



NOTES

April Council Agenda Briefing
Held in the Council Chamber
Tuesday 21 April 2009
commencing at 5.35pm

Present:

Mayor J Best (Chair)

Councillors:

G W Gleeson	Civic Ward (from 5.42pm)
I Hasleby	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Grayden	Mill Point Ward
D Smith	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 Bercov	Acting Director Development Services
Mr L Croxford	Manager Engineering Infrastructure (until 6.10pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mrs K Russell	Minute Secretary

Apologies

Cr T Burrows	Manning Ward
Cr R Wells, JP	McDougall Ward - Approved Leave of Absence

Gallery

There were 4 members of the public present and no member of the press.

OPENING

The Mayor opened the Agenda Briefing at 5.35pm and welcomed everyone in attendance.

DECLARATION OF INTEREST

Nil

DEPUTATIONS

There were no Deputations presented.

APRIL COUNCIL REPORTS

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

10.0.1 Amendment No. 11 - Variation from Prescribed Car Bay Dimensions

This item reports on submissions following the public advertising of the proposed Amendment - one submission has been received in support of the proposal.

10.0.2 Amendment No. 16 Patios and Pergolas

This item reports on submissions following the public advertising of the proposed Amendment - one submission was received, conditionally supporting the Amendment proposal.

Note: Cr Gleeson arrived at 5.42pm

10.2.1 Public Art Celebration

The purpose of this report is to provide an update on Council's resolution to commission a piece of public art or a similar statement to commemorate the City's 50th birthday celebrations which occur this year.

10.3.1 Additions to an existing Development (Subject of Major Development .Briefing 1 April)

This application is for 9 Dwellings being added to 4 existing Multiple Dwellings at South Perth Esplanade, already approved by Council. The development is proposed to be constructed to the maximum allowable 13.0 metre height limit.

10.3.2 Grouped Dwelling Development (Subject of Major Development .Briefing 1 April)

This report considers an application for seven (3 x 3 storey and 4 x 2 storey) Grouped Dwellings at 60 - 62 Canning Highway cnr Hovia Terrace.

10.4.1 Black Spot Program 2008/09

Progress on the implementation of a roundabout at the intersection of Mary Street and Saunders Street has been delayed as certain design concerns have not been resolved with a local resident. This report addresses those issues and recommends the roundabout design as proposed proceed.

10.4.2 Civic Centre Roof Replacement

This report outlines the assessment process of Tenders received for the Civic Centre roof replacement.

Note: Manager Engineering Infrastructure retired from the Briefing at 6.10pm

10.5.1 Planning Approval Determined Under Delegated Authority

This report is to advise Council of applications for planning approval determined under delegated authority during the month of March 2009.

10.5.2 Common Seal

This report provides details on the use of the Common Seal for March 2009.

10.5.3 Local Government Elections - October 2009

In accordance with the *Local Government Act*, Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

10.5.4 October Council Meeting Date

The purpose of this report is for Council to consider moving the date of the October Council meeting from Tuesday 27 October 2009 to another date because the Local Government elections are scheduled for Saturday, 17 October 2009.

10.5.5 Local Government Sustainable Development Conference-Sydney 12-13 May 2009

This report gives consideration to Councillor attendance at the NSW Sustainable Development Conference in Sydney on 12/13 May 2009.

Note: Cr Gleeson has indicated his interest in attending this conference.

10.6.1 Monthly Financial Management Accounts

This report presents the monthly management account summaries for March 2009.

DECLARATION OF INTEREST

As a question was raised at report Item 10.6.1 relating to Collier Park Village Maintenance Costs Cr Smith declared an interest in the matter as a resident of the Collier Park Village.

Note: Cr Smith left the Council Chamber at 6.25pm and returned at 6.27pm.

10.6.2 Monthly Statement of Funds, Investments and Debtors

This report presents a statement summarising the effectiveness of treasury management for the month of March 2009.

10.6.3 Listing of Payments

This report lists accounts paid under Delegated Authority during March 2009.

10.6.4 Financial Statements for Quarter Ended 31 March.

This report presents an Income Statement for the period ended 31 March 2009.

10.6.5 Budget Review for Quarter Ended 31 March

This report presents a review the 2008/2009 Adopted Budget for the period to 31 March 2009.

Closure

The Mayor closed the Agenda Briefing at 6.42pm and thanked everyone for their attendance.



NOTES

TOWN PLANNING

MAJOR DEVELOPMENT CONCEPT FORUM

- Additions Existing Development. 9 Bowman Street
- Adds/Alterations Child Day Care Centre, 47 Birdwood Avenue
- Presentation by UWA Architecture Students on South Perth Station Precinct Study - Richardson Park Area 3

Held in the Council Chamber

Wednesday 6 May 2009 at 5.30pm

Present:

Mayor J Best (Chair)

Councillors:

G W Gleeson	Civic Ward
P Best	Como Beach Ward
L P Ozsdolay	Manning Ward
R Grayden	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr R Bercov	Acting Director Development Services
Mr R Kapur	Manager, Development Services
Mr L Mathewson	Planning Officer
Ms K Dyne	Secretary (Notes)

Apologies

Cr I Hasleby	Civic Ward
Cr B Hearne	Como Beach Ward
Cr T Burrows	Manning Ward - approved leave of absence
Cr C A Cala	McDougall Ward
Cr R Wells, JP	McDougall Ward
Cr D Smith	Mill Point Ward

Gallery

There was 1 member of the public present

Presenters

Ms Belinda Moharich Planning and Environmental Lawyer
Mr Mark Scott-Jeffs Architect
Ms Manuela Gioia Architect
Ms Kate Hislop Senior Lecturer, School of Architecture, UWA

UWA Architecture Students

Mr Ryan Brown
Mr Nick Derickx
Ms Siobhan Hinton
Ms Dominique Korzeniewski
Mr Peter Lovitt

Invited Guests:

Mr Dale Bastin Department for Planning and Infrastructure
Mr John Syme Syme Marmion & Co
Ms Devyani Shah Public Transport Authority

OPENING

The Mayor opened the Concept Forum at 5.35pm and welcomed everyone in attendance.

1. Proposed Additions/Alterations to Existing Child Day Care Centre, 47 Birdwood Avenue

The Mayor introduced the presenter, Ms Belinda Moharich. Ms Moharich then provided a brief history of the development and an overview of the proposal on the following topics:

- Development only alteration and replacement of the existing building - will not change use or allow for increase in number of children.
- Sleeping room would be only addition to the building - currently placed near entrance.
- Eastern wall to be extended in height to reduce noise to neighbours

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the presenters and City officers in relation to the following issues:

- Neighbour consultation on all sides
- Car parking issues and circular driveway
- Issue of noise - still awaiting report from Health Department

2. Proposed Additions to Existing Mixed Development, 9 Bowman Street

The Mayor introduced the presenters, Architects Mark Scott-Jeffs and Manuela Gioia. Mr Scott-Jeffs then provided a brief history of the development and an overview of the proposal on the following topics:

- Mixed use development - 12 dwellings, 24 commercial suites
- Access from Judd Street is preferable, rather than Bowman Street
- Additional space provided on Ground Floor for bins and bike storage
- Good access to Public Transport
- Improvement to landscaping

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the presenters and City officers in relation to the following issues:

- Car parking issues - 32 bay (16.5%) shortfall
- Issues with water run-off from angled roof

3. Presentation by UWA Architecture Students

The Mayor introduced Ms Kate Hislop. Ms Hislop then introduced the Architecture students who gave presentations on the following:

- Ryan Brown - proposed new Zoo entrance and Modern Art Museum, new access route from Labouchere Road to Freeway for northbound traffic.
- Nick Derickx - extension of Mend Street to Melville Parade, use of wind turbines at foreshore to create energy feeding into precinct.
- Siobhan Hinton - high density buildings along Richardson Street to provide “boulevard” feel, proposed Gateway Building as iconic destination building.
- Dominique Korzeniewski - retain visual link between Angelo Street and proposed South Perth station, proposed casino and hotel building within station complex.
- Peter Lovitt - iconic gesture in monolithic building extending to freeway from train station, addition of 1200 - 1500 seated stadium space.

4. Closure

The Mayor thanked the presenters for addressing the briefing and closed the Concept Forum at 7.55pm.



