains guidelines relating to the method and extent of consultation with respect to:
 - (a) applications for planning approval for proposed development (building construction and / or change of land use);
 - (b) amendments to Town Planning Scheme No. 6 (TPS6);
 - (c) planning policies;
 - (d) closure of rights-of-way;
 - (e) road closures; and
 - (f) subdivisions involving the creation of a new road.
2. The Policy clarifies that, in accordance with the provisions of TPS6 and other relevant legislation, the Council is authorised to invite submissions on 'Planning' proposals to the extent necessary to enable it to determine the application.
3. The Policy objectives are to provide:
 - (a) consistency with respect to neighbour and community consultation procedures in all town planning processes;
 - (b) certainty regarding the required method and extent of consultation for any particular kind of planning proposal; and
 - (c) an opportunity to achieve the best possible outcome for the district, owners and occupiers of properties within the district, and for applicants in relation to development proposals and other town planning processes.
4. As reflected in clause 1.6 (2)(d) of Town Planning Scheme No. 6, neighbour and community consultation in town planning processes is seen by the Council as being beneficial and a positive component of the process, in that consultation:
 - (a) provides an opportunity for members of the community to voice opinions, exercise their rights as citizens and be involved in the planning and development of their community;
 - (b) strengthens the community's sense of ownership of the 'Planning' processes carried out within the City;
 - (c) assists the Council in making informed and responsive 'Planning' decisions;
 - (d) demonstrates the transparency and accountability of the Council's 'Planning' processes;
 - (e) promotes the exploration of a range of solutions to 'Planning' issues;
 - (f) builds a cooperative and responsive relationship between the City, applicants and the community; and
 - (g) encourages greater civic awareness and public participation in 'Planning' processes.

Policy

1. Status of this Policy

This Policy is a Planning Policy prepared, advertised and adopted pursuant to the provisions of clause 9.6 of Town Planning Scheme No. 6. Under clause 1.5 of TPS6 this Policy is a supporting document of the Scheme.

Both TPS6 and the Residential Design Codes include provisions requiring certain proposals to be advertised. This Policy P104 provides additional guidance in the administration of the advertising procedures.

2. Extent to which submitters' comments may influence Council decisions

As the democratically elected decision-making body representing the community, the Council invites comments on 'Planning' proposals to the extent that is relevant according to the potential impact of a proposal. Thus, in the case of comparatively 'localised impact' proposals, neighbours in close proximity to a development site may be consulted, while those living further away are less likely to be affected and therefore will generally not be consulted. In the case of proposals having wider potential impact, correspondingly wider consultation is prescribed.

The Council welcomes comments on any advertised 'Planning' proposal. Full consideration will be given to any written comments received during the applicable consultation period from those who were invited to comment. This could result in the proposal being modified in response to some or all of those comments. The opinions of neighbours assist the Council by highlighting local issues which need to be considered by the Council when making its decision. However, the Council is not obliged to agree with, or uphold, every opinion expressed by neighbours, nor to incorporate all suggestions into its decision on a proposal. The Council must also ensure that any irrelevant considerations raised through consultation do not influence their decision.

To enable the Council to properly consider submitters' comments, only written comments (letter or email) will be considered in the assessment of applications. Verbal comments cannot be considered as they are not able to be conveyed verbatim to the Council nor recorded for future reference. It is important that submitters' comments relate to relevant town planning matters. When the City has made a decision on the proposal, submitters will be advised of the outcome.

If, at the conclusion of the advertising period, the City has not received any comments from the neighbours, the Council will consider that those consulted have no comments to make on the proposal, and will process the proposal accordingly.

The extent to which submitters' comments may influence the determination on any particular proposal will vary according to the nature of the proposal. Listed below are some of the types of applications and circumstances in which submitters' comments are likely to have greater or less influence on the determination:

Greater Influence -

- Discretionary aspects of an application;
- Use of land, where the proposal is a 'D' (discretionary) or 'DC' (discretionary with consultation) Use in Table 1 of TPS6;
- Various amenity and design aspects of development applications, where comment has been specifically invited on particular aspects in line with this Policy;
- Amendments to Town Planning Scheme No. 6 when advertised for public comment;
- Draft Planning Policies;
- Right-of-Way closure proposals where the submitter is an adjoining owner.

2. *Extent to which submitters' comments may influence Council decisions (cont'd)*

Less Influence -

- Non-discretionary aspects of an application;
- Use of land, where the proposal is a 'P' (permitted) Use in Table 1 of TPS6;
- The height of a building, where the height complies with TPS6;
- Number of dwellings, where the proposed number complies with the maximum specified in the Residential Design Codes;
- Aesthetic aspects of streetscape;
- Aspects of a development application on which comment has not been sought;
- Comments from persons who have not been invited to comment.

3. Consultation Matrix : Method, geographic extent and duration

The Consultation Matrix forming part of this Policy sets out the minimum neighbour and community consultation requirements, including method, geographic extent and duration of consultation, for all kinds of Town Planning proposals dealt with by the Council.

In each case, the extent of consultation identified in the Consultation Matrix has been calculated as being the most appropriate to assist the Council in its determination of that particular kind of proposal. Town Planning Scheme No. 6 provides the Council with authority to consult with those likely to be affected. The Consultation Matrix is designed to identify those who are likely to be affected in a range of circumstances.

In every case, the method and extent of consultation prescribed in the Consultation Matrix is the minimum to be undertaken. Under clause 9 of this Policy, a wider extent of consultation, or additional methods, or both, may be undertaken in certain circumstances.

4. Geographic extent of mail consultation specified in Consultation Matrix

For draft Planning Policies, the method of consultation is newspaper advertisement only. In the case of every other kind of 'Planning' proposal requiring consultation as indicated in the Consultation Matrix, the method of consultation is personal notification by mail, sometimes in combination with other methods, inviting comment on the particular proposal.

The term '**subject site**' means the land which is the subject of the particular proposal to which the consultation relates.

The provisions set out below relate only to consultation undertaken by mail:

In most cases, the Consultation Matrix designates the extent of the mail consultation area as being 'Area 1', 'Area 2' or 'Area 3'. Area 1 encompasses properties closest to the subject site, while the distance from that site increases progressively in the cases of Areas 2 and 3. These designations broadly equate to adjoining properties; adjoining and opposite properties; and neighbouring properties in the same street, respectively.

For the purpose of determining the extent of consultation to be undertaken in particular circumstances, the terms 'Area 1', 'Area 2' and 'Area 3' are defined and explained below:

4. Geographic extent of mail consultation specified in Consultation Matrix (cont'd)

(a) **Area 1 consultation**

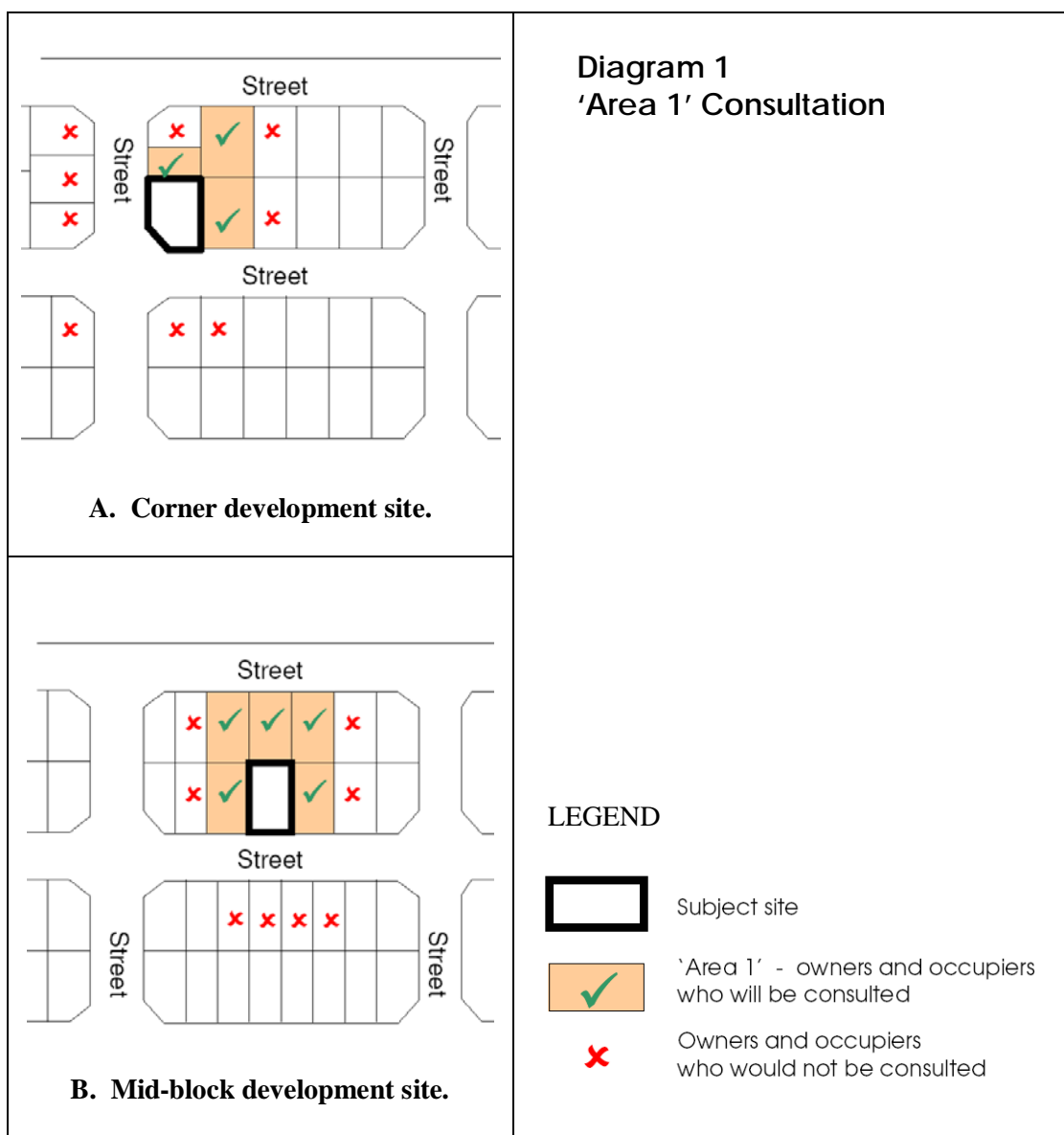
The term 'Area 1' means properties which:

- (i) adjoin the side or rear boundary of the subject site; or
- (ii) diagonally meet the subject site at a corner point.

A property separated from the subject site by a right-of-way, vehicle accessway, pedestrian accessway, access leg of a battle-axe lot or the equivalent, not more than 6.0 metres in width, is deemed to be within Area 1. This area generally equates to the term 'adjoining property', as defined in the Residential Design Codes (R-Codes).

The objective of consulting owners and occupiers of properties within 'Area 1' is to invite comment from those potentially most closely affected by a proposal.

Diagram 1 indicates the properties comprising 'Area 1':



4. Geographic extent of mail consultation specified in Consultation Matrix (cont'd)

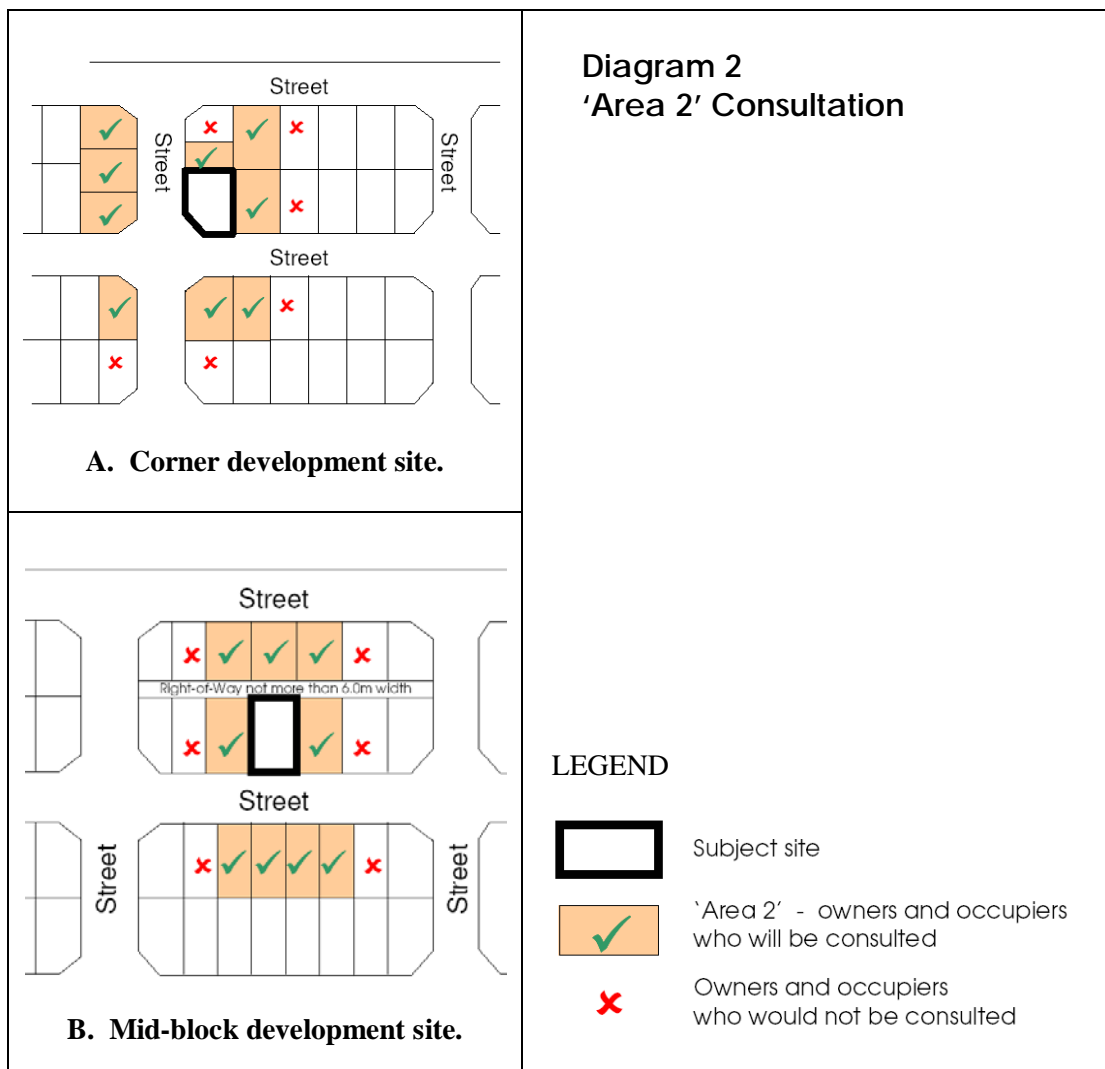
(b) Area 2 consultation

The term 'Area 2' means properties which:

- (i) adjoin the side or rear boundary of the subject site;
- (ii) diagonally meet the subject site at a corner point;
- (iii) are directly opposite the subject site;
- (iv) adjoin the side of a lot directly opposite the subject site, provided that such properties are facing or obliquely facing the subject site; or
- (v) are on the diagonally opposite corner of the intersection, where the subject site is on the corner of two intersecting streets.

The objective of consulting owners and occupiers of properties within 'Area 2' is to invite comment not only from those who are adjoining a development site, but also from other close neighbours who are opposite the site.

Diagram 2 indicates the properties comprising 'Area 2':



Attachment 10.3.1(a)

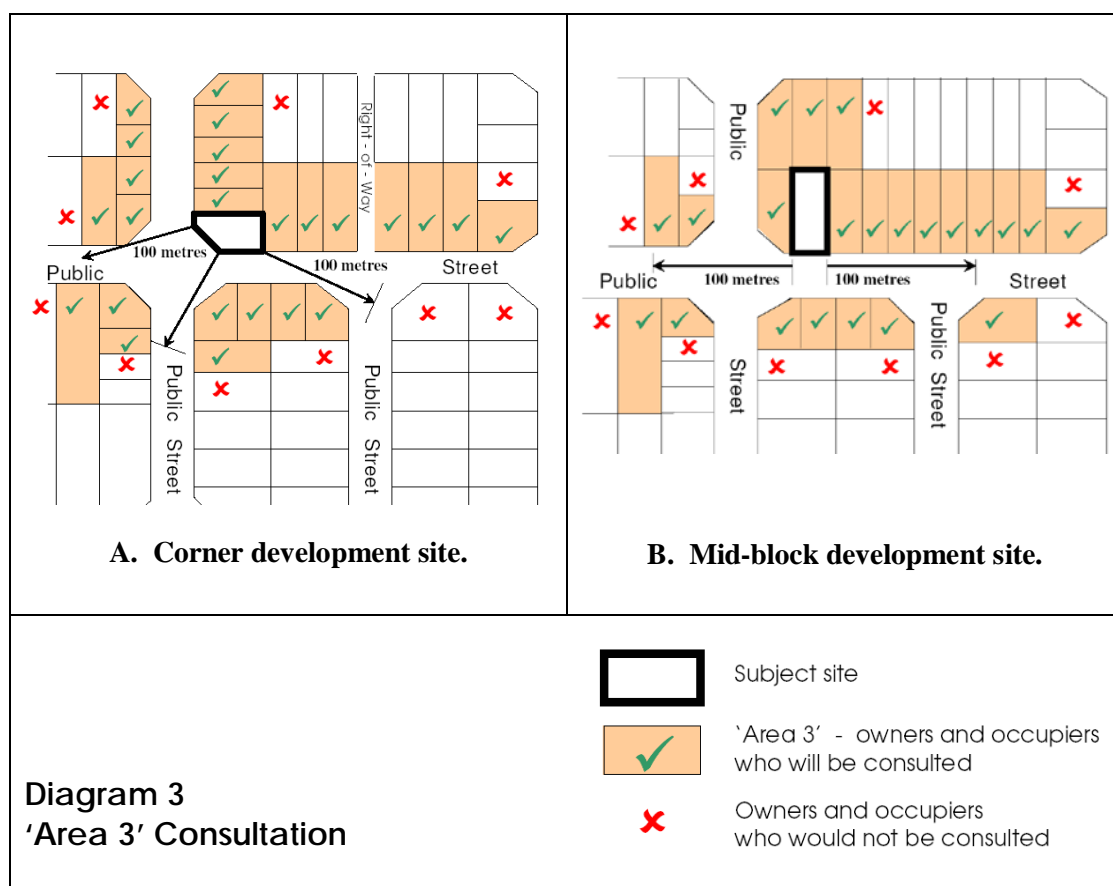
4. Geographic extent of mail consultation specified in Consultation Matrix (cont'd)

(c) **Area 3 consultation**

- (i) The term 'Area 3' means, in addition to properties within 'Area 2', those properties fronting onto both sides of that section of the street in which the subject site is situated, extending from one public street to the next public street.
- (ii) The section of the street containing potentially affected neighbouring properties may be divided by a 'side-street'. If the development site is on or less than 100 metres from a street corner, measured along the street boundary from the nearest point of the subject site, then any additional lots beyond the 'side-street', on either side of the street containing the development site and within 100 metres of the subject site, shall also be included in the consultation.
- (iii) Where the subject site is situated on a street corner, the term 'Area 3' includes the properties fronting on to both sides of both of the streets concerned.
- (iv) Where the street containing the subject site forms a T-junction with another street near the subject site, this could result in there being more 'Area 3' properties on one side of the street than on the other side. It is not essential that the extent of the consulted properties is equally balanced on each side of the street.

The objective of consulting owners and occupiers of properties within 'Area 3' is to invite comment not only from those who are potentially most closely affected by a proposal (ie. adjoining or opposite the development site), but also from other neighbours further removed from the subject site who might potentially be affected.

Diagram 3 indicates the properties comprising 'Area 3'.



5. Neighbour Consultation in relation to applications for planning approval for proposed development

(a) Statutory provisions relating to neighbour consultation

(i) Consultation prescribed by Town Planning Scheme No. 6

Neighbour consultation is mandatory in the case of applications for planning approval for 'DC' (discretionary with consultation) Uses referred to in clause 3.3 of TPS6, but is not mandatory in the case of 'P' (permitted) and 'D' (discretionary) Uses. However, clause 3.3(8) of TPS6 states that in the case of 'P' and 'D' Uses, the Council may require an application for planning approval for a particular development to be the subject of neighbour consultation in accordance with the provisions of clause 7.3 of TPS6 if the Council considers that the proposed development could significantly affect the amenity of an adjoining property. Item 3(a) in the Consultation Matrix relates to 'P' and 'D' Uses of this nature.

While TPS6 confers enabling power and also specifies two methods of neighbour consultation which may be employed, the actual method and the extent of consultation in particular instances is not specified. Pursuant to clause 7.3(1) of TPS6, this Policy specifies both the method and the extent of neighbour consultation to be undertaken in various circumstances.

(ii) Consultation prescribed by Residential Design Codes

With respect to applications for planning approval for residential development, the Residential Design Codes (R-Codes) also make provision for neighbour consultation in certain circumstances where the Council is to exercise its discretion. Part 2.5 of the R-Codes relates to neighbour consultation.

The R-Codes explain that 'the primary purposes of neighbour consultation are to respect the legitimate right of people to be informed about matters that may affect them, and to enhance the understanding of the process by which a decision is made by Council. In these respects neighbour consultation is important. The purpose of neighbour consultation is not to shift the responsibility or power away from the Council and onto its affected residents.'

The R-Codes state that it is usually more productive and courteous for the applicant to advise neighbours of proposed development as far in advance as possible, and that formal consultation by the Council is confined to situations where the Council is called upon to exercise discretion in relation to an aspect of the proposal which directly affects an adjoining property.

In describing the process to be followed in undertaking neighbour consultation, the R-Codes specify that neighbours are to be provided with at least 14 days after the date of mailing of the notification in which to comment to the Council.

Where the Council undertakes neighbour consultation as provided by the R-Codes and submissions are received, the applicant may request the Council to provide a summary of comments received from neighbours. The purpose of this provision of the R-Codes is to enable the applicant to give consideration to appropriate modifications to the proposal and to provide a response to the Council. The applicant must respond to the Council within 7 days, prior to the Council considering the application.

5. *Neighbour Consultation in relation to applications for planning approval (cont'd)***(b) Methods of neighbour consultation for applications for planning approval**

Clause 7.3 of TPS6 and part 2.5 of the R-Codes prescribe certain methods of neighbour consultation for applications for planning approval for proposed development. In respect of these methods, the following procedures apply:

(i) Written Notice mailed by the Council

(A) Subject to paragraph 5(b)(i)(C) of this Policy, the Council will mail a written notice in the prescribed form and to the extent nominated in the Consultation Matrix, to property owners and occupiers for the purposes of:

- inviting written comments within the specified period;
- describing the aspects of the proposed development upon which comments are invited; and
- advising of the opportunity to inspect the application documents at the Civic Centre Offices.

(B) Depending upon the nature of the particular aspects of the application for planning approval on which neighbour consultation is required, written notice will be generally in the form of either:

- Schedule 7 to TPS6; or
- Appendix 3 to the R-Codes.

The selection of the appropriate form of notice will depend upon whether the applicant is seeking Council's discretion under the provisions of TPS6 or under the R-Codes.

(C) Notwithstanding the provisions in paragraph 5(b)(i)(A) of this Policy, where an application for planning approval involves Telecommunications Infrastructure which is not 'low-impact' as defined in *Planning Policy P394 Telecommunications Infrastructure*, all community consultation and advertising shall be undertaken by the applicant and at the applicant's cost.

(D) Where there is a requirement to invite comments from the owners and occupiers of a property containing more than twelve (12) dwellings, the City will forward the required notice to the Strata Company. It will be the responsibility of the Strata Company to advise its members and their tenants of the contents of the notice.

(ii) Consultation undertaken by the applicant

The R-Codes do not preclude an applicant from undertaking any required neighbour consultation. Where the Consultation Matrix specifies Area 1 consultation or consultation with a lesser number of adjoining neighbours within Area 1 for the kind of proposal concerned, the applicant may elect to undertake the required consultation of owners and occupiers of adjoining properties. However, the Council will not permit this method of consultation in any other cases.

Where the applicant elects to undertake the required consultation with adjoining neighbours, the following requirements are to be met to the satisfaction of the Council:

Attachment 10.3.1(a)

5(b)(ii) Methods of neighbour consultation for applications for planning approval - Consultation undertaken by the applicant (cont'd)

(A) The applicant must -

- before undertaking consultation, advise the City of his or her intention to seek comment directly from the neighbour;
- fully explain and show to the neighbour drawings which clearly depict all aspects of the proposal on which the neighbour's comments are invited;
- explain the extent of the proposed variation from normal requirements;
- be satisfied that the neighbour has fully understood the implications of those aspects of the development application being explained, and that the neighbour is sufficiently well informed to properly assess any possible impacts upon their amenity;
- advise the neighbour that, before providing any written response, he or she may, if they wish, inspect the same drawings and may discuss the proposal with a Council officer at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth, during normal Council office hours;
- advise the neighbour that there is no obligation to provide a written response in support of the proposal, although it would be of assistance to the Council's assessment of the proposal should the neighbour wish to comment directly to the City, whether supporting or objecting to the proposal.

(B) Where a consulted neighbour declines to sign an applicant's prepared statement confirming that he or she has no objection to the aspect(s) of the proposal on which comment is invited, and declines to provide any written comments to the applicant, the applicant should immediately advise the Council, whereupon the Council will mail a notice referred to in clause 5(b)(i) of this Policy to that neighbour, inviting written comment directly to the Council within a further time period specified by the City in its notice. If, at the conclusion of the consultation period initiated by the applicant, the applicant is unable to provide written comments from a neighbour, whether supporting or objecting to a proposal, the application will not be determined until the City has invited comment from the neighbour under clause 5(b)(i) of this Policy.

(C) Where a consulted neighbour does not object to the aspects of the proposal on which comment is invited, and is prepared to provide written confirmation to this effect, the neighbour should sign a statement on, or affixed to, the relevant plan or elevation drawing comprising part of the application, including the following:

- the neighbour's printed name and address;
- a list of those aspects of the application on which the neighbour's comments are invited;
- acknowledgement that the applicant has fully explained those aspects of the proposed development;
- acknowledgement that the neighbour has fully understood that the purpose of the consultation is to seek the neighbour's comment on certain aspects of the proposal which do not meet the normal requirements and on which the Council's discretionary approval is sought;
- acknowledgement that the neighbour has fully understood the extent of the variation from normal requirements being sought by the applicant;
- acknowledgement that the neighbour has fully understood that there was an opportunity to inspect the applicant's drawings and discuss them with a Council officer at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth, during normal Council office hours, instead of, or as well as, receiving a detailed explanation from the applicant, before signing this statement;

Attachment 10.3.1(a)

5(b)(ii) Methods of neighbour consultation for applications for planning approval - Consultation undertaken by the applicant (cont'd)

- agreement that those aspects of the proposal will not adversely affect the neighbour's amenity and that the neighbour has no objection to the proposal;
- the neighbour's signature and date of signing.

(iii) Signs (Site Notices)

In the case of some kinds of applications for planning approval, as identified in the Consultation Matrix a sign is required to be displayed on the development site (hereafter referred to as a 'site notice'). Where a site notice is required, this is to be displayed in addition to any other form of notification being undertaken. The following requirements apply:

(A) Specifications - The site notice must be prepared according to the following specifications:

- COLOUR : Black lettering on white board
- SIZE : 1200mm x 900mm minimum
- MESSAGE : To be provided by the Council.

(B) Responsibility for erecting the site notice - It is the responsibility of the applicant to arrange for the preparation and erection of any required site notice, according to details provided by the Council. The cost of the site notice must be met by the applicant.**(C) Display and removal of the site notice** - The applicant shall arrange for the site notice to remain on site until the end of that period. The applicant shall remove the sign at the conclusion of the consultation period.**(D) Location and number of site notices** - In every case, a site notice must be placed as close as possible to the street boundary so as to be easily read from the footpath or the street verge. One site notice on a development site is generally adequate. However, at the discretion of the Director, Strategic and Regulatory Services, additional signs may be required in the following circumstances:

- In the case of a lot with more than one street frontage including a corner lot, one site notice is to be erected on each street frontage;
- Where more than one lot comprise a development site, one site notice is to be erected on each lot;
- More than one site notice is required on any development site frontage wider than 50 metres. Such notices shall be spaced at intervals of not more than 50 metres.

(c) Inspection of relevant application documents at Civic Centre Offices

Where an application for planning approval is the subject of neighbour consultation, documents relating to that application will be deposited at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth, for inspection during normal Council office hours.

The Council respects the confidentiality of correspondence and other documentation it receives. The Council allows inspection of documents to the extent authorised by TPS6 under clause 7.3(2), by the R-Codes under Part 2.5, and by this Policy. Applicants submitting an application for planning approval should expect the whole or parts of their applications to be made available for inspection and comment by neighbours to the extent indicated by this Policy. When the Council invites comment on an application for planning approval, inspection of details of that application is permitted to the following extent:

Attachment 10.3.1(a)

5(c) Neighbour Consultation in relation to applications for planning approval (cont'd)

- (i) Subject to paragraph (ii), unless a proposal is advertised by means of a site notice as well as mail notices to neighbours, documentation will be made available only to those persons specifically invited by the Council to comment on the proposal.
- (ii) A consulted person inspecting documents at the Civic Centre Offices may be accompanied by up to two associates who were not personally consulted by the Council and who are not members of that person's household.
- (iii) A person who is invited to inspect documents and who wishes to speak with the relevant Planning Officer, should make an appointment with that officer prior to visiting the Civic Centre Offices.
- (iv) Neighbours who have not been invited to inspect a proposal may contact the applicant and request an opportunity to do so.
- (v) Those documents specifically relating to the matter on which comment is invited will be made available for inspection.
- (vi) Where a site notice is required, any person is permitted to view relevant application documents, not only those who have received written notice. A site notice invites comment from any person.
- (vii) In the case of applications to be approved under 'Delegated Authority', inspection of relevant documents is only permitted during the specified consultation period.
- (viii) In the case of applications to be determined at a Council meeting, inspection of relevant documents is permitted during the specified consultation period to assist persons who are invited to inspect documents, in the preparation of a written submission, if they wish to do so. In such cases, the documents will remain available for viewing up to and including the date of the Council meeting, to assist those intending to make a deputation to that meeting. The extended viewing period does not provide an extended opportunity for preparing a written submission after the close of the advertising period.

6. Subdivisions

Decisions on subdivisions are made by the Western Australian Planning Commission; however, all subdivision applications within the City of South Perth are referred to the City for examination and comment back to the Commission. Subdivisions are generally approved by the Commission if they comply with the density provisions of the R-Codes and TPS6.

The Council generally does not undertake neighbour consultation with regard to subdivisions. However, where, under Council Delegation DC342 a proposed subdivision is of a scale that requires referral to a Council meeting, community consultation will be undertaken to the extent nominated in the Consultation Matrix before a recommendation is forwarded to the Commission.

The consultation will be undertaken by site notices of the kind described in clause 5(b)(iii) of this Policy.

7. Proposed Amendments to Town Planning Scheme No. 6

Amendments to the City of South Perth Town Planning Scheme No. 6 (TPS6) are initiated by the Council, but are finally determined by the State Minister responsible for Town Planning. The *Town Planning Regulations* made by the State Government under the *Town Planning and Development Act*, contain precise instructions as to the process involved in an Amendment to a local government's Town Planning Scheme. The City's TPS6 also contains provisions relating to the Scheme Amendment process. Both documents contain requirements relating to community consultation. These requirements are discussed below:

(a) Consultation prior to initiating a Scheme Amendment (preliminary consultation)

Clause 9.8(3) of TPS6 reads as follows:

“In the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.”

Consistent with this requirement, Item 3(i)(i) of the Consultation Matrix prescribes the minimum consultation requirements for requested Scheme Amendments in circumstances described in clause 9.8(3) of TPS6. The Council will undertake this preliminary consultation before deciding whether or not to initiate a Scheme Amendment. This provides an opportunity for any directly affected owners who were not a party to the Scheme Amendment request, and other close neighbours who are consulted at this stage, to submit comments before the request is considered for the first time at a Council meeting. If no comments are received by the nominated date, the Council will proceed to consider the Amendment request on its own merit. If comments are received at this preliminary stage, these will be fully considered by the Council before deciding whether or not to initiate the requested Scheme Amendment.

Under the terms of clause 9.8(3) of TPS6, if all of the owners of land which is the subject of the requested Scheme Amendment agree with the proposal, then no neighbour consultation will be undertaken at this preliminary stage. However, in every case where the Council decides to initiate the Scheme Amendment process, there will be a later statutory advertising period during which comments will be invited from the wider community. A person may submit written comments at both stages of consultation.

In undertaking any 'preliminary consultation', the Council will observe the following protocols:

(i) Timing of consultation

Consultation will not be undertaken during the period from mid-December to mid-January in recognition of the special nature of the Christmas and New Year season.

(ii) Written notice

Where a proposed Scheme Amendment relates to a change in zoning, residential density coding or Building Height Limit, and not all of the owners of land comprising the subject site have requested the Amendment, the Consultation Matrix specifies that mail consultation is required. In these circumstances, the extent of mail consultation is identified as 'owners of land comprising the subject site who did not request the Amendment; and Area 2' in Item 3(i)(i) of the Matrix. The term 'Area 2' is defined in clause 4(b) of this Policy.