NOTES

Concept Forum

- Local Government Reform
 - Public Question Time Procedures
- Held in the Council Chamber
Tuesday 12 May 2009 at 5.30pm

Present:

Mayor J Best (Chair)

Councillors:

GW Gleeson	Civic Ward
I Hasleby	Civic Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward (from 6.00pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr M J Kent	Director Financial and Information Services (until 7.00pm)

Apologies

Cr B Hearne	Como Beach Ward
Cr R Grayden	Mill Point Ward
Cr D Smith	Mill Point Ward
Cr T Burrows	Manning Ward - leave of absence

OPENING

The Mayor opened the Concept Forum at 5.30pm, welcomed everyone in attendance and indicated that two sets of plans were available for inspection that related to building modifications proposed for Curtin and Manning Primary Schools. He further stated that the Government allowed 5 days for comment and that the schools had received funding from the Commonwealth Infrastructure Australia Fund for Education Facilities. He said the building modifications appear to be in order but that he welcomed any comments from Elected Members.

Visioning Workshop 13 May 2009

The Mayor reported that the Chamber of Commerce Visioning Workshop scheduled for 13 May 2009 had been cancelled due to lack of interest.

1. Local Government Reform

The Chief Executive Officer gave a power point presentation on Local Government Reform covering the following topics:

- Change
 - it won't happen
 - it happened in less than a generation - it happens to Countries / Cities / Corporates
 - some didn't make it
- Change – -Australian Local Government / but will it happen to WA Local Government
- Reform and Sustainability – Reports
 - *Ensuring The Future Sustainability of Communities*, April 2006, Local Government Advisory Board, WA
 - *Local Government Finances in Western Australia*, June 2006, Access Economics
 - *In Your Hands: Shaping the future of Local Government in Western Australia*, August 2006, part of the WALGA-commissioned Systemic Sustainability Study
 - *National Financial Sustainability Study of Local Government 2006*, Price Waterhouse Coopers, commissioned by the Australian Local Government Association
 - *The Structure of Local Government in 2027* – LGMA discussion paper October 2007
 - *The Journey: Sustainability into the Future*: August 2008, part of the WALGA-commissioned Systemic Sustainability Study
- WA Local Government Changes
 - Towns of Kalgoorlie & Boulder
 - Town and Shire of Albany
 - City of Wanneroo split
 - City of Perth split
 - City of Geraldton/ Shire of Greenough
 - Town and Shire of Northam
 - Shires of Broomehill and Tambelup
- Structural Reform Actions to Date
 - Project team of Mayor, Deputy Mayor and CEO formed
 - Council Briefing held on 7 April 2009
 - Regular meetings held with City of Belmont and Town of Victoria Park
 - Meeting held with City of Canning and neighbouring Local Governments
 - Checklist submitted to Minister by Due Date ie. 30 April 2009
 - Consultant appointed by South Perth / Belmont / Victoria Park with grant funds
- CoSP View on Structural Reform
 - The City of South Perth is willing to participate in order to achieve the reforms the Minister for Local Government proposes namely appropriate regional groupings of Local Government and a reduction of elected members, and the City will seek community opinion on this action
 - Elected member discussion on amalgamation proposition
- Structural Reform / - Representation / Options / Boundary Adjustments / Resource Sharing

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the CEO.

2. Public Question Time Procedures

The Mayor presented a proposed list of procedures for Public Question time, as follows, and invited comment.

- Questions are to be in writing – forms are available in the foyer / on the City’s web page
- Questions e-mailed 5 working days prior to the Council meeting will be answered on the night
- The *Local Government Act* provides for 15 Minutes Public Question Time, after which questions will be Taken on Notice.
- Questions presented at the Council Meeting, if time permits, will be taken in the order of:
 1. Items on the Agenda; and
 2. Other general issues.
- Long questions will be paraphrased
- Same / similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided.
- Encourage questions that relate to the Agenda, Strategic or Key Issues.
- Proposed to trial these procedures until the end of 2009.

At the conclusion of the presentation discussion was held and Council Members raised questions and points of clarification which were responded to by the Mayor.

3. Closure

The Mayor thanked everyone for their attendance and closed the Concept Forum at 7.55pm

DELEGATES' REPORT

Perth Airports Municipalities Group Inc. Ordinary General Meeting

The Perth Airports Municipality Group Inc (PAMG) meeting was held at the Shire of Kalamunda on Thursday 16 April 2009 commencing at 7.00 pm.

The agenda (Copy of Table of Contents attached) contains a number of routine items with the exception of the following:

Item 2 - Memorial to Cr Gregorini

A special item in Memorial to Cr Charlie Gregorini. A brief eulogy was given in his honour to mark the valued and long standing contribution he made to the PAMG.

Item 8.2 Annual General Meeting Frequency

This item was previously debated at the PAMG meeting on the 16 October 2008. The discussions highlighted the timing of the 2009 Annual General Meeting (AGM) clashing with the Ordinary Council Elections and particularly the requirement under the PAMG Constitution that the AGM must be held within 4 months of the end of the financial year or in a Council election year.

This matter was referred to the Department of Consumer and Employment Protection and advised that to hold the AGM within 4 months of the end of an Associations financial year is legislated under the Associations Incorporation Act 1987.

A solution identified was to amend the constitution by changing the date of the financial year.

Unfortunately there was not a quorum at the meeting (75% Council attendance required) and as a result, the report could no be considered.

Item 9.2 National Airport Major Development Plan

This item was previously circulated to Council members for comments. The comments received were forwarded to the PAMG secretary for inclusion in the final submission to Westralia Airports Corporation, the contents of which were also noted.

Item 9.3 National Aviation Policy Green Paper

This item was previously circulated to Council members for comments. This matter has no impact on the City and the PAMG secretary advised of this for inclusion in the final submission to the Minister of Infrastructure, Transport, Regional Development and Local Government, the contents of which were also noted.

Presentations

Presentations were made to the Committee by a representative of CASA and the CEO of the Perth Airports Corporation.

Delegates: **Cr Hazelby**

 CEO, Cliff Frewing

20 April 2009

Perth Airports Municipalities Group Inc.

- Agenda -

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Attachments

1. Minutes – Ordinary General Meeting – 16 October 2008

DELEGATES' REPORT

Rivers Regional Council Ordinary General Meeting

The Rivers Regional Council Meeting was held at the City of South Perth on Thursday, 16 April commencing at 6.00 pm.

The agenda (Copy of Table of Contents attached) contains a number of routine items with the exception of the following:

Item 14.5 - Policy Review - Conferences and Training, Equal Employment Opportunity, Staff Termination, Extended Producer Responsibility and Container Deposit Systems

The following Policies are up for Review:

- Conferences and Training
- Equal Employment Opportunity
- Staff Termination
- Extended Producer Responsibility, and
- Container Deposit Systems

In general it has been four to five years since most of the above Policies have been reviewed. The review of the five Policies virtually completes the task for Council's Policies this year, with the Code of Conduct Policy having to be reviewed within twelve months after elections.

It was considered that the five Policies only required some very minor alterations and changing SEMRC to Regional Council.

There was considerable discussion in relation to the policies prior to Council resolving to APPROVE the review of the Conferences and Training, Equal Employment Opportunity, Staff Termination, Extended Producer Responsibility and Container Deposit Systems Policies.

Item 14.6 - Community Consultation - Postans Resource Recovery Facility

Council discussed the Community Consultation Plan and an 'Information for 'Householders' document for the Postans Resource Recovery Facility in McLaughlan Road.

In December 2008, Coffey Environments, referred the proposal by the Rivers Regional Council to establish an Alternative Waste Treatment Facility on the Water Corporation site in Postans in the Town of Kwinana to the Environmental Protection Agency (EPA).

The overall document supported the referral of the proposal to the EPA under Section 38 of the Environmental Protection Act 1986 providing enough information to allow the EPA to determine the level of assessment for the proposal.

The EPA advertised the Assessment on Referral Information (ARI) on the 16 February 2009. As part of the approval Coffey Environments are now preparing a comprehensive Environmental Impact Assessment document which will include findings of detailed site investigation for flora and fauna, odour and noise emissions modelling. In parallel, a Community Consultation Program, in relation to the proposal, is required to be undertaken.

The Regional Council CEO in conjunction with Coffey Environments has developed a Community Consultation Plan, which has been presented to the Community Reference Group and the Technical Advisory Committee with general agreement. However it has been updated with consultation with the MLA's and MLC's of the Southern Metropolitan Region.

Following extensive discussion by the CEO and Council, the Council endorsed the Community Consultation Plan and 'Information for Householders' for the Kwinana Community. It was also resolved that the RRC engage Community Consultation experts to assist with this process.

Council also resolved that the CEO write to the Town of Kwinana and City of Rockingham requesting a meeting, to ascertain their position in regards to potential membership of the Rivers Regional Council and in particular to discuss the Community Consultation Plan.

Presentations

A presentation was made to the Regional Council by the CEO in relation to the Draft Budget for 2009/2010.

The Minutes of the meeting are available to be read in full on iCouncil.

Delegates: **Mayor Best**
 Cr Trent (Deputy)
 Technical Officer, Sebastian Camillo

22 April 2009

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COMMUNITY CONSULTATION PLAN

	ACTIVITY	DATE	COMMENT	VENUE	NOTE
1	Community Forum	23.03 09	For Steve Hesse's Group (i.e. Residents Assoc)	Kwinana Recquatic Centre	Completed
2	Consult with DEC Kwinana office	14.04.09	Ms Rebecca Symmans	DEC Kwinana	Alex Sheridan, Noel Davies & Stefan Frodsham to attend
3	Information sheet/flyer	14.04.09	Produced specifically for McLaughlan Rd site		Upload to RRC website, required for letter drop and community information sessions
4	Letter drop	21.04 09	All homes within 500m of Thomas Rd		Information sheet/flyer required
5	Community information sessions	Tue 28.04.09; & Thurs 30.04.09	Morning, afternoon & evening session, each of 2 hours	Kwinana Recquatic Centre	To be advertised in local paper and West Australian. Handout information sheet/flyer required
6	Shopping Centre Display	Thu 30.04.09 & Sat 02.05.09	Manned display	Kwinana Hub Shopping Centre	Handout information sheet/flyer required
7	FAQ's	Apr 09	Update existing FAQ's		Upload to RRC website
8	PowerPoint Presentation	Apr 09	Update existing presentation		Upload to RRC website
9	Consult with local MLA	Apr 09	Mr Roger Cook		Chairman, CEO RRC and S Frodsham to attend
10	Consult with Southern Metropolitan MLC's	Apr 09	Hon Kate Doust (ALP) Hon Sue Ellery (ALP) Hon Simon O'Brien (LIB) Hon Lyn McLaren* (GRN) Hon Phil Edman* (LIB) Hon Nick Goiran* (LIB)		Chairman, CEO RRC and S Frodsham to attend. Incoming MLC's marked * Outgoing South Metro MLC's are Hon Sheila Mills (ALP) and Hon Barbara Scott (LIB)

NRM April 09

Following are notes taken from the NRM meeting at Midland. Key points include:

- strategic planning of land use
- town centres- not shopping centres
- effective implementation of plans
- minimum densities in planning, not just maximum
- State- wide strategies to have statutory force in local town plans

A new phrase used was “Nature Deficit Disorder” to describe an effect of town planning that excludes natural space.

Briefing by **Charles Johnson** from the Department of Planning and Infrastructure on his work in improving the processes for land use planning.

Charles spoke about:

Strategic land use planning

Integration of NRM

Importance of strategic planning of to the State

NRM tackled at high level to achieve integration

Regional strategic planning provides direction for local planning

Delivery of outcomes of strategic plans

Drivers for change

Introduced the term **Nature Deficit Disorder** to describe an effect of lack of contact with nature

Spatial framework for sustainable future

More compact city

Efficient use of the city

Projected 2.2 million by 2031

Activity centres network and movement network

Implementation challenges

Town centres not shopping centres

Economic development of the city

Building a better Planning System. Consultation paper

Six priorities for improvement

Simplify planning approvals

More effective planning instruments

Prioritising major projects

Comprehensive regional planning framework

Integrated infrastructure planning and coordination

Improved governance and institutional arrangements

Reduce policy complexity

Consultation paper at <http://www.wapc.wa.gov.au>

Reform blueprint due out late June 09

Concept of urban food
Community allotments

Doing studies versus doing something about it
Enforcing minimum densities
Land supply managed not just through using new expansion into rural land

Questions if State or Regional policies should be automatically part of planning schemes i.e. policies to have statutory authority

Natalie Sharp from the Urban Development Institute of Australia. Natalie spoke about "EnviroDevelopment", a planning package which is oriented towards land developers.

Environmental Development Credit for developers
Independent certification of sustainability credentials
Applies to a range of development types
Flexible to encourage innovation
Compatible with DA process
Independent assessment
Process for non compliance
Requirements for:

- water quality
- landform
- flora
- fauna
- demolition
- land clearing
- construction
- post const
- waste management

Efficient use of resources
Reduced pollution and use of non renewable energy
Reduced Greenhouse Gas production by 40%

Materials

Environmentally responsible materials, non toxic materials, local products, min packaging

Water

Efficiency, reduced demand

Stormwater harvesting

Recycling

Grey water

Groundwater

Community

Spirit

Economic

Consultation, transport, community design, local facilities, safe affordable housing

Indoor environmental quality

Pete Best

Councillor for Como Beach Ward, City of South Perth

LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

AMENDMENT (ALFRESCO DINING) LOCAL LAW 2009

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of South Perth resolved on 2009 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This Local Law may be cited as the *City of South Perth Amendment (Alfresco Dining) Local Law 2009*.

1.2 Commencement

This Local Law comes into operation 14 days after the day it is published in the *Government Gazette*.

1.3 Application and intent

The application and intent of this Local Law is to amend the Alfresco Dining Local Law to revise sections of the text to clarify the operation of the Local Law.

1.4 Local Law Amended

The local law amended is the Alfresco Dining Local Law which was published in the *Government Gazette* on 20 June 2003.

Part 2 - Amendment of Local Law

2.1 Clause 7 is amended by deleting “council” wherever it appears and inserting “local government”.

2.2 Sub-clause 9(1) is amended by deleting “council” and inserting “local government”.

2.3 Sub-clause 10(3) is amended by deleting “Section” and inserting “clause”.

2.4 Sub-clause 13(1) is amended by inserting “comply” before “with”.

2.5 Sub-clause 13(4) is amended by deleting “council” and inserting “local government”.

2.6 Clause 15 is amended by -

(a) deleting “City” and inserting “local government”; and

(b) deleting “sections” and inserting “clauses”.

2.7 Clause 20 is amended by deleting “Section 11(6)” and inserting “clause 13(6)”.

The Common Seal of the City of South Perth
was affixed by the authority of a resolution
of the Council in the presence of:

James Best
Mayor

Cliff Frewing
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

LOCAL LAW RELATING TO ALFRESCO DINING

In pursuance of the powers conferred upon it in the Local Government Act 1995, the Health Act 1911, and of all other powers enabling it, the Council of the above mentioned City has resolved on 27th day of May 2003 to make the following Local Law:

Citation

1. This Local Law may be cited as the City of South Perth Alfresco Dining Local Law.
2. The Local Law comes into operation on the first day of July 2003.

Interpretation

3. In this Local Law unless the context otherwise requires:
 - (a) **“Act”** means the Local Government Act 1995;
“Alfresco Dining” is any outdoor eating area that is located in a public place;
“authorised officer” means an environmental health officer appointed under the Health Act.
“carriageway” means a portion of a road or public place that is improved, designed or ordinarily used for vehicular traffic or that is used for the standing or parking of vehicles and any median strip;
“CEO” means the Chief Executive Officer of the City of South Perth;
“local government” means the City of South Perth;
“eating area” means the area identified on the licence plan in which tables, chairs and other structures are provided for the purpose of food or drink to the public;
“path” includes bicycle path, footpath, separated footpath and shared path;
“Health Act” means the Health Act 1911;
“licence” means a valid and current licence issued by the local government under this Local Law to set up and conduct an eating area in a road or public place;
“licensee” means the person licensed to operate an eating area under a licence;
“licence plan” means a plan attached to and forming part of a licence depicting those portions of a road or public place in which an eating area may be set up or conducted by authority of a licence;
“litter” has the same meaning as in the *Litter Act*.
“penalty unit” means the amount prescribed by the City as a standard penalty unit in the City of South Perth Penalty Units Local Law.
“person” includes corporations of all kinds, and any other associations of persons capable of owning property;
“public facility” includes any light, power or telephone pole, fire hydrant, drain, sump, tree, sign, traffic light, parking device or meter, shelter, seat, telephone box, letter boxes, public toilet or any work provided by a statutory body or authority, in any road or public place;
“public place” includes a road, way, and place, which the public are allowed to use;
“road” means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon; and
“road alignment” means the boundary between the land comprising a road and the land that abuts there on.
 - (b) The expressions “eating house” and “proprietor” have the meanings given to them in Section 160 of Division 3 of Part V of the Health Act:

Prohibitions

4. No person shall set up or conduct an eating area in any road or public place, unless -
 - (1) the person is the holder of a valid licence;
 - (2) the eating area is in compliance with the conditions of the licence;
 - (3) the eating area is in accordance with the licensed plan;
 - (4) the person operates the eating area in compliance with the conditions of the licence; and
 - (5) the person, being the holder of a valid licence, operates or conducts a business from a food premises under the Health Act.