In circumstances where preliminary consultation by mail is required for certain requested Scheme Amendments, the Council will undertake this consultation by way of letters:

Attachment 10.3.1(a)

7(a)(ii) Consultation prior to initiating a Scheme Amendment - Written notice (cont'd)

- describing the requested Scheme Amendment, including details of the reasons for the proposal;
- advising of the opportunity to inspect any relevant documents at the Civic Centre Offices; and
- inviting written comments within the specified period.

(b) Consultation after the Scheme Amendment has been initiated

Inherent in the Scheme Amendment process set out in the *Town Planning Regulations* is the requirement for community consultation. Submissions received during the advertising period are fully considered by the Council before it decides whether to recommend to the Minister that the Amendment proceed, with or without modifications, or not proceed. At the time of the Minister's final determination of the Scheme Amendment, all submissions will have been considered by the Council, the Western Australian Planning Commission and the Minister.

This Policy gives effect to the consultation requirements prescribed by the *Town Planning Regulations*. The required consultation at this stage of the process will be undertaken according to the following protocols and minimum requirements:

(i) Timing of consultation

Consultation will not be undertaken during the period from mid-December to mid-January in recognition of the special nature of the Christmas and New Year season.

(ii) Written notice

Where a proposed Scheme Amendment has been initiated and relates to a change in zoning, residential density coding or Building Height Limit, the Consultation Matrix specifies that, in addition to any other form of notification being undertaken, mail consultation is required.

Where mail consultation is required after a Scheme Amendment has been initiated, the Council will undertake this consultation by way of notices, in the form of Form 3 to Schedule A of the *Town Planning Regulations*.

In these circumstances, the extent of mail consultation is identified as 'all owners of land comprising the subject site; Area 3 or wider, as appropriate; and affected public authorities' in Item 3(j)(i) of the Matrix. The term 'Area 3' is defined in clause 4(c) of this Policy.

(iii) Sign (Site notice)

Where a proposed Scheme Amendment has been initiated and relates to a change in zoning, residential density coding or Building Height Limit, the Consultation Matrix specifies that, in addition to any other form of notification being undertaken, a site notice, in the form of one or more signs is to be displayed on the subject site. The following requirements apply to the display of site notices:

(A) Specifications - The site notice must be prepared according to the following specifications:

- COLOUR : White lettering on red board
- SIZE : 1500mm x 1000mm minimum
- MESSAGE : To be provided by the Council.

(B) Responsibility for erecting the site notice - It is the responsibility of the applicant to arrange for the preparation and erection of any required site notice, according to details provided by the Council. The cost of the site notice must be met by the applicant.

7(b)(iii) Consultation after Amendment is initiated - Site notices (cont'd)

- (C) **Display and removal of the site notice** - The applicant shall arrange for the site notice to be erected on the subject site within 7 days of commencement of the advertising period. It is to remain on site until the end of that period. The applicant shall remove the sign at the conclusion of the consultation period.
- (D) **Location and number of site notices** - In every case, a site notice must be placed as close as possible to the street boundary so as to be easily read from the footpath or the street verge. One site notice on the subject site is generally adequate, other than in the following circumstances:
- In the case of a site with more than one street frontage including a corner lot, one site notice is to be erected on each street frontage;
 - More than one site notice is required if the subject site has a frontage wider than 50 metres. Such notices shall be spaced at intervals of not more than 50 metres.

(iv) **Newspaper notice**

In addition to any other form of notification being undertaken, the Town Planning Regulations require a notice to be published once in a newspaper circulating in the district, inviting comment on the Amendment proposals. However, in order to ensure that the proposals are advertised more fully, the Council will publish this notice **twice** during the advertising period. Publication of the two newspaper notices is the Council's responsibility. These will generally be published in the '*Southern Gazette*' newspaper. The newspaper notice is in addition to any other form of notification required. The cost of the newspaper notice is to be met by the applicant in the case of Scheme Amendments which arise from an applicant's request as part of the required fee payment applicable to Scheme Amendments. In the case of any Scheme Amendment not arising from an applicant's request, the cost of newspaper notices will be met by the Council.

(v) **Civic Centre notice**

In addition to any other form of notification being undertaken, a notice and documents relating to the proposed Scheme Amendment will be displayed by the Council in a prominent place in the Civic Centre Offices for the duration of the advertising period.

(vi) **Additional methods of notification**

In addition to the minimum advertising required by the Town Planning Regulations, the Council will insert details of every proposed Scheme Amendment on its web site and in the City Libraries.

8. Planning Policies

Clause 9.6 of TPS6 contains provisions to enable the Council to adopt planning policies. That clause prescribes the process to be followed, including specific provisions governing the advertising of such policies. Details relating to such advertising are contained in the Consultation Matrix.

The Council is required by TPS6 to publish details of the draft planning policy in a newspaper for two consecutive weeks during the advertising period. These notices will generally be published in the '*Southern Gazette*' newspaper. In addition to this statutory advertising, the draft policy documents will be displayed by the Council in a prominent place in the Civic Centre Offices for the duration of the advertising period. The Council will also insert details of the proposal on its web site and in the City Libraries.

8. Planning Policies (cont'd)

Advertising of planning policies will not be undertaken during the period from mid-December to mid-January in recognition of the special nature of the Christmas and New Year season.

The Council is required to consider all submissions received during the advertising period before resolving either to finally adopt the planning policy with or without modification, or not to proceed with the policy.

Mail consultation of specific land owners will generally not be undertaken in the case of planning policies, because these are of City-wide relevance. The extent of consultation identified in Item 3(k) of the Consultation Matrix, as required by clause 9.6 of TPS6, is a newspaper notice published in two consecutive issues of the paper.

9. Right-of-Way closures

Section 52 of the *Land Administration Act* contains provisions relating to the procedure to be followed in the closure of rights-of-way. This involves consultation with owners of properties abutting the right-of-way which is being considered for closure or partial closure. The Act requires that the owners of land adjoining the right-of-way shall be notified of the proposed closure and provided with a period of not less than 30 days in which to submit comments for consideration by the Council. In the case of a proposed partial closure, owners of lots adjoining the entire length of the right-of-way will be consulted, whether or not adjoining the portion of right-of-way which is proposed to be closed.

In instances where the Council supports the closure or partial closure of a right-of-way, it is the responsibility of the applicant, at the applicant's cost, to engage a consultant to undertake all of the required consultative, administrative, investigative and reporting procedures. (*Refer also to the Residential Design Policy Manual - Policy 12 'Development of Land Abutting Rights-of-Way'.*)

The extent of mail consultation for right-of-way closures is identified as 'Area 1' in Item 3(l) of the Consultation Matrix. The term 'Area 1' is defined in clause 4(a) of this Policy.

10. Road Closures

Provisions relating to the closure of dedicated roads are contained in section 58 of the *Land Administration Act 1997*. Regulation 9 of the *Land Administration Regulations 1998* specifies the procedural requirements of Local Government prior to submitting a closure request to the Minister for Lands. Further details specifying details of the consultation process to be undertaken are contained in Items 3(m) and 3(n) of the Consultation Matrix.

In cases where it is proposed that the full width of a portion of road reserve be closed, therefore resulting in the re-routing of traffic, the Director shall determine the wider extent of consultation to be undertaken in each case.

11. Mediation

The Director, Strategic and Regulatory Services, may, at his discretion, facilitate mediation between an applicant and a person who has objected to the applicant's proposal, with the objective of achieving a mutually acceptable solution, if possible. If the mediation is not successful in this regard, then the matter will be referred to a Council meeting for determination.

12. Council Meetings

Not all matters involving neighbour consultation are referred to a Council meeting for determination. In cases where a matter is referred to a Council meeting for determination, the applicant and any submitters will be advised of the date and time of the relevant meeting. All Council meetings are open to the public and any person may attend this meeting should they so wish.

Applicants and submitters will be advised in writing by the City of procedures by which they may request a 'Deputation to Address Council' on an Agenda Item, and how to access the relevant Agenda item prior to the Council meeting.

13. Variations from Policy - Additional Consultation

The Consultation Matrix prescribes the minimum method and extent of consultation required in various situations. However, in a limited range of circumstances, the methods and extent of consultation identified in the Matrix may be varied as discussed below:

(a) Where consultation is not required by the Consultation Matrix

If a proposal is of a kind:

- (i) not listed in the Consultation Matrix; or
- (ii) identified in the Consultation Matrix as not requiring consultation;

neighbour or community consultation will not be undertaken unless decided otherwise by the Director, Strategic and Regulatory Services.

(b) Where consultation is required by the Consultation Matrix

Where, in the opinion of the Director, Strategic and Regulatory Services, a particular proposal of a kind identified in the Consultation Matrix as requiring consultation could have a wider amenity impact than would ordinarily be experienced from a proposal of the kind under consideration, then a wider extent of consultation, or additional methods, or both, may be undertaken at the discretion of the Director without referral to a Council meeting.

Additional Relevant Information: Access to Building Licence documents

Any person authorised in writing by the owner of land may, during normal Council office hours, inspect any plan or other document relating to a Building Licence for that land, pursuant to Regulation 12(2) of the *Building Regulations 1989*.



CONSULTATION MATRIX

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	

1. DEVELOPMENT FEATURES

NOTE: Irrespective of the method and extent of consultation prescribed elsewhere in this Consultation Matrix for a particular kind of proposal, the consultation requirements prescribed in part (1) of the Matrix override those prescribed in other parts of the Matrix for the same kind of proposal.

(a) Development in the Residential zone on land coded R60 or higher which is adjoining or opposite land coded R25 or lower	<ul style="list-style-type: none"> • Mail • Site notice 	Area 3	21 days	Policy P104
(b) Proposals involving a building listed in Management Category A, B or C in either the Municipal Heritage Inventory or the Heritage List, where the development is of a kind referred to in clause 6.11(5) of TPS6 [clause 3.3(4) and 6.11(5)]	<ul style="list-style-type: none"> • Mail • Site notice 	Area 3	21 days	Policy P104
(c) Large scale developments:				
(i) Non-residential development likely to have a significant impact on the locality	<ul style="list-style-type: none"> • Mail • Site notice 	Area 3	21 days	Policy P104
(ii) Buildings (including additions to existing buildings) 9.0 metres high or more	Mail	Area 2	14 days	Policy P104
(iii) Residential developments of 10 or more dwellings	Mail	Area 2	14 days	Policy P104
(d) Additions to an existing building involving construction above the prescribed Building Height Limit [clause 6.2(1)(d)]	Mail	Area 2	14 days	TPS6
(e) Development involving a boundary wall	Mail	Any property within Area 1 which adjoins the affected boundary directly or diagonally	14 days	Policy P104
(f) Retaining walls higher than 1.0 metre above neighbours' ground level and situated on lot boundaries, or set back less than the distances prescribed by the R-Codes	Mail	Any property within Area 1 which adjoins the affected boundary directly or diagonally	14 days	Policy P104

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
1. Development Features (cont'd)				
(g) Setback issues in the following categories: (i) any reduction below the minimum street setbacks prescribed in Table 2 or Table 5 of TPS6 (ii) in the case of residential or non-residential developments, a side or rear setback reduction greater than 10% of the prescribed minimum setback	Mail 			

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
2. Land Uses (cont'd)				
(s) Consulting Rooms (where a 'DC' use)	Mail	Area 2	14 days	TPS6
(t) Convenience Store	-	-	-	-
(u) Educational Establishment (where a 'DC' use)	Mail	Area 2	14 days	TPS6
(v) Family Day Care	Mail	Area 3	14 days	TPS6
(w) High Level Residential Aged Care Facility (where a 'DC' use)	Mail	Area 2	14 days	TPS6
(x) Hospital (where a 'DC' use)	<ul style="list-style-type: none">• Mail• Site notice	Area 2	21 days	TPS6
(y) Hotel (where a 'DC' use)	<ul style="list-style-type: none">• Mail• Site notice	Area 2	21 days	TPS6
(z) Indoor Sporting Activities	Mail	Area 1	14 days	TPS6
(aa) Industry - Light	Mail	Area 2	14 days	TPS6
(bb) Industry - Service	-	-	-	-
(cc) Local Shop (where a 'DC' use)	Mail	Area 2	14 days	TPS6
(dd) Market	Mail	Area 1	14 days	TPS6
(ee) Mixed Development (where any part is a 'DC' use or in the Residential zone)	Mail	Area 2 or wider, as determined by the Director, Strategic and Regulatory Services	14 days	TPS6
(ff) Motor Vehicle and Equipment Hire	Mail	Area 1	14 days	TPS6
(gg) Motor Vehicle and Marine Sales Premises	Mail	Area 1	14 days	TPS6
(hh) Motor Vehicle Wash	Mail	Area 1	14 days	Policy P104
(ii) Night Club	Mail	Area 2	14 days	TPS6
(jj) Office	-	-	-	-
(kk) Public Parking Station (where a 'DC' use)	Mail	Area 1	14 days	TPS6
(ll) Public Utility	Mail	Area 1	14 days	Policy P104
(mm) Radio and Television Installation	Mail	Area 1	14 days	TPS6
(nn) Reception Centre	Mail	Area 2	14 days	TPS6
(oo) Religious Activities	Mail	Area 2	14 days	TPS6
(pp) Research and Development (where a 'DC' use)	Mail	Area 1	14 days	TPS6
(qq) Restricted Premises ['X' (prohibited) use]	-	-	-	-
(rr) Service Station	Mail	Area 1	14 days	TPS6
(ss) Shop (where a 'DC' use)	Mail	Area 1	14 days	TPS6
(tt) Showroom	-	-	-	-
(uu) Take-Away Food Outlet (where a 'DC' use)	Mail	Area 1	14 days	TPS6

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
2. Land Uses (cont'd)				
(vv) Tavern	<ul style="list-style-type: none">• Mail• Site notice	Area 2	21 days	TPS6
(ww) Telecommunications Infrastructure where the facility is not deemed to be 'low-impact' as defined in Planning Policy P394 Telecommunications Infrastructure	<ul style="list-style-type: none">• Mail• Site notice• Newspaper	All within 500 metres radius of facility	21 days	Policy P104
(xx) Tennis Court (Private)	Mail	Area 1	14 days	TPS6
(yy) Tourist Accommodation	<ul style="list-style-type: none">• Mail• Site notice	Area 2	21 days	TPS6
(zz) Veterinary Clinic (where a 'DC' use)	Mail	Area 2	14 days	TPS6
3. OTHER PROPOSALS				
(a) 'P' (permitted) Uses or 'D' (discretionary) Uses where the Council considers that the proposal could significantly affect the amenity of an adjoining property. Proposals in this category include applications referred to Council meetings as well as applications determined under delegated authority [clause 3.3(8)]	Mail	Area 2	14 days	TPS6
(b) Particular classes of land uses required by Delegation DC342 to be referred to a Council meeting: (i) Uses not listed in Table 1 of TPS6 [clause 3.3(7)] (ii) Temporary Uses [clause 7.13(1)] (iii) Change of Non-Conforming Use [clause 8.1(4)]	Mail Mail Mail	Area 2 Area 2 Area 2	14 days 14 days 14 days	TPS6 TPS6 TPS6
(c) Matters referred to a Council meeting at the applicant's request for reconsideration of a delegated decision	No new consultation will be undertaken. However, the outcome of previous consultation, if any, will be reported to Council in the relevant officer's report.			
(d) Matters referred to a Council meeting not otherwise listed in this Matrix, other than: <ul style="list-style-type: none">• reconsideration of a delegated decision previously not requiring consultation• streetscape compatibility issues	Mail	Area 2	14 days	Policy P104
(e) Matters previously considered by Council involving significant modification	As previously required	As previously required	As previously required	Policy P104

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
3. Other Proposals (cont'd)				
(f) Exercise of discretion with respect to: (i) Proposals involving replacement of over-sized buildings [clause 6.1] (ii) Proposals in Precinct 13 : Salter Point in Building Height Limits 3.0m 3.5m or 6.5m [clause 6.2(2)] (iii) Proposals involving variation of site requirements on heritage sites [clause 6.11(8)] (iv) Proposals involving departure from TPS6, Policies or Local Laws considered by the Director, Strategic and Regulatory Services, as being significant	Mail Mail Mail Mail	Area 2 Area 1 lots potentially affected in relation to views of the Canning River, to the extent determined by the Director, Strategic and Regulatory Services Area 2 Area 2	14 days 14 days 14 days 14 days	TPS6 TPS6 TPS6 Policy P104
(g) Permitted use of closed roads in a form permitted on land immediately adjoining that land [clause 2.2(3)]	Mail	Area 2	14 days	TPS6
(h) Additions to existing buildings in the Local Commercial zone, where the applicant is to fund the provision of additional car parking bays within the street reserve [clause 6.3(5)]	Mail	Area 2	14 days	TPS6
(i) Scheme Amendments - preliminary consultation prior to initiating Amendment process: (i) Where the Amendment relates to a change in zoning, residential density coding or Building Height Limit and not all owners of land comprising the subject site have requested the Amendment [clause 9.8(3)] (ii) Where the Amendment relates to a change in zoning, residential density coding or Building Height Limit and all owners of land comprising the subject site have requested the Amendment	Mail -	• Owners of land comprising the subject site who did not request the Amendment • Area 2 -	21 days - -	TPS6 - -

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
3. Other Proposals (cont'd)				
(iii) Where the Amendment relates to a change to the Scheme Text which has City-wide effect	-	-	-	-
(j) Scheme Amendments - consultation required by <i>Town Planning Regulations</i> after Amendment has been initiated [clause 9.8(2)] : (i) Where the Amendment relates to a change in zoning, residential density coding or Building Height Limit	<ul style="list-style-type: none">• Mail• Site notice• Newspaper (in 2 issues)• Civic Centre• LibrariesCity's web site	<ul style="list-style-type: none">• EPA• All owners of land comprising the subject site• Area 3 or wider, as appropriate• Affected service agencies	42 days	<ul style="list-style-type: none">• TPS6• Policy P104 Town Planning Regulations
(ii) Where the Amendment relates to a change to the Scheme Text which has City-wide effect	<ul style="list-style-type: none">• Newspaper (in 2 issues)• Civic Centre• Libraries• City's web site	<ul style="list-style-type: none">• EPA• Affected service agencies	42 days	<ul style="list-style-type: none">• TPS6• Policy P104• Town Planning Regulations
(k) Planning Policies	Newspaper (in 2 consecutive issues)	-	21 days	TPS6
(l) Right-of-Way closures	Mail	<ul style="list-style-type: none">• Area 1• Service agencies	30 days	Land Administration Act
(m) Road closures - where closure of the full width of the road reserve is proposed, or where traffic will be permanently re-routed or prohibited from former access as a result of the closure	<ul style="list-style-type: none">• Mail• Site notice• Newspaper (in 1 issue)• Civic Centre• City's web site	<ul style="list-style-type: none">• Area 3 or wider, as determined by the Director Strategic and Regulatory Services• Service agencies	35 days	Land Administration Act (Regulation 9 of the Land Administration Regulations 1998)

Attachment 10.3.1(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source Document
	Method of Consultation	Extent of Mail Consultation	Duration of Consultation Period	
3. Other Proposals (cont'd)				
(n) Road closures - where a minor closure is proposed which will not result in denial of vehicular traffic from the road	<ul style="list-style-type: none">• Mail• Newspaper (in 1 issue)• Civic Centre• City's web site	<ul style="list-style-type: none">• Area 1• Service agencies	35 days	Land Administration Act (Regulation 9 of the Land Administration Regulations 1998)
(o) Subdivisions involving the creation of a new road	Site notice	-	21 days	Policy P104

*End of Consultation Matrix***Other in Force Documents**

City of South Perth Town Planning Scheme No. 6.

Western Australian Planning Commission Statement of Planning Policy No. 3.1 - Residential Design Codes (R-Codes).

Other Policies that are Relevant

Policy P103 'Communication and Consultation'

Planning Policy P394 'Telecommunications Infrastructure'

Residential Design Policy Manual - Policy 12 'Development of Land Abutting Rights-of-Way.'

Stakeholders

Applicants seeking planning approval for proposed development.

Neighbouring property owners.

Wider community in the case of proposed Town Planning Scheme Amendments and Planning Policies.

Adoption and amendment dates

23 November 2004 Adopted for advertising

26 July 2005 Adopted

Last review**New Policy****Date of next review****June 2006**

DRAFT 18

at 5.2.2009



Strategic Plan Goal 3
Environmental Management

POLICY P355

Consultation for Planning Proposals

Relevant Management Practice

Nil

Relevant Delegation

DC342 : Town Planning Scheme No. 6

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Guide to using Policy P355

Structure of Policy P355

The City's Planning Policy P355 'Consultation for Planning Proposals' provides guidance on the geographic extent, method and duration of the required consultation for various kinds of Planning proposals. The Policy also provides advice to submitters on the extent to which their comments may contribute to the City's decision-making process.

Immediately following this Guide is the Rationale for the Policy. The operative Policy provisions commence on page 2.

The first section of the Policy comprises explanatory text relevant to the consultation required for the various kinds of Planning proposals dealt with by the City. It is important to read the general clauses 1 to 8 describing the operation of neighbour and community consultation, as well as the particular clause relating to the kind of proposal under consideration.

The second section of the Policy is a tabulated Consultation Matrix detailing the required minimum extent, method and duration of consultation for particular kinds of Planning proposals. The Matrix contains the following Parts:

- Part 1. Development applications
- Part 2. Amendments to TPS6
- Part 3. Planning Policies
- Part 4. Local heritage inventory
- Part 5. Road closures
- Part 6. Right-of-way closures
- Part 7. Subdivisions
- Part 8. Any other Planning proposal.

The Matrix needs to be read in conjunction with the relevant clauses in the first section of the Policy. The two sections of the Policy complement each other.

How to use the Consultation Matrix

When dealing with a development application, after having read clauses 1 to 9 of the Policy, it is necessary to find all items in the Matrix which relate to that application. The whole of Part 1 of the Matrix dealing with various aspects of development applications needs to be examined in order to identify all applicable circumstances for each application. If more than one item of the Matrix relates to the application, then **the widest applicable consultation is to be undertaken**. The following hypothetical example illustrates the process:

In the case of a development application for 12 Multiple Dwellings on land coded R60 where the adjoining land is coded R25, the following items of the Matrix could apply -

Planning Proposal		Extent of Mail Consultation	Method of Consultation	Duration of Consultation
1.2.1	Higher density adjacent to lower density	Area 2	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days
1.2.9	Large number of dwellings (10 or more)	Area 1	Mail	14 days
1.2.17	Side or rear setback variations	Any property which adjoins the affected boundary directly or diagonally	Mail	14 days
1.3.8	Multiple Dwellings	No consultation, subject to Sub-part 1.2 of the Matrix		

In the above example, the consultation applicable to Item 1.2.1 would apply, being the widest applicable consultation.

For Planning proposals other than development applications, clauses 1 to 8 are relevant, together with clauses 10 to 17 of the Policy, and Parts 2 to 8 of the Matrix, as applicable to the kind of proposal under consideration.



Strategic Plan Goal 1
Customer Focus

POLICY P355
Consultation for Planning Proposals

Relevant Management Practice
Nil

Relevant Delegation
DC342 : Town Planning Scheme No. 6

Rationale

Consultation reflecting core City Values

The City of South Perth conducts its business based on four identified Values, being customer focus, respect, trust and excellence. This Policy reflects all of the core City Values, and in particular, customer focus. The Policy has been formulated in recognition of the importance of consulting those members of the community who are likely to be affected by decisions on Planning proposals.

Benefits of Neighbour and Community Consultation

As reflected in clause 1.6(2)(d) of Town Planning Scheme No. 6 (TPS6), neighbour and community consultation for Planning proposals is seen by the Council as being beneficial and a positive component of the process. The benefits include:

- (a) providing an opportunity for members of the community to voice opinions, exercise their rights as citizens and be involved in the planning and development of their community;
- (b) strengthening the community's sense of ownership of the Planning processes carried out within the City;
- (c) assisting the Council in making informed and responsive Planning decisions;
- (d) demonstrating the transparency and accountability of the Council's Planning processes;
- (e) promoting the exploration of a range of solutions to Planning issues;
- (f) building a cooperative and responsive relationship between the City, applicants and the community; and
- (g) encouraging greater civic awareness and public participation in Planning processes.

Policy

1. Status of Policy P355 and relationship to Policy P103

Policy P355 is a planning policy prepared, advertised and adopted pursuant to the provisions of clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

Council Policy P103, which relates to 'Communication and Consultation', sets the guiding principles for communication and consultation with the community in relation to any City proposals or initiatives. Policy P103 identifies four levels of interaction with the community, being Level 1: Inform; Level 2: Consult; Level 3: Involve; and Level 4: Collaborate. Policy P355 relates to level 2 interaction, being consultation for various Planning proposals.

2. Objectives

In relation to all of the kinds of Planning proposals listed in clause 4, the Policy objectives are:

- (a) To ensure that, before making final decisions on Planning proposals of any kind, persons likely to be affected are given an opportunity to comment.
- (b) To ensure that the City employs a consistent approach in consultation procedures.
- (c) To provide certainty regarding the required method and extent of consultation for any particular kind of Planning proposal.
- (d) Within the operative statutory framework, to achieve an appropriate balance between the community's reasonable expectations and applicants' development entitlements.
- (e) To foster an appreciation of:
 - (i) the differing expectations of the various stakeholders; and
 - (ii) the need for Council to give balanced consideration to all stakeholder expectations along with other relevant factors before making a decision.

3. Scope

This Policy provides the community, applicants, and the City's Elected Members and officers with objectives, guidelines and requirements for the various community consultation processes, which in turn give all affected parties certainty as to how the processes occur. The Policy also explains the rights of the community and those of applicants, as well as the responsibilities of the City.

This Policy specifies the geographic extent, method and duration of consultation with respect to Planning proposals of any kind. In some cases, these requirements are derived from relevant State government legislation.

In respect of development applications, clause 7.3 of TPS6 states that persons '*likely to be affected*' shall be consulted prior to determination of an application. Policy P355 has been formulated on this basis. The Policy requires consultation to the extent necessary to enable the Council to determine development applications.

4. Definitions

amenity

Those qualities and characteristics of the subject site and its neighbouring area that contribute to the comfort and pleasantness of the locality.

development application

An application for planning approval for proposed development made under the Metropolitan Region Scheme or the City of South Perth Town Planning Scheme No. 6.

Director

The Director employed by the City of South Perth who is responsible for the City's town planning functions.

Manager

The Manager employed by the City of South Perth who is responsible for the City's town planning functions.

Planning proposal

A particular proposal involving any of the following:

- (a) development applications;
- (b) Amendments to TPS6;
- (c) planning policies;
- (d) Heritage List;
- (e) local heritage inventory;
- (f) road closures;
- (g) right-of-way closures;
- (h) subdivisions; and
- (i) any other proposal dealt with by officers responsible for the City's town planning functions.

Strategic Adviser

The Strategic Urban Planning Adviser employed by the City of South Perth.

subject site

The land which is the subject of a Planning proposal under consideration.

5. Opportunities for submitters' comments to contribute to decision-making

In relation to all Planning proposals, this Policy provides opportunities for neighbours and other members of the community to examine certain proposals and to provide comments to the City. In some circumstances, the comments received will make a significant contribution to the decision-making process, while in other circumstances, the comments will make a lesser contribution.

The Council invites comments on Planning proposals from those neighbours or other members of the community who are likely to be affected by particular proposals. In the case of comparatively minor proposals, neighbours in close proximity to the subject land may be consulted, while those living further away are less likely to be affected and therefore will generally not be consulted. In the case of major proposals, correspondingly wider consultation is prescribed.

Following community consultation, the extent to which comments received may contribute to decision-making is illustrated in the following examples:

5. *Opportunity for submitters' comments to contribute to decision-making (cont'd)*

(a) **Greater contribution to decision-making process**

- Any Planning proposal referred to a Council meeting for determination
- Discretionary aspects of an application
- Use of land, where the proposal is a 'DC' (discretionary with consultation) Use in Table 1 of TPS6
- Various aspects of development applications, where comment has been specifically invited
- Amendments to TPS6 when advertised for public comment
- Planning Policies
- Heritage List
- Local heritage inventory
- Road closures
- Right-of-Way closures
- Subdivisions involving the creation of a new public road.

(b) **Lesser contribution to decision-making process**

- Non-discretionary aspects of an application
- Development applications complying with 'Acceptable Development' provisions of the Residential Design Codes (R-Codes)
- Use of land, where the proposal is a 'P' (permitted) or 'D' (discretionary) Use in Table 1 of Town Planning Scheme No. 6 (TPS6)
- The height of a building, where the height complies with TPS6
- Number of dwellings, where the proposed number complies with the maximum permitted by the R-Codes
- Streetscape compatibility
- Aspects of a development application on which comment has not been sought
- Comments from persons who have not been invited to comment.

6. **Preparation of submissions**

- (a) Community consultation aims to facilitate community input into the formal decision-making process. Written submissions on Planning proposals resulting from consultation can play a key role in the Council's decision-making process. The Council needs to be informed about all relevant issues including those raised by submitters.
- (b) To enable the Council to properly consider submitters' comments, only written comments (letter or email) will be considered in arriving at decisions on Planning proposals. Verbal comments cannot be considered as they are not able to be conveyed verbatim to the Council nor recorded for future reference.
- (c) Where submissions contain statements of fact, supporting data should be supplied if possible. Where opinions are expressed, these should be supported by reasoned argument and should clearly address the perceived amenity impact of the proposal.
- (d) In the case of development applications, the City will invite comments on the proposal or particular aspects of the proposal. Where comments are only invited on particular aspects, respondents' submissions should be confined to those aspects.
- (e) As the responsible planning authority, the Council is not authorised to consider 'non-planning' matters, such as effect on property values and disputes between neighbours. Therefore, submissions should not focus on such matters.

6. Preparation of submissions (cont'd)

- (f) Submissions must be received within the prescribed comment period. The Council is not obliged to consider submissions received after the nominated closing date and consideration of late submissions cannot be guaranteed.
- (g) Where a person has been invited to comment on a Planning proposal and no submission is received within the nominated time period, the Council will take this to mean that the person has no comment to make.
- (h) In assessing submissions prior to making decisions on Planning proposals, the Council's primary consideration is the validity of the submitters' comments. The respective numbers of submissions in favour of, or in opposition to, a proposal are generally of secondary importance in the decision-making process.

7. Processing and consideration of submissions

(a) Acknowledgement and process advice to submitters

When submissions are received on a Planning proposal, the City will write to all submitters explaining the subsequent process for consideration and determination of the proposal. The letter will advise as to whether the proposal is to be determined by a City officer under authority delegated by the Council, or by the Council at a meeting. In the case of a proposal being referred to a Council meeting, the letter will also advise submitters and applicants as to how they may request a deputation to address the Council on the proposal.

(b) Consideration of submissions

- (i) In addition to many other considerations, any neighbour or community comments received as a result of consultation will be fully considered by the City before arriving at a decision on any Planning proposal. This could result in the proposal being modified in response to some or all of those comments.
- (ii) The opinions of neighbours and the wider community where relevant, assist the Council by highlighting local issues which need to be considered. However, the Council is not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision.
- (iii) The Council has a duty to take into account all relevant considerations and to ensure that any irrelevant considerations do not influence the decision. In addition to neighbour and community submissions, relevant considerations include the requirements prescribed in TPS6, R-Codes, the City's Policies and Strategies, the City's local heritage inventory, State legislation, comments from government agencies and advisory groups, and any other relevant matter.
- (iv) In its consideration of any Planning proposal, the Council has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner.

(c) Advice to submitters following decision

Following the City's decision on a Planning proposal, all submitters and the applicant will receive written advice of the decision.

8. Geographic extent, method and duration of consultation

(a) Consultation Matrix

The Consultation Matrix (Matrix) comprising an integral component of this Policy sets out minimum neighbour and community consultation requirements for any Planning proposal, including geographic extent, method, and duration of consultation. The Matrix has been designed to ensure that all persons likely to be affected by a proposal are afforded an opportunity to comment before a decision is made. In each case, the extent of consultation identified in the Matrix has been calculated as being the most appropriate to assist the City in its decision-making process.

(b) Minimum consultation

The geographic extent, method and duration of consultation prescribed throughout the Matrix is the minimum to be undertaken. Less consultation than prescribed in the Matrix is not permitted for any Planning proposal. For particular Planning proposals, additional consultation may be required in accordance with clause 8(c).

(c) CEO or Director may require additional consultation

The Chief Executive Officer or Director may require the geographic extent, method or duration of consultation prescribed in the Matrix for a particular Planning proposal to be increased where those officers consider that additional consultation is appropriate in the following circumstances:

- (i) where the Matrix specifies certain consultation requirements and the Chief Executive Officer or Director consider that the proposal could have wider amenity impact than would ordinarily be experienced from a proposal of the kind under consideration; and
- (ii) where the proposal is of a kind not listed in the Matrix or is identified in the Matrix as not requiring consultation.

(d) Consultation to avoid mid-December to mid-January period

In recognition of the special nature of the popular holiday period between mid-December and mid-January, advertising or neighbour consultation required for any Planning proposal other than development applications, will not be undertaken during this period. Any such advertising or consultation shall be timed so as to conclude prior to mid-December or alternatively, not to commence until mid-January.

For development applications, an extended duration of consultation is prescribed in clause 9(e)(ii) for the period between 22 December and 4 January.