Application for Licence

5. (1) Any person seeking a licence shall make an application to the satisfaction of the CEO in the form approved by the CEO together with:
 - (a) the fee determined in accordance with the provisions of the Act and appearing in the schedule of fees and charges;
 - (b) a plan and specification of the proposed eating area to the satisfaction of the CEO showing:
 - (i) the position of tables, chairs and structures proposed to be provided in the proposed eating area; and
 - (ii) the location and dimensions of the proposed eating area;
 - (c) a plan and specification of the proposed eating area to the satisfaction of the CEO showing:
 - (i) the eating area;
 - (ii) all land within thirty metres of the boundaries; and
 - (iii) the location of all carriageways, paths, public facilities, public places, roads and road alignments;
 - (d) a colour photograph or photographs of the tables, chairs and other structures to be set up in the proposed eating area;
 - (e) proof of adequate insurance arrangements for public liability to the satisfaction of the CEO. This insurance is to be kept current with the eating area licence; and
 - (f) such other information as may be required by the CEO to be included in the application.
- (2) The local government shall not be obliged to consider any application for a licence:
 - (a) which is not accompanied by the plans and specification and the prescribed fee;
 - (b) which is not properly completed to the satisfaction of the CEO;
 - (c) where any plan, specification or photograph does not in the opinion of the CEO contain sufficient information to enable it to properly consider the application; or
 - (d) which has not received the required approvals of any other regulatory authority that has a responsibility over the land comprising the proposed eating area.
6. (1) The local government may grant or refuse a licence or grant a licence subject to such conditions as it thinks fit.
 - (2) Where the local government prescribes conditions these attach to and form part of the licence.
 - (3) A licence shall be in the form approved by the CEO.
 - (4) A licence plan shall be attached to and form part of the licence.
7. A licence shall be valid commencing on the date of its issue by the ~~Council~~ local government and expiring on 30 June next year or on the sooner cancellation of the licence by the ~~Council~~ local government.

Renewal or Transfer of Licence

8. On or by 30 June each year the licensee shall submit a valid licence renewal application. The application shall be submitted on the form approved by the CEO, accompanied by the prescribed fee and proof of adequate insurance arrangements for public liability to the satisfaction of the CEO.
9. (1) A licensee may, before the expiration of a licence, apply to the ~~Council~~ local government for the Transfer of the licence.
(2) An application for the transfer of the licence shall be –
 - (a) made to the satisfaction of the CEO in the form approved by the CEO;
 - (b) signed by the proposed transferee of the licence and the licensee;
 - (c) forwarded to the CEO together with the prescribed transfer fee; and
 - (d) submitted with such other information as may be required by the CEO to be included in the application.
10. (1) Upon the receipt of an application for the transfer of a licence, the local government may –
 - (a) approve, with or without conditions the application for the transfer, or
 - (b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.
(2) Where the local government approves an application for the transfer of a licence, an endorsement to that effect, shall be completed on the licence in accordance with the form approved by the CEO and the transfer takes effect on and from the date of that endorsement.
(3) A person to whom a licence is transferred under this ~~Section~~ clause shall become the licensee on and from the date of endorsement and shall comply with all the conditions of the licence.
(4) Where the local government approves of the transfer of a licence for the remaining period of the licence it shall not be obliged to refund any part of the fee or charge paid by the original licensee.

Suspension of Licence

11. The local government may suspend a licence for any of the following reasons:
 - (1) the local government is to conduct works on or near the eating area and considers that it is not appropriate for the licensee to continue to operate prior to or during the conduct of the works; or
 - (2) the local government has nominated a day or days on which an event is to be conducted on or near the eating area and the local government does not consider that it is appropriate for the licensee to continue to operate on the day or days of the event.

Cancellation of Licence

12. The local government may cancel a licence for any of the following reasons:
 - (1) the holder of the licence has been convicted of an offence against this Local Law in respect of the eating area, the setting up and conduct of which is authorised by the licence; or
 - (2) the holder of the licence transfers or assigns or attempts to transfer or assign the licence to any other person other than in accordance with this Local Law.

Obligations of Licensee

13. A licensee shall –
 - (1) ~~comply~~ with the provisions of the local law;
 - (2) ensure that the eating area is kept in a clean and tidy condition at all times, to the satisfaction of the CEO;
 - (3) maintain the chairs, tables and other structures set up on the alfresco dining area in good and serviceable condition at all times;

- (4) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of the road or public place arising from the conduct of the alfresco dining area or the actions of persons in that area and the ~~Council~~ local government may recover such costs from the proprietor in a court of competent jurisdiction as a debt owing to it;
- (5) display the licence in a conspicuous place in the adjoining eating house and whenever requested by an authorised officer to do so shall produce the licence to that officer; and
- (6) ensure that the eating area is conducted at all times in accordance with the conditions of licence.

Offences and Penalties

14. Any person who contravenes any provisions of this Local Law commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.
15. The ~~City~~ local government may prescribe offences the commission of which may be dealt with by the issue of an infringement notice requiring the payment of a modified penalty. The offences in ~~sections-clauses~~ 16, 17, 18 and 19 are prescribed offences for the purpose of section 9.16 of the Local Government Act and attract modified penalties for the purpose of section 9.17 of the Local Government Act.

Litter

16. A licensee shall not allow litter to be placed or remain within the eating area.
Modified penalty: 10 penalty units

Unauthorised Use of Eating Area

17. A person shall not use tables and chairs in an eating area without the permission of the licensee.
Modified penalty: 10 penalty units

Operating outside the eating area

18. A licensee shall not conduct the licensed operation outside the eating area.
Modified penalty: 20 penalty units

Operating in excess of licence approval

19. A licensee shall not operate the facility with chairs or tables that are in excess of the number those approved in the licence.
Modified penalty: 20 penalty units

Impounding of Goods

20. A contravention of this Local Law, including a contravention of a condition of the licence under ~~clause 13(6)Section 11(6)~~, is a contravention that may lead to the impounding of goods for the purpose of regulation 29 of the Local Government (Functions and General) Regulations.

This Local Law was made by the City of South Perth Council at an Ordinary Meeting held on 27 May 2003.

The Common Seal of
the City of South Perth
was affixed hereto in the
presence of:

STEPHEN GOODE
CHIEF EXECUTIVE OFFICER



Attachment 10.0.2(c)

POLICY P313

Alf-Fresco Dining

Relevant Management Practice

Nil

Relevant Delegation

DC539244 Administer the City's Local Laws

Strategic Plan Goal

Goal 3: Environmental Management

Rationale

Under the City's Alf-Fresco Dining Local Law-2003 the City can licence Alf-Fresco Dining eating areas. This policy sets down the guidelines for officers considering applications for Alf-Fresco Dining licences under delegated authority.

Policy

The City recognises that the available area for Alf-Fresco Dining within road reserves is dependant upon the width of the footpath and the location of other infrastructure within the road reserve.

The City acknowledges the need to ensure that there is adequate space available for pedestrian use. In particular the City recognises the need to ensure that people with sight impairments are aware of the areas of the road reserve available for pedestrian use. For this reason, the City prefers to provide unobstructed pedestrian access directly adjacent to the shop front.

Wide Footpaths

Where the width of the footpath is more than 5 metres, the City may approve Alf-Fresco Dining where the eating area is located in an area of the road reserve that is:

1. at least 0.5 metres from the carriageway; and
2. at least 1.8 metres from the shop front.

Narrow Footpaths

Where the width of the footpath is less than 5 metres, the City may approve Alf-Fresco Dining where the eating area is located in an area of the road reserve that is:

1. directly adjacent to the shop front; and
2. at least 1.8 metres from the carriageway.

Separation from the Footpath

The City will require that the licensed area is separated from the rest of the footpath by:

1. appropriate temporary or permanent barriers;
2. tactile paving; or
3. another method to the satisfaction of the City.

The licensed operator must pay the cost of installing the treatment that will separate the Alf-Fresco Dining area from the rest of the footpath.

Pedestrian Access

The City will not approve an Alf-Fresco Dining eating area on a footpath unless there is a straight and unobstructed pedestrian carriageway at least 1.8 metres wide past the eating area.

Car Parking

Where the eating area is proposed in an area of a footpath adjacent to kerbside parking the City will not approve Alf-Fresco Dining unless the eating area is at least 1.2 metres from the kerbside parking.

Other Street Infrastructure

The City will not approve an Al Fresco Dining eating area within 1.5 metres of a telephone booth, bus stop, bicycle rack, public seat or other street infrastructure. The City may move street infrastructure to satisfy this requirement if an applicant pays for the cost of moving the street infrastructure.

Other in Force Documents

Al Fresco Dining Local Law
2003

Other Relevant Policies that are Relevant

Nil

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Stakeholders

Restaurant operators, pedestrians and footpath users, residents

~~This Policy was last reviewed March 2005~~

City of South Perth
Town Planning Scheme No. 6

Amendment No. 15

Removal of restrictive covenants affecting density



Civic Centre

Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday:	8.30am to 5.00pm
Enquiries:	Gina Fraser, Senior Strategic Planning Officer
Telephone:	9474 0778
Facsimile:	9474 2425
Email:	ginaf@southperth.wa.gov.au
Web:	www.southperth.wa.gov.au

MINISTER FOR PLANNING
AND INFRASTRUCTURE

FILE:
PART OF AGENDA:



Proposal to Amend a Town Planning Scheme

1. **Local Authority:** City of South Perth
2. **Description of Town Planning Scheme:** Town Planning Scheme No. 6
3. **Type of Scheme:** District Zoning Scheme
4. **Serial No. of Amendment:** Amendment No. 15
5. **Proposal:** To amend the Scheme by inserting a new Clause 4.11 'Removal of Restrictive Covenants Affecting Density', to eliminate the conflict between Scheme density provisions and restrictive covenants which restrict the permissible number of dwellings to less than the number permitted by the Scheme.

PLANNING AND DEVELOPMENT ACT 2005



**Resolution Deciding to Amend
City of South Perth
Town Planning Scheme No. 6**

Amendment No. 15

RESOLVED THAT the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by modifying Part 4 of the Scheme – 'Development Requirements for Residential Uses' by inserting a new Clause 4.11 as follows:

"4.11 Removal of Restrictive Covenants Affecting Density

A restrictive covenant affecting any land in the Scheme area by which, or the effect of which, is that the number of dwellings which may be constructed on the land is restricted to less than the number permitted by the Scheme (including any covenant purporting to restrict subdivision), is hereby extinguished or varied to the extent that it is inconsistent with the density provisions of the Residential Design Codes which apply under the Scheme."

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Council Meeting dated: 26 May 2009



Amendment No. 15 to Town Planning Scheme No. 6 Amendment Report

1. Introduction

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003.

At a meeting held on 26 May 2009, the Council resolved to amend the Scheme in the manner described in this Report. At the same meeting, the Council endorsed the draft Amendment for advertising purposes. A copy of the Council resolution to amend the Scheme and the text of the draft Amendment are included as part of these Amendment documents. The proposal is to insert a new clause in the Scheme Text which will have the effect of extinguishing or varying restrictive covenants which restrict the permissible number of dwellings to less than the number permitted by Town Planning Scheme No. 6.

2. Historical Context

Within the City of South Perth, principally in Manning and Salter Point, the certificates of titles of a significant number of residential properties are encumbered by restrictive covenants which restrict the permissible number of dwellings to less than the number permitted by successive district Town Planning Schemes. The typical wording of such covenants is as follows:

"... no dwelling shall be erected upon the said Lot ... except one dwelling house with a garage and the usual necessary outbuildings ..."

The covenants frequently go further, to also prescribe a minimum value for the dwelling and the required materials of construction.

These restrictive covenants were imposed on certificates of title of lots within a particular estate created by Whitfords Limited in 1935, for the purpose of ensuring a maximum density and minimum standard of development within that estate. The first district Town Planning Scheme was gazetted in 1972. That Scheme permitted many of the subject lots to be developed with two dwellings. As property owners began to seek approval for 'duplex' development, the issue relating to the restrictive covenants came into focus. The City continues to receive requests from property owners to amend the currently operative district

Attachment 10.3.1(a)

Scheme, being TPS6 to facilitate the extinguishment of the restrictive covenants which are now seen to be redundant.

In 1996-97, in response to requests from property owners, the Council considered a possible Scheme Amendment for this purpose. TPS5 was then the operative district Scheme. At that time, two major investigations into restrictive covenants were under way. These were associated with a review by the Law Reform Commission of Western Australia and as part of the *Acts Amendment (Restrictive Covenants) Bill 1996*.

The statutory advertising of the 1997 draft Amendment resulted in a number of objections being received from residents of Salter Point. The Council supported those objections and as a result, the Scheme Amendment did not proceed to finality.

Since then, the two State Government investigations referred to above have been completed and the *Planning and Development Act 2005* (the Act) now addresses the extinguishment of restrictive covenants through suggested clauses contained in the Model Scheme Text included in the *Town Planning Regulations 1967*.

As previously mentioned, the City continues to receive requests from land owners within the affected areas, seeking an appropriate Scheme Amendment and, having regard to the related provisions now contained in the Model Scheme Text and the Act, the Council has decided to initiate another Scheme Amendment for the same purpose as the 1997 proposal.

3. Background information on Amendment No. 15

This report considers the merits of amending the Scheme to overcome the 'artificial' development constraints which result from restrictive covenants, thereby enabling development to occur at the density prescribed under the Scheme and the Residential Design Codes. The Amendment process will provide an opportunity to gauge the current views of the local community on the desirability of the proposed changes.

Restrictive covenants are not administered by the Council. The Council only administers its Town Planning Scheme in relation to land use control. It is not possible to identify how many properties within the City are affected by the restrictive covenants, however anecdotal information obtained from property owners indicates that a large number of properties in the suburbs of Manning and Salter Point are affected.

Although the Council does not administer restrictive covenants, the power of the covenants overrides that of local government Town Planning Schemes. This creates a direct conflict which is not desirable for either the Council or the affected property owners. For example, although a particular lot may be able to be developed with two Grouped Dwellings according to the Scheme, a covenant on the title of the lot may restrict the permissible number of dwellings to one only.

Currently, if a land owner wishes to remove a restrictive covenant from the title of a property, a Court Order must be obtained. This is a lengthy and expensive process. Council receives a number of requests each year for its written support to remove Restrictive Covenants by Court Order.

4. Power to Extinguish Restrictive Covenants

Section 69 of the Act states that a local Town Planning Scheme may make provision for all or any of the purposes, provisions, powers or works referred to in Schedule 7 of the Act. Schedule 7 includes the following power:

11. Powers

- (1) The extinguishment or variation of any restrictive covenant, easement or right of way.*

Therefore, a local government may, by way of an Amendment to its Town Planning Scheme, extinguish a restrictive covenant. Once Notice of the Minister's final approval of the Scheme Amendment has been published in the Government Gazette, a land owner may apply to Land gate for the removal of the covenant from the certificate of title, quoting the notice in the Government Gazette and producing a letter or other evidence from the local government certifying that the land the subject of the application, was released from all or a defined part of the covenant through the Scheme Amendment. The duplicate certificate of title for the land burdened by the covenant must also be produced by the landowner.

For the purpose of extinguishing or varying restrictive covenants, the Model Scheme Text provides an appropriate form of wording for an Amendment to a local Town Planning Scheme. The wording is currently under review. The Western Australian Planning Commission's 'Planning Bulletin 91' provides detailed background information and the draft revised wording.