(e) Mailing procedure for developments comprising more than 12 dwellings

(i) Consultation with neighbouring owners

Subject to clause 9(i) of this Policy (Telecommunications Infrastructure), where there is a requirement to invite comments from the owners of a property containing more than 12 dwellings, the City will forward the consultation notices to:

- (A) the Strata Company, and it will then be the responsibility of the Strata Company to advise its members of the contents of the notice; or
- (B) the owner of the building, in the case of a building held under a single title.

(ii) Consultation with neighbouring occupiers

In the case of development applications, in addition to written notification required by paragraph (e)(i), clause 7.3(2)(a) of TPS6 requires written notification to be sent to affected occupiers. Where the property contains more than 12 dwellings, the City will forward the consultation notices to:

8(e)(ii) Geographic extent, method and duration of consultation - Mailing procedure for developments comprising more than 12 dwellings (cont'd)

- (A) the Strata Company, and it will then be the responsibility of individual owners to advise their tenants of the contents of the notice; or
- (B) the owner of the building, in the case of a building held under a single title and it will then be the responsibility of the owner to advise all tenants of the contents of the notice.

(f) Procedure where consultation area extends beyond City boundary

In cases where the prescribed consultation area extends beyond the City's boundary and into the districts of the City of Canning or the Town of Victoria Park:

- (i) the affected property owners beyond the City's boundary will not be consulted by the City; however
- (ii) the adjoining local government will be consulted.

(g) Geographic extent of mail consultation specified in the Matrix

The Matrix identifies the minimum geographic extent of mail consultation. In some cases, the mail consultation is combined with other methods. Usually, the Matrix designates the extent of the mail consultation as being 'Area 1' or 'Area 2'. Area 1 encompasses properties closest to the subject site. The distance from the subject site is greater in the case of Area 2, recognising the wider potential impact of the Planning proposals subject to Area 2 consultation.

For the purpose of determining the extent of consultation to be undertaken for a particular kind of Planning proposal, the terms 'Area 1' and 'Area 2' are defined and explained below:

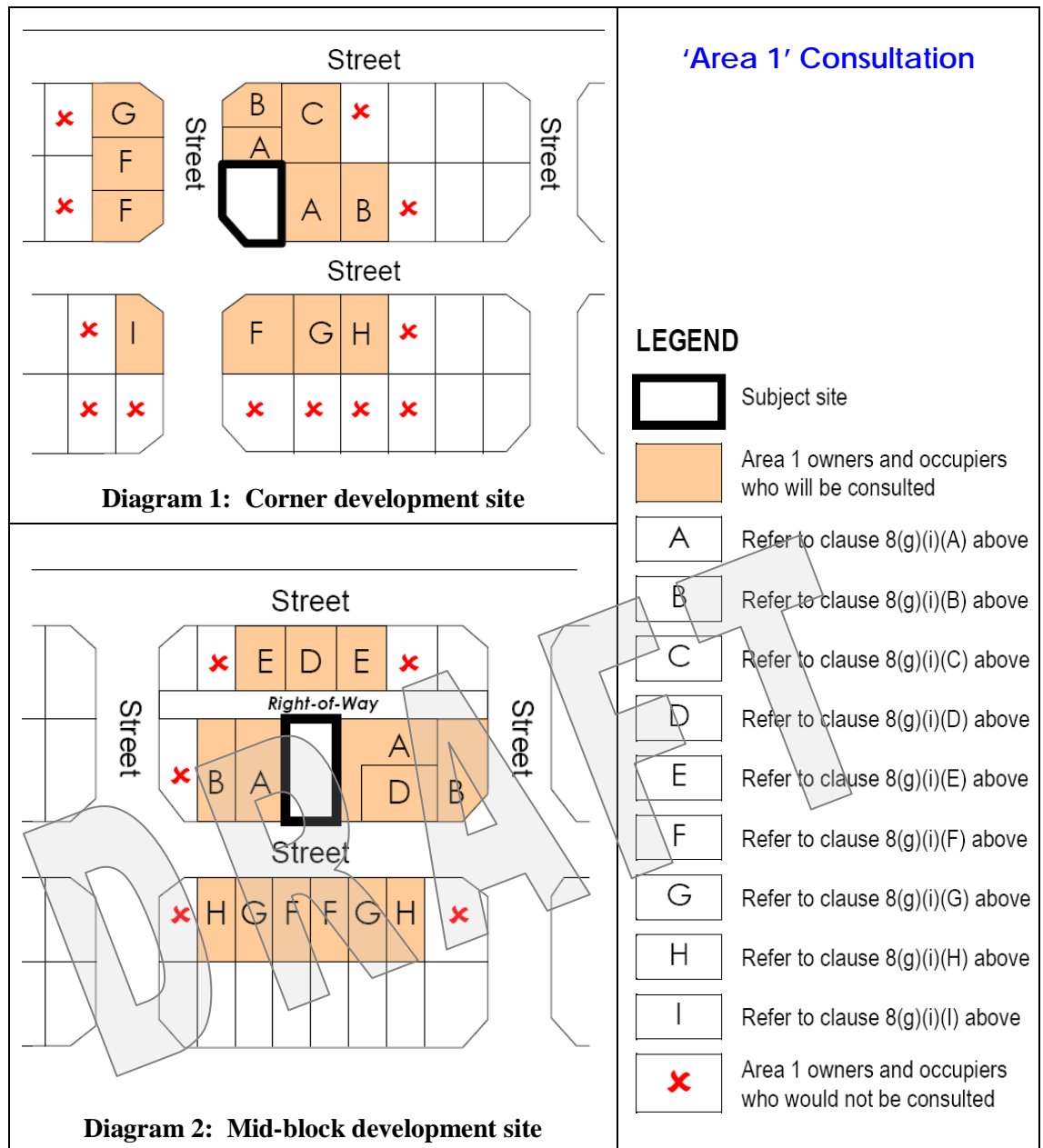
(i) Area 1 consultation

The term 'Area 1' means properties which:

- (A) adjoin any boundary of the subject site;
- (B) adjoin a lot described in (A) above;
- (C) diagonally meet the subject site at a corner point;
- (D) are separated from the subject site by a right-of-way, or by an access leg of a 'battle-axe lot' as defined in the R-Codes;
- (E) adjoin a lot separated from the subject site by a right-of-way;
- (F) are directly opposite the subject site;
- (G) adjoin a lot described in (F) above, provided that such properties are obliquely opposite the subject site;
- (H) adjoin a lot described in (G) above, provided that such properties are obliquely opposite the subject site;
- (I) are on the diagonally opposite corner of the intersection, where the subject site is on the corner of two intersecting streets.

The following diagrams illustrate typical examples of properties comprising 'Area 1':

8(g) Geographic extent of mail consultation specified in the Matrix - 'Area 1' Consultation (cont'd)



(ii) **Area 2 consultation**

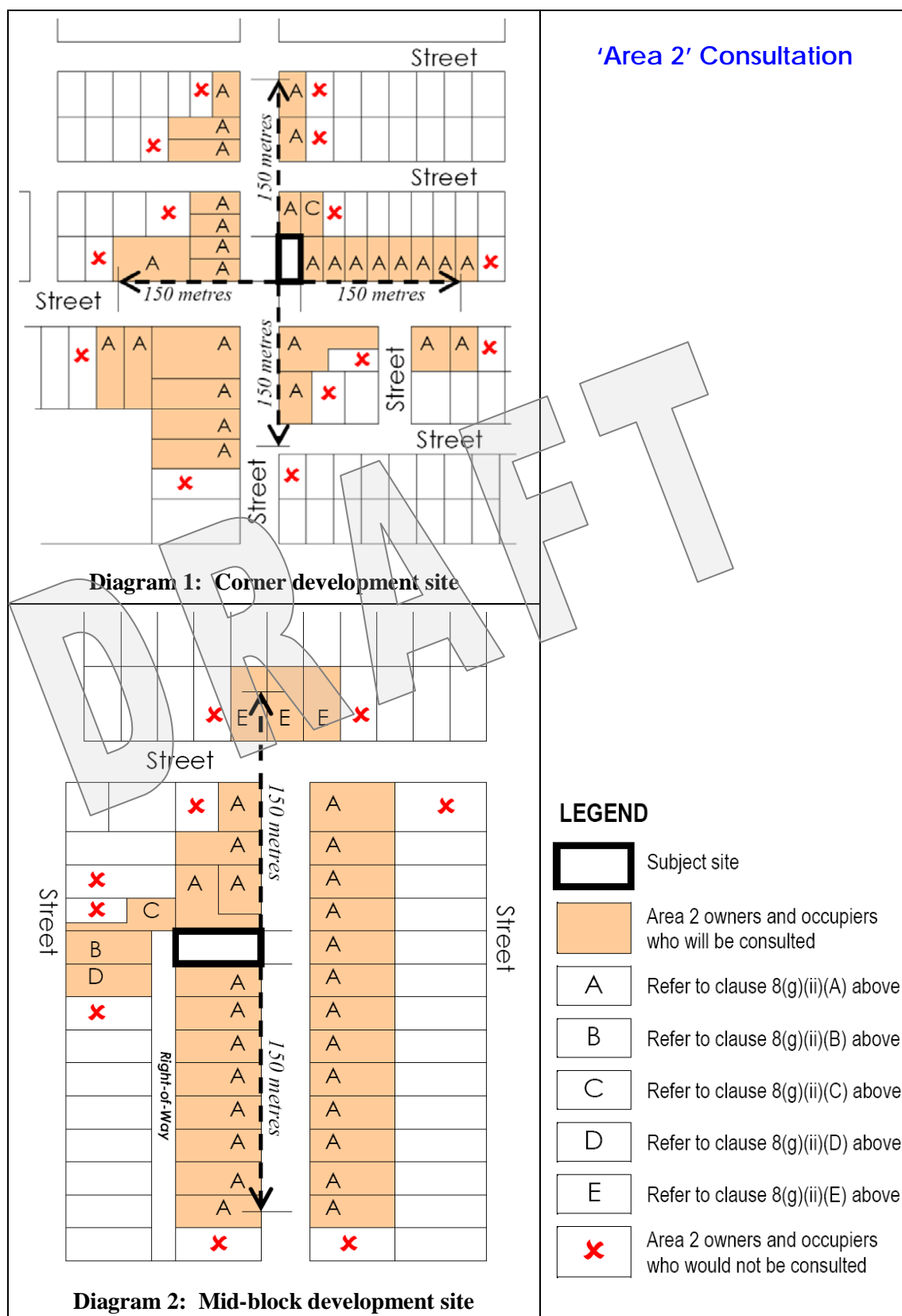
The term 'Area 2' means properties which:

- (A) abut either side of any street containing the subject site, and which are within 150 metres of the subject site. The 150 metres distance is measured along the street boundary from the point on the street boundary of the subject site nearest to the direction of measurement;
- (B) adjoin the rear boundary of the subject site. For the purpose of clause 8(g)(ii), a lot separated from the subject site by a right-of-way is deemed to 'adjoin' the subject site;
- (C) diagonally meet the subject site at a corner point;
- (D) adjoin a lot separated from the subject site by a right-of-way; or

8(g) Geographic extent of mail consultation specified in the Matrix - 'Area 2' Consultation (cont'd)

- (E) directly face, either in whole or in part, a T-junction formed by the street containing the subject site and another street.

The following diagrams illustrate typical examples of properties comprising 'Area 2':



9. Development applications

This section of the Policy relates to consultation procedures associated with development applications.

(a) Consultation Matrix

Part 1 of the Matrix prescribes the minimum consultation requirements for development applications. This Part of the Matrix also specifies where development applications do not require neighbour consultation.

(b) Statutory provisions relating to neighbour consultation

(i) Consultation prescribed by Town Planning Scheme No. 6 (TPS6)

Neighbour consultation is mandatory in the case of development applications relating to 'DC' (discretionary with consultation) Uses referred to in clause 3.3 of TPS6, but is not mandatory in the case of 'P' (permitted) and 'D' (discretionary) Uses. However, clause 3.3(8) states that in the case of 'P' and 'D' Uses, the Council may require neighbour consultation in accordance with the provisions of clause 7.3 if the Council considers that the particular proposal could significantly affect the amenity of an adjoining property.

While TPS6 confers enabling power and also specifies two methods of neighbour consultation which may be employed, the actual method and the extent of consultation in particular instances is not specified. Pursuant to clause 7.3(1) of TPS6, Policy P355 specifies both the method and extent of neighbour consultation to be undertaken in various circumstances.

(ii) Consultation prescribed by R-Codes

With respect to residential proposals, part 4 of the R-Codes contains explanatory comments relating to neighbour consultation. Clauses 4.1 to 4.3 of that part make provision for neighbour consultation where the Council is to exercise its discretion and is of the opinion that the proposal under consideration may "*adversely affect the amenity of an adjoining property*".

The R-Codes (2008) explain that "*the prime purposes of neighbour consultation are to respect the legitimate right of people to be informed about matters that may affect them, and to enhance the understanding of the process by which a decision is made by Council. In these respects neighbour consultation is important. The aim of neighbour consultation is not to shift the responsibility or power away from the Council to its affected residents.*"

The R-Codes further state that:

"It is usually more productive, as well as courteous, (for an applicant) to advise neighbours of development proposals as far in advance as possible and, where necessary, negotiate outcomes that are acceptable, before a formal application is lodged.

Formal consultation should be confined to circumstances where the Council is called on to exercise discretion in relation to an aspect of the development that directly affects an adjoining property. The opinions of affected adjoining property owners can inform, but cannot be a substitute for, the exercise of professional advice by Council's officers."

In describing the process to be followed, the R-Codes specify that neighbours are to be provided with at least 14 days after the date of notification, in which to comment to the Council.

9(b)(ii) Development applications - Consultation prescribed by R-Codes (cont'd)

Where the Council consults neighbours as provided by the R-Codes and submissions are received, the applicant may request the Council to provide a summary of the neighbours' comments. The purpose of this provision of the R-Codes is to enable the applicant to respond to the neighbours' comments, prior to the Council considering the application. Any response from the applicant must be lodged within 10 days.

In respect of relevant provisions of the R-Codes, the Matrix lists aspects of development applications which require Council to exercise discretion and which could adversely affect the amenity of an adjoining property. In such cases, the Matrix identifies an appropriate level of consultation.

(c) Methods of neighbour consultation

Clause 7.3 of TPS6 and part 4 of the R-Codes prescribe certain methods of neighbour consultation for development applications. In respect of these methods, the following procedures apply:

(i) Written Notice

(A) Other than for Telecommunications Infrastructure referred to in clause 9(i) of this Policy, the Council will mail a written notice in the prescribed form and to the extent nominated in the Matrix, to property owners and occupiers for the purposes of:

- fully itemising and describing the aspects of the proposed development upon which comments are invited;
- advising that details of the proposal are available for inspection at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth during office hours; and
- inviting written comments within the specified period.

(B) Depending upon the nature of the particular aspects of the development application upon which neighbour consultation is required, the written notice will be in the form of either:

- Schedule 7 to TPS6; or
- Appendix 4 to the R-Codes.

(C) For neighbouring properties containing more than 12 dwellings, refer to clause 8(e).

(ii) Sign on site

Some kinds of development applications require a sign to be displayed on the development site inviting submissions. Where one or more signs are required, the display of such signs is additional to any other required methods of consultation. The following requirements apply to signs on site:

(A) Specifications -

- Colour : Black lettering on white board
- Minimum size : 1200mm width x 900mm height
- Message : To be provided by the City.

(B) Responsibility for erection - It is the applicant's responsibility, at the applicant's cost, to arrange for the preparation and erection of any required sign, according to details provided by the City.

9(c)(ii) *Development applications - Sign on site (cont'd)*

- (C) **Duration of display** - Any required sign is to be erected on or prior to the date of commencement of the consultation period, and to remain on site until the conclusion of the consultation period, at which time it shall be removed by the applicant.
- (D) **Location and number** - Signs on site must be placed as close as possible to the street boundary of a development site so as to be easily read from the footpath or the street verge. One sign is adequate, except where:
- the site has more than one street frontage including a corner lot, in which case one sign is to be erected on each street frontage;
 - the site comprises more than one lot, in which case one sign is to be erected on each lot; or
 - the site frontage is wider than 50 metres, in which case signs shall be spaced at intervals of not more than 50 metres.

The Director, Manager or Strategic Adviser may approve a lesser number of signs than otherwise required, where satisfied that fewer signs would be sufficient.

(iii) **Consultation undertaken by the applicant**

In the case of residential development, the R-Codes do not preclude an applicant from consulting neighbours in the vicinity of the proposed development prior to lodging a development application with the Council.

Where an applicant elects to undertake neighbour consultation for any kind of proposed development, any written comments the applicant receives from neighbours should be submitted to the Council with the development application.

Irrespective of whether an applicant undertakes any neighbour consultation, the City will undertake the neighbour consultation specified in this Policy for the particular application, other than in the case of Telecommunications Infrastructure where the consultation is the applicant's responsibility as described in clause 9(i) of this Policy.

(d) **Administrative processes for development applications**

Sub-part 1.1 of the Matrix specifies consultation requirements according to the applicable administrative process for development applications.

(e) **Holidays: Extension of prescribed consultation period**

(i) **Declared Public Holidays**

Where a consultation period prescribed by this Policy for a development application includes declared public holidays associated with any of the following days, the consultation period shall be extended by one day:

- (A) Australia Day;
- (B) Labour Day;
- (C) Anzac Day;
- (D) Foundation Day;
- (E) Queen's Birthday.

(ii) **December-January holiday period**

In the case of the period between and including 22 December and 4 January, where the consultation period has commenced but has not concluded by 22 December, on that date the prescribed consultation period shall be suspended. The balance of the prescribed consultation period shall re-commence on 5 January.

9(e) Development applications - Holidays: Extension of prescribed consultation period (cont'd)

(iii) Easter period

In the case of the period between and including Good Friday and Easter Monday, where the consultation period has commenced but has not concluded by Good Friday, on that day the prescribed consultation period shall be suspended. The balance of the prescribed consultation period shall re-commence on the day immediately following Easter Monday.

(iv) Weekends and school holidays

Where a consultation period prescribed by this Policy includes any weekend or school holidays, the consultation period shall not be extended other than as identified in paragraphs (i), (ii) and (iii) above.

(f) Inspection of development applications at Civic Centre Offices

Where a development application is the subject of neighbour consultation, details of that application will be available for inspection at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth during normal Council office hours.

While respecting the confidentiality of correspondence and other documentation it receives, the Council allows inspection of details of an application to the extent authorised by clause 7.3(2) of TPS6, clauses 4.1 and 4.2 of the R-Codes, and by this Policy. Any applicant submitting a development application should be aware that the application details may be made available for inspection and comment by neighbours to the extent indicated by this Policy. The Council invites comment on certain development applications, subject to the following:

(i) Aspects of proposal available for inspection

The City will make the proposal available for inspection; however, only those details specifically relating to the matter on which comment is invited will be made available for inspection.

(ii) Persons permitted to view application

(A) Subject to sub-paragraph (D), details of the application will only be made available for inspection to those persons specifically invited by the City to comment.

(B) A consulted person inspecting documents at the Civic Centre Offices may be accompanied by up to two expert advisers or other people who were not personally consulted by the City and who are not members of that person's household.

(C) A person who has been invited to inspect details of the application and who wishes to speak with the relevant Planning Officer, should make an appointment with that officer prior to visiting the Civic Centre Offices.

(D) Where a sign on site is required, any person is permitted to view the application, not only those who have received written notice.

(iii) Inspection period

(A) In the case of applications to be determined under 'Delegated Authority', inspection of details of the application is only permitted during the specified consultation period.

9(f) Development applications - Inspection at Civic Centre Offices (cont'd)

- (B) In the case of applications to be determined at a Council meeting, inspection of the application is permitted during the specified consultation period to assist consulted people in the preparation of their written submission. In such cases, the application will remain available for viewing up to and including the date of the Council meeting, to assist those intending to make a deputation to that meeting. The extended viewing period does not provide an extended opportunity for preparing a written submission after the close of the consultation period.

(g) Situations where inspection not permitted at the City

In the case of a development application where:

- (i) no consultation is undertaken;
- (ii) this Policy does not require consultation with a particular person;
- (iii) the time period for inspection has concluded; or
- (iv) the application has been approved;

inspection at the City offices is not permitted. In such situations, persons who wish to inspect the application documents may contact the applicant for this purpose.

(h) 'Take-away' copies of development plans not provided by the City

The Australian Copyright Council advise that copyright issues are likely to arise if the City were to provide 'take-away' copies of development plans to members of the public or to display such plans on the City's web site. Therefore, the City does not provide copies of development plans by either of these means. Persons who wish to obtain their own copies may contact the applicant for this purpose.

(i) Telecommunications Infrastructure

- (i) Where a development application relates to Telecommunications Infrastructure which is not 'low-impact' as defined in the City's *Planning Policy P394 'Telecommunications Infrastructure'*, all community consultation and advertising in the form of mail notices, signs on-site and newspaper notices shall be undertaken by the applicant, at the applicant's cost to the extent nominated in the Matrix.
- (ii) The required newspaper notice shall be published once in the '*Southern Gazette*' newspaper during the first or second week of the consultation period, inviting comment on the Telecommunications Infrastructure proposal. The newspaper notice shall be prepared according to details provided by the City.
- (iii) In all other respects, the procedures relating to consultation prescribed in clause 9 of this Policy shall apply to Telecommunications Infrastructure.

10. Amendments to Town Planning Scheme No. 6

Amendments to the City of South Perth Town Planning Scheme No. 6 (TPS6) are initiated by the Council, but are finally determined by the State Minister responsible for Town Planning. The *Town Planning Regulations* made by the State Government under the *Planning and Development Act 2005*, contain precise instructions as to the process involved in an Amendment to a local government's Town Planning Scheme, including community consultation requirements. This Policy contains additional detailed provisions relating to the consultation requirement of the *Town Planning Regulations*.

10. Amendments to Town Planning Scheme No. 6 (cont'd)

The City's TPS6 also contains provisions relating to preliminary community consultation prior to initiating the Scheme Amendment process. This Policy contains additional detailed provisions relating to this preliminary consultation.

(a) **Preliminary consultation prior to initiating a Scheme Amendment**

(i) **Situations where preliminary consultation is required**

For the purpose of this clause, 'preliminary consultation' means consultation undertaken prior to the Council initiating the Scheme Amendment process prescribed in the *Town Planning Regulations*. In the case of requested Scheme Amendments relating to a change of zoning, clause 9.8(3) of TPS6 requires preliminary consultation with owners of the land concerned who are not party to the request, prior to the Council considering whether or not to initiate the Scheme Amendment. Where clause 9.8(3) of TPS6 applies, Item 2.1 of the Matrix prescribes the minimum preliminary consultation requirements.

In addition to rezoning requests, in the case of requested Scheme Amendments relating to residential density coding, Building Height Limit, or other development entitlements for particular land, this Policy requires preliminary consultation with owners of the land concerned who are not party to the request.

If all of the owners of the land which is the subject of the Scheme Amendment agree with the proposal, then preliminary consultation is not required and will not be undertaken. Whether or not preliminary consultation is involved, in every case where the Council decides to initiate a Scheme Amendment, the statutory process requires later advertising, inviting comments from the wider community. A person consulted at the preliminary stage may submit comments at both stages of consultation.

(ii) **Council consideration of preliminary comments**

Where comments are received in response to preliminary consultation, the Council will consider those comments before deciding whether or not to initiate the requested Scheme Amendment. If no comments are received by the nominated date, the Council will proceed to consider the Scheme Amendment request on its merits.

(iii) **Consultation to avoid mid-December to mid-January period**

For consultation requirements between mid-December and mid-January, refer to clause 8(d).

(iv) **Written notice**

Any required preliminary consultation in relation to a Scheme Amendment is undertaken by mail. The Council will undertake mail consultation to affected land owners to the extent prescribed in the Matrix. The consultation letter will:

- describe the requested Scheme Amendment, including details of the reasons for the proposal;
- advise that details of the proposal are available for inspection at the Civic Centre Offices, cnr Sandgate Street and South Terrace, South Perth during office hours; and
- invite written comments within the specified period.

For consultation with neighbouring properties containing more than 12 dwellings, refer to clause 8(e).

10. Amendments to Town Planning Scheme No. 6 (cont'd)

(b) Consultation after a Scheme Amendment has been initiated

Item 2.2 of the Matrix prescribes the minimum consultation requirements for a Scheme Amendment after initiation. In addition, the following provisions apply:

(i) Consultation to avoid mid-December to mid-January period

For consultation requirements between mid-December and mid-January, refer to clause 8(d).

(ii) Written notice

For consultation with neighbouring properties containing more than 12 dwellings, refer to clause 8(e).

(iii) Sign on site

The following requirements apply to any required signs on site:

(A) Specifications -

- Colour : White lettering on red board
- Minimum size : 1500mm width x 1000mm height
- Message : To be provided by the City.

(B) Responsibility for erection - It is the applicant's responsibility, at the applicant's cost, to arrange for the preparation of any required signs on site, according to details provided by the City. The applicant is required to erect the signs within seven days of commencement of the consultation period.

(C) Duration of display - Any required sign is to remain on site until the conclusion of the consultation period, at which time it shall be removed by the applicant.

(D) Location and number - The signs on site must be placed as close as possible to the street boundary of the Amendment site so as to be easily read from the footpath or the street verge. One sign is adequate, except in the following circumstances:

- Where the site comprises more than one lot, one sign is to be erected on each lot;
- Where the site frontage is wider than 50 metres, signs shall be spaced at intervals of not more than 50 metres.

The Director, Manager or Strategic Adviser may approve a lesser number of signs than otherwise required, where satisfied that fewer signs would be sufficient.

(iv) Newspaper notice

The *Town Planning Regulations* require a notice to be published once in a newspaper circulating in the district, inviting comment on Amendment proposals. However, to advertise Amendment proposals more fully, the City will publish the notice **twice** during the advertising period. Where the Scheme Amendment has been requested by an applicant, as part of the required Planning Fee, the cost of the newspaper notices is to be met by the applicant. Where the Scheme Amendment has not been requested by an applicant, the cost of the newspaper notices is to be met by the City.

11. Planning Policies

Clause 9.6 of TPS6 sets out the procedure for making or amending Planning Policies, including general community consultation requirements. Item 3.1 of the Matrix prescribes additional consultation requirements for new or modified Planning Policies.

For consultation requirements between mid-December and mid-January, refer to clause 8(d).

12. Heritage List

Clause 6.11 of TPS6 sets out the procedure for making or amending a Heritage List, including community consultation requirements. Item 3.2 of the Matrix prescribes additional consultation requirements for the Heritage List. The following provisions also apply:

- (a) Where City Officers are of the opinion that a place might possibly be suitable for heritage consideration, the Officers will invite written comments from the owner. Any comments received at that preliminary stage will be considered by the Director. After seeking expert heritage advice where necessary, the Director will consider whether or not to refer the place to a Council meeting for further consideration of possible listing on the Heritage List.
- (b) Where the Council is considering the addition of a place to, or deletion of a place from, the Heritage List, that place will be advertised for community comment as prescribed in the Matrix, before a final decision is made.
- (c) For consultation requirements between mid-December and mid-January, refer to clause 8(d).

13. Local heritage inventory

The City's local heritage inventory has been prepared as required by section 45 of the *Heritage of Western Australia Act 1990*. The Act requires that the inventory is to be updated annually and reviewed every four years, with proper public consultation. Part 4 of the Matrix prescribes the minimum consultation requirements for the local heritage inventory. In addition, the following provisions apply:

- (a) In association with either the annual update or the four-yearly review of the local heritage inventory, where City Officers are of the opinion that a place might possibly be suitable for heritage consideration, the Officers will invite written comments from the owner. Any comments received at that preliminary stage will be considered by the Director. After seeking expert heritage advice where necessary, the Director will decide whether or not to refer the place to a Council meeting for consideration of listing on the inventory.
- (b) If the Council is considering deletion of a place from the local heritage inventory, that place will be advertised for comment as prescribed in the Matrix, before a final decision is made.
- (c) For consultation requirements between mid-December and mid-January, refer to clause 8(d).

14. Road closures

Provisions relating to the closure of dedicated roads are contained in section 58 of the *Land Administration Act 1997*. Regulation 9 of the *Land Administration Regulations 1998* specifies the procedural requirements of Local Government prior to submitting a closure request to the Minister for Lands. Part 5 of the Matrix prescribes the minimum consultation requirements for road closures. In addition, the following provisions apply:

14. Road Closures (cont'd)

- (a) In cases where a proposed road closure would result in the permanent re-routing of traffic, wider consultation than specified in the Matrix will be undertaken at the discretion of the Chief Executive Officer or Director, having regard to the likely extent of impact on traffic movement.
- (b) For consultation requirements between mid-December and mid-January, refer to clause 8(d).

15. Right-of-way closures

Section 52 of the *Land Administration Act* contains provisions relating to the procedure to be followed in the closure of rights-of-way, including consultation requirements. Part 6 of the Matrix prescribes the minimum consultation requirements for right-of-way closures.

For consultation requirements between mid-December and mid-January, refer to clause 8(d).

16. Subdivisions

Decisions on subdivision applications are made by the Western Australian Planning Commission. The Commission invites comments from local government before making decisions on subdivision applications. The Council does not undertake community consultation with regard to subdivision applications other than those involving the creation of a new road. Where consultation is required, Item 7.1 of the Matrix prescribes the minimum consultation requirements for subdivisions before a recommendation is forwarded to the Commission.

Consultation will be by way of signs on site. The following requirements apply to the signs:

(a) Specifications

- Colour : Black lettering on white board
- Minimum size : 1200mm width x 900mm height
- Message : To be provided by the City.

(b) Responsibility for erection

It is the applicant's responsibility, at the applicant's cost, to arrange for the preparation and erection of any required signs on site, according to details provided by the City.

(c) Duration of display

Any required sign is to be erected on or prior to the date of commencement of the consultation period, and to remain on site until the conclusion of the consultation period, at which time it shall be removed by the applicant.

(d) Location and number

Signs on site must be placed as close as possible to the street boundary at the perimeter of the subdivision site so as to be easily read from the footpath or the verge of that street. The number of required signs will be determined by the Director, Manager or Strategic Adviser having regard to the extent of the subdivision and its likely impact on neighbours, if any.

17. Any other Planning proposal

Part 8 of the Matrix prescribes the minimum consultation requirements for 'Planning proposals' which are not of the kinds listed in (a) to (h) of the definition of this term in clause 4 of this Policy.

Consultation Matrix

IMPORTANT NOTE:

For development applications:

- 1. Please read all sub-parts of Part 1 of this Matrix before initiating the required consultation; and**
- 2. In some instances, the minimum consultation requirements prescribed in this Matrix for particular aspects of a proposal are not the same as those prescribed elsewhere in the Matrix for that proposal. In such cases, the widest applicable consultation is to be undertaken.**

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PART 1. DEVELOPMENT APPLICATIONS

1.1 Administrative processes

1.1.1	<p>Proposals modified prior to determination</p> <p>Irrespective of whether determination is to be by Council or a delegated officer, a proposal involving the same land use which:</p> <ul style="list-style-type: none"> (a) is modified after neighbour consultation has concluded, but prior to determination; and (b) departs further from the R-Codes, TPS6 or relevant Policies, or introduces additional elements involving a discretionary decision 	As identified elsewhere in Part 1 of this Matrix			
1.1.2	<p>Modified proposals lodged within 12 months of determination</p> <p>Irrespective of whether determination is to be by Council or a delegated officer, a modified proposal involving the same land use which:</p> <ul style="list-style-type: none"> (a) is lodged within 12 months of the previous determination; and (b) does not depart further from the R-Codes, TPS6 or relevant Policies, nor introduce additional elements involving a discretionary decision 	<div> <div>No consultation</div> <div>Policy P355 cl (9)(a)</div> </div>			
1.1.3	<p>Modified proposals lodged more than 12 months after determination</p> <p>Irrespective of whether determination is to be by Council or a delegated officer, a modified proposal involving the same land use which:</p> <ul style="list-style-type: none"> (a) is lodged more than 12 months after the previous determination; or (b) departs further from the R-Codes, TPS6 or relevant Policies, or introduces additional elements involving a discretionary decision 	As identified elsewhere in Part 1 of this Matrix			
1.1.4	<p>Matters referred to a Council Meeting</p> <ul style="list-style-type: none"> (a) Where the proposal is listed elsewhere in the Matrix (b) Where the proposal is not listed elsewhere in the Matrix 	<div>As identified elsewhere in Part 1 of this Matrix</div> <div> <div>Area 1</div> <div>Mail</div> <div>14 days</div> <div>Policy P355 cl (9)(a)</div> </div>			
1.1.5	<p>Resubmission of lapsed development applications</p> <p>Applications which have lapsed due to expiry of prescribed time period for substantial commencement</p>	As identified elsewhere in Part 1 of this Matrix			

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.1 Development Applications - Administrative Processes (cont'd)				
1.1.6	Council review of Council decisions Proposals previously considered at a Council meeting where: (a) a particular element of the new proposal departs further from the R-Codes, TPS6 or relevant Policies; or (b) the new proposal introduces additional elements involving a discretionary decision	As identified elsewhere in Part 1 of this Matrix		
1.1.7	Council review of delegated decisions (a) Previously requiring consultation	To be undertaken again, as previously required		
	(b) Not previously requiring consultation	No consultation		
1.1.8	Holidays: Extension of prescribed consultation period	As prescribed in cl 9(e) of this Policy		

1.2 General aspects of development

1.2.1 Higher density adjacent to lower density Any development in any zone where the development site is coded R60 or higher and is adjoining or opposite land coded R25 or lower. This applies to both single coding and dual coding	Area 2	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.2.2 Replacement of 'over-sized' buildings Proposals being considered under TPS6 clause 6.1 involving replacement of existing approved buildings not complying with building height, density or plot ratio as prescribed in TPS6 and the R-Codes	Area 2	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 6.1(3) • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.2.3 Non-residential development with impact Non-residential development likely to have a significant impact on the locality	Area 2	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.2.4 Development involving demolition on heritage sites Proposals involving demolition of a building listed in Category A, B or C in the local heritage inventory	<ul style="list-style-type: none"> • Area 2 • Heritage Council of Western Australia 	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 6.11(6) • TPS6 cl 7.3 • Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements	
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period		
1.2 Development Applications - General Aspects (cont'd)					
1.2.5	Development involving additions or alterations on heritage sites Proposals involving additions or alterations likely to change the character or external appearance of a building listed in Category A+, A, B or C in either: (a) the local heritage inventory; or (b) the Heritage List	<ul style="list-style-type: none">Area 1Heritage Council of Western Australia for A+, A Categories	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 6.11(6)TPS6 cl 7.3Policy P355 cl 9(a)
1.2.6	Variation from requirements to facilitate heritage retention Proposals involving variation from TPS6 or R-Codes provisions identified in clause 6.11(8) of TPS6 in order to facilitate retention or enhancement of a heritage place	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 4.3(1)(k)TPS6 cl 11(8)TPS6 cl 7.3Policy P355 cl 9(a)
1.2.7	Buildings 9.0 metres high or higher Buildings, including additions to existing buildings, which are 9.0 metres high or higher	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 7.3Policy P355 cl 9(a)
1.2.8	Additions to 'over-height' buildings Additions to an existing building involving construction above the Building Height Limit prescribed in TPS6	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 6.2(1)(d)TPS6 cl 7.3Policy P355 cl 9(a)
1.2.9	Large number of dwellings Residential developments containing 10 or more dwellings	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 7.3Policy P355 cl 9(a)
1.2.10	Site-specific non-residential development Non-residential development designed according to site-specific requirements prescribed in clause 5.4 of TPS6	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 7.3Policy P355 cl 9(a)
1.2.11	Signs Advertising signs permitted under clause 6.12 of TPS6 where referred to a Council meeting for determination	Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 7.3Policy P355 cl 9(a)
1.2.12	Non-residential development adjoining Residential Non-residential development in any zone or reserve adjoining any residential development	Residential uses within Area 1	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 7.3Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.2 Development Applications - General aspects (cont'd)					
1.2.13	Street parking in Local Commercial zone Additions to existing buildings in the Local Commercial zone, where the applicant is to fund the provision of additional car parking bays within the street reserve	Area 1	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 6.3(5)(c)• TPS6 cl 7.3• Policy P355 cl 9(a)
1.2.14	Boundary walls Development involving a boundary wall, except where a proposed boundary wall abutting an existing boundary wall on an adjoining lot does not project either vertically or horizontally beyond or above the existing boundary wall	Any property which adjoins the affected boundary directly or diagonally	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• R-Codes part 4• Policy P355 cl 9(a)
1.2.15	Site filling and retaining walls Site filling and retaining walls higher than 0.5 metres above existing ground level on the development site and situated on a lot boundary	Any property which adjoins the affected boundary directly or diagonally	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• R-Codes part 4• Policy P355 cl 9(a)
1.2.16	Street setback variations listed in TPS6 Table 2 and Table 5 Any reduction below the minimum setbacks from specified streets prescribed in TPS6 Table 2 and Table 5	Properties adjoining the development site and having a boundary to the same street	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• Policy P355 cl 9(a)
1.2.17	Side or rear setback variations In the case of residential or non-residential developments, a proposed side or rear setback more than 10% below the prescribed minimum	Any property which adjoins the affected boundary directly or diagonally	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• R-Codes part 4• Policy P355 cl 9(a)
1.2.18	Overshadowing Residential proposals involving overshadowing of an adjoining lot to a greater degree than prescribed in Design Element 6.9.1 A1 of the R-Codes	Any affected adjoining property	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• R-Codes part 4• Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements	
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period		
1.2 Development Applications - General aspects (cont'd)					
1.2.19	Development in Salter Point Proposals in Salter Point, in Building Height Limits 3.0m, 3.5m or 6.5m, which the Director, Manager or Strategic Adviser considers could significantly obstruct views of the Canning River from any existing buildings on neighbouring lots	Any potentially affected neighbouring property	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 6.2(2)• TPS6 cl 7.3• Policy P355 cl 9(a)
1.2.20	Significant views Proposals which the Director, Manager or Strategic Adviser considers could substantially obstruct an existing significant view from an adjoining dwelling	Any potentially affected property adjoining the development site directly or diagonally	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 7.3• Policy P355 cl 9(a)

1.3 Residential Uses listed in Table 1 of TPS6

1.3.1 Aged or Dependent Persons' Dwelling Irrespective of whether a 'P' or 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(8) • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.3.2 Ancillary Accommodation	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.3.3 Bed and Breakfast Accommodation (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(3) • TPS6 cl 7.3 • TPS6 Table 1 • Policy P355 cl 9(a)
(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.3.4 Grouped Dwellings	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.3.5 Home Business	'X' (prohibited) use - no consultation			Policy P355 cl 9(a)
1.3.6 Home Occupation (a) where involving visitors to the site or use of an outbuilding	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 7.3 • Policy P355 cl 9(a)
(b) in all other cases	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.3.7 Home Office	No consultation			Policy P355 cl 9(a)
1.3.8 Multiple Dwellings	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.3 Development Applications - Residential Uses listed in Table 1 of TPS6 (cont'd)				
1.3.9 Residential Building Irrespective of whether a 'P', 'D' or 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 3.3(8)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.3.10 Single Bedroom Dwelling Irrespective of whether a 'P' or 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(8)• TPS6 cl 7.3• Policy P355 cl 9(a)
1.3.11 Single House	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.3.12 Student Housing Irrespective of whether a 'D' or 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 3.3(8)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)

1.4 Non-Residential Uses listed in Table 1 of TPS6

1.4.1 Aged or Dependent Persons' Amenities	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.2 Café / Restaurant (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(3) • TPS6 cl 7.3 • TPS6 Table 1 • Policy P355 cl 9(a)
	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.3 Child Day Care Centre (a) In the Residential zone	Area 2 subject to Sub-part 1.2 of the Matrix	<ul style="list-style-type: none"> • Mail • Sign on site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(3) • TPS6 cl 7.3 • TPS6 Table 1 • Policy P355 cl 9(a)
	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(3) • TPS6 cl 3.3(8) • TPS6 cl 7.3 • TPS6 Table 1 • Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.4 Development Applications - Non-Residential Uses listed in Table 1 of TPS6 (cont'd)					
1.4.4	Cinema / Theatre Irrespective of whether a 'D' or 'DC' use	Area 2 subject to Sub-part 1.2 of the Matrix	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 3.3(8)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.4.5	Civic Use (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.6	Club Premises (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.7	Consulting Rooms (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.8	Convenience Store	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.9	Educational Establishment (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.10	Family Day Care Where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.4.11	High Level Residential Aged Care Facility For new or substantial additions to existing developments, irrespective of whether a 'P' or 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 3.3(8)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.4 Development Applications - Non-Residential Uses listed in Table 1 of TPS6 (cont'd)					
1.4.12 Hospital	(a) where a 'DC' use	Area 2	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.13 Hotel	(a) where a 'DC' use	Area 2	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.14 Indoor Sporting Activities	(a) where a 'DC' use	Area 1	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.15 Industry - Light	Where a 'DC' use	Area 1	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.4.16 Industry - Service		No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.17 Local Shop	(a) where a 'DC' use	Area 1	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.18 Market	(a) where a 'DC' use	Area 1	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.4 Development Applications - Non-Residential Uses listed in Table 1 of TPS6 (cont'd)					
1.4.19 Mixed Development	(a) where any component use is a 'DC' use	As required for each component use or by Sub-part 1.2 of the Matrix. The widest applicable consultation shall prevail			<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where any component use is a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.20	Motor Vehicle and Equipment Hire Where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.4.21	Motor Vehicle and Marine Sales Premises Where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
1.4.22	Motor Vehicle Wash	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.23	Night Club	Area 2	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(a) where a 'DC' use				
	(b) where a 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(8)• Policy P355 cl 9(a)
1.4.24	Office	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.25	Public Parking Station	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(a) where a 'DC' use				
	(b) where a 'P' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.26	Public Utility	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.27	Radio and Television Installation	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(a) where a 'DC' use				
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.4 Development Applications - Non-Residential Uses listed in Table 1 of TPS6 (cont'd)					
1.4.28 Reception Centre (a) where a 'DC' use	Area 2	<ul style="list-style-type: none">MailSign on site	21 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.29 Religious Activities Where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
1.4.30 Research and Development (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.31 Restricted Premises Where an 'X' (prohibited) use	No consultation			Policy P355 cl 9(a)	
1.4.32 Service Station (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.33 Shop (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
	(b) where a 'P' or 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.34 Showroom Where a 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(8)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
1.4.35 Take-Away Food Outlet (a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">TPS6 cl 3.3(3)TPS6 cl 7.3TPS6 Table 1Policy P355 cl 9(a)	
	(b) where a 'P' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal		Minimum Consultation Requirements			Source of Consultation Requirements
		Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.4 Development Applications - Non-Residential Uses listed in Table 1 of TPS6 (cont'd)					
1.4.36 Tavern	(a) where a 'DC' use	Area 2	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(8)• TPS6 cl 7.3• Policy P355 cl 9(a)
1.4.37 Telecommunications Infrastructure	(a) where the facility is not deemed to be 'low-impact' as defined in Planning Policy P394 Telecommunications Infrastructure; and	All owners and occupiers within 500 metres radius of facility	<ul style="list-style-type: none">• Mail;• Sign on site• Newspaper (one issue)	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(8)• TPS6 cl 7.3• Policy P355 cl 9(a)• Policy P394
	(b) where a 'D' use				
1.4.38 Tennis Court (Private)	(a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)
1.4.39 Tourist Accommodation	(a) where a 'DC' use	Area 2	<ul style="list-style-type: none">• Mail• Sign on site	21 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(8)• TPS6 cl 7.3• Policy P355 cl 9(a)
1.4.40 Veterinary Clinic	(a) where a 'DC' use	Area 1 subject to Sub-part 1.2 of the Matrix	Mail	14 days	<ul style="list-style-type: none">• TPS6 cl 3.3(3)• TPS6 cl 7.3• TPS6 Table 1• Policy P355 cl 9(a)
	(b) where a 'D' use	No consultation, subject to Sub-part 1.2 of the Matrix			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

1.5 Other 'Use-related' issues

1.5.1	Uses not listed in Table 1 of TPS6	Area 1	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 3.3(7) • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.5.2	Temporary Uses	Area 1	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 7.13(1) • TPS6 cl 7.3 • Policy P355 cl 9(a)
1.5.3	Change of Non-Conforming Use	Area 1	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 7.3 • TPS6 cl 8.1(4) • Policy P355 cl 9(a)
1.5.4	Closed roads Use of 'closed road' land for a purpose permitted on immediately adjoining land	Area 1	Mail	14 days	<ul style="list-style-type: none"> • TPS6 cl 2.2(3) • TPS6 cl 7.3 • Policy P355 cl 9(a)

1.6 Aspects where neighbour consultation not required

1.6.1	Minor additions or alterations Additions or alterations to an approved or existing development: (a) complying with TPS6 and R-Codes; (b) comprising a structure which is small in relation to the main building, (eg. pergola, patio, portico, and the like); (c) not visible from the street; (d) not exceeding 3.0 metres in height; and (e) not impinging on neighbours' views, outlook or solar access	No consultation			Policy P355 cl 9(a)
1.6.2	Streetscape Streetscape compatibility issues	No consultation			Policy P355 cl 9(a)
1.6.3	Minor variations in open space provision Development proposals involving minor variation from open space requirements prescribed in Design Element 6.4 and Table 1 of the R-Codes	No consultation			Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.6 Development Applications - Aspects where neighbour consultation is not required (cont'd)				
1.6.4	Visual privacy Development proposals where applicants seek a variation from visual privacy requirements of the R-Codes	No consultation because such variations are not permitted. The proposal must comply with clause 6.8.1 of the R-Codes		Policy P355 cl 9(a)
1.6.5	Minor non-residential plot ratio variations Non-Residential development proposals involving minor variation from maximum plot ratio prescribed in Table 3 of TPS6	No consultation		Policy P355 cl 9(a)
1.6.6	Bicycle parking and facilities Development proposals involving minor variation from bicycle parking requirements and associated requirements relating to end-of-trip facilities prescribed in clause 6.4 of TPS6	No consultation		Policy P355 cl 9(a)
1.6.7	Complying proposals Development proposals: (a) where no discretionary decisions are involved because the proposal complies with normal requirements of TPS6, R-Codes 'Acceptable Development' provisions, Policies and Local Laws; and (b) not listed in Sub-parts 1.2, 1.3 and 1.4 of the Matrix	No consultation		Policy P355 cl 9(a)
1.6.8	Proposals to be approved, involving minor variations Development proposals which are to be approved under delegated authority, involving variations from TPS6, R-Codes 'Acceptable Development' provisions, Policies or Local Laws, and which: (a) do not impact on the amenity of neighbours; and (b) are not otherwise listed in this Matrix	No consultation		Policy P355 cl 9(a)
1.6.9	Proposals to be refused, involving major variations Development proposals which are to be refused under delegated authority due to major variations from TPS6, R-Codes, Policies or Local Laws	No consultation		<ul style="list-style-type: none">• R-Codes cl 4.2.4• Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	
1.6 Development Applications - Aspects where neighbour consultation is not required (cont'd)				
1.6.10	Non-complying proposals to be refused, where no discretion to approve Residential proposals which are to be refused due to non-compliance with TPS6 or R-Codes where there is no discretionary power to approve the application	No consultation		<ul style="list-style-type: none">• R-Codes cl 4.2.4• Policy P355 cl 9(a)
1.6.11	'P' and 'D' Uses - No significant amenity impact 'P' (permitted) or 'D' (discretionary) uses: (a) not listed elsewhere in this Matrix in relation to any particular aspect of the proposal; and (b) where the Director, Manager or Strategic Adviser considers that the proposal will not significantly affect the amenity of a neighbouring property	No consultation		Policy P355 cl 9(a)
1.6.12	Car parking deficiency Any proposals (other than those referred to in Item 1.2.13 of the Matrix) which have less on-site car parking bays than prescribed in clause 6.3 and Table 6 of TPS6 or Design Element 6.5.1 of the R-Codes, whether or not 'cash in lieu' is proposed	No consultation, subject to Item 1.2.13 of the Matrix		Policy P355 cl 9(a)
1.6.13	Development required for public health or safety reasons Where the development is required to prevent an immediate threat to the health or safety of the public	No consultation		Policy P355 cl 9(a)

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

PART 2. AMENDMENTS TO TPS6

2.1	Preliminary consultation prior to initiating Amendment process				
	(a) Where the Amendment relates to a change in zoning, residential density coding, Building Height Limit or other development entitlements for particular land, and not all owners of directly affected properties have requested the Amendment	<ul style="list-style-type: none"> • Owners of land comprising the subject site who did not request the Amendment • Area 1, where the subject site comprises more than 5 lots 	Mail	21 days	<ul style="list-style-type: none"> • TPS6 cl 9.8(3) • Policy P355 cl 10(a)
	(b) Where the Amendment relates to a change in zoning, residential density coding, Building Height Limit or other development entitlements for particular land, and all owners of directly affected properties have requested the Amendment		No consultation		Policy P355 cl 10(a)
	(c) Where the Amendment relates to a change to the Scheme Text which has general or City-wide effect		No consultation		Policy P355 cl 10(a)
2.2	Consultation after Amendment process has been initiated				
	(a) Where the Amendment relates to a change in zoning, residential density coding, Building Height Limit depicted on the Scheme Maps or other development entitlements for particular land	<ul style="list-style-type: none"> • EPA • All owners of land comprising the subject site • Area 2 Affected service agencies 	<ul style="list-style-type: none"> • Mail • Sign on site • Newspaper (2 issues) • Civic Centre • Libraries • City's web site 	42 days	<ul style="list-style-type: none"> • TPS6 cl 9.8 • Policy P355 cl 10(b) • <i>Town Planning Regulations</i>
	(b) Where the Amendment only relates to a Scheme Text change which has general or City-wide effect	<ul style="list-style-type: none"> • EPA • Affected service agencies 	<ul style="list-style-type: none"> • Newspaper (2 issues) • Civic Centre • Libraries • City's web site 	42 days	<ul style="list-style-type: none"> • Policy P355 cl 10(b) • <i>Town Planning Regulations</i>

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

PART 3. PLANNING POLICIES

3.1	New or modified Planning Policies New or modified Planning Policies endorsed by Council for advertising purposes	No mail consultation	<ul style="list-style-type: none"> • Newspaper (once a week for 2 consecutive weeks) • Civic Centre • Libraries • City's web site 	21 days	<ul style="list-style-type: none"> • TPS6 cl 9.6(2) • Policy P355 cl 11
3.2	Heritage List				
	(a) Preliminary individual consultation prior to the Director considering whether or not to present the place to a Council meeting for consideration of possible listing in the Heritage List	Owners of affected properties	Mail	21 days	Policy P355 cl 12
	(b) Proposed: (i) adoption of the Heritage List; or (ii) modification of the Heritage List involving the addition or deletion of places, after endorsement by the Council for public advertising purposes	<ul style="list-style-type: none"> • Owners of affected properties • Area 1 • Heritage Council of Western Australia 	<ul style="list-style-type: none"> • Mail • Newspaper (once a week for 2 consecutive weeks) • Civic Centre • Libraries • City's web site 	42 days	<ul style="list-style-type: none"> • TPS6 cl 9.6(2) • Policy P355 cl 12

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

PART 4. LOCAL HERITAGE INVENTORY

4.1	Preliminary individual consultation Preliminary individual consultation prior to the Director considering whether or not to present the place to a Council meeting for consideration of possible listing in the local heritage inventory	Owners of affected properties	Mail	21 days	Policy P355 cl 13
4.2	Four-yearly review Four-yearly review of the local heritage inventory, involving its form, structure or content, and the addition or deletion of places, after endorsement by the Council for advertising purposes	<ul style="list-style-type: none"> • Owners of affected properties • Heritage Council of Western Australia 	<ul style="list-style-type: none"> • Mail • Newspaper (2 issues) • Civic Centre • Libraries • City's web site 	42 days	<ul style="list-style-type: none"> • <i>Heritage of Western Australia Act 1990</i> (Section 45) • Policy P355 cl 13
4.3	Addition or deletion of places Proposed modification of the local heritage inventory during an annual or an interim update, involving the addition or deletion of places, after endorsement by the Council for advertising purposes	<ul style="list-style-type: none"> • Owners of affected properties • Area 1 • Heritage Council of Western Australia 	Mail	42 days	<ul style="list-style-type: none"> • <i>Heritage of Western Australia Act 1990</i> (Section 45) • Policy P355 cl 13
4.4	Modifications not involving addition or deletion of places Annual, interim or four-yearly update or review of the local heritage inventory, not involving the addition or deletion of places	No consultation			Policy P355 cl 13

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

PART 5. ROAD CLOSURES

5.1	Major road closures Where the closure will preclude 'through-movement' of vehicular traffic	<ul style="list-style-type: none"> Property owners who the Director considers may be affected by the closure Service agencies 	<ul style="list-style-type: none"> Mail Sign on site Newspaper (one issue) Civic Centre City's web site 	35 days	<ul style="list-style-type: none"> Land Administration Act 1997 (S 58) Land Administration Regulations 1998 (Regulation 9) Policy P355 cl 14
5.2	Minor road closures (a) where the closure will not preclude 'through-movement' of vehicular traffic; and (b) where the closed road will be amalgamated with an adjoining lot or reserve	<ul style="list-style-type: none"> Properties adjoining the portion of road to be closed Service agencies 	<ul style="list-style-type: none"> Mail Sign on site Newspaper (one issue) Civic Centre City's web site 	35 days	<ul style="list-style-type: none"> Land Administration Act 1997 (S 58) Land Administration Regulations 1998 (Regulation 9) Policy P355 cl 14

PART 6. RIGHT-OF-WAY CLOSURES

	Full closure	<ul style="list-style-type: none"> Properties adjoining any portion of the ROW Service agencies 	Mail	30 days	<ul style="list-style-type: none"> Land Administration Act 1997 Policy P355 cl 15
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PART 7. SUBDIVISIONS

7.1	Creation of new road Subdivisions involving the creation of a new public road	No mail consultation	Sign on site	30 days	<ul style="list-style-type: none"> Policy P355 cl 16 Delegation DC342
7.2	No new roads Subdivisions not involving the creation of a new public road	No consultation			Policy P355 cl 16

Consultation Matrix (cont'd)

Proposal	Minimum Consultation Requirements			Source of Consultation Requirements
	Extent of Mail Consultation	Method of Consultation	Duration of Consultation Period	

PART 8. ANY OTHER PLANNING PROPOSAL

8.1	Fences higher than 1.8 metres Fences higher than 1.8 metres measured in accordance with clause 7(b) of Policy P350.7	Owners of properties adjoining the affected boundary fence	Mail	14 days	<ul style="list-style-type: none"> TPS6 cl 7.3 Policy P350.7 cl 8
8.2	Naming or renaming of roads or rights-of-way	<ul style="list-style-type: none"> Owners of properties having a boundary to the affected portion of road or right-of-way Geographic Names Committee 	Mail	21 days	Policy P355 cl 17

Additional relevant information: Access to Building Licence documents

Any person authorised in writing by the owner of land may, during normal Council office hours, inspect any plan or other document relating to a Building Licence for that land, pursuant to Regulation 12(2) of the *Building Regulations 1989*.

[Refer to Building Services Information Sheet titled '*How do I obtain a copy of my Building Plans? (Building Plan Archive Search)*' on the City's web site at: www.southperth.wa.gov.au .]

Other in Force Documents

City of South Perth Town Planning Scheme No. 6.

Western Australian Planning Commission Statement of Planning Policy No. 3.1 - Residential Design Codes (Variation 1) April 2008.

Other Policies that are Relevant

Policy P103 'Communication and Consultation'.

Policy P350 'City-Wide Residential Policies'

Planning Policy P394 'Telecommunications Infrastructure'.

Residential Design Policy Manual.

This Policy was adopted by Council on 26 July 2005; and was reviewed and endorsed for community consultation by a resolution of Council meeting on 24 March 2009.

DRAFT

House Rules

In order to maintain harmony with our neighbours and other guests, please be aware that we are situated in a quiet residential area and the following House Rules apply:

- Guest vehicles to be parked in the carbays provided within the property and not on the street
- When returning to the property late in the evening or leaving early in the morning, please be considerate of other guests and neighbours who may be sleeping by not talking loudly, slamming car doors or making excessive vehicle noise
- Please keep noise to a minimum in the courtyard areas particularly after 9pm and before 8am
- Guests in residence may have visitors but the numbers and length/time of visits may be limited to ensure the quiet enjoyment of other guests and neighbouring properties
- No parties or get-togethers are permitted in guest suites but small gatherings such as business breakfasts, cocktail parties may be permitted in the guest lounge/dining area by prior arrangement with the owner

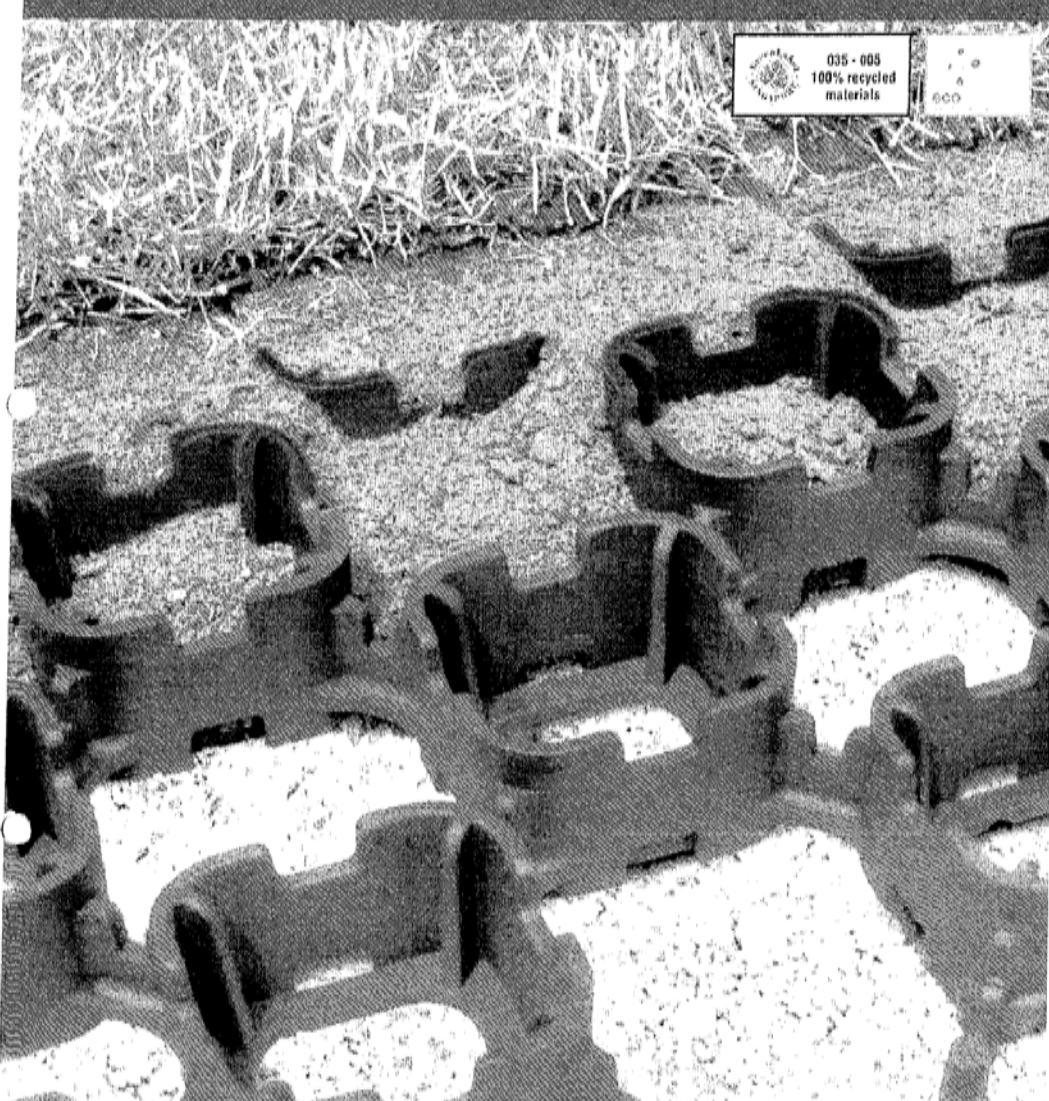
Contravention of any of the above House Rules may result in the termination of your stay.

TurfPave® XD

Grass & Gravel
Stabilising System


035 - 005
100% recycled
materials

ECO



Enhancing Our Environment

TurfPave® XD enhances our environment through the creation of stabilised and durable lawns.



TurfPave® XD

TurfPave® XD provides designers and developers with a grassed alternative to concrete and asphalt surfaces that is practical, aesthetically pleasing and environmentally friendly.

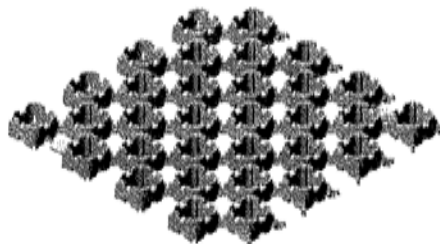
What is TurfPave® XD?

TurfPave® XD is a lightweight plastic grid structure specially designed to stabilise and support turf, grass or decorative gravel.

TurfPave® XD has a wide range of applications in the landscape, construction, and environmental remediation industries.

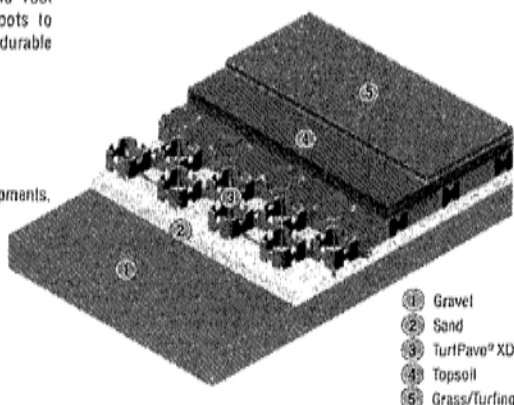
TurfPave® XD supports US LEED™ credits: SS6.1, SS6.2, SS7.1, SS5.1 and MR4.1.

Positioned under a grass landscape, TurfPave® XD distributes loads from pedestrian and vehicular traffic to the base course below, minimising grass and root compaction. The interconnected cells allow roots to develop with minimal restriction, resulting in a durable and stable grass surface.



Applications

- Emergency and firelane access
- Vehicle parking lots for commercial developments, homes, sports complexes, festival grounds, churches and more.
- Golf cart paths
- Street shoulder parking
- Racetrack infield and pit areas
- Drainage channels
- Slope stabilisation and erosion control
- US ADA compliant
- 100% permeable



BEFORE



Roadside parking on unstable ground

AFTER



Roadside parking

Installation Procedures

TurfPave® XD's easy assembly requires no special tools. The product conforms to odd shapes or profiles, and excess cells may be trimmed with pruning shears.

- Prior to installation, calculate the area where **TurfPave® XD** is to be installed
- Excavate and/or level the area
- Install drainage systems, irrigation systems, and utility lines in the subgrade, as needed
- Lay and compact a sand and gravel road base or washed paving sand to provide support for projected weight-bearing loads
- Position **TurfPave® XD** cells on the compacted sand and gravel road base or paving sand
- Cover the **TurfPave® XD** cells with a recommended sand soil mix for turf establishment
- Apply recommended moisture, water retention agents and fertilisers
- Place sprigging or rolled turf, or hydro-seed onto the filled **TurfPave® XD** cells
- Implement regular maintenance schedules

Note: Installation may vary with different geographical locations.



TurfPave® XD provides effective slope stabilisation



TurfPave® XD is approved for use by large fire trucks



TurfPave® XD enables golf cart paths to blend into fairway areas



Stabilised turf at Newington Olympic Village Sydney

TurfPave® XD has international patents pending

Advantages

- More than 80% unrestricted root base area (A)
- Taller cells enhance vigorous root development
- Top and bottom side notches (B) allow unrestricted runner and root growth
- Secure snap-on connection (C) ensures TurfPave® XD remains in place after installation
- Vertical webs (D) minimise girdling of roots by directing them downward
- High compressive strength - unfilled cells support loads $>200 \text{ t/m}^2$
- Flexible connecting grids (E) ensure modules conform to uneven surfaces
- Snap-on connections allow large panels to be pre-assembled off-site
- Rapid installation with minimal operator training and tools required
- Nesting (F) design halves storage and transport costs

Specifications

Module Size: 500 mm L x 500 mm W x 40 mm H

Material: 100% recycled polypropylene

Colour: Black (other colours upon request)

Compressive Strength:

Unfilled $>200 \text{ t/m}^2$

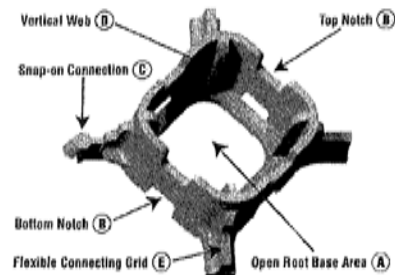
Sand Filled $>2,000 \text{ t/m}^2$

Weight: $\sim 4.3 \text{ kg/m}^2$

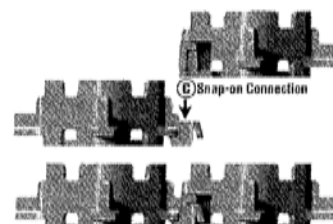
Biological/Chemical Resistance: Unaffected by moulds and algae. Resistant to oils, acids, alkalis and bitumen

Service Temperature: -30°C to 120°C

Unique Features

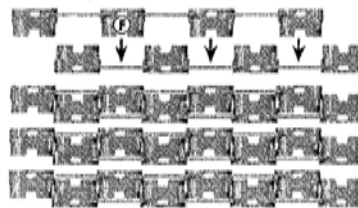


Secure Locking



Simple and secure snap-on TurfPave® XD connection

Saves on Transport & Storage Costs



TurfPave® XD nesting design saves on handling and transport costs

TurfPave® XD has international patents pending

Note: The information provided in this brochure is based on current knowledge and experience and does not infer any legally binding assurance or warranty, expressed or implied. Intending purchasers should verify whether any changes to specifications or applications or otherwise have been made since this literature was issued. The products in this brochure are manufactured using specified recycled plastics under detailed quality control standards and procedures. Whilst TurfPave® XD is designed for its intended use, the design calculations shall be the responsibility of the Specifier and/or User.