5. Planning Bulletin 91

The Western Australian Planning Commission's Planning Bulletin 91, released in July 2008, addresses the extinguishment or varying of restrictive covenants under local planning schemes. It clarifies that restrictive covenants and local Town Planning Scheme controls are not related as they provide for different forms of restriction. A restrictive covenant is a restriction on title whereas Town Planning Scheme controls arise from legislation regulating the use and enjoyment of land, which does not create an interest in land. The existence of a restrictive covenant, therefore, is not a relevant Planning consideration and the covenant must be disregarded by the local government in the determination of a development application except where the restrictive covenant arises from a decision on a subdivision or development application.

Planning Bulletin 91 recognises that clause 5.4 of the Model Scheme Text contains model provisions to extinguish or vary restrictive covenants which restrict or limit the number of residential dwellings which may be constructed, in a way which is

inconsistent with the provisions of the Residential Design Codes (R-Codes) applicable under the Scheme. The Bulletin also notes that section 69 and clause 11 of Schedule 7 of the Act affects the enforceability of restrictive covenants as these provisions allow a local government to include in its Town Planning Scheme a provision which extinguishes or varies any restrictive covenants affecting land.

The Bulletin recommends that local governments advertise the extinguishment of restrictive covenants. The advertising expectation is satisfied by the advertising of the proposed Scheme Amendment. It is also recommended in the Bulletin that, after the Scheme Amendment has been finalised, further notification be sent to the affected landowners to confirm the extinguishment or variation of a restrictive covenant. However, the City is not aware of which specific properties are encumbered by a restrictive covenant relating to the permissible number of dwellings, although it is known that such covenants widely affect properties within the areas of Salter Point and Manning. Therefore, it is intended that, in addition to other forms of statutory advertising, 'saturation' consultation will be undertaken by a mail-out to all landowners in these areas, advising of the proposal and inviting comment. Further to this, following the final gazettal of the Scheme Amendment, all landowners who lodged submissions will again be individually notified by mail.

Once the Scheme Amendment is approved and gazetted and a landowner obtains planning/subdivision approval for a lot which is encumbered by a restrictive covenant, a letter from the City is required to be lodged with Landgate together with a request to extinguish/modify the restrictive covenant and payment of the applicable fee. Landgate will then issue new and unencumbered titles (strata or green) without the need for the owner to seek a Court Order, as would otherwise be required under the Land Administration Act.

6. Conclusion

Having regard to all of the matters discussed above, the proposed Amendment No. 15 is considered to be logical, and also consistent with the Act and WAPC's position. The Scheme Amendment will bring about the extinguishment of restrictive covenants to the extent that they conflict with the residential density provisions of the Scheme.

The Council now requests that the Western Australian Planning Commission and the Minister for Planning support the proposal.

ROD BERCOV
STRATEGIC URBAN PLANNING ADVISER

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Report prepared by:
ALLERDING & ASSOCIATES
AND CITY OF SOUTH PERTH

Dated: 26 May 2009

PLANNING AND DEVELOPMENT ACT 2005



Town Planning Scheme No. 6 Amendment No. 15

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005* hereby amends the above Town Planning Scheme by modifying Part 4 of the Scheme – ‘Development Requirements for Residential Uses’ by inserting a new Clause 4.11, as follows:

“4.11 Removal of Restrictive Covenants Affecting Density

A restrictive covenant affecting any land in the Scheme area by which, or the effect of which, is that the number of dwellings which may be constructed on the land is restricted to less than the number permitted by the Scheme (including any covenant purporting to restrict subdivision), is hereby extinguished or varied to the extent that it is inconsistent with the density provisions of the Residential Design Codes which apply under the Scheme.”

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 26 May 2009.

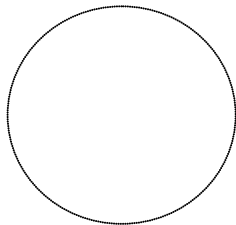
JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Final Approval

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on 2009 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH PERTH
SEAL



JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

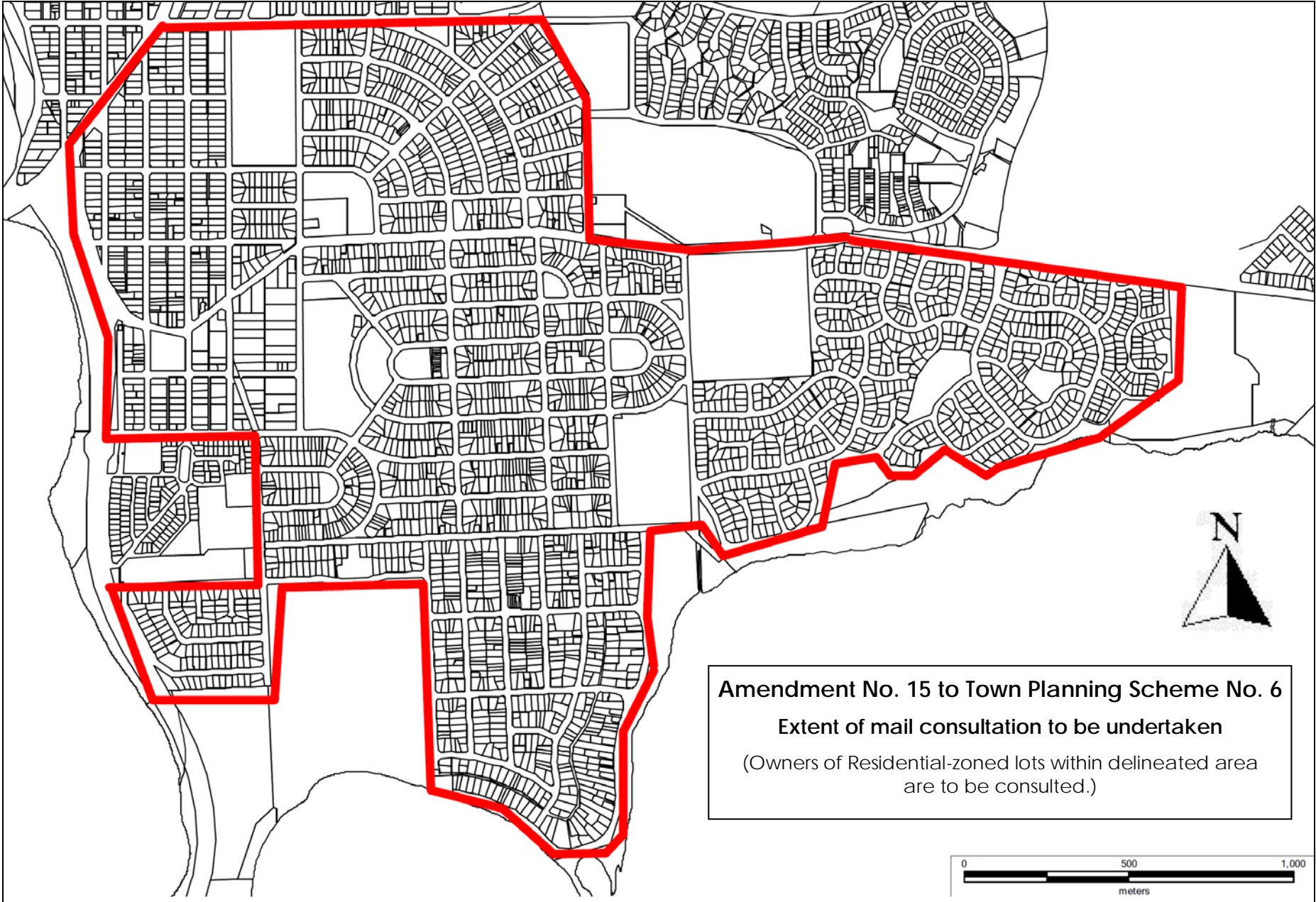
Delegated under S.16 of the PD Act 2005

Dated _____

FINAL APPROVAL GRANTED

JOHN DAY
MINISTER FOR PLANNING

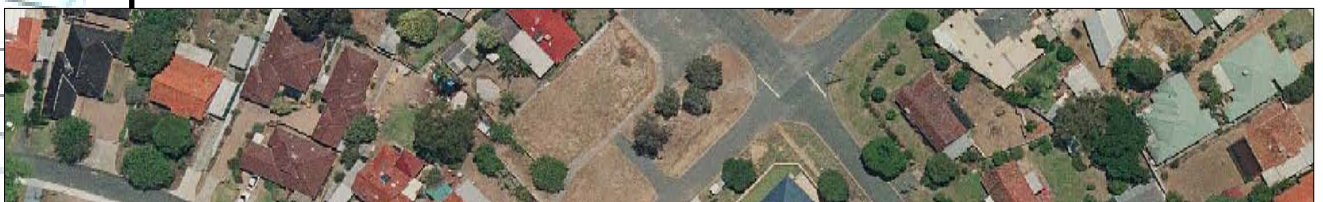
Dated _____





CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6.
SCHEME AMENDMENT REPORT
AMENDMENT No. 21