Distributed by:

08/03



Environmental Health Services Planning Approval Comments

Details	
Proposed Development: (Property address)	Lot 20 (No. 3) Philp Ave, SOUTH PERTH
Application: (Type)	Proposed Single Residential Dwelling and Bed and Breakfast Use
Officer: Department:	Reza Rassad Environmental Health & Regulatory Services
Date:	9 March 2009

Laundry/Kitchen for Unit 2

The laundry is to:

- Be a room that complies with Local Law 16 (1) City of South Perth Local Laws.
- Be capable of containing the laundry facilities and all soiled clothing and bedding in accordance with Regulation 10 Health Act (Laundries & Bathrooms) Regulations.
- Be separated from the kitchen by a wall, and where an opening is provided, the opening shall not extend for more than half the width of the room or not more than 1200mm wide in accordance with Regulation 6 Health Act (Laundry & Bathrooms) Regulations.
- Have a door which when closed shall completely fill the opening in accordance with Local Law 16 (5) City of South Perth Local Laws.

Sanitary Conveniences

All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971. In particular, Regulation 5, Section 5(b) - Construction Specification of Sanitary Conveniences and Regulation 12 - Mechanical Ventilation.

Noise

Any piped or amplified music and all mechanical ventilation services, motors and pumps, e.g. air conditioners, coolroom compressors to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997.

Bin Enclosure

A suitable bin enclosure(s) will need to be provided and will be subject to, and comply with conditions contained within the City of South Perth Health Local Laws 2002.

The location of the refuse enclosure/area is to be to the satisfaction of Council's Manager, Environmental Health & Regulatory Services. The refuse receptacle area is to be provided with the following:

- (a) A tap connected to an adequate supply of water;
- (b) Suitably screened from view from the street by a wall/fence that is smooth and impervious and constructed of approved materials not less than 1.5 m in height;
- (c) An access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
- (d) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
- (e) Easy access to allow for the removal of containers;
- (f) Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air;
- (g) The minimum size of the bin enclosure is to the satisfaction of the City's Manager, Environmental Health & Regulatory Services at a general rate of 1.5 m² per 240 litre bin or 2.5 m² per 1100 litre bin.

Final Inspection of Completed Works

A final inspection must be carried out by Council's Environmental Health Services Section prior to opening to the public.

Reza Rassad
Environmental Health Officer

1

Our Ref: 4499
 Your Ref: SO1/17
 11.2008.197.1



27 February 2009

Chief Executive Officer
 City of South Perth
 Civic Centre, Cnr Sandgate St and South Tce
 SOUTH PERTH WA 6151

Attention: Mr Lloyd Anderson – Planning Officer

Dear Mr Anderson

RE: SUBMISSION IN SUPPORT OF DEVELOPMENT APPLICATION

RETROSPECTIVE ADDITIONS TO THREE MULTIPLE DWELLINGS (INCREASED HEIGHT OF THE BOUNDARY WALL)

KINGDOM APARTMENTS, 17 (LOT 1) SOUTH PERTH ESPLANADE, SOUTH PERTH

We refer to the above Development Application and the City of South Perth's subsequent correspondence (email) dated 11 February 2009. The correspondence requests comment with respect to how the proposed 0.34 metre increase in the boundary wall height complies with the provisions of the revised City of South Perth 'Residential Boundary Wall' Policy (P350.2).

BACKGROUND

An application was lodged seeking approval to increase the boundary wall height along the northern boundary and also a portion of the front elevation of the Kingdom Apartments, located at 17 (Lot 1) South Perth Esplanade, South Perth (herein referred to as the 'subject site').

The application for retrospective approval was subsequently refused on the 5 November 2008. The reasons that were identified for refusing the application and in particular, reason (1) stated: "...specifically the proposed increase in wall height is located forward of the adjoining dwelling and adversely impacts upon the existing outlook from that dwelling."

As a result on the 2 December 2008 we lodged a formal request for the application to be determined by Council.

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PERTH OFFICE / Level 3 / 369 / NEWCASTLE STREET / NORTHBRIDGE WESTERN AUSTRALIA 6003 / tel (08) 9221 1991 / fax (08) 9221 1919 / email g72@greg-rowe.com / web www.greg-rowe.com
 MANDURAH OFFICE / Suite 1 / Level 2 / 69 / PINJARRA ROAD / MANDURAH WESTERN AUSTRALIA 6210 / tel (08) 9582 8288 / fax (08) 9581 2588
 PO BOX 3406 / MANDURAH EAST WESTERN AUSTRALIA 6210

THE PROPOSAL

The intention of the increase in wall height (the "proposal") was to screen the approved and installed plant and equipment by constructing additional wall.

The original planning approval facilitates the installation of plant and equipment in proximity to the adjoining dwelling. This was to be partially screened by a parapet wall approved to be constructed to a height of 4.96m RL. The proposed (increased) side wall height is 5.3m RL (i.e. an increase of 0.34m or 340mm above the approved height). In real terms this represents an increase in the wall height from 2.917m to 3.257m.

The proposal also includes a portion of additional wall along the front elevation that is 5.65m RL, which represents a wall height of 3.607m.

JUSTIFICATION FOR PROPOSED INCREASE IN BOUNDARY WALL HEIGHT

It is pertinent to note that under Clause 7.8 of TPS 6, the Council may permit variations from specified site requirements, if the Council is satisfied that there would be no adverse amenity impact. Policy P350.2 identifies the extent of variation the Council may consider.

Furthermore, Clause 9.6 "Planning Policies", Subclause 6 prescribed under the City of South Perth Town Planning Scheme No. 6 states:

"A planning policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the planning policy and the objectives which the planning policy is designed to achieve before making its decision."

In this instance the proposed development is considered to be in accordance with Clause 2 "Objective" of Policy P350.2 and is permissible in a statutory sense as per the above Clause.

The objective of Policy 350.2 states:

"To achieve built outcomes that demonstrate appropriate consideration of the impact of the design of a proposed dwelling on the streetscape and amenity of the adjoining residents."

In our view, the screening of the equipment through the increase in the boundary wall height, achieves a far better outcome in terms of amenity – both for the streetscape and that of the adjoining dwelling.

Amenity Factors

The following addresses Part 5 – Amenity Factors, of Policy 350.2:

Clause 5 states:

(a) *"A proposed boundary wall will not be approved where the City considers that such wall would adversely affect the amenity of an adjoining property or the streetscape in relation to the following amenity factors:*

(i) *Streetscape Character:*

As stated previously, the proposal also includes a portion of additional wall along the front elevation that is 5.65m RL, which represents a wall height of 3.607m. Again we refer to the preface of our intentions and refer you to the approved plant and equipment location and the approved (front) parapet wall height.

If the wall height had have been constructed to the approved height (700mm lower than the proposed height), the approved plant and equipment would be clearly visible from South Perth Esplanade. We consider policy P350.2 is a guiding document to facilitate the improved amenity of streetscapes and is not to be interpreted in such a way to diminish the amenity of a streetscape. We consider the feature sandstone wall constructed to screen the installed plant and equipment is a far better outcome to a design oversight proposed, approved, but not constructed.

(ii) *Outlook from:*

(A) *The front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling;*

The reason for the increase in height was to improve the outlook from the adjoining property considering the fact that the approved wall height, if constructed accordingly, would have resulted in the adjoining neighbour overlooking the approved plant and equipment.

In regard to the outlook from the adjoining dwelling, the proposed additional wall (both front and side), does not protrude into any view corridors relative to the adjoining dwelling that are not screened by the approved building structure and/or the approved plant and equipment. That is to say, the proposed wall height increase does not negatively impact upon the outlook of the adjoining dwelling more than the approved development. In this regard, we have file notes made in relation to various meetings on site with various City planning officers that concur with this proposition. Unfortunately these views were not carried through the assessment process to the determination under delegated authority.

(B) Any habitable room window of an adjoining dwelling.

Whilst there is an ability to view the constructed boundary wall, the additional height is located outside the visual plane from the window located adjacent to the boundary wall in question. Furthermore the additional 340mm height is considered minor.

(iii) Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot;

Notwithstanding the construction of the additional wall height it is noted that the "bulk" as viewed from the adjoining property is essentially the same give the approved location of the plant and equipment. The feature sandstone wall constructed to screen the installed plant and equipment provides for a far better visual aspect.

*(iv) Amount of overshadowing of a habitable room window, or an outdoor living area, on an adjoining lot.**(b) In every case where a boundary wall is proposed, the applicant is to submit written justification and shadow diagrams demonstrating that the proposal will not adversely affect amenity in terms of the amenity factors referred to in clause 5(a)."*

The boundary wall is located on the northern boundary. On this basis there will be no impacts with respect to overshadowing or reduction in adjoining property receiving winter sun. The adjoining window is south facing and will not receive direct solar access due to its orientation.

CONCLUSION

On balance the proposed boundary wall is considered to be in accordance with the provisions of Local Planning Policy P350.2 "Residential Boundary Walls" specifically the amenity factors prescribed under Clause 5.

It is further noted that notwithstanding Clause 6 of Policy 350.2, there are no prescribed statutory provisions relative to the maximum permissible height of a boundary wall and accordingly the heights proposed of 3.257m (side) and 3.607m (front) are able to be approved.

Notwithstanding, the proposed design is considered to be in accordance with Policy P370_T "General Design Guidelines for Residential Development". Clause 3 "Streetscape Character" of Policy P370_T reads:

"All residential development shall be designed in a manner that will preserve or enhance desired streetscape character. In order to satisfy the Council in this respect, the drawings of any proposed development are required to demonstrate design compatibility between the proposed building and the existing buildings within the focus area."

5

In this instance the proposed design is considered to enhance the desired streetscape character.

The proposed design is considered to positively contribute to the South Perth Esplanade streetscape through a compatible design with the existing multi storey dwellings, providing adequate street surveillance and an open front setback area.

In light of the above, we trust this Submission is sufficient to receive a favourable recommendation when this Application is presented to Council's Ordinary Meeting. If you wish to discuss this Application in further detail please do not hesitate to contact the undersigned.

Yours faithfully
GREG ROWE AND ASSOCIATES


GAVIN CASEY

Encl.

1

Our Ref: 6005

12 February 2009

Chief Executive Officer
City of South Perth
Civic Centre, Cnr Sandgate St and South Tce
SOUTH PERTH WA 6151

Attention: Mr Lloyd Anderson – Planning Officer

Dear Mr Anderson

**RE: SUBMISSION IN SUPPORT OF DEVELOPMENT APPLICATION –
PROPOSED TWO STOREY SINGLE HOUSE – LOT 505 (NO.
133A) HENSMAN STREET, SOUTH PERTH**

We refer to the above Development Application which was approved under delegated authority on 22 December 2008 (Your Ref: HE3/133) subject to a number of conditions. Condition one (1) of the approval requires modifications to the approved design which in effect will result in a different built outcome. In this instance it is considered the deletion of condition one (1) will not adversely impact on the adjoining properties or character of the Hensman Street streetscape. On this basis it is requested the Application be reconsidered with the proposed deletion of condition one (1).

We provide the following in support of the deletion of condition one (1).

CONDITION 1 PART (i)

The eastern boundary wall is proposed to be setback 5.5 metres from the front boundary line. Clause 7 "Setback from the street alignment of a wall on a side boundary" prescribed under Policy P350.2 "Residential Boundary Walls" makes provision for boundary walls to normally be setback a distance of 6.0 metres from the front boundary. Notwithstanding the provisions prescribed under Clause 7 of Policy P350.2, the proposed boundary wall can be approved at the proposed setback distance of 5.5 metres where the provisions of Clause 5 "Amenity factors" are satisfied. In this instance the proposed boundary wall setback is considered appropriate based on the following rationale:

- A site inspection reveals the section of Hensman Street bound by Addison Street to the west and Canning Highway to the east does not comprise of consistent built form streetscape characteristics. The Hensman Street streetscape comprises of Grouped Dwelling developments, Single Houses, solid street walls, carports and paved visitor parking bays. On this basis a 500mm variation to the general boundary wall setback provision is not

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GREG ROWE & associates

Perth Office / Level 3 / 369 / NEWCASTLE STREET / NORTHBRIDGE WESTERN AUSTRALIA 6003 / tel (08) 9221 1991 / fax (08) 9221 1919 / email gra@greg-rowe.com / web www.greg-rowe.com
Mandurah Office / Suite 1 / Level 2 / 69 / PINJARRA ROAD / MANDURAH WESTERN AUSTRALIA 6210 / tel (08) 9582 8288 / fax (08) 9581 2588 / PO BOX 3406 / MANDURAH EAST WESTERN AUSTRALIA 6210

considered to detract from the existing characteristics of the Hensman Street streetscape;

- The subject site is zoned "Residential" with an R40 density under the provisions of the City of South Perth Town Planning Scheme No. 6. Table 1 of the Residential Design Codes "R-Codes" makes provision for boundary walls with an R40 density to be setback 4.0m from the front boundary. Whilst Policy P350.2 has been adopted by the City of South Perth, consideration should also be given to the development standards associated with the subject sites density;
- Based on the R40 density and the provisions of Clause 6.2.1 "Setback of buildings generally" prescribed under the R-Codes a building can be located within 2.0m of the front boundary. A review of the City's Local Planning Policies reveals the provisions of the R-Codes apply for street setbacks. The proposed development incorporates a 5.5m setback to the garage and 9.28 metre setback to the main dwelling; the proposed setbacks substantially exceed the bulk of existing setbacks to the front boundary within Hensman Street. The 9.28 metre setback to the main dwelling is also considered to assist in balancing the 500mm boundary setback variation;
- A portion of the proposed garage boundary wall abuts an existing screen wall located on lot 504 Hensman Street. On this basis the proposed boundary wall will be visually screened when viewed from the existing eastern strata;
- The subject site and adjoining property are north/south orientated. On this basis there will be no impacts with respect to overshadowing from the boundary wall or reduction in adjoining properties receiving winter sun;
- The proposed boundary wall is to be finished in brickwork and will not result in an excessive amount of glare;
- The adjoining landowners support the proposed 500mm variation.

Clause 9.6 "Planning Policies", Subclause 6 prescribed under the City of South Perth Town Planning Scheme No. 6 states:

"A planning policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the planning policy and the objectives which the planning policy is designed to achieve before making its decision."

In this instance the proposed development is considered to be in accordance with Clause 2 "Objective" of Policy P350.2 and is permissible in a statutory sense as per the above Clause.

On balance the proposed boundary wall is considered to be in accordance with the provisions of Local Planning Policy P350.2 "Residential Boundary Walls" specifically the amenity factors prescribed under Clause 5. Furthermore the adjoining landowners have viewed the proposal and support the variation being sought by the Applicant.

CONDITION I PART (ii)

Condition I Part (ii) of the planning reads:

"Revised drawings shall be submitted, to the satisfaction of the City, and such drawings shall incorporate:

Mid level roofing to be incorporated into the design over the front of the garage."

We note in the City of South Perth's correspondence dated 27 November 2008 that one non-compliance issue was initially identified. The area of non-compliance was identified as the reduced garage boundary wall setback (refer Appendix 1). Based on the initial assessment the design was considered acceptable.

Notwithstanding, the proposed design is considered to be in accordance with Policy P370_T "General Design Guidelines for Residential Development". Clause 3 "Streetscape Character" of Policy P370_T reads:

"All residential development shall be designed in a manner that will preserve or enhance desired streetscape character. In order to satisfy the Council in this respect, the drawings of any proposed development are required to demonstrate design compatibility between the proposed building and the existing buildings within the focus area."

In this instance the proposed design is considered to enhance the desired streetscape character based on the following rationale:

- The proposed design incorporates a hipped roof covered in tiles which is consistent with the bulk of roofs within the focus area;
- The "Primary" elements contributing to design compatibility include scale, colour, form and rhythm. The proposed flat roof of the garage is ancillary to the main dwelling and thus will not detract from the established streetscape character within Hensman Street. The main building reflects the style and design of the majority of two storey dwellings within Hensman Street;
- "Design compatibility" under Policy P370_T requires proposed developments to have regard for neighbouring existing buildings within the focus area. Both the existing dwelling and adjoining western property incorporate flat roof garages (refer to Appendix 2). On this basis the proposed design has had due regard for the existing built form within the immediate context;
- There is no identified consistent relationship between regularly repeated designs within the focus area. The proposed design and form of the building is however, consistent with the boarder streetscape elements including the use of a hipped roofs, setbacks and building scale;



The Hensman Street streetscape is not homogeneous and will be subject to ongoing various forms of housing. The northern side of Hensman Street within the focus area is subject to an R15 density, whilst the southern side of Hensman Street is subject to an R40 density. On this basis Hensman Street will incorporate both intense and low density forms of development which will consequently vary in design and impact differently on the streetscape. The proposed development the subject of this Application is considered to incorporate a number of the existing characteristics of the Hensman Street streetscape in accordance with the provisions of Policy P370_T.

On balance the proposed design is considered to positively contribute to the Hensman Street streetscape through a compatible design with the existing contemporary two storey dwellings, providing adequate street surveillance and an open front setback area.

In light of the above, we trust this Submission is sufficient to receive a favourable recommendation when this Application is presented to Council's Ordinary Meeting. If you wish to discuss this Application in further detail please do not hesitate to contact the undersigned.

Yours faithfully
GREG ROWE AND ASSOCIATES


JORDAN ENNIS

Encl.

APPENDIX I

Correspondence from City of South Perth outlining areas of non-compliance

Tammy Petrides

From: Lloyd Anderson [lloyda@southperth.wa.gov.au]
Sent: Thursday, November 27, 2008 9:44 AM
To: Tammy Petrides
Subject: No. 133A Hensman Street, South Perth

SCANNED	
Date: 27/11/08	Job: 73406
Scanned By: Tammy	
Scanned to: Approvals	
Distribution List:	
Josie	
Steve	
Drafting Regu	
Checked:	

Our ref: 11.2008.424; HE3/133

Tammy hi,

No. 133A Hensman Street, South Perth

Thankyou for your Development Application in regards to the above property. Before the City can proceed, the following non-complying issues need to be resolved by the Applicant:

1. Demonstrated compliance with either the provisions (via amended plans) of City Planning Policy P376 (Residential Boundary Walls); or the objectives of the policy (via a relevant justification), in regards to:

- Eastern (Garage) wall setback at 5.5 metres from the front street alignment in lieu of 6 metres.

Please provide the requested information no later than 5.00pm, 21-days from the date of this letter.

If you have queries or wish to discuss this matter further, you may contact me 9474-0713.

Yours faithfully

Lloyd Anderson
 Planning Officer
 City of South Perth

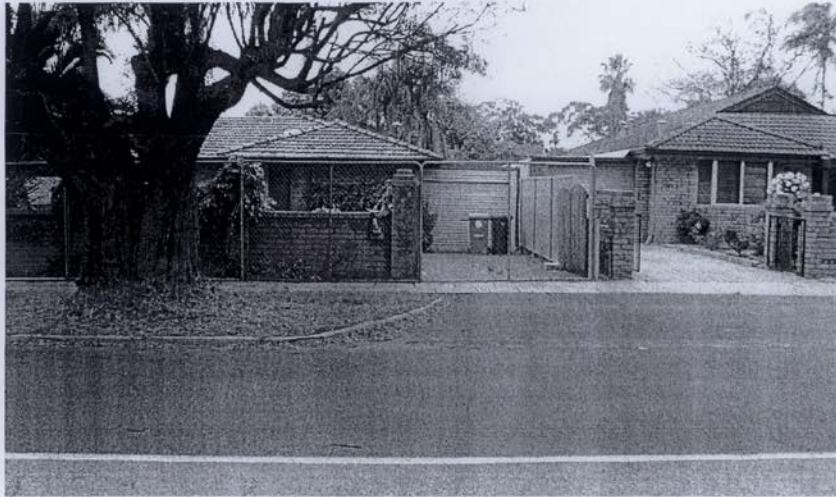
11/27/2008

APPENDIX 2

Design compatibility:

"the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area."

Existing building incorporating flat roof to garage



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GREG ROWE & associates



CYGNIA COVE - ROAD NAMES PLAN**Cygnus Parade**

Cygnus is the latin term for the genus of the Swan family. Black Swans (*Cygnus atratus*) are found throughout Australia with the exception of Cape York Peninsula, and are more common in the south. Black Swans prefer larger salt, brackish or fresh waterways (such as Clontarf Bay adjacent to Cygnia Cove Estate) and permanent wetlands, requiring 40 m or more of clear water to take off and land. Outside of the breeding season, Black Swans travel quite large distances flying at night and resting during the day in the company of other swans.

Egretta Drive

The Heron is an inhabitant of inland and coastal waterways including rivers and lakes. They hunt for prey in shallow water or among dry grass or bulrushes using their long legs to disturb fish and invertebrates from the sediments or vegetation. The White-faced Heron (*Egretta novaehollandiae*) is known to frequent Clontarf Bay.

Apus Loop

The Pacific Swift (*Apus pacificus*), or Fork-tailed Swift, is a small bird having very short legs which they use only for clinging to vertical surfaces. The scientific name comes from the Greek *apous*, meaning "without feet". They never settle voluntarily on the ground spending most of their lives in the air, living on the insects they catch in their beaks. Pacific Swifts breeds from central Siberia eastwards through Asia. This species is migratory, wintering south to Australia building their nests on cliffs, laying 2-3 eggs. A swift will return to the same site year after year, rebuilding its nest when necessary.

Tringa Circle

Sandpipers (belonging to the genus *Tringa*) are typical waders having long legs and a long bill feeding on small invertebrates and fishes. They are migratory species, wintering in Africa, south Asia, and Australasia, usually on fresh water and breeding on dry ground near marshy areas, laying about four eggs in a ground scrape. Both the Common Greenshank (*Tringa nebularia*) and the Common Sandpiper (*Tringa hypoleucos*) frequent the tidal flats along Clontarf Bay.

Anthus Corner

The Pipit (belonging to the genus *Anthus*) is a bird of open habitats such as grassland, farmland, roadsides, dry river beds, sand dunes and open woodland. It forages on the ground for small invertebrates such as beetles, spiders and insect larvae. It will also eat seeds such as those of grasses. Richard's Pipit (*Anthus novaeseelandiae*) has been observed in the upland areas adjacent to the wetlands within Cygnia Cove.

Dacelo Vista

The Laughing Kookaburra (*Dacelo novaeguineae*) belongs to the family known as Forest Kingfishers. These birds are common and familiar throughout the coastal regions of mainland Australia inhabiting woodlands, mangroves and paperbark forests, tall open eucalypt forest foraging mainly on the land, only occasionally capturing prey in the water feeding on crustaceans, reptiles, insects and their larvae and, infrequently, fish. The birds perch on low exposed branch on the lookout for prey. Once prey is located, the Laughing Kookaburra swoops down and grasps it in its bill, returning to the perch to eat it.

Hirundo Place

The Welcome Swallow (*Hirundo neoxena*) is a small passerine bird in the swallow family. It is a species native to Australia and nearby islands, breeding in a variety of habitats, but not desert or dense forest. Western birds are mainly sedentary. The Welcome Swallow is metallic blue-black above, light grey below on the breast and belly, and rusty on the forehead, throat and upper breast having a long forked tail, with a row of white spots on the individual feathers. The call is a mixture of twittering and soft warbling notes, and a sharp whistle in alarm. These birds are extremely agile fliers, which feed on insects while in flight. They often fly fast and low to the ground on open fields in large circles or figure 8 patterns. Both the Welcome Swallow and the Tree Martin (*Hirundo nigricans*) have been observed at Cygnia Cove.

Corvus Pass

The Australian Raven (*Corvus coronoides*) is the largest Australian member of the genus *Corvus* and one of three Australian species commonly known as ravens. It has all-black plumage, beak and legs with a white iris, as do the other *Corvus* members in Australia and some species from the islands to the north. It is distinguished by its prominent throat hackles and grey bases of its black feathers. The Australian Raven is omnivorous and has adapted well to urban environments such as those surrounding Cygnia Cove where it has been observed.

Crake Court

The Spotless Crake (*Porzana tabuensis*) is a species of bird in the rail family, Rallidae. Shy and elusive, this bird is seldom seen although the place to look for them is in and around *Typha* dominated wetlands which is where they have been sighted at Cygnia Cove. Spotless crake are more often heard than seen and have a wide variety of calls which are usually heard at dawn and dusk. There are sharp 'pit-pit' calls, a single or repeated 'book' and a distinctive rolling 'purr' call like an alarm clock going off and gradually running down.

OPO:mp
Barclay

October 21st, 2008

Chief Development Officer
City of South Perth
Civic Centre
Cnr Sandgate St & South Tce
SOUTH PERTH WA 6151

CITY OF SOUTH PERTH	
22 OCT 2008	
Doc ID No:
File No:	CA12/37
Original To:	PS
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Dear Sir/Madam

STEDDY/GABBA ECO-HOUSE

**RE: ADDITIONS & ALTERATIONS TO EXISTING DWELLING 37 CARR STREET,
SOUTH PERTH.**

Please find enclosed an application for Development Approval, a cheque for fees in respect of the application:

- Drawing A1 being 1:100 scale site and floor plans and elevations all in respect of the existing building structures, including site feature contour survey.
- Drawing A2-A3 being 1:100 scale site, floor plans, elevations and perspectives of proposed additions and alterations to the existing building structures.
- Drawing A4-A5 being 1:100 scale site, floor plans, elevations and perspectives of proposed additions and alterations to the existing building structures, with alternate roof design.
- Coloured street perspective of the proposed additions and alterations

1. Eco-House Design Principles:

The proposal incorporates additions and alterations to the existing building structures at 37 Carr Street, South Perth. The proposal encompasses the re-design of the existing house as an "eco-house". The design utilises low energy materials, solar power, passive solar design, rain water collection and storage, extensive gardens and solar orientated tree planting.

We are intending to use the foundations and existing masonry structure in order to prevent demolition and therefore loss in embodied energy present in the existing materials. The masonry ground floor walls also contain excellent thermal mass qualities. We also intend to reuse the roof timbers in the upper floor together with timber framed walls (a renewable resource), clad in eco-ply.

The upper floor incorporates an all new kitchen, new toilet, study and north facing living area with terrace. The terrace incorporates planter boxes and a light lattice structure for Virginia Creeper to grow on. Being deciduous the creeper will provide natural shade during summer while letting in northern light in winter, minimising the need for heating and cooling by mechanical means. The form of the roof allows for natural cooling during summer by allowing hot air to rise out through high windows and allow cool breezes in through low southern windows.

The pitched design of the roof allows solar panels to be located facing north to maximise solar access at 26 degrees and not be visible from the street. (see perspectives on A3).

The design proposes to re-instate the verge along the Carr Street back to City of South Perth requirements, with the deletion of the crossover and reinstating of the curb. There will be a new garage with additional storage provided from the rear right-of-way along the south boundary. We are proposing to plant deciduous trees, *Gladitsia Triacanthos* in the north west corner of the site and a Cape Lilac tree on the verge in order to provide shade during summer and let sunlight in during the winter months. Olive trees would be planted along the west boundary to block western sun in summer.

Drawings A3-A5 presents the design with a roof which compliant is with the current TPS No.6, ie. a traditional pitched roof. This demonstrates that the solar panels would be visible from the street in contrast to being hidden with our proposed single pitched roof. We believe the single pitch proposal should be considered as the optimum environmental option as it has superior efficiency from a passive solar design, ventilation, water collection as well as a streetscape viewpoint in hiding the solar panels.

We have attached photos of nearby houses which do not comply with TPS.6 in terms of roof shape. From a streetscape view point they are located in a predominantly pitched roof street.

2. Use Environmentally Sustainable Design Principles in the Project:

- Maintain Existing Thermal mass in existing brickwork of the ground floor & retain their embedded energy which would be lost through demolition.
- Collection of rainwater from roof areas and onsite storage in 12,200L Colorbond water tank.
- Solar Panels for electricity production
- Solar Panel hot-water system.
- Solar Orientated Design: living areas facing north, eaves to western elevations, Southern windows provide natural ventilation through single pitched roof/ceiling design and allow hot air to escape through high windows.
- Roof Structure and Deciduous Creeper have been orientated to Maximise Northern Winter sun, and minimise summer sun.
- Solar orientated deciduous trees in extensive front garden area which also safeguard and enhance the amenity of the residential area.

We have endeavoured to properly interpret the planning requirements as contained in the Town Planning Scheme (TPS.6), the Residential Design Codes (RDC) and Council policies with respect to the design of the Additions and Alterations to the existing dwelling at No.37, Carr Street, South Perth

We believe to have met all the requirements with respect to the following aspects required:

Item	Required	Provided
Max Site Coverage-R15	50%	25%
Parking TPS.6	2 bays	Double Garage from Right of Way. -No cars in front setback.
Landscaping	N/A	117m2 Front Garden
Private Open Space	N/A	300m2 Back Yard
Onsite Storage	N/A	8sqm incorporated in Garage. Bin store also provided.
Setbacks -TPS & R-Codes	6m Front setback. 3m Rear setback. Side setbacks In accordance with R-Codes.	9.916m Front Setback 3m Rear Setback In accordance with R-Codes
Height -As per TPS.6	7m Max Height of Structure.	7.0m Max Height of Structure.
Solar Panels	R-Codes Design Element 6.10-Site Specific, permitted as of right	North Facing @ 26 deg.
Rainwater Storage	Nil	12,200L

We believe that we have satisfied the city's "scheme objectives" in facilitating a *diversity of dwelling styles in appropriate locations* on the basis of meeting performance based objectives. In turn reflecting the scale of the other two storey buildings along the street and providing an extensive front garden focus area in front of the house. We believe these are the most positive features of the surrounding streetscape which promote a sense of community and also allow the house to be a true "eco-house".

The eco-house design addresses a number of City of South Perth Policies:

- Policy P321(Ecologically Sustainable Building Design), a framework that enables the City to endorse and embrace ESD principles.
- Policy P302 (energy conservation) which states that the City will actively encourage and promote energy efficiency practices in building design, lighting, heating and cooling, refrigeration, vehicles and equipment.

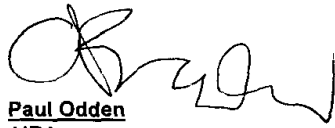
-Policy P301 (Sustainable Procurement), which speaks about using or investing in lower impact 'clean' technologies.

-Policy P320 (Sustainability Policy) recognises that actively pursuing sustainability leads to enhancing the quality of life and the prosperity of the community, while benefiting the environment.

If there are any queries in regard to setbacks or any other planning issues that may arise from the assessment please contact the writer so that the revisions may be made prior to the assessment for a planning approval.

We look forward to Council's favourable response in supporting environmentally sustainable and responsible housing.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Odden', with a stylized flourish extending to the right.

Paul Odden
AIRA



PLANNING DEPARTMENT
CITY OF SOUTH PERTH
South Terrace cnr Sandgate Street
SOUTH PERTH WA 6151

24 February 2009

ATTENTION : LLOYD ANDERSON

REGARDING : 11.2008.243.MAS
APPLICATION FOR DEVELOPMENT APPROVAL
NEW DWELLING
Lot 80 Hse No 33 Crawshaw Crescent, Manning, WA 6152

CITY OF SOUTH PERTH		
25 FEB 2009		
Doc ID No:		
File No:	CL3/33	
Original To:	PS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

Dear Lloyd,

Thank you for your reply and comments in regard to our Development Application to the above mentioned property.

We have attached 3 copies of revised drawings and colour perspective image of the proposed development and of the existing streetscape.

ITEM 1.

REVIEW OF COMMENTS RECEIVED TO DATE

Since the original Development Application dated 29 May 2008, the proposal has received a number of comments that require the design to be modified, including –

- DAC comments, 7 July 2008

"The proposed development was observed to be incoherent due to a range of different roof forms proposed within the same dwelling. The proposal was also seen to be incompatible with the existing streetscape character. The proposed mono-pitch roof over the two storey portion of the dwelling was also seen to be of concern. As a result of the mono-pitch roof, a concern was raised that the height of the two storey wall at one of its ends could well be above the permissible building height limit. It was observed that the site layout of the proposed building and the associated outdoor living areas could be improved to achieve a sustainable design."

The focus of these comments is based on the City of South Perth's Policy 370 – General Design Guidelines for Residential Development and the TPS No. 6, Clause 1.6 and Clause 7.5.

- Comments received via email dated 10 November 2008 – Lloyd Anderson

"Thankyou for your Development Application in regards to the above property. Before the City can proceed, the following issues need to be resolved by the Applicant:



BUILDING DESIGN

2/38 CHATSWORTH ROAD HIGHGATE WA 6003 • TEL 08 9228 2717 • FAX 08 9228 2712



1. Replaced the skillion roof portions with pitched roof portions over the dwelling. As the roof pitches vary between 15 degrees and 35 degrees slight modifications to these roof pitches will be necessary to make them appear more uniform, thus enhancing the visual aesthetics of the built form.

2. Drawings still do not demonstrate a required a clear distance of 2.3 metres between the street tree and the crossover.

3. The proposed height of the boundary wall is 3.5 metres instead of the 3.0 metre height marked on the plan. Noting that the ground level of the adjoining property No. 31 Crawshaw Crescent is lower than the ground level of the subject property, and that additional 2 to 3 brick courses will be placed above the 3.0 metre high boundary wall to conceal the gutter and meet with the fire separation standards of Building Codes of Australia, the actual boundary wall height is calculated to be 3.5 metres. With a view to confine the wall height to the lowest practical and minimise the visual impact on the streetscape and on the adjoining property, the actual boundary wall height will need to be lowered to a maximum of 3.0 metres.

Once the revised plans have been received by City Officers the adjoining owner will have the right to view the plans and then provided comment before a recommendation and determination is made. "

As we discussed at our last meeting, the clients and I have decided that the comments and required revisions have had a detrimental effect on the success of the design in meeting with the Owners brief and results in form with poor architectural quality.

The reservations received in regard to the boundary wall, roof layout, form and overall design, have presented an opportunity to revitalise the proposal to achieve the Owners brief and present a design with architectural integrity.

The proposal addresses all of the comments received and takes into account the objectives of the City of South Perth's Policy 370 – General Design Guidelines for Residential Development and the TPS No. 6, Clause 1.6 and Clause 7.5.

PRECINCT

Precinct 10 - McDougall Park – R20
Building Height Limit – 7 metres

EXISTING STREETScape

The existing streetscape, see attached photos, is an older area of the 'City' that has been undergoing redevelopment over the past 15 years. The focus area is a section of a wide curved street, where the five adjacent houses comprise of four different styles of construction reflecting the period of time when they where built –

1. 1940's post war painted rendered brick and tiled hipped roof house No. 31.
2. 1950-60's painted rendered brick and tiled gable roof house No. 34.
3. 1980s face brick and tiled hipped roof project home No. 35.
4. 1980's face brick and colourbond hipped roof project home, with dominant face brick solid panel front fence and garage built onto the boundary, No. 36.



5. 1990's 'Tuscan' style painted render and tiled hipped roof project home with garage built onto the boundary No. 38.

In review, the only dwelling with some architectural merit is No. 34 the 1950-60's painted rendered brick and tiled gable roof house. It is duly noted the original 1940-60s dwellings are centrally located on their sites with a spacious layout, generous side setbacks and area simple 'block' shapes with reasonable ceiling heights, raised floor levels and steeper pitched roofs with excellent street surveillance.

The recently built project homes are low in architectural quality and 'unremarkable' in character, two have garage boundary walls which cramp an otherwise spacious streetscape. These homes also have limited street surveillance qualities and are dominated by the garage doors or carport. The lower cost of these dwellings also impacts on the minimal ceiling heights and lower pitched roofs, all adding to their uninspiring street presence.

TPS Clause 1.6 Scheme Objectives (1) states '*The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which **retains** and **enhances** the attributes of the City and recognises individual precinct objectives and desired **future character** as specified in the Precinct Plan for each precinct*'.

There are two recent developments with a short distance to this focus area. One development currently nearing completion is about 100 metres to the east – 71 / 71a Crawshaw Crescent, see attached photos. This development is a contemporary styled project home, grey painted rendered brickwork and colourbond hipped roof duplex with feature 'block' limestone walls. The duplex is attached with boundary walls and is single level. The only remarkable characters are the contemporary block limestone parapet walls and attractive colour scheme. The adjoining boundary walls cramp the streetscape as two dwellings now stand where they would have been only one dwelling.

A little further west on Talbot Avenue, see attached photos, a new large residential development is very near completion. The development comprises of two very large two storey duplex structures with face brick and tiled roofs and minimal side setbacks. The scale of this development is in quite contrast to the existing structures and clearly demonstrates a recently approved two storey structure of substantial streetscape impact.

The adjacent dwellings are an existing 1960's face brick and tile to the south and a new traditional style single level dwelling to the north.

The examples described outline a streetscape of varying scale, form and shape, rhythm, colour, construction materials, setbacks from the side boundary and architectural details. This is critical in consideration of the TPS No. 6 Clause 7.5 (j) and (n).

PROPOSED DESIGN REVISIONS AND JUSTIFICATION

ROOF DESIGN

Before designing the roof the building structure must be attained. A two storey dwelling is the only reasonably viable structure as the lot is wedge shaped and narrows



considerably to the rear, limiting the space available for building. The wedge shape site has the advantage of a wide frontage and we have utilised this with the positioning of the two storey element well clear of the adjacent dwellings, and concurrent with the original dwellings in the focus area.

An important factor in deciding on a roof design for the dwelling was the fact of the single level dwellings either side, by incorporating a pitched roof, additional building bulk would be added to the proposal and overpower the adjacent dwellings as demonstrated in the photo examples of 71/71a Talbot Avenue, Manning. Although the pitched roof element may be a repeated form / shape it does not appear to address Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) *'...which retains and enhances the attributes of the City...'* Clause 7.5 (j) *'..height, bulk...'*

The revised design proposes a single roof style – flat roof with a reference to 1950-60's modernist architecture. This is not out of place with the adjacent 1950-60s dwellings due to their architectural values – form and shape and is relevant to the age of the original subdivision of the locality and, pays homage to other original modernist dwellings scattered throughout the City of South Perth.

The flat roof design allows the building to be contained in height and scale with respect to the adjacent dwellings and to follow the terrain of the site; this is a Primary element in design compatibility.

The flat roof design also has a reference to the feature parapet walls at 37/37a Crawshaw Crescent, Manning

This is compatible with Policy P370_T Policy Objectives (a) *'To preserve or enhance desired streetscape character...'* and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) *The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct'* and (2).

BUILDING FORM

The proposed building form complies with Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) and (2) and Clause 7.5.

The dwelling has greater street surveillance than the more recent single level dwellings. The windows are located to suit this purpose and allow for privacy to internal rooms where required.

As explained in 'Roof Design' the flat roof allows a cubist concept that minimises the height of the design to the generally single storey streetscape.

The cubist 'box' concept allows the street elevation to be broken down and expressed in smaller 'single level' parts with an equivalent scale to the adjacent dwellings i.e., the coloured bedroom balcony, the double height entry and coloured garage door. This avoids the overpowering streetscape impact experienced at 71/ 71a Talbot Avenue.

GARAGE

The garage has been relocated to the east side of the site, negating any need for a boundary wall. This revision has also greatly improved the entry to the dwelling and the layout of the adjacent bedrooms.

This location also responds to the adjacent dwellings with the proposed garage located adjacent to the neighbours carport and is compatible in scale, evident in the photograph with the dark rectangular shadow of the neighbour's carport reflecting the shape of the proposed garage.



GENERAL LAYOUT

Generally, the layout has retained the Owners brief of how the rooms relate to each other and the desired layout of the kitchen, laundry and living areas. Minor amendments have been incorporated to respond to the sustainability comments received from the original DAC meeting.

MASTER BED

The master bed is relocated to improve the balance of the architectural structure in the streetscape, provides an opportunity to improve the room arrangement and create a void over the entry with street surveillance from the upper floor 'bridge'. This also improves the quality of the amenity to the adjacent neighbour with the reduction in the length and height of the 2 storey wall adjacent to the east boundary and complies with Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) and (2) and Clause 7.5.

SUMMARY

The Owner desires a contemporary dwelling and we have proposed a building that fulfils the Owners brief while enhancing the streetscape value of the focus area and complying with the City's governing criteria.

We are convinced that this proposal is compatible with the existing streetscape, will be a forward looking design solution that will be an asset to the streetscape and fulfils the Policy P370_T Policy Objectives (a) To preserve and **enhance** desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings.

ITEM 2

This has been complied with and the revised drawings are attached.

ITEM 3

The dwelling floor level is inaccordance with the BCA 2008 Part 3.1.1 Earthworks and Part 3.2 Footings and Slabs.

The floor level shall be 150mm above the crown of the road for drainage purposes.

ITEM 4

Overshadow diagram attached.

ITEM 5

The DAC comments would appear to be positive towards the architectural merit of the project ie *'As viewed from the front elevation the design of the house, in isolation, is considered acceptable'*.



As discussed in depth in this and previous correspondence, we have provided evidence that the City of South Perth have a policy and mandate for Approving skillion (contemporary) dwellings anywhere within the city. I would hope that we shall not split hairs between the aesthetic of skillion and flat roof design.

Therefore I fail to see how this project can be rejected on aesthetic grounds.

CONCLUSION

We look forward to this project meeting a favourable decision by the City.

If you have any queries or require clarification of any items, do not hesitate to call.

Yours sincerely,

Paul Wilson
BEILBY DESIGN



PLANNING DEPARTMENT
CITY OF SOUTH PERTH
South Terrace cnr Sandgate Street
SOUTH PERTH WA 6151

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29 January 2009

ATTENTION : LLOYD ANDERSON

REGARDING : 11.2008.243.MAS
APPLICATION FOR DEVELOPMENT APPROVAL
NEW DWELLING
Lot 80 Hse No 33 Crawshaw Crescent, Manning, WA 6152

Dear Lloyd,

Thank you for your reply and comments in regard to our Development Application to the above mentioned property.

We have attached 4 copies of revised drawings (1 colour copy) and colour photographs of the existing streetscape with this correspondence.

REVIEW OF COMMENTS RECEIVED TO DATE

Since the original Development Application dated 29 May 2008, the proposal has received a number of comments that require the design to be modified, including –

- DAC comments, 7 July 2008

"The proposed development was observed to be incoherent due to a range of different roof forms proposed within the same dwelling. The proposal was also seen to be incompatible with the existing streetscape character. The proposed mono-pitch roof over the two storey portion of the dwelling was also seen to be of concern.

As a result of the mono-pitch roof, a concern was raised that the height of the two storey wall at one of its ends could well be above the permissible building height limit. It was observed that the site layout of the proposed building and the associated outdoor living areas could be improved to achieve a sustainable design."

The focus of these comments is based on the City of South Perth's Policy 370 – General Design Guidelines for Residential Development and the TPS No. 6, Clause 1.6 and Clause 7.5.

- Comments received via email dated 10 November 2008 – Lloyd Anderson

"Thankyou for your Development Application in regards to the above property. Before the City can proceed, the following issues need to be resolved by the Applicant:

1. *Replaced the skillion roof portions with pitched roof portions over the dwelling. As the roof pitches vary between 15 degrees and 35 degrees slight modifications to*

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1



these roof pitches will be necessary to make them appear more uniform, thus enhancing the visual aesthetics of the built form.

2. Drawings still do not demonstrate a required a clear distance of 2.3 metres between the street tree and the crossover.

3. The proposed height of the boundary wall is 3.5 metres instead of the 3.0 metre height marked on the plan. Noting that the ground level of the adjoining property No. 31 Crawshaw Crescent is lower than the ground level of the subject property, and that additional 2 to 3 brick courses will be placed above the 3.0 metre high boundary wall to conceal the gutter and meet with the fire separation standards of Building Codes of Australia, the actual boundary wall height is calculated to be 3.5 metres. With a view to confine the wall height to the lowest practical and minimise the visual impact on the streetscape and on the adjoining property, the actual boundary wall height will need to be lowered to a maximum of 3.0 metres.

Once the revised plans have been received by City Officers the adjoining owner will have the right to view the plans and then provided comment before a recommendation and determination is made. "

As we discussed at our last meeting, the clients and I have decided that the comments and required revisions have had a detrimental effect on the success of the design in meeting with the Owners brief and results in form with poor architectural quality.

The reservations received in regard to the boundary wall, roof layout, form and overall design, have presented an opportunity to revitalise the proposal to achieve the Owners brief and present a design with architectural integrity.

The proposal addresses all of the comments received and takes into account the objectives of the City of South Perth's Policy 370 – General Design Guidelines for Residential Development and the TPS No. 6, Clause 1.6 and Clause 7.5.

PRECINCT

Precinct 10 - McDougall Park – R20
Building Height Limit – 7 metres

EXISTING STREETScape

The existing streetscape, see attached photos, is an older area of the 'City' that has been undergoing redevelopment over the past 15 years. The focus area is a section of a wide curved street, where the five adjacent houses comprise of four different styles of construction reflecting the period of time when they were built –

1. 1940's post war painted rendered brick and tiled hipped roof house No. 31.
2. 1950-60's painted rendered brick and tiled gable roof house No. 34.
3. 1980s face brick and tiled hipped roof project home No. 35.
4. 1980's face brick and colourbond hipped roof project home, with dominant face brick solid panel front fence and garage built onto the boundary, No. 36.
5. 1990's 'Tuscan' style painted render and tiled hipped roof project home with garage built onto the boundary No. 38.



In review, the only dwelling with some architectural merit is No. 34 the 1950-60's painted rendered brick and tiled gable roof house. It is duly noted the original 1940-60s dwellings are centrally located on their sites with a spacious layout, generous side setbacks and area simple 'block' shapes with reasonable ceiling heights, raised floor levels and steeper pitched roofs with excellent street surveillance.

The recently built project homes are low in architectural quality and 'unremarkable' in character, two have garage boundary walls which cramp an otherwise spacious streetscape. These homes also have limited street surveillance qualities and are dominated by the garage doors or carport. The lower cost of these dwellings also impacts on the minimal ceiling heights and lower pitched roofs, all adding to their uninspiring street presence.

TPS Clause 1.6 Scheme Objectives (1) states '*The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which **retains** and **enhances** the attributes of the City and recognises individual precinct objectives and desired **future character** as specified in the Precinct Plan for each precinct*'.

There are two recent developments with a short distance to this focus area. One development currently nearing completion is about 100 metres to the east – 71 / 71a Crawshaw Crescent, see attached photos. This development is a contemporary styled project home, grey painted rendered brickwork and colourbond hipped roof duplex with feature 'block' limestone walls. The duplex is attached with boundary walls and is single level. *The only remarkable characters are the contemporary block limestone parapet walls and attractive colour scheme.* The adjoining boundary walls cramp the streetscape as two dwellings now stand where they would have been only one dwelling.

A little further west on Talbot Avenue, see attached photos, a new large residential development is very near completion. The development comprises of two very large two storey duplex structures with face brick and tiled roofs and minimal side setbacks. The scale of this development is in quite contrast to the existing structures and clearly demonstrates a recently approved two storey structure of substantial streetscape impact.

The adjacent dwellings are an existing 1960's face brick and tile to the south and a new traditional style single level dwelling to the north.

The examples described outline a streetscape of varying scale, form and shape, rhythm, colour, construction materials, setbacks from the side boundary and architectural details. This is critical in consideration of the TPS No. 6 Clause 7.5 (j) and (n).

PROPOSED DESIGN REVISIONS AND JUSTIFICATION

ROOF DESIGN

Before designing the roof the building structure must be attained. A two storey dwelling is the only reasonably viable structure as the lot is wedge shaped and narrows considerably to the rear, limiting the space available for building. The wedge shape site has the advantage of a wide frontage and we have utilised this with the positioning of the



two storey element well clear of the adjacent dwellings, and concurrent with the original dwellings in the focus area.

An important factor in deciding on a roof design for the dwelling was the fact of the single level dwellings either side, by incorporating a pitched roof, additional building bulk would be added to the proposal and overpower the adjacent dwellings as demonstrated in the photo examples of 71/71a Talbot Avenue, Manning. Although the pitched roof element may be a repeated form / shape it does not appear to address Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) *'...which retains and enhances the attributes of the City...'* Clause 7.5 (j) *'...height, bulk...'*

The revised design proposes a single roof style – flat roof with a reference to 1950-60's modernist architecture. This is not out of place with the adjacent 1950-60s dwellings due to their architectural values – form and shape and is relevant to the age of the original subdivision of the locality and, pays homage to other original modernist dwellings scattered throughout the City of South Perth.

The flat roof design allows the building to be contained in height and scale with respect to the adjacent dwellings and to follow the terrain of the site; this is a Primary element in design compatibility.

The flat roof design also has a reference to the feature parapet walls at 37/37a Crawshaw Crescent, Manning

This is compatible with Policy P370_T Policy Objectives (a) *'To preserve or enhance desired streetscape character...'* and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) *The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct'* and (2).

BUILDING FORM

The proposed building form complies with Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) and (2) and Clause 7.5.

The dwelling has greater street surveillance than the more recent single level dwellings. The windows are located to suit this purpose and allow for privacy to internal rooms where required.

As explained in 'Roof Design' the flat roof allows a cubist concept that minimises the height of the design to the generally single storey streetscape.

The cubist 'box' concept allows the street elevation to be broken down and expressed in smaller 'single level' parts with an equivalent scale to the adjacent dwellings i.e., the coloured bedroom balcony, the double height entry and coloured garage door. This avoids the overpowering streetscape impact experienced at 71/ 71a Talbot Avenue.

GARAGE

The garage has been relocated to the east side of the site, negating any need for a boundary wall. This revision has also greatly improved the entry to the dwelling and the layout of the adjacent bedrooms.

This location also responds to the adjacent dwellings with the proposed garage located adjacent to the neighbours carport and is compatible in scale, evident in the photograph with the dark rectangular shadow of the neighbour's carport reflecting the shape of the proposed garage.

GENERAL LAYOUT



Generally, the layout has retained the Owners brief of how the rooms relate to each other and the desired layout of the kitchen, laundry and living areas. Minor amendments have been incorporated to respond to the sustainability comments received from the original DAC meeting.

MASTER BED

The master bed is relocated to improve the balance of the architectural structure in the streetscape, provides an opportunity to improve the room arrangement and create a void over the entry with street surveillance from the upper floor 'bridge'. This also improves the quality of the amenity to the adjacent neighbour with the reduction in the length and height of the 2 storey wall adjacent to the east boundary and complies with Policy P370_T Policy Objectives (a) and (b) and TPS No. 6 Clause 1.6 Scheme Objectives (1) and (2) and Clause 7.5.

SUMMARY

The Owner desires a contemporary dwelling and we have proposed a building that fulfils the Owners brief while enhancing the streetscape value of the focus area and complying with the City's governing criteria.

We are convinced that this proposal is compatible with the existing streetscape, will be a forward looking design solution that will be an asset to the streetscape and fulfils the Policy P370_T Policy Objectives (a) To preserve and **enhance** desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings.

If you have any queries or require clarification of any items, do not hesitate to call.

Yours sincerely,

Paul Wilson
BEILBY DESIGN



PLANNING DEPARTMENT
CITY OF SOUTH PERTH
South Terrace cnr Sandgate Street
SOUTH PERTH WA 6151

20 December 2008

CITY OF SOUTH PERTH	
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ATTENTION : LLOYD ANDERSON

REGARDING : 11.2008.243.MAS
APPLICATION FOR DEVELOPMENT APPROVAL
NEW DWELLING
Lot 80 Hse No 33 Crawshaw Crescent, Manning, WA 6152

Dear Lloyd,

Thank you for your reply and comments in regard to our Development Application to the above mentioned property.

We have attached 4 copies of revised drawings (1 colour copy) and colour photographs of the existing streetscape with this correspondence.

REVIEW OF COMMENTS RECEIVED

As we discussed at our last meeting, the clients and I have decided that the last series of comments and required revisions have had a detrimental effect on the design as proposed.

The reservations received in regard to the boundary wall, roof layout and overall design, compounded with the latest requests for revisions have presented an opportunity to stand back and revitalise the proposal to achieve a design with integrity and addresses all of the comments received

REVIEW OF PROPOSED DESIGN

The revised design caters for the following points of concern –

- Roof design - The new roof design proposes a single roof style – flat roof.
- Garage location – The garage has been relocated to the east side of the site, negating any need for a boundary wall. This revision has also greatly improved the entry to the dwelling and that layout of the adjacent rooms. This also improves the quality of the amenity to the adjacent neighbour with the reduction in the length and height of the 2 storey wall.
- General layout – Generally, the layout has retained the Owners brief of how the rooms relate to each other and the desired layout of the kitchen, laundry and living areas.

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BUILDING DESIGN

2/39 CHATSWORTH ROAD HIGHGATE WA 6003 • TEL 08 9228 2717 • FAX 08 9228 2712



- Master bed – The master bed is relocated to improve the streetscape and architectural structure of the dwelling, and provides an opportunity to improve the room arrangement and create a void over the entry with street surveillance from the upper floor 'bridge'.

STREETSCAPE

The design offers a new streetscape proposal. To describe the existing streetscape, see attached photos, we see a wide curved street, with several post war brick and tile houses and several recent project style dwelling developments. In review, the architectural quality of the dwellings is low with the existing streetscape being project style.

The client desires a contemporary dwelling and we have an opportunity to raise the standard of the streetscape with this new building. It would be unfortunate to interpret the Council's Policy 'complementing the streetscape' as mimicking the existing styles. We have proposed a style that will add character and interest to an otherwise mono character.

The architectural structure of the new proposal reflects the immediate streetscape - the centrally placed entry, no boundary walls, the side setbacks to offer the greatest possible setbacks, the location of the front balcony to balance the elevation. The design of the windows are deliberate to allow for light egress, street surveillance and occupant privacy.

We are convinced that this proposal does complement the streetscape and is a forward looking design solution that will be an asset to the streetscape.

SUMMARY

As the proposed works are without detriment to the surrounding amenity, addresses all the comments received to date, we request Development Approval.

If you have any queries or require clarification of any items, do not hesitate to call.

Yours sincerely,

Paul Wilson
BEILBY DESIGN

PROPOSED TWO STOREY OFFICE DEVELOPMENT - LOT 391 (NO. 5) BARKER AVENUE, COMO [LIM]

Lot 391 (No. 5) Barker Avenue, Como - Development site



Lot 391 (No. 5) Barker Avenue, Como - Left side (view from Barker Avenue)



Lot 391 (No. 5) Barker Avenue, Como - Left side (view from Park Street)



Lot 391 (No. 5) Barker Avenue, Como - Right side



Lot 391 (No. 5) Barker Avenue, Como - Opposite





SCANNED

Chief Executive Officer
City of South Perth
Civic Centre
Cnr Sandgate Street/South Terrace
SOUTH PERTH WA 6151

Dear Sir/Madam

**RE: PROPOSED DEVELOPMENT APPLICATION - LOTS 390 AND 391
BARKER AVENUE, COMO**

We act for the owner of the above property whom wishes to develop the property for offices.

The Site

The site consists of Lots 390 and 391 Barker Avenue, Como.

Lot No.	Area (m2)
390	1,051m2
391	1,028m2
TOTAL	2,079m2

The land is currently vacant. The site is relatively flat.

On the western side of Lot 390 is a right of way.

To the west the land supports shops. Opposite to the north are residential dwellings. To the east and south are also residential land uses.

Zoning and Policies

The property is zoned Highway Commercial R80 under the City of South Perth Town Planning Scheme No. 6. (TPS6). The property is included within a 10.5m height limit area.

SJB
TOWN PLANNING & URBAN DESIGN
*
UNIT 12, D & J FOWLER BUILDING
33 PAKENHAM STREET, FREMANTLE, W.A. 6160
*
PH / FAX 9433 1130 MOB 0419 915 852
EMAIL SIMONBAT@ICENET.COM.AU
ARN 64 050 754 823

Under the City of South Perth Town Planning Scheme No. 6 offices are a "D" land use. "D" is a discretionary land use.

Offices are defined as:

"means any land or building used for administration, clerical, technical, professional or other like business activities and the term includes business services such as printing, photocopying, facsimile services, and computing services excluding hardware sales and repairs"

Table 3 sets out the development requirements for the Highway Commercial zone as follows:

- Plot ratio – 0.50
- Street setback – Nil and refer to Table 5
- Rear setback – 4.5m
- Side setback – Nil
- Landscaping – 15% of site

Table 6 sets out the car parking requirements for the Highway Commercial zone as 1 car bay per 20m² gross floor area and 1 bicycle bay per 200m² gross floor area for staff and visitors.

For Offices Table 6 requires 1 car bay per 25m² gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors.

Clause 5.1 (2) of TPS6 states:

"Within the Highway Commercial and the Local Commercial zones, in the case of additions to an existing building, notwithstanding the maximum plot ratio prescribed in Table 3 with respect to those zones, where the proposed additions involve an increase in floor area of more than 10%, such development will only be approved if the existing building is upgraded to a standard which the Council considers to be equivalent to the new additions."

Clause 5.1 (4) (b) also states:

" in the District Centre Commercial zone, the Mends Street Centre Commercial zone and the Highway Commercial zone, the rear setback may be reduced, subject to the provision being made to the satisfaction of the Council for loading and off-loading of delivery vehicles and the removal of rubbish from the site without the need for vehicles to reverse from or to a street".

Clause 7.8 provides the ability to permit variations from scheme provisions with respect to:

- (i) minimum lot area;
- (ii) plot ratio;
- (iii) setbacks;
- (iv) open space;
- (v) car parking;
- (vi) landscaping; and
- (vii) related matters.

The above requires the Council to be satisfied that:

- (i) *"approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) *the non-compliance will not have 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."*

Plot ratio is defined in Schedule 1 of TPS6 as:

"means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating the gross total of the areas of all floors:

- (a) *in relation to any residential dwelling, the floor area is measured in the manner defined in the Residential Design Codes; and*
- (b) *in relation to any non-residential building or part of a building, the floor area is measured from the inner faces of external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunch room, store area, storage room, passage and any area within the building used for parking of vehicles or for vehicular access."*

The Proposal

The proposal is to construct offices on the subject site. This is to be in the form of a two storey development with a total height of 7.05m. The building is designed to front Barker Avenue and address the street being located on the front boundary. The remainder of the development is setback from Park Street and the ROW and more specifically to provide a significant setback at the rear, away from the adjoining residential properties.

On Lot 390 there is one shared entry to the offices through a foyer, with 2 tenancies on the ground floor and 2/3 tenancies on the first floor. These are also accessed through the shared foyer. Behind are located 27 car bays.

On Lot 391 there is one shared entry to the offices through a foyer, with 2 tenancies on the ground floor and 2 tenancies on the first floor. These are also accessed through the shared foyer. Behind are located 24 car bays.

The breakdown of the floor areas is as follows:

Lot	Floor	Tenancy	Area (sqm) nla
390			
	<i>Ground</i>		
		1	79.53
		2	72.71
	<i>First</i>		
		3	94.97
		4/5	330.79
Total			578
391			
	<i>Ground</i>	1	68.31
		2	97
	<i>First</i>		
		3	191.84
		4	156.99
Total			514.14
TOTAL			1,092.14

Compliance

The proposed development complies with the various development standards under the City of South Perth Town Planning Scheme No. 6 as outlined below:

Development Standard	Required	Provided
Height	10.5m	7.05m
Plot ratio	0.50	0.60
Street setback – refer to Table 5	Nil	Nil
Rear setback	4.5m	8.5 - 20m
Side setback	Nil	Eastern side 6m Western side 1m
Landscaping	15% of site	15.45%
Car Parking	1/20m ² and 1/25m ² gla	1,092m ² of floor area requires 54 or 43 car bays. 51 car bays are proposed.
Bicycle Parking	1/200m ² gla	7

As can be seen from the above the only area of non-compliance is the plot ratio. It should be noted that under clause 5.1 (2) of the City of South Perth Town Planning Scheme No. 6 if the building existed there could be an extra 10% floor area, taking the plot ratio to 0.6.

It is also noted that clause 7.8 enables Council to vary the applicable development standards, including plot ratio. The criteria listed under clause 7.8 are addressed below:

- (a) *“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;*

The site is zoned for commercial development and offices are a discretionary land use. The land use is therefore consistent with the expectations in terms of the amenity of the area.

In terms of development standards, it is noted that the development complies with all development standards and achieves more than the required minimums.

The variation is only for plot ratio to allow an extra 207.9m² of floor area. The extra 207.9m² of floor area will not impact on the amenity of the locality because it is located behind the complying floor area and the building is located 8.5 - 20m from the only adjoining residential property.

Of note the development is only 2 storey (7.05m) in height and could be three storey (10.5m). This factor combined with the significant setback to the rear boundary (from the adjoining residential property) is significant, in that the office development is kept as low possible (2 rather than 3 storey) and as far away as possible (8.5 - 20m rather than 4.5m).

- (b) 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;*

The extra floor area will have no adverse impact on the occupiers or users of the development and to the contrary could be of benefit by allowing a greater range of commercial activities to be located in the subject site.

In terms of the impact on the inhabitants of the precinct, the extra floor area as noted above has no impacts on amenity due to its sensitive design of a lower building and greater rear setbacks.

- (c) 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 precinct is a commercial precinct and the land use is a contemplated land use. The proposed development therefore meets the objectives for the precinct.

There is also a 3 bay shortfall on car parking. The extra bays can be achieved on site with minor adjustments which reduce the amount of landscaping, particularly adjacent to Park Street. There is currently an over-provision of landscaping on site. Alternatively the bays could be provided in the verge as embayed parking on Barker Avenue and Park Street or be provided as cash in lieu.

It is noted that Council has the ability to vary car parking requirements. This is requested in light of the opportunities for reduced car parking due to:

- there being opportunities for reciprocal car parking for visitors on the two properties for any visitors visiting either of the premises; and
- there being opportunities for reciprocal car parking for visitors due to the proximity to the shops to the west allowing for a multi-purpose trip as opposed to single purpose trips that the car parking standards are based on; and
- there being reduced demand for car parking due to the use of alternative modes of transport, in particular the use of buses along Canning Highway and through Como.

Conclusion

The subject site is ideally suited to support the proposed office development. The proposed land use is a discretionary land use and will be complementary to the existing shops to the west and the commercial land to the north of Barker Avenue.

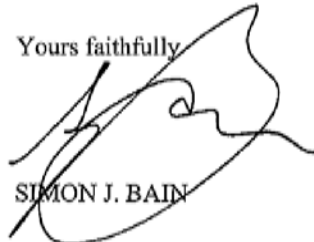
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The proposed development also conforms to the development standards specified under the City of South Perth Town Planning Scheme No. 6. The variations being sought are justified as there is no impact on the amenity of the area and the criteria under clause 7.8 are complied with.


Our client respectfully requests approval for the extra floor area. Please note should this not be supported the reduced floor area/plot ratio is requested to be specified as a condition of approval.

Should you wish to discuss this further please do not hesitate to contact me.

Yours faithfully



SIMON J. BAIN

 <p>City of SouthPerth</p>	
MEMORANDUM	
To:	Lawrence Mathewson
From:	Les Croxford MANAGER ENGINEERING INFRASTRUCTURE
Date:	20 October 2008
File ref:	11.2008.446
Subject:	APPLICATION FOR PLANNING APPROVAL - 5 Barker Avenue Como.

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Unless otherwise determined by Engineering Infrastructure the level of the existing footpath in Barker Avenue and Park Street will be taken as the boundary level. Any design level shown at the boundary that varies from the path level is to be ignored. Without the concurrence of the City no part of the footpath is to be raised or lowered to meet the design needs for internal driveways, automatic closing gates etc.

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The internal driveway and layout of the car park generally satisfies Australian Standard AS 2890 Part 1 Off-street Parking. Typically a car park layout with a "blind aisle" would require nominally 700mm more in the aisle length. Only Bay 14 would be "caught" in this requirement, however with the aisle width at 7 metres access / egress to/from the bay should not be an issue.

It should be noted that Bays 1 to 4 off Poppy Lane are less than that generally prescribed for on street parking. The intermediate Bays 2 and 3 at 6 metres satisfy the minimum dimensions for on street parking as defined by Australian Standard AS 2890 Part 5. The same standard requires the end Bays 1 and 4 to be 6.3 metres in length or the length of the intermediate bay whichever is the greater. The City would use as an on street standard the minimum 6.3 metre bay length, however in view of the limited traffic in the lane and the greater opportunity to "reverse park" the layout would be acceptable. In this instance it would be preferable to retain the undersize bays than decrease the allowable area for landscaping. Disabled bays - preference 3.8m width
min. 3.2m

The City will require the upgrading of Poppy Lane as the primary access to the car park. The upgrading will extend to resurfacing and reconstruction as required and the installation of adequate stormwater drainage.

Stormwater Drainage

Drainage to be in accordance with Policy P415 and Management Practice M415.

The development falls within the Como Drainage Precinct where the following applies:

- Stormwater reuse is encouraged;
- Soak well discharge is an acceptable option; and
- Discharge to the street system is not available.

The soak well size and capacity is to be determined by an appropriately qualified / experienced person to cater for a 1 in 10 year storm event. A sufficient number of soak wells is to be installed to cater for the long duration but low intensity event as this is likely to be more severe than the short duration high intensity event taking into account the likely infiltration rate of water into the subsoil.

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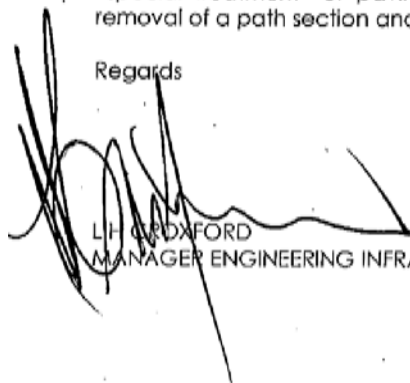
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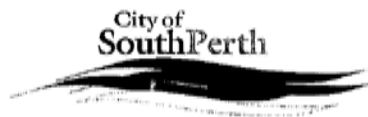
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Regards



L.H. O'DONOVAN
MANAGER ENGINEERING INFRASTRUCTURE



Environmental Health Services Planning Approval Comments

Details	
Proposed Development:	Lots 390 and 391 (No. 5) Barker Ave, COMO
Application: (Type)	Change of Use - Four Offices in Two-Storey Non-Residential Building
Officer:	Felix Matthews
Date:	27 October 2008

Noise Generally

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

Office Sanitary Conveniences

All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971. In particular, Regulation 5, Section 5(b) - Construction Specification of Sanitary Conveniences and Regulation 12 - Mechanical Ventilation.

Mechanical Ventilation

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Bin Enclosure

A suitable bin enclosure(s) will need to be provided and will be subject to, and comply with conditions contained within the City of South Perth Health Local Laws 2002.

The location of the refuse enclosure/area is to be to the satisfaction of Council's Manager, Environmental Health & Regulatory Services. The refuse receptacle area is to be provided with the following:

- (a) A tap connected to an adequate supply of water;
- (b) Suitably screened from view from the street by a wall/fence that is smooth and impervious and constructed of approved materials not less than 1.5 m in height;
- (c) An access way of not less than 1 metre in width for 240 litre mobile garbage bin, or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
- (d) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
- (e) Easy access to allow for the removal of containers;
- (f) Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air;
- (g) The minimum size of the bin enclosure is to the satisfaction of the City's Manager, Environmental Health & Regulatory Services at a general rate of 1.5 m² per 240 litre bin or 2.5 m² per 1100 litre bin.