Proposal to rezone land in Godwin Avenue, Manning, from Local Commercial zone and Local Roads reserve to Residential zone with a density coding of R20; and to apply the 7.0m Building Height Limit to land acquired through road closure



PREPARED FOR:

C. Kuzmanovich

PREPARED BY:

Allerding & Associates

8 APRIL 2009

**PROPOSAL TO AMEND A
TOWN PLANNING SCHEME**

- 1. LOCAL AUTHORITY:** City of South Perth

- 2. DESCRIPTION OF TOWN
PLANNING SCHEME:** Town Planning Scheme No. 6

- 3. TYPE OF SCHEME:** Local Zoning Scheme

- 4. SERIAL NUMBER OF
AMENDMENT:** No. 21

- 5. PROPOSAL:** To excise the Local Commercial zone and the Local Roads reserve to the extent that they respectively apply to land comprising Lots 801, 802, 803 and 804 shown on Deposited Plan 59437 in Godwin Avenue between Bickley Crescent and Kelsall Crescent, Manning, and to apply the Residential zone with a density coding of R20 to that land; and to apply a 7.0m Building Height Limit to land acquired through road closure.

PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 21

Resolved that the Council in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by:

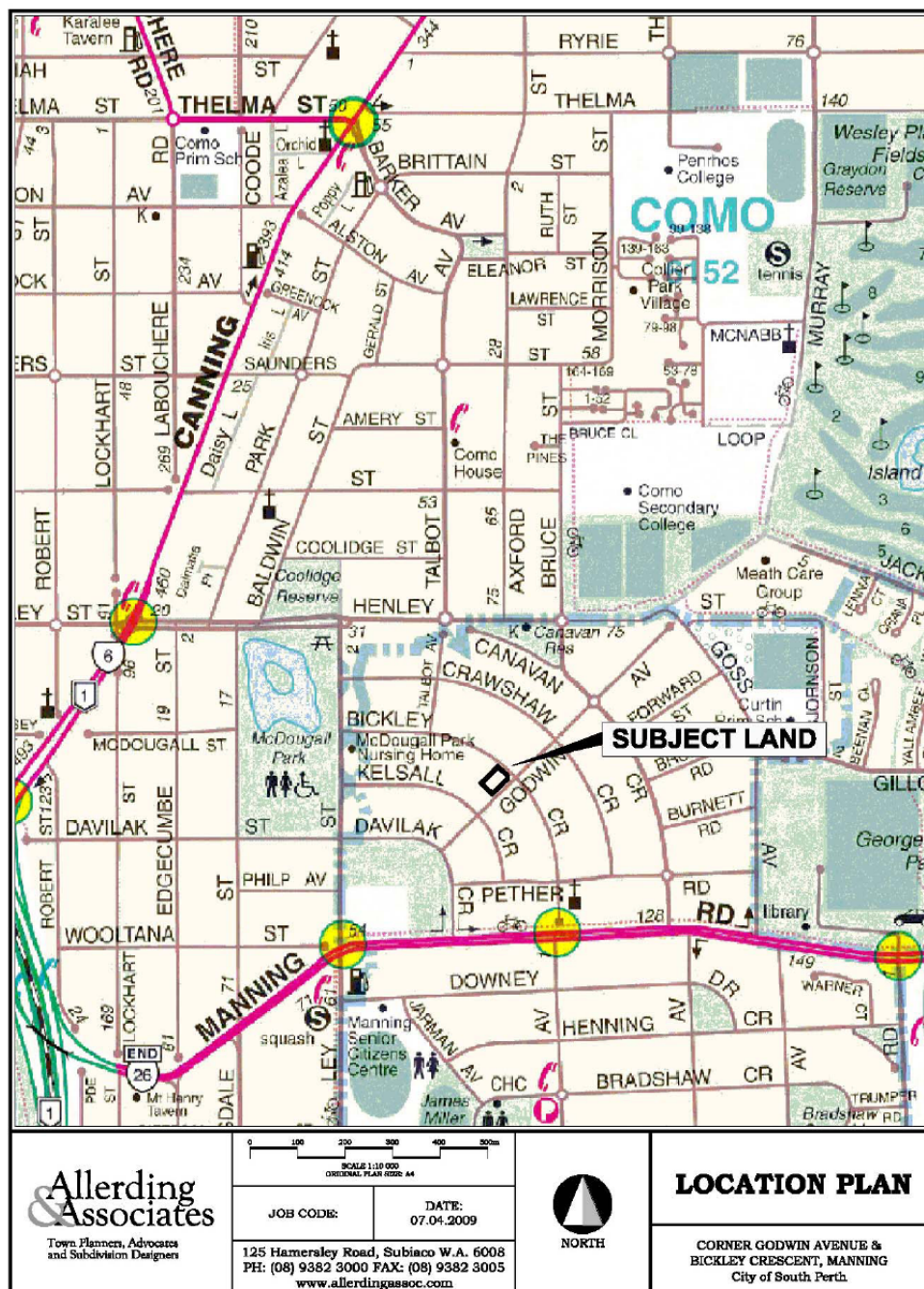
1. Excising the Local Commercial zone and the Local Roads reserve to the extent that they respectively apply to land comprising Lots 801, 802, 803 and 804 shown on Deposited Plan 59437 in Godwin Avenue between Bickley Crescent and Kelsall Crescent, Manning, and applying the Residential zone with a density coding of R20 to that land.
2. Applying the Building Height Limit of 7.0 metres to land acquired through road closure, comprising Lot 300 shown in inset on Deposited Plan 59437 in Godwin Avenue and Bickley Crescent, Manning.
3. Amending the Scheme Zoning Map and the Scheme Building Height Limits Map for Precinct 10 'McDougall Park' accordingly.

Dated this 26th day of May 2009

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

1.0 INTRODUCTION / PURPOSE

The proposed Amendment No. 21 seeks to remove the existing Local Commercial zoning and Local Roads reserve from Lots 801, 802, 803 and 804, and to apply the Residential zone with a density coding of R20 in their place. It also seeks to impose a Building Height Limit of 7.0 metres on land acquired through road closure action to which no Building Height Limit currently applies. The following locality plan identifies the location of the subject land:



The Local Commercial zoning on portion of the subject land is a result of that land previously being occupied by a local shopping centre. The Council's records indicate that the centre had a floor space of approximately 120 sq.m. The site has been vacant since 2002.

A subdivision application for the 'former' Lots 4, 5, 6, 55 and 7 is well advanced. The purpose of the subdivision is to change the orientation of the 'former' Lots 4, 5 and 6 which fronted onto Bickley Crescent. With the inclusion of surplus 'road land', three new lots will be created with frontages to Godwin Avenue. These new lots will be created from the amalgamation of Lots 4, 5, 6, 55 and 7 and the portion of closed road. The new lots created in this subdivision are identified as Lots 801, 802, 803 and 804. The proposed Scheme Amendment will result in Lots 801, 802, 803 and 804 having a Residential zoning with a density coding of R20 and a Building Height Limit of 7.0 metres.

Copies of the relevant Certificates of Title are provided in **Attachment 1**; and site survey and subdivision plans are included as **Attachment 2** to this report.

2.0 BACKGROUND

The owner of the vacant commercial site seeks to subdivide the land in a manner that is suitable to accommodate three Single Houses. The use 'Single House' is a 'D' (discretionary) Use within the Local Commercial zone and would be consistent with the surrounding predominantly residential area. While Town Planning Scheme No. 6 (TPS6) would permit the construction of a Single House within the Local Commercial zone without the need for a Scheme Amendment, concerns have been raised that, unless the zoning is changed, one of the new lots could later be developed or converted to a Local Shop which is a 'P' use within this commercial zone.

The small size of the Bickley Crescent commercial centre, its location away from major roads and the lack of viability for the establishment of a new local commercial centre on this site, make it generally unsuitable for commercial purposes. In order to 'normalise' the zoning of the site, such that it is consistent with the intended residential use and the zoning of the surrounding area, it is proposed that the zone be changed to 'Residential'.

3.0 SITE DESCRIPTION

3.1 The subject site

The site which is the subject of this Amendment comprises the following:

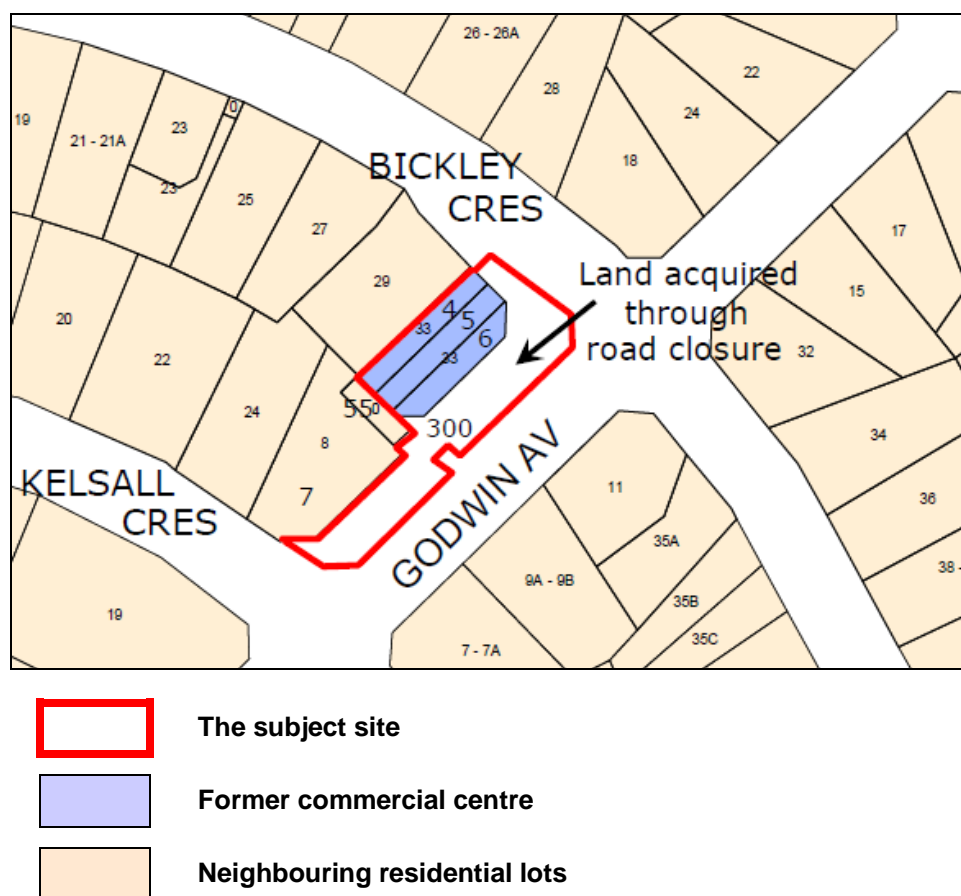
- (a) Lots 4, 5 and 6, located at the intersection of Bickley Crescent and Godwin Avenue, Manning, each lot having an area of approximately 243 sq.m and a frontage of 6.2 metres to Bickley Crescent;
- (b) Lot 55, comprising a portion of a previously closed right-of-way, with an area of approximately 125 sq.m and a frontage to Godwin Avenue. This land is situated between Lots 4, 5 and 6, and Lot 7 which is situated on the corner of Godwin Avenue and Kelsall Crescent; and
- (c) Lot 300, being portion of Godwin Avenue road reserve closed under the *Land Administration Act 1997*, with an area of 1,171 sq.m.

The intention is to reconfigure the various land parcels listed in (a), (b) and (c) above into three new residential lots with a frontage to Godwin Avenue, and to allocate a portion of Lot 300 to Lot 7. The resulting new lots are identified as Lots 801, 802, 803 and 804 on Deposited Plan 59437. At the time of formulating this Amendment proposal, the subdivision is nearing completion. Therefore, for the purpose of Amendment No. 21, the subject site is more specifically identified as "Lots 801, 802, 803 and 804 on Deposited Plan 59437".

The configuration of the subject land is shown in the survey plan contained in **Attachment 2** to this report.

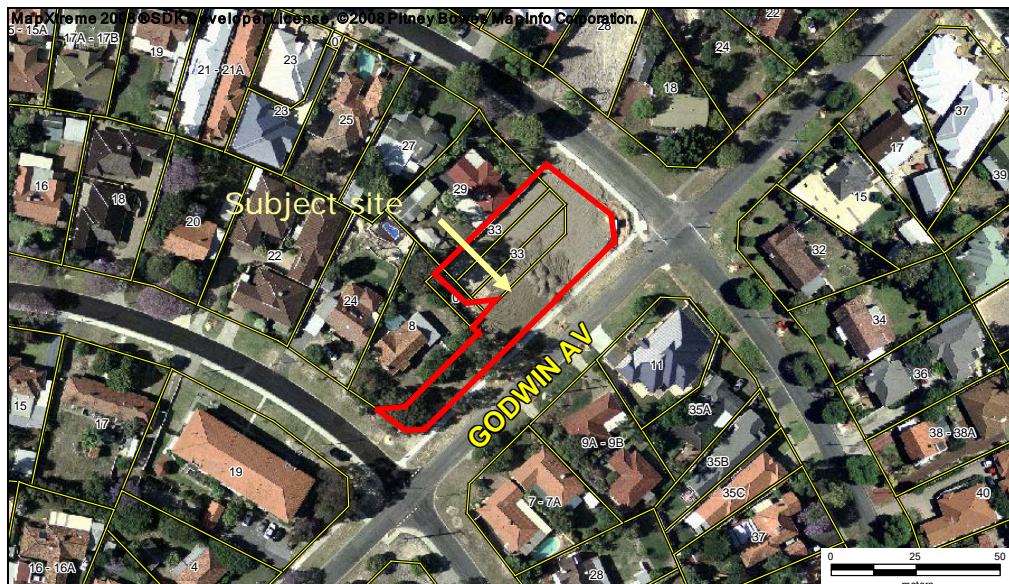
3.2 Location and former use

The subject site is in Godwin Avenue between Bickley and Kelsall Crescents, Manning, approximately 2.2kms south of the City of South Perth Council offices. Manning Road is approximately 300m south of the subject site. The locality is predominantly occupied by single residential properties.



The Amendment site, in part, comprises three long, narrow lots with frontage to Bickley Crescent, each formerly occupied by a small local shop (coloured blue on locality plan, above). The shops were constructed in 1956 and demolished in 2002. The lots are currently vacant. The Local Commercial zoning, which was applied in the City’s successive Town Planning Schemes to match the commercial use of the land, still remains, but is no longer relevant.

Godwin Avenue has an over-wide verge on the western side of the street adjacent to the former commercial centre, possibly originally intended to accommodate car parking, but no longer needed for this purpose. This verge area is unimproved and is not well maintained. A recent road closure action has reduced this portion of the Godwin Avenue road reserve width to a standard 20.0 metres from its current 33 metre width. The subject site is identified in the aerial photograph below:



The purpose of Amendment No. 21 is to rezone both the former commercial site and the unused portion of former street verge for Residential purposes. All of this land will be resubdivided into three residential lots, with portion of the closed road land being allocated to Lot 7.

3.3 Acid Sulphate Soils

The subject site falls within Category 3 – No known Acid Sulphate disturbance <3.0 metres from surface.

3.4 Servicing

The subject site has direct access to power, mains water and telecommunication services. Deep sewer is available in the area.

4.0 PLANNING CONTEXT

4.1 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the MRS.

Manning Road is approximately 300m south of the subject site and is an 'Other Regional Road' under the Metropolitan Region Scheme.

4.2 Town Planning