MEMORANDUM

To	Laurence Mathewson
Date	21 October 2008
Subject	5 Baker Avenue - Office Development

Laurence,

The proposed office development at 5 Baker Avenue was brought to my attention by Engineering Design for comment regarding the verge treatment.

The plans I have viewed do not contain landscape details and it may be appropriate for these to be viewed by our department.

Assessing the current design I would like to make the following comments:

- The street trees should be the London Plane tree (*Platanus acerifolia*) for the Baker Street commercial precinct and the Pink Flowering Marri (*Corymbia calophylla rosea*) on Park Street as per the City of South Perth Street tree management Plan. The trees locations should be determined once an assessment of underground services is made. The spacings should be a minimum of 8 metres between the street trees.
- A waterwise garden using local native species should be installed wherever possible including on the verge.
- Local species trees should be used for the car parking area.

If further comment is required please ensure a full landscape plan is submitted with species list.

KIM DRAVNIKS
CITY ENVIRONMENT COORDINATOR

PROPOSED TWO STOREY OFFICE DEVELOPMENT - LOT 390 (NO. 3) BARKER AVENUE, COMO [LIM]

Lot 390 (No. 3) Barker Avenue, Como - Development site



Lot 390 (No. 3) Barker Avenue, Como - Left side



Lot 390 (No. 3) Barker Avenue, Como - Right side



Lot 390 (No. 3) Barker Avenue, Como - Opposite





SCANNED

Chief Executive Officer
City of South Perth
Civic Centre
Cnr Sandgate Street/South Terrace
SOUTH PERTH WA 6151

Dear Sir/Madam

**RE: PROPOSED DEVELOPMENT APPLICATION - LOTS 390 AND 391
BARKER AVENUE, COMO**

We act for the owner of the above property whom wishes to develop the property for offices.

The Site

The site consists of Lots 390 and 391 Barker Avenue, Como.

Lot No.	Area (m2)
390	1,051m2
391	1,028m2
TOTAL	2,079m2

The land is currently vacant. The site is relatively flat.

On the western side of Lot 390 is a right of way.

To the west the land supports shops. Opposite to the north are residential dwellings. To the east and south are also residential land uses.

Zoning and Policies

The property is zoned Highway Commercial R80 under the City of South Perth Town Planning Scheme No. 6. (TPS6). The property is included within a 10.5m height limit area.

SJB
TOWN PLANNING & URBAN DESIGN
*
UNIT 12, D & J FOWLER BUILDING
33 PAKENHAM STREET, FREMANTLE, W.A. 6160
*
PH / FAX 9433 1130 MOB 0419 915 852
EMAIL SIMONBAT@ICENET.COM.AU
ABN 64 050 754 823

Under the City of South Perth Town Planning Scheme No. 6 offices are a "D" land use. "D" is a discretionary land use.

Offices are defined as:

"means any land or building used for administration, clerical, technical, professional or other like business activities and the term includes business services such as printing, photocopying, facsimile services, and computing services excluding hardware sales and repairs"

Table 3 sets out the development requirements for the Highway Commercial zone as follows:

- Plot ratio – 0.50
- Street setback – Nil and refer to Table 5
- Rear setback – 4.5m
- Side setback – Nil
- Landscaping – 15% of site

Table 6 sets out the car parking requirements for the Highway Commercial zone as 1 car bay per 20m² gross floor area and 1 bicycle bay per 200m² gross floor area for staff and visitors.

For Offices Table 6 requires 1 car bay per 25m² gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors.

Clause 5.1 (2) of TPS6 states:

"Within the Highway Commercial and the Local Commercial zones, in the case of additions to an existing building, notwithstanding the maximum plot ratio prescribed in Table 3 with respect to those zones, where the proposed additions involve an increase in floor area of more than 10%, such development will only be approved if the existing building is upgraded to a standard which the Council considers to be equivalent to the new additions."

Clause 5.1 (4) (b) also states:

" in the District Centre Commercial zone, the Mends Street Centre Commercial zone and the Highway Commercial zone, the rear setback may be reduced, subject to the provision being made to the satisfaction of the Council for loading and off-loading of delivery vehicles and the removal of rubbish from the site without the need for vehicles to reverse from or to a street".

Clause 7.8 provides the ability to permit variations from scheme provisions with respect to:

- (i) minimum lot area;
- (ii) plot ratio;
- (iii) setbacks;
- (iv) open space;
- (v) car parking;
- (vi) landscaping; and
- (vii) related matters.

The above requires the Council to be satisfied that:

- (i) *"approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) *the non-compliance will not have 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."*

Plot ratio is defined in Schedule 1 of TPS6 as:

"means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating the gross total of the areas of all floors:

- (a) in relation to any residential dwelling, the floor area is measured in the manner defined in the Residential Design Codes; and
- (b) in relation to any non-residential building or part of a building, the floor area is measured from the inner faces of external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunch room, store area, storage room, passage and any area within the building used for parking of vehicles or for vehicular access."

The Proposal

The proposal is to construct offices on the subject site. This is to be in the form of a two storey development with a total height of 7.05m. The building is designed to front Barker Avenue and address the street being located on the front boundary. The remainder of the development is setback from Park Street and the ROW and more specifically to provide a significant setback at the rear, away from the adjoining residential properties.

On Lot 390 there is one shared entry to the offices through a foyer, with 2 tenancies on the ground floor and 2/3 tenancies on the first floor. These are also accessed through the shared foyer. Behind are located 27 car bays.

On Lot 391 there is one shared entry to the offices through a foyer, with 2 tenancies on the ground floor and 2 tenancies on the first floor. These are also accessed through the shared foyer. Behind are located 24 car bays.

The breakdown of the floor areas is as follows:

Lot	Floor	Tenancy	Area (sqm) nla
390			
	<i>Ground</i>		
		1	79.53
		2	72.71
	<i>First</i>		
		3	94.97
		4/5	330.79
Total			578
391			
	<i>Ground</i>	1	68.31
		2	97
	<i>First</i>		
		3	191.84
		4	156.99
Total			514.14
TOTAL			1,092.14

Compliance

The proposed development complies with the various development standards under the City of South Perth Town Planning Scheme No. 6 as outlined below:

Development Standard	Required	Provided
Height	10.5m	7.05m
Plot ratio	0.50	0.60
Street setback – refer to Table 5	Nil	Nil
Rear setback	4.5m	8.5 - 20m
Side setback	Nil	Eastern side 6m Western side 1m
Landscaping	15% of site	15.45%
Car Parking	1/20m ² and 1/25m ² gla	1,092m ² of floor area requires 54 or 43 car bays. 51 car bays are proposed.
Bicycle Parking	1/200m ² gla	7

As can be seen from the above the only area of non-compliance is the plot ratio. It should be noted that under clause 5.1 (2) of the City of South Perth Town Planning Scheme No. 6 if the building existed there could be an extra 10% floor area, taking the plot ratio to 0.6.

It is also noted that clause 7.8 enables Council to vary the applicable development standards, including plot ratio. The criteria listed under clause 7.8 are addressed below:

- (a) *“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;*

The site is zoned for commercial development and offices are a discretionary land use. The land use is therefore consistent with the expectations in terms of the amenity of the area.

In terms of development standards, it is noted that the development complies with all development standards and achieves more than the required minimums.

The variation is only for plot ratio to allow an extra 207.9m² of floor area. The extra 207.9m² of floor area will not impact on the amenity of the locality because it is located behind the complying floor area and the building is located 8.5 - 20m from the only adjoining residential property.

Of note the development is only 2 storey (7.05m) in height and could be three storey (10.5m). This factor combined with the significant setback to the rear boundary (from the adjoining residential property) is significant, in that the office development is kept as low possible (2 rather than 3 storey) and as far away as possible (8.5 - 20m rather than 4.5m).

- (b) 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;*

The extra floor area will have no adverse impact on the occupiers or users of the development and to the contrary could be of benefit by allowing a greater range of commercial activities to be located in the subject site.

In terms of the impact on the inhabitants of the precinct, the extra floor area as noted above has no impacts on amenity due to its sensitive design of a lower building and greater rear setbacks.

- (c) 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."*

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There is also a 3 bay shortfall on car parking. The extra bays can be achieved on site with minor adjustments which reduce the amount of landscaping, particularly adjacent to Park Street. There is currently an over-provision of landscaping on site. Alternatively the bays could be provided in the verge as embayed parking on Barker Avenue and Park Street or be provided as cash in lieu.

It is noted that Council has the ability to vary car parking requirements. This is requested in light of the opportunities for reduced car parking due to:

- there being opportunities for reciprocal car parking for visitors on the two properties for any visitors visiting either of the premises; and
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Conclusion

The subject site is ideally suited to support the proposed office development. The proposed land use is a discretionary land use and will be complementary to the existing shops to the west and the commercial land to the north of Barker Avenue.

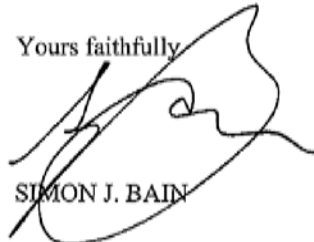
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Our client respectfully requests approval for the extra floor area. Please note should this not be supported the reduced floor area/plot ratio is requested to be specified as a condition of approval.

Should you wish to discuss this further please do not hesitate to contact me.

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MEMORANDUM	
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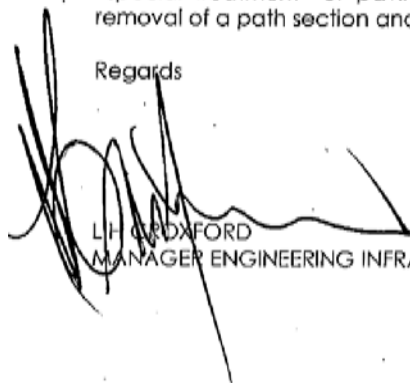
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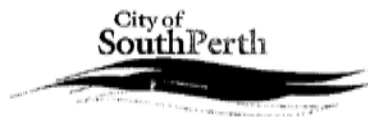
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L.H. O'DONOVAN
MANAGER ENGINEERING INFRASTRUCTURE



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Details	
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MEMORANDUM

To	Laurence Mathewson
Date	21 October 2008
Subject	5 Baker Avenue - Office Development

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- Local species trees should be used for the car parking area.

If further comment is required please ensure a full landscape plan is submitted with species list.

KIM DRAVNIKS
CITY ENVIRONMENT COORDINATOR



Panel Members Recommendation Report

Tender

Additions and Alterations to the WCG Thomas Pavilion

Request for Tender (RTF) Number

2/2009

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Part 3	Evaluation Panel
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Part 1

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1. Introduction

1.1. Title

The City of South Perth issued a Request for Tender for the Alterations and Additions to WCG Thomas Pavilion on Saturday 31 January 2009.

1.2. Scope

In 2006, the City's report on 'Future Directions and Needs Study for Sporting and Recreational Clubs', recommended that the WCG Thomas Pavilion be upgraded in accordance with the "Regional Sporting Pavilion" model which should include:

- Four toilet change rooms;
- Equipment storage rooms;
- Kitchen suitable for professional catering;
- Function room with bar facilities;
- Administration office;
- Meeting room;
- First aid room; and
- Shaded spectator seating.

1.3. Value

The contract shall be a Lump Sum as noted on the Form of Tender and the Tender Schedules. Rise and fall of costs shall NOT apply.

Funding for the works is detailed in the table below

Activity	Budget / Income
2008/09 Capital works	\$445,000
2008/09 CSRFF grant	\$200,000
2009/10 CSRFF grant	\$126,000
*2008/09 Capital works (proposed)	\$935,000
Total Budget	\$1,706,000

1.4. Contract Period

The RFT seeks the contractor to provide a period of time to practical completion. Given current building activity, it would appear the estimated period from commencement to practical completion would be in the region of 36 weeks.

1.5. Advertising Details

The tender was advertised as follows:

The West Australian -Saturday 31 January 2009.

2. Background

2.1. Tenderer's Name

The City of South Perth issued a Request for Tender for the additions and alterations to WCG Thomas Pavilion. During the tender period 24 (twenty four) sets of documents were dispensed and at the close of tenders 4 (four) compliant tenders were received.

Tenders were received from:

1. **Connolly Building Company**
2. **ZD Construction 93 Pty Ltd**
3. **Metrocon Pty Ltd**
4. **Classic Contractors**

2.2. Tender Price

Proposed tender price provided by tenderers in ascending order were as follows:

Tenderer	Price (ex GST)
Connolly Building Company	\$1,542,380
ZD Constructions 93 Pty Ltd	\$1,580,300
Metrocon Pty Ltd	\$1,599,815
Classic Contractors	\$1,662,967

3. Evaluation Panel

3.1. Participants

The Evaluation Panel assessed each tender. Details of members of the Panel are listed in the table below:

Name	Position/Role
Gil Masters (Project Manager)	Buildings & Assets Coordinator
Greg Davies (Project Architect)	Greg Davies Architects
Mark Taylor	Manager City Environment

Greg Davies was included as a member of the selection panel because of his intimate involvement of this project. Mr Davies' company has prepared the design drawings for the project and has been heavily involved in the scope of works and preparation of the specifications. He has significant experience in projects of this magnitude and knowledge of all facets of the industry.

4. Selection Criteria and Rating Scale

4.1. Compliance Criteria

Compliance Criteria	Connolly Contractor		ZD Constructions		Metrocon Pty Ltd		Classic Contractors	
	Yes	No	Yes	No	Yes	No	Yes	No
1. The tender was delivered on time and marked clearly on the envelope the tender information. Document was not faxed or emailed. (see clause 1).	Yes		Yes		Yes		Yes	
2. Offer Form of Tender was received (see clause 2).	Yes		Yes		Yes		Yes	
3. All 16 Schedules attached (see clause 2).	Yes		Yes		Yes		Yes	
4. 1 signed original and 2 copies of signed Tender attached (see clause 3).	Yes		Yes		Yes		Yes	
5. Alternative Tender was also attached and accompanied with a conforming tender (see clause 21).		No		No		No		No
6. Has the tenderer agreed to perform the works in accordance with the specification?	Yes		Yes		Yes		Yes	
7. Are commencement & completion dates provided?	Yes		Yes		Yes		Yes	
8. Technical merits of methods to be used?		No		No		No		No
9. Materials/products suitability?	Yes		Yes		Yes		Yes	
10. Compliance with environmental and community issues?	Yes		Yes		Yes		Yes	
11. Has the tenderer complied with the Tender Instructions/License requirements?	Yes		Yes		Yes		Yes	
12. Are all documents completed?		No		No		No		No
13. Has the tenderer provided examples of similar work performance?	Yes		Yes		Yes		Yes	
14. Were referees provided?	Yes		Yes		Yes		Yes	
15. Does the Tender comply with the City's Occupational Safety and Health requirements?	Yes		Yes		Yes		Yes	
16. Are Council's procurement policies met by the tenderer?	Yes		Yes		Yes		Yes	
17. Has a full costing of works been provided?	Yes		Yes		Yes		Yes	
18. Does the tenderer have the financial capability to perform the work?	Yes		Yes		Yes		Yes	

4.2. Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to complete projects within designated timelines	15%
2. Works record and experience	10%
3. Financial capacity and commitment together with other work commitments	10%
4. Demonstrated resources to complete works	5%
5. Industrial Relations and safety record.	10%
6. Price	50%

4.3. Rating Scale

Ratings for the evaluation were from [insert range of scale] and represent the following descriptions:

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

4.4. Pricing

The pricing submitted by each tenderer was assessed together with the qualitative criteria. The selected response is that which represents the most advantageous to the City of South Perth.

5. Evaluation Methodology

5.1. Initial Compliance Check

An initial compliance check was conducted by the Evaluation Panel on Wednesday 4 March 2009 to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

All tenders were processed through to qualitative criteria assessment on the basis that all terms and conditions and mandatory requirements of the RFT had been met.

5.2. Qualitative Criteria Assessment

The qualitative criteria assessment was carried out by the Evaluation Panel on the 9 March 2009 with the Evaluation Panel scoring the tenders according to the evaluation matrix.

All applicants were assessed against the qualitative selection criteria. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel. Relative weightings were published within the RFT

The evaluation clearly showed within the process that the tenderers were providing highly competitive prices from which the Evaluation Panel was able to base their recommendation.

6. Evaluation Tools

Below is an outline of the process used by the Evaluation Panel when allocating points against the qualitative selection criteria

Refer to Section 4.2 of the Evaluation Report for a description of the Selection Criteria.

As part of the qualitative criteria assessment, the Evaluation Panel scored tenders/submissions according to the evaluation matrix as shown below:

6.1. Evaluation Matrix - Qualitative Criteria and Price

CITY OF SOUTH PERTH
Tender 2/2009: Alterations & Additions to WCG Thomas Pavilion
TENDER ASSESSMENT

	ASSESSMENT CRITERIA	WEIGHTING FACTOR	ZD Construction		Classic Contractors		Connolly Building Co		Metrocon Pty Ltd	
			Out of 10	Weighted Score	Out of 10	Weighted Score	Out of 10	Weighted Score	Out of 10	Weighted Score
1	Demonstrated ability to complete projects within designated timelines	15%	9.00	1.35	8.00	1.20	8.00	1.20	9.00	1.35
2	Works record and experience	10%	10.00	1.00	8.00	0.80	8.00	0.80	10.00	1.00
3	Financial capacity and commitment together with other work commitments	10%	9.00	0.90	9.00	0.90	8.00	0.80	9.00	0.90
4	Demonstrated resources to complete works	5%	10.00	0.50	10.00	0.50	8.00	0.40	10.00	0.50
5	Industrial Relations and safety record	10%	8.00	0.80	8.00	0.80	8.00	0.80	8.00	0.80
6	Tender Bid Price	50%	9.75	4.88	9.22	4.61	10.00	5.00	9.63	4.81

TOTAL	100%	9.43	8.81	9.00	9.36
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"JOB" PRICE BASED ON BID

\$1,580,300	\$1,662,967	\$1,542,380	\$1,599,815
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LOWEST BID PRICE

\$1,542,380

Note:

- Score for tender fee is based on $\{ [(\text{lowest tender fee} - \text{actual tender fee}) / \text{lowest tender fee}] + 1 \} \times 10$.
- "0" indicate insufficient information to determine.
- Tenderers may been contacted during the assessment process to clarify information.

7. Basis of Decision

7.1. Basis for Recommending a Tenderer

The range of prices submitted were highly competitive, which is reflected in the price variation of the three lowest priced tenders being only 3.7%.

The lowest priced tender received was from Connolly Building Company. The panel had concerns about their ability to deliver a project of this size considering their relative experience. Reference checks confirmed this doubt. As a result, they were not considered further.

ZD Constructions 93 Pty Ltd submitted the second lowest price. ZD Constructions 93 Pty Ltd has satisfactorily completed a range of similar projects and reference checks reflect this. The Panel is therefore satisfied they have the ability to deliver a good quality project within the agreed timeframe.

Based on the Panel's evaluation, the tender from ZD Construction 93 Pty Ltd represents the best value offer and is therefore recommended as the most acceptable tenderer.

7.2. Details of Referee Report

ZD Constructions 93 Pty Ltd is an accredited builder.

Projects undertaken by ZD Constructions 93 Pty Ltd range from \$300,000 to \$2,800,000 and include:

- St Benedicts Catholic Primary School;
- Dawesville Catholic School;
- Peak Service Station development;
- Target Country Store Development
- Mixed Development Talbot Avenue, Como

8. Decision

The Evaluation Panel recommends the tender from ZD Construction 93 Pty Ltd, for Alterations and Additions to WCG Thomas Pavilion, for the lump sum of \$1,580,300 ex GST be accepted.

9. Endorsement by Evaluation Panel

Mark Taylor

(Signature)

(Date)

Gil Masters

(Signature)

(Date)

Greg Davies

(Signature)

(Date)

City of South Perth

Attachment 10.5.1

List of Application for Planning Consent Deterimed Under Delegated Authority for the Period 1/02/2009 to 28/02/2009

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2008.0000046.001	CR3/21	27/02/2009	21 Crawshaw CRES MANNING	Mr W G Morris	Approved	Additions / Alterations to Single House
011.2008.00000279.001	LA1/11	20/02/2009	116 Labouchere RD SOUTH PERTH	Mr J Metz	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2008.00000283.001	SW3/25	17/02/2009	25 Swanview TCE SOUTH PERTH	Mr K Wibberley	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000339.001	ST4/L2	25/02/2009	Strickland ST SOUTH PERTH	Broadway Homes	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000359.001	MI3/20	25/02/2009	205 Mill Point RD SOUTH PERTH	MO Design	Approved	THREE STOREY SINGLE HOUSE
011.2008.00000407.001	PE2/31	16/02/2009	31A Pepler AVE SALTER POINT	Mr N Nici	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000431.001	MC5/1	5/02/2009	1 McNess GL SALTER POINT	Luton Holdings Pty Ltd	Approved	Additions / Alterations to Single House
011.2008.00000433.001	HA2/10	26/02/2009	10 Hanover PL WATERFORD	Mr I Wong	Approved	Additions / Alterations to Single House
011.2008.00000469.001	NO1/26	26/02/2009	26 Norfolk ST SOUTH PERTH	Mr C Manley	Approved	Carport Addition to Single House
011.2008.00000483.001	BI1/46	2/02/2009	46 Bickley CRES MANNING	Affordable Living Homes	Approved	ADDITIONAL DWELLING TO FORM 2 GROUPED.
011.2008.00000506.001	ED1/71	2/02/2009	71 Edgecumbe ST COMO	Mr A Lombardi	Approved	TWO SINGLE HOUSES : TWO STOREY
011.2008.00000510.001	PR1/43	12/02/2009	43 Preston ST COMO	Patio Living	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2008.00000513.001	PR1/63	20/02/2009	63 Preston ST COMO	Mr R B Carter	Approved	EXTENSIONS TO GROUPED DWELLINGS
011.2008.00000516.001	SO1/23	17/02/2009	23 South Perth ESPL SOUTH PERTH	NH Enterprises Pty Ltd	Approved	ALTERATIONS TO MULTIPLE DWELLING (S)
011.2008.00000528.001		5/02/2009	8 Fortune ST SOUTH PERTH	Tangent Nominees P/L t/a Lifestyle	Approved	Single House
011.2008.00000534.001	SI2/37	19/02/2009	37 Sixth AVE KENSINGTON	Mr G Robert	Approved	Additions / Alterations to Single House
011.2008.00000573.001	GO1/21	5/02/2009	21 Godwin AVE MANNING	Taurus Homes	Approved	Single House
011.2008.00000582.001	BA3/26	25/02/2009	Barker AVE COMO	JWH Group Pty Ltd	Approved	SINGLE HOUSE TWO STOREY
011.2008.00000587.001	KI5/15	5/02/2009	15 King ST KENSINGTON	Concept Steel Constructions	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000589.001	CO6/13	5/02/2009	136 Coode ST SOUTH PERTH	Ms M De Pardo	Approved	Additions / Alterations to Single House
011.2008.00000613.001	HE3/11	3/02/2009	110 Hensman ST SOUTH PERTH	Australian Renovation Group	Approved	Additions / Alterations to Single House
011.2009.00000005.001	TA1/71	19/02/2009	71 Talbot AVE MANNING	Mr D A Nall	Approved	BOUNDARY SCREEN WALL

List of Application for Planning Consent Deterimed Under Delegated Authority for the Period 1/02/2009 to 28/02/2009

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2009.00000012.001	SU2/L5	2/02/2009	Sulman AVE SALTER POINT	Platinum Homes (WA) Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2009.00000017.001		19/02/2009	22A Ryrie AVE COMO	Mr B J Douglas	Approved	BOUNDARY SCREEN WALL
011.2009.00000019.001	MO1/17	17/02/2009	17 Monash AVE COMO	Mr S D Johnston	Approved	Additions / Alterations to Single House
011.2009.00000027.001	HE2/31	12/02/2009	31A Henning CRES MANNING	One Stop Patio Shop	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2009.00000028.001	PA4/57	18/02/2009	57A Parsons AVE MANNING	Mr K C Toh	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2009.00000033.001	DA2/8	26/02/2009	8 Darley ST SOUTH PERTH	Mr G E Oldfield	Approved	ALTERATIONS TO MULTIPLE DWELLING (S)
011.2009.00000037.001		20/02/2009	64 Thelma ST COMO	Mrs S M Abernethy	Approved	Additions / Alterations to Single House
011.2009.00000038.001	DA7/14	25/02/2009	14 Davilak ST COMO	Mr H Freeman	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2009.00000041.001	RO1/12	24/02/2009	123 Robert ST COMO	Great Aussie Patios	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2009.00000043.001	PI2/4	17/02/2009	4 Pitt ST KENSINGTON	Webb & Brown-Neaves Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2009.00000045.001		2/02/2009	38 Redmond ST SALTER POINT	Westral Outdoor Centre	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2009.00000046.001	MO5/15	23/02/2009	15 Mt Henry RD SALTER POINT	One Stop Patio Shop	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2009.00000048.001	MI3/23	17/02/2009	23 Mill Point RD SOUTH PERTH	The Ming Family Trust	Approved	ALTERATIONS TO MULTIPLE DWELLING (S)
011.2009.00000049.001	HO1/60	12/02/2009	69 Hobbs AVE COMO	Mr S G G Robinson	Approved	Additions / Alterations to
011.2009.00000050.001	BA3/4	18/02/2009	4 Barker AVE COMO	Mr L R Soto	Approved	SIGN
011.2009.00000051.001		5/02/2009	27 Bessell AVE COMO	Mr D C Yelverton	Approved	OUTBUILDING
011.2009.00000056.001	CA6/36	27/02/2009	361 Canning HWY COMO	Palmgate Investments Pty Ltd	Approved	Use Not Listed -
011.2009.00000058.001		12/02/2009	2 Boongala CL KARAWARA	Kalmar Factory Direct	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2009.00000061.001		20/02/2009	30 Monk ST KENSINGTON	Mr F H Cavanough	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2009.00000072.001		27/02/2009	6 Hill ST SOUTH PERTH	Mr S J Lally	Approved	PATIO ADDITION TO SINGLE HOUSE



CODE OF CONDUCT 2008

The City of South Perth will conduct its business based on its identified Values

EXCELLENCE

TRUST

CUSTOMER FOCUS

RESPECT

PREAMBLE

This Code of Conduct establishes the standards of behaviour and professional conduct expected of the City's Council Members and Officers in the performance of their respective functions and duties in serving the needs and aspirations of the Community of South Perth.

The general function of a local government is to provide for the good government of persons in its district. Good government is achieved by a system of governance which provides -

- (a) better decision-making by local government;
- (b) greater community participation in the decisions and affairs of local government;
- (c) greater accountability of local government to its community; and
- (d) more efficient and effective local government.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

This Code is evidence of the demonstrable commitment by Members and Officers to observe the highest ethical and professional standards in the performance of their duties and functions. It outlines the key principles and values which underpin their individual and collective behaviour.

The Code is based on acceptance of the principle that for it to be successful, Members and Officers must lead by example in complying with and actively promoting its provisions.

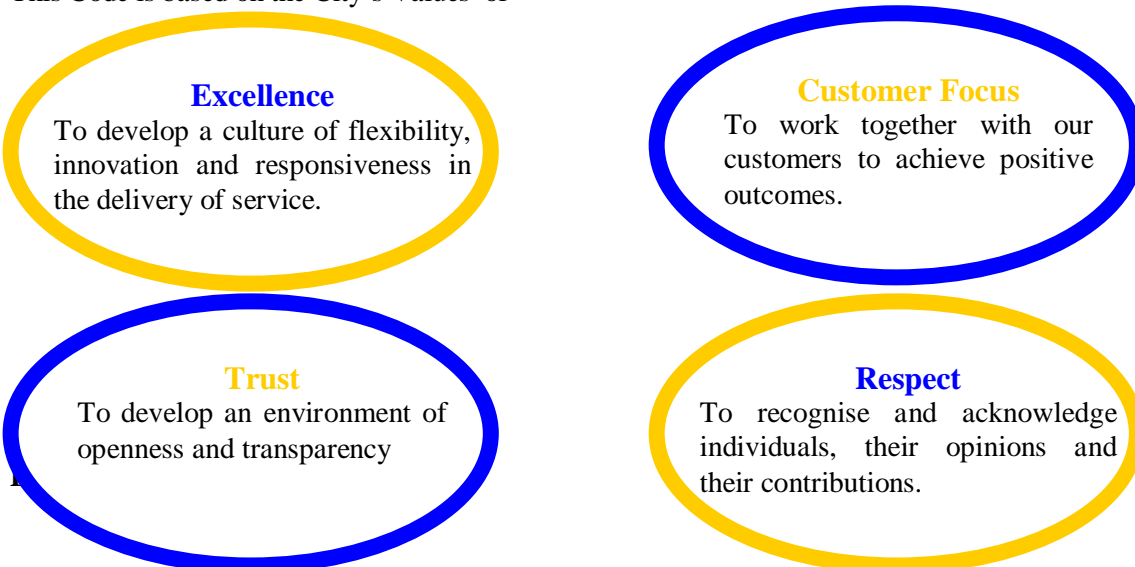
PURPOSE & OBJECTIVES

A Code of Conduct is a public declaration of the standards of conduct that the community could reasonably expect of its elected members and officers. It is a statement of the desired standards of behaviour that the City has agreed that each individual member and officer should demonstrate when carrying out their respective roles.

A Code of Conduct is also an important element of good governance which can positively shape the culture of an organisation. The purpose of this Code is to provide a mechanism for the City to establish and maintain an ethical culture through a committed self-regulatory approach which enables members and officers to uphold the standards of conduct expected of them. The Code provides guidance and direction to individual members and officers to act in a way that enhances the community's confidence in the integrity of local government.

STATEMENT OF VALUES

This Code is based on the City's Values of -



LEADERSHIP

Council Members and officers accept the responsibility of maintaining these Values by -

- Communicating and promoting the City's Vision;
- Creating and sustaining a supportive environment which encourages members and officers to achieve their full potential; and
- Demonstrating commitment to these Values through their personal behaviour.

STATUTORY FRAMEWORK

This Code of Conduct complies with the statutory requirements of the *Local Government Act 1995* (Section 5.103 – Codes of Conduct) and the *Local Government (Administration) Regulations 1996* (Regulations 34B and 34C). The Code complements these statutory requirements, however in any conflict between the provisions of this Code and provisions of the Act or Regulations, the latter will prevail.

Council members acknowledge that their behaviour is subject to the prescribed rules of conduct set out in the *Local Government (Rules of Conduct) Regulations 2007*, including the General Principles of behaviour set out in Regulation 3.

Officers acknowledge that they are subject to the provisions of the Code upon their acceptance of employment and whilst they remain employed by the City.

Council Members and officers acknowledge that they are subject to the provisions of the *Local Government Act* and in addition, they agree to act in accordance with their obligation of fidelity to the City - this means that they must act honestly, in good faith and to the best of their abilities in the interests of the City.

1. ROLES AND FUNCTIONS

1.1 Role of Council Members

The primary role of a Council Member is to represent the interests of the community and to translate the community's needs and aspirations into the future direction of the City.

The role of Council Members is set out in section 2.10 of the *Local Government Act* -

A councillor —

- (a) *represents the interests of electors, ratepayers and residents of the district;*
- (b) *provides leadership and guidance to the community in the district;*
- (c) *facilitates communication between the community and the council;*
- (d) *participates in the City's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law.*

1.2 Role of Mayor

In addition to performing the role of a councillor, the Mayor -

- (a) *presides at meetings in accordance with the Act;*
- (b) *provides leadership and guidance to the community in the district;*
- (c) *carries out civic and ceremonial duties on behalf of the City;*
- (d) *speaks on behalf of the City;*
- (e) *performs such other functions as are given to the mayor or president by the Act or any other written law; and*
- (f) *liaises with the CEO on the City's affairs and the performance of its functions.*

1.3 Role of CEO and Officers

The role of officers is indicated by the functions of the Chief Executive Officer which are set out in section 5.41 of the *Local Government Act*, and, together with any powers delegated by Council or powers conferred by another written law, include:

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) *cause council decisions to be implemented;*
- (d) *manage the day to day operations of the City;*
- (e) *liaise with the mayor or president on the City's affairs and the performance of the its functions;*
- (f) *speak on behalf of the City if the mayor agrees;*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees;*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

1.4 Principles affecting the employment of officers by the City

The following principles, set out in section 5.40 of the Act, apply to the employment of the City's officers:

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity;*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;*
- (c) *employees are to be treated fairly and consistently;*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984.*

1.5 Role of Council

The role of Council is set out in section 2.7 of the *Local Government Act* :

The council —

- (a) *directs and controls the City's affairs;*
- (b) *is responsible for the performance of the City's functions.*
- (c) *oversees the allocation of the City's finances and resources; and*
- (d) *determines the City's policies.*

1.6 Interactions between Council Members and Officers

The City is a corporate entity made up of elected members and officers working together in the interests of the community it serves. To be effective, members and officers should work as a team, where council members and officers have a mutual respect for and co-operate with each other to jointly and collaboratively achieve the City's goals and vision. To that end -

Council Members are responsible for setting the future direction of the City and making decisions on policies and local laws in the best interests of the community, however they:

- accept that they have no role in the day to day management of the City;
- acknowledge that they have no capacity to direct individual officers to carry out particular functions; and
- agree not to contact officers on City related business other than in accordance with approved procedures authorised by the CEO.

and

Officers:

- accept the leadership role of Council as the governing body of the City;
- agree to ensure that their work is performed efficiently and effectively; and
- agree to give effect to the lawful decisions and policies of Council whether they agree with or approve of such decisions or policies.

1.7 Interactions between Council Members and Applicants for Development Approval

(a) Council members agree that it is desirable to avoid a meeting with any person who:

- (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,

unless accompanied by another council member or an appropriate City officer authorised by the CEO.

(b) In this clause, “**activity involving a local government discretion**” means an activity -

- (i) that cannot be undertaken without an authorisation from the City; or
- (ii) by way of a commercial dealing with the City.

2. GENERAL PRINCIPLES OF BEHAVIOUR

Council Members and officers agree to act in accordance with the General Principles of behaviour set out in Regulation 3 of the *Rules of Conduct Regulations*, so as to achieve the highest standards of ethical conduct by always -

- (a) *acting with reasonable care and diligence;*
- (b) *acting with honesty and integrity;*
- (c) *acting lawfully;*
- (d) *avoiding damage to the reputation of the City;*
- (e) *being open and accountable to the public;*
- (f) *basing decisions on relevant and factually correct information;*
- (g) *treating others with respect and fairness; and*
- (h) *not being impaired by mind affecting substances.*

3. CONFLICTS OF INTEREST

3.1 Avoiding Conflicts of Interest

Conflicts of interest are dealt with in the *Local Government Act*, the *Rules of Conduct Regulations* and the *Administration Regulations*. Council members and officers agree to scrupulously observe these statutory obligations and in addition agree to observe the following provisions of this Code as are applicable to members and officers respectively:

- (a) Council members and officers will ensure that there is no actual or perceived conflict of interest between their personal interests and the impartial fulfilment of their public and professional duties;
- (b) The onus for identifying and disclosing a conflict of interest is on the member or officer;
- (c) Officers will not engage in private work with or for any person or body with an interest in a proposed or current contract with the City, without first making disclosure to the Chief Executive Officer;
- (d) Council members and officers will lodge a written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the City (other than purchasing their principal place of residence);
- (e) Officers will refrain from such partisan political activities which could cast doubt on or be perceived to affect the impartial conduct of their professional duties and obligations. It is not intended by this clause to otherwise affect an officer's civil rights to maintain their political convictions or pursue political activities.

3.2 Disclosure of financial interests

The requirements for the disclosure of financial interests in matters affecting local government decisions by Council Members and officers are set out in Part 5, Division 6 of the *Local Government Act*.

3.3 **Register of Interests in professional and community associations**

Council Members and officers are to notify the CEO in writing of any interests which they have by virtue of their membership of a professional association or any association (incorporated or otherwise) which conducts business in or is active in the district of the City of South Perth or a district adjoining the City.

3.4 **Codes of Conduct and Disclosure of Interests affecting Impartiality - Employees**

Section 5.103 (3) of the *Local Government Act* enables regulations to be made which prescribe the content of a code of conduct.

Regulation 34C of the *Administration Regulations* sets out prescribed content for the disclosure by a local government employee of an ‘**interest**’ which is defined as:

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- (b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (c) The requirement made under sub-clauses (a) and (b) of this clause excludes an interest referred to in section 5.60 of the *Local Government Act* (financial interest).
- (d) A person is excused from the requirement made under sub-clauses (a) or (b) of this clause to disclose the nature of an interest if:
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with the requirements of sub-clauses (a) or (b), then:
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
 - (i) to comply with a requirement made under sub-clause (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in sub-clause (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under sub-clause (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

4. IMPROPER BEHAVIOUR AND PERSONAL BENEFIT

4.1 Improper Use of Information

Council members and officers must not make improper use of any information acquired in the performance by the member or officer of any of his or her functions under the Act or any other written law:

- (a) to gain directly or indirectly an advantage for themselves or for any other person; or
- (b) to cause detriment to the City or any other person.

4.2 Confidential Information

- (a) Council Members and officers must not disclose any information which is derived from a confidential document or acquired at a closed meeting of Council or at a committee meeting which is not open to the public.
- (b) In this clause -
 - (i) **'confidential document'** means a document marked by the CEO to clearly show that the information in the document is confidential and is not to be disclosed; and
 - (ii) **'closed meeting'** means a council meeting that is closed to members of the public under section 5.23 (2) of the *Local Government Act*.

- (c) Sub-clause (a) does not prevent a council member or officer from disclosing information:
 - (i) to an officer of the Department of Local Government;
 - (ii) to the Minister for Local Government;
 - (iii) to a legal practitioner for the purpose of obtaining legal advice;
or
 - (iv) if the disclosure is required or permitted by law.

4.3 Improper Use of Position

Council Members and officers must not make improper use of their position:

- (a) to improperly influence other members or officers in the performance of their duties or functions,
- (b) to gain directly or indirectly an advantage for themselves or for any other person; or
- (c) to cause detriment to the City or any other person.

4.4 Codes of Conduct and Gifts - Employees

Section 5.103 (3) of the *Local Government Act* enables regulations to be made which prescribe the content of a code of conduct.

Regulation 34B of the *Administration Regulations* prescribes the requirements for employees concerning the receipt of gifts characterised as either 'notifiable' or 'prohibited' as follows:

- (a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (b) A person who is an employee and who accepts a notifiable gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,must notify the CEO of the acceptance, in accordance with sub-clause (c) and within 10 days of accepting the gift.

- (c) The notification of the acceptance of a notifiable gift must be in writing and include:
 - (i) the name of the person who gave the gift;
 - (ii) the date on which the gift was accepted;
 - (iii) a description, and the estimated value, of the gift;
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance,
 of each other gift accepted within the 6 month period.
- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under sub-clauses (c) or (f).
- (e) This clause does not apply to gifts received from a relative (as defined in S 5.74 (1) of the *Local Government Act*) or an electoral gift (to which other disclosure provisions apply).
- (f) This clause does not prevent the acceptance of a gift on behalf of the City in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the register of notifiable gifts and used or retained exclusively for the benefit of the City.
- (g) In this clause -

“**activity involving a local government discretion**” means an activity:

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government.

“**gift**” has the meaning given to that term in section 5.82 (4) of the Act [see box below] except that it does not include:

- (a) a gift from a relative as defined in S 5.74 (1);
- (b) a gift that must be disclosed under Regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

“**notifiable gift**”, in relation to an employee, means:

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

“prohibited gift”, in relation to an employee, means:

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

“gift” means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money’s worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

[section 5.82 (4) of the *Local Government Act*]

5. CONDUCT OF COUNCIL MEMBERS AND OFFICERS

5.1 Personal Behaviour

Council members and officers will at all times:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the provisions of this Code;
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City;
- (d) make no allegations which are offensive or objectionable and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (e) always act in accordance with their obligation of fidelity to the City.

5.2 Honesty and Integrity

Council Members and officers will at all times:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor or the CEO any dishonesty or possible dishonesty on the part of any other member or officer; and
- (c) be frank, honest and respectful in their dealings with each other.

5.3 Performance of Duties

- (a) While on duty, officers will attend to the City's business, will ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the City.
- (b) Council Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent and informed in their decision-making but treating all matters on individual merit.

5.4 Compliance with Lawful Orders

- (a) Council Members and officers will comply with any lawful order given by any person having the proper authority to make or give such an order; and
- (b) Council members and officers will give effect to the lawful policies of Council, whether or not they agree with or approve of them.

5.5 Corporate Obligations

- (a) Standards of Dress
Council members and officers are expected to comply with reasonable and responsible dress standards at all times in a manner appropriate to their position as public officers, in particular when attending meetings or representing the City in an official capacity.
- (b) Communication and Public Relations
As an elected representative of the community, Council Members should **respect the values of the City and** be responsive to community views, but should also communicate and promote the policies and decisions of Council. In doing so Council Members acknowledge that:
 - the decision-making processes of Council, which are based on the decisions of the majority of members, should be respected;
 - information relating to decisions of Council should be communicated in an official capacity by a designated officer of the City and should be conveyed professionally and accurately;
 - if making statements to the media about a Council decision or policy, council members must clearly indicate that they are expressing their personal views and are not speaking on behalf of the City - in such a situation, council members should clearly communicate the decision of Council, the process taken to arrive at the decision and the reasons for it, before they indicate their personal views;
 - **they should refrain from making disparaging or offensive comments in the public domain including the media, public meetings and all forms of electronic communication about other members or officers, including that members or officers are incompetent or dishonest.**

6. DEALING WITH CITY RESOURCES

6.1 Use of City Resources

Council members and officers will:

- (a) be scrupulously honest in their use of the City's resources and shall not misuse them or permit their misuse by any other person;
- (b) use the City's resources which are entrusted to them effectively and economically in the course of their duties; and
- (c) not use the City's resources for private purposes (other than as part of a contract of employment), unless properly authorised by the Chief Executive Officer.

6.2 Travelling Expenses

Council members and officers will only claim and accept travelling expenses arising out of travel-related matters which have been properly authorised and have a direct bearing on the services, policies or business of the City in accordance with City policies and the provisions of the *Local Government Act*.

7. STATUTORY FRAMEWORK FOR DEALING WITH MISCONDUCT

Any person may make a complaint about misconduct which may reasonably be suspected of breaching these statutes. In addition, the CEO must report to the Corruption and Crime Commission on any matter which he or she reasonably suspects concerns misconduct.

In addition, officers employed by the City, are appointed by the CEO under the provisions of the *Local Government Act* and are bound by the provisions of their individual contracts of employment and any relevant law which may apply.

7.1 Complaints about conduct of Council Members

- (a) Any person who has reason to believe that the behaviour of a Council Member breaches the standards of conduct set out in this Code may refer the matter to the Mayor who will consider the matter and deal with it as he or she sees fit. Alternatively, a complaint may be made in accordance with the Conduct Rules procedure.

(b) Any person who has reason to believe that the behaviour of the Mayor breaches the standards of conduct set out in this Code may refer the matter to the Deputy Mayor who will consider the matter and deal with it as he or she sees fit. Alternatively, a complaint may be made in accordance with the Conduct Rules procedure.

7.2 Complaints about conduct of Officers

- (a) Any person who has reason to believe that the behaviour of an officer breaches the standards of conduct set out in this Code may refer the matter to the CEO who will consider the matter and deal with it in accordance with the procedures and practices of the City and any applicable law concerning employees.

(b) Any person who has reason to believe that the behaviour of the Chief Executive Officer breaches the standards of conduct set out in this Code may refer the matter to the Mayor who will consider the matter and deal with it in accordance with the procedures and practices of the City and any applicable law.

7.3 Procedure

- (a) The person making the complaint must receive an acknowledgement of the complaint within 5 days of receipt; and a written response from either the Mayor, **Deputy Mayor** or CEO at the conclusion of the matter or within 45 days of receipt, whichever is earlier; and
- (b) Any actions taken by the Mayor, **Deputy Mayor** or CEO will be taken in accordance with the provisions of any applicable law governing the conduct of council members and officers.



POLICY P518

Management of Corporate Records

Relevant Management Practice

Nil

Strategic Plan Goal

Goal 5: Organisational Effectiveness

Relevant Delegation

Nil

Rationale

Records are recognised as an important information resource of our organisation. The soundness of the City's record management practices significantly impacts upon the effectiveness and efficiency of the performance of its powers and functions.

The *State Records Act 2000* and other applicable legislation requires the City to maintain a record management system that completely, accurately and reliably creates and maintains evidential records and permits the disposal of those records only through an approved scheme.

A cornerstone of the legislation is an instrument of accountability known as the "Record-Keeping Plan". The plan, which must be formulated by every local government and approved by the State Records Office, is a document which sets out the matters about which records are to be created, how they are to be managed and how long they are to be kept.

This policy describes the principles of the City's record management function and documents an orderly and efficient approach to the management of records in a manner consistent with applicable legislative requirements.

Policy

The City's records are to be managed as a corporate asset. Complete and accurate records of all business decisions and transactions are to be registered and maintained in the City's Record Management Systems in respect to their context and content. Records are to be managed in a cost effective manner and in accordance with the relevant legislative requirements.

This policy applies to all external and internal records which are handled, received or generated by the City, its employees or elected members, regardless of the physical format or media type of the records.

What is a Record?

A record is recorded information, regardless of its medium or characteristics. It records business decisions, transactions or a state of knowledge and is generated as part of a business process. Examples include correspondence, electronic documents, forms, electronic messages, plans, photographs, drawings, audio or visual materials etc.

Records created by a public officer (that is, an elected member or officer) in the course of their duties become public records regardless of whether the communication is between staff in the same agency, between different agencies or between public officers and members of the community

Classification of records [see Definitions]

All records are to be managed in accordance with their security classification and according to their classification as:

- 'significant' or 'ephemeral'; and
- 'vital' or 'non-vital'.

Anonymous correspondence

Anonymous correspondence relating to the City's business, needs to be managed as a record and captured into the recordkeeping system and actioned. Anonymous correspondence will be managed with other records relating to the same matter. The City may need to file this correspondence separately, particularly if it contains allegations or matters of a sensitive nature and may apply a higher level of security to this record.

Note that, even if the action is that no action will be taken due to the anonymity of the author, a necessary decision has been made by the City in relation to the correspondence in case the issue is raised again in the future.

Categories of Records

Registers are to be maintained of all records series and special categories including, but not limited to:

- Policies, Management Practices and Delegations;
- Statutory Records under section 5.94 of the *Local Government Act* - for example, local government information which the public can inspect;
- Freedom of Information applications;
- Tenders and Requests for Quotations;
- Assets and Property Ownership including dealings in property;
- Applications, Decisions and Approvals;
- Contracts and Deeds;
- Corporate Databases;
- Plans & Diagrams;
- Personnel and Payroll Records; and
- Correspondence.

Record keeping formats

Only approved record formats are to be used to create City records. Record keeping formats and media are required to be reviewed at least once every five years to ensure that they remain suitable – having regard to accessibility, security of storage, retrievability, cost effectiveness and comparison with contemporary practices.

Staff who acquire or create any records in the course of business do not retain any proprietary interest in the records or the processes associated with creating them. Records are a government asset vested in the City.

All contractual arrangements undertaken by the City which are likely to result in third parties creating 'significant' records are to provide for third parties to transfer possession of those records to the City.

Access & Registration

All records and files are to be maintained in the City's Record Management System. They may be loaned to individual officers. Each loan must be registered to the officer who must, dependent upon the security classification, keep the record accessible.

Disposal of Records

Records are not to be removed from the City's sites unless in accordance with the approved Retention & Disposal Schedule, or the records are in the custody of an officer performing official City business.

All records within record keeping series maintained by the City are to be disposed of in accordance with the State Records Office General Disposal Schedule for Local Government Records.

Roles & Responsibilities of Elected Members

Elected members are to create and maintain records relating to their role in a manner **which properly and adequately records the performance of their functions arising from their participation in the decision-making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council and other communications and transactions of elected members which constitute evidence affecting the accountability of Council and the discharge of its business.**

Records of routine matters, personal records, ephemeral records and **party** political material are exempt from these requirements.

Roles & Responsibilities of City Officers

All staff are to create and retain records relating to the business function they perform. They are to identify 'significant' and 'ephemeral' records and to ensure that 'significant' records are registered in the Records Management Systems. Protection and disposal of these records shall be in accordance with the State Records Office General Disposal Schedule for Local Government Records.

Definitions

Significant Record

Such records contain information which is of administrative, legal, fiscal, evidential or historical value which is not recorded elsewhere on the public record. They typically describe an issue, who was involved, record why a decision was made and may embody actual guidelines.

Ephemeral Records

These are either duplicated records or those having only short term value to the organisation with little or no ongoing administrative, legal, fiscal, evidential or historical value. This may include insignificant drafts, rough notes and records of routine enquiries.

Vital Records

These records are essential to the continuing business of the City. These include those that protect the rights of individuals and the City and are absolutely essential for reconstruction in the event of a disaster.

Non-Vital Records

These relate to documents generally available in the public domain and do not form part of the City's business processes. They are generally used for reference and information purposes and may include documents from other organisations, published directories and third party training manuals.

Note: The distinction between *significant* and *ephemeral* records is a matter of judgment and the preceding definitions may be used as a guide. References to 'records' in this Policy should be taken as a reference to significant public records unless otherwise explicitly stated.

Other Relevant Legislation

In addition to the requirements of the *State Records Act 2000*, records and information professionals should also be aware of other legislation which applies to the proper management of Local Government records. In particular, the following State Acts may apply:

Criminal Code Act 1913

Under the *Criminal Code Act 1913* (Section 85) any public officer found guilty of falsifying records by making false entries, omitting to make an entry, damage or destruction, can incur penalties, including imprisonment.

Evidence Act 1906 and Acts Amendment (Evidence) Act 2000

These Acts include requirements for records where they are produced as evidence. The *Evidence Act 1906* has implications for the destruction of records and the requirements for creating acceptable reproductions.

The *Acts Amendment (Evidence) Act 2000* expands upon the best evidence provisions of the original Act to facilitate the admission of documentary evidence created using modern information technology.

Financial Administration and Audit Act 1985

This Act includes requirements for the management of financial and accounting records.

Freedom of Information Act 1992

The FOI Act prescribes rights and procedures for access to documents held by Government agencies and includes recordkeeping requirements. Once a request for access under the FOI Act has been lodged all files relevant to that request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and on any subsequent reviews by the Information Commissioner or the Supreme Court are completed.

Limitation Act 1935-1978

Limitations have been set by law on periods within which court actions can be initiated by an offending party. Once the period has expired the party sustaining loss or injury cannot sue, and the party causing loss or injury is no longer held accountable. It is therefore expedient for organisations to select and keep those records that might be useful in the event of having to prosecute or defend an action, for the period of limitation.

Other Relevant Documents

Record-Keeping Plan 2004 - 2009

Other Relevant Policies

Nil

This policy was adopted by resolution of Council meeting in June 2003 and was reviewed and adopted by resolution of Council in October 2006, March 2008 and March 2009.



AUDIT & GOVERNANCE COMMITTEE MEETING
Minutes of the Audit and Governance Committee Meeting
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 10 March 2009 commencing at 5.33pm

1. OPENING

The Mayor opened the meeting at 5.33pm and welcomed everyone in attendance.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Committee

Mayor Best (Chair)

Cr Grayden Mill Point Ward

Cr Doherty Moresby Ward

Cr Wells, JP McDougall Ward

Observers

Cr C Cala McDougall Ward

Cr P Best Como Beach Ward

Officers

Mr C Frewing Chief Executive Officer

Mr M Kent Director Financial and Information Services (until 6.45pm)

Mr S McLaughlin Legal and Governance Officer

Mrs K Russell Minute Secretary

Apologies

Cr Trent, RFD Moresby Ward

Cr T Burrows Manning Ward

3. CONFIRMATION OF MINUTES : 9.9.2008

COMMITTEE DECISION ITEM 3

Moved Cr Doherty, Sec Cr Wells

That the Minutes of the Audit and Governance Committee Meeting held 9 September 2008 be taken as read and confirmed as a true and correct record.

CARRIED (4/0)

4. DECLARATION OF INTEREST

Nil

5. REPORTS

5.1 Code of Conduct Review 2008 <i>Item 10.7.1(3) referred September 2008 Council Meeting</i>
--

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/301
Date:	5 March 2009
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Each local government is required by the *Local Government Act* to adopt a Code of Conduct to be observed by council members, committee members and employees.

Background

The City's current Code of Conduct was comprehensively reviewed during 2008 and a new version was adopted by Council in September 2008 with the requirement that it be reviewed again within six months.

Comment

There has been minimal activity under the current Code with the exception of a complaint lodged in December by Cr Wells in relation to the distribution of anonymous correspondence. Experience gained from this episode suggests that the Code may benefit from the insertion of additional sub-clauses in two sections - one in section 5 dealing with making statements to the media; and one in section 7 dealing with lodging complaints. In addition, in conducting a review of the Code, it was noted that references to complaints against the Mayor or the CEO had been inadvertently omitted from the September 2008 draft.

Under **clause 5.5 - Corporate Obligations**, and after sub-clause (b) **Communications and Public Relations**, add:

Council members should refrain from making disparaging or offensive comments in the media about other members or officers, including that members or officers are incompetent or dishonest.

The content of this additional clause is generally consistent with Clause 10(3) of the Local Government (Rules of Conduct) Regulations 2007.

Under **clause 7 - Statutory Framework for dealing with complaints**, after sub-clause 7.1, add:

Under **clause 7 - Statutory Framework for dealing with complaints**, after sub-clause 7.1, add:

7.1 (a) Complaints about conduct of the Mayor

Any person who has reason to believe that the behaviour of the Mayor breaches the standards of conduct set out in this Code may refer the matter to the Deputy Mayor who will consider the matter and deal with it as he or she sees fit. Alternatively, a complaint may be made in accordance with the Conduct Rules procedure.

And after sub-clause 7.2, add:

7.2 (a) Complaints about conduct of Chief Executive Officer

Any person who has reason to believe that the behaviour of the Chief Executive Officer breaches the standards of conduct set out in this Code may refer the matter to the Mayor who will consider the matter and deal with it in accordance with the procedures and practices of the City and any applicable law.

Clause 7.3 will require minor amendment to include reference to the Deputy Mayor. A copy of the revised Code of Conduct is at **Attachment 5.1**

Consultation

Nil

Legislative and Policy Implications

Legislative and policy implications are described in this report.

Financial Implications

Nil

Strategic Implications

The report is consistent with Goal 5 - Organisational Effectiveness from the City's Strategic Plan 2004 - 2008: - *To be a professional, effective and efficient organisation.*

Sustainability Implications

The sustainability implications arising out of matters discussed or recommendations made in this report are consistent with the City's Sustainability Strategy 2006 - 2008.

OFFICER RECOMMENDATION ITEM 5.1
--

That the Audit and Governance Committee recommends that Council adopts the revised Code of Conduct as set out at **Attachment 5.1**.

Discussion

Discussion was held in relation to various sections of the Code. Under **clause 5.5 Corporate Obligations**, and after sub-clause (b) Communications and Public Relations, the opening statement was modified to include the additional words *respect the values of the City and* after the words *Council Members should* in the first line and the final additional 'bullet point' modified to read:

- *they should refrain from making disparaging or offensive comments in the public domain including the media, public meetings and all forms of electronic communication about other members or officers, including that members or officers are incompetent or dishonest.*

COMMITTEE RECOMMENDATION ITEM 5.1
--

Moved Cr Grayden, Sec Cr Doherty

That the revised Code of Conduct as set out at **Attachment 5.1** be adopted.

CARRIED (4/0)

5.2 Compliance Audit Return 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/508
Date:	5 March 2009
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

It is a requirement of the *Local Government Act 1995* (the Act) that the City completes an audit of its compliance with the statutory requirements prescribed under the Act or another written law. The Compliance Audit Return is one of the tools that enables the City to monitor its compliance with its statutory functions.

The *Local Government (Audit) Regulations 1996* (the Audit Regulations) require that the audit be carried out for the period 1 January to 31 December in each year. All local governments are required to prepare a compliance audit return in a form approved by the Minister. City officers have now completed the 2008 Return and present it to the Committee for its review and for referral to Council for adoption.

The Audit and Governance Committee's terms of reference include responsibility for reviewing the City's Compliance Audit Return. Referral to the Committee enables Council to more effectively conduct this review.

Background

Each year the City is required to complete a Compliance Audit Return for the calendar just ended in the form approved by the Minister. The 2008 Return incorporates all the statutory requirements of the Audit Regulations. The requirement to complete the Return is intended to assist local governments to enhance and develop their internal control processes to ensure they observe the statutory requirements of the relevant legislation.

Section 7.13 of the Act and regulations 14 and 15 of the Audit Regulations govern the procedure for completing the Return.

Reg. 14(1) provides that the local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

The Return is divided into sections relating to the different functional areas of the local government. Each section of the Return is allocated to the appropriate City officer to review (described in the Return as the Responsible Person) and make the appropriate notation. The Responsible Person is identified by name alongside each item. The Responsible Person may make an explanatory comment in relation to a particular item where necessary.

The Return must be presented to a Council meeting for adoption and once adopted, a certified copy of the Return, signed by the CEO and Mayor, must be submitted to the Director, Department of Local Government and Regional Development, by 31 March of the year following the period to which the Return relates.

Comment

The relevant City officers (as identified in the Return) have reviewed the statutory requirements applying to their particular areas of responsibility and have completed the appropriate sections of the Return.

The Return discloses no known instances of non-compliance.

A copy of the Return is at **Attachment 5.2**.

Consultation

Nil.

Policy and Legislative Implications

The Return has been completed in accordance with the *Local Government Act*.

Financial Implications

Nil

Strategic Implications

The action taken is consistent with the relevant goal in the Strategic Plan: Goal 5 “Organisational Effectiveness” is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION ITEM 5.2
--

That the Committee review the 2008 Compliance Audit Return and recommend to Council that it resolve to adopt the Return, at **Attachment 5.2** at its Ordinary March 2009 Council meeting, so as to enable it to be submitted to the Department of Local Government and Regional Development.

COMMITTEE RECOMMENDATION ITEM 5.2
--

Moved Cr Doherty, Sec Cr Grayden

That Council adopt the Compliance Audit Return 2008 at **Attachment 5.2** for submission to the Department of Local Government and Regional Development.

CARRIED (4/0)

5.3 Policy P518 “Management of Corporate Records” Review

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	5 March 2009
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The City has designed a policy development and review process focused on achieving the outcomes identified in the **Strategic Plan 2004 - 2008** and which is aligned with the appropriate Strategic Goal.

The review of Policy P518 Management of Corporate Records, relates to Goal 5 - Organisational Effectiveness.

A review of P518 is needed because of two recent events:

- (1) In November 2008 Cr Wells lodged a complaint with the City and the Western Australian Ombudsman in relation to the distribution of anonymous correspondence.
- (2) In January 2009, the City received advice from the Director of State Records that due to a recent decision of the Information Commissioner, the State Records Commission proposed to revise its existing policy on the record-keeping requirements for Elected members.

The policy review and recommendation to revise P518 addresses the issues raised by these events consistently with the City’s obligations under the *Local Government Act*, *State Records Act*, *Defamation Act*, *Public Interest Disclosure Act* and *Corruption & Crime Commission Act*. The policy review has also been framed in consideration of the Information Privacy Principles adopted under the federal *Privacy Act*, there being no Western Australian privacy legislation.

Background

Anonymous correspondence

In late October 2008 the City received an anonymous letter which although addressed to Cr Wells, was contained in an envelope addressed to the Chief Executive Officer. The letter was signed 'Ratepayer' but not otherwise identified and concluded "cc Mayor and all Councillors." As the subject matter of the correspondence concerned the voting behaviour of a Councillor at a public Council Meeting, the CEO sought clarification from the Mayor and the Mayor decided to copy the correspondence to Cr Wells and Councillors.

Cr Wells complained to the Mayor about the distribution of the letter to Councillors. The letter was not otherwise distributed. In a letter to Cr Wells, the CEO noted that the City had no policy expressly dealing with anonymous correspondence and that in the absence of such policy, discretion was needed on such occasions to determine how best to deal with correspondence of this kind. As reported in the *Gazette*, Cr Wells also lodged a complaint with the Ombudsman. The Ombudsman's Office inquired into the matter and subsequently informed the City that it had concluded its inquiry, did not intend to take any further action and had closed its file. However it noted the absence of a policy for dealing with anonymous correspondence and sought advice from the City on any future consideration of such a policy.

Elected Member Record-keeping Policy

The Director of State Records wrote to the City in January 2009, copy at **Attachment 5.3(a)**, advising that due to a recent decision of the Information Commissioner, the State Records Commission proposed to revise its existing policy on the record-keeping requirements for Elected Members.

The Information Commissioner determined that "*records created or received by a Councillor in his or her official capacity as an elected representative are documents of an agency for the purposes of the FOI Act.*" The Director noted that this determination supported the *State Records Act* which identifies an Elected Member's records as State records. As a result, the State Records Commission has now advised local governments of its revised policy on the record-keeping requirements for Elected Members.

Comment

One of the functions of the CEO, under section 5.41(h) of the *Local Government Act* is to 'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'. The latter is a reference to the *State Records Act*, under which each local government is required to maintain a record management system that accurately and reliably creates and maintains evidential records and permits the disposal of those records only through an approved scheme. The cornerstone of this legislative obligation is a "Record Keeping Plan" which must be formulated by each local government and approved by the State Records Office.

Policy P518 - Management of Corporate Records

Policy P518 Management of Corporate Records, describes the requirements of the *State Records Act* and the City's record management system.

All correspondence received by the City falls under Policy P518 however there is no explicit reference to anonymous correspondence. The Policy describes the important distinction between *significant* and *ephemeral* records but otherwise does not give any separate guidance on how to deal with anonymous correspondence.

Statutory obligations of local government

The starting point for this consideration should be on the content of the correspondence rather than the fact that it does not contain a readily verifiable name and address. The content is important because of statutory obligations on local government and 'public officers' (that is, Elected Members and Officers) arising from the *Corruption & Crime Commission Act* or the *Public*

Interest Disclosure Act. For example, if the CEO or an Elected Member received anonymous correspondence which raised serious allegations of corrupt or criminal conduct, then the appropriate action to take could include preliminary assessment of its veracity and possible reference to the Department of Local Government, the Corruption and Crime Commission (CCC) or the police. Notwithstanding the obvious difficulties in investigating an anonymous complaint, those agencies take such complaints seriously and investigate as appropriate - and the City is in no different position. Both statutes enable a complainant to keep their identity confidential should they wish to do so.

As noted above, the City's policy on corporate record management does not have any explicit reference to anonymous correspondence and neither does the *State Records Act*. This perhaps reinforces the conclusion that anonymous correspondence should be treated in a similar manner, with some qualification, to other correspondence with respect to its treatment, storage and disposal.

Recommended Revision of Policy P518

In light of this, it is recommended that Policy P518 be amended to reflect the statutory requirements and provide guidance on how to deal with anonymous correspondence in the future.

It is recommended that a new section be inserted as follows:

Anonymous Correspondence

If the anonymous correspondence relates to the City's business, then it needs to be managed as a record. That is, captured into the recordkeeping system and actioned. The correspondence should be managed with other records relating to the same or similar matter. The City may need to consider filing this correspondence separately, particularly if allegations of a sensitive nature are made in the correspondence, and may apply a higher level of security to this record. Note that, even if the action is that no action will be taken due to the anonymity of the author, a necessary decision has been made by the City in relation to the correspondence in case the issue is raised again in the future.

Elected Members Induction Manual

Under the section headed **Government Records** in the Elected Members Induction Manual it should be noted that any mail addressed to Elected Members received by the City is registered and treated as a City record.

Exercise of Discretion

Whenever correspondence is received, a City officer must exercise a judgment about how it should be treated and where it should be directed. In the case of anonymous correspondence, as the instant case demonstrates, that exercise of discretion may need to be expanded to include consideration of other issues such as content. However the essential procedure is unchanged and a judgment (sometimes difficult) will need to be made in each case.

A test of this proposition is to ask whether the decision to circulate correspondence would be any different if it was signed having regard for the requirement of clause 5.3 of the Code of Conduct [Elected Members to be consistent and informed in their decision-making].

Elected Member Record-Keeping Requirements

That section of P518 which concerns Elected Members has been revised to reflect the State Record Commission's new policy.

A revised version of P518 is at **Attachment 5.3(b)**.

Consultation

The State Records Office (SRO) was consulted on the issue of anonymous correspondence and the advice received is consistent with the recommendation to insert a new section in Policy P518. The City also conducted a survey of the policies and practices of other local governments (where such policies existed) and noted the rather alarming policy of simply destroying anonymous correspondence upon receipt - a practice at odds with the statutory requirements described above.

With respect to the new policy for Elected Member Record-Keeping, the SRO advised that feedback received was generally supportive. Guidelines are expected to be available to local governments towards the end of March.

Policy and Legislative Implications

In accordance with section 2.17 of the *Local Government Act*, it is a function of Council to determine the local government's policies.

Financial Implications

Nil

Strategic Implications

The process of policy development and review is consistent with Strategy 5.10 of the Strategic Plan: *Plan for, monitor and report the City's statutory financial and governance obligations in a manner which effectively and transparently discharges our accountability to the community* - encompassed in Goal 5 - Organisational Effectiveness: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION ITEM 5.3
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That the Committee recommend that Council resolves to adopt Policy P518 - Management of Corporate Records, as revised, at **Attachment 5.3(b)**.

Following discussion the new clause under the heading *Anonymous correspondence* was modified in the first paragraph to read:

Anonymous correspondence relating to the City's business, needs to be managed as a record and captured into the recordkeeping system and actioned. Anonymous correspondence will be managed with other records relating to the same matter. The City may need to file this correspondence separately, particularly if it contains allegations or matters of a sensitive nature and may apply a higher level of security to this record.

COMMITTEE RECOMMENDATION ITEM 5.3
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That Council adopts Policy P518 "Management of Corporate Records" as revised, at **Attachment 5.3(b)**.

6. OTHER RELATED BUSINESS

Nil

7. CLOSURE

The Mayor closed the Meeting at 6.52pm

These Minutes were confirmed at a meeting held on _____

Signed _____ Chairperson at the meeting at which the Minutes were confirmed
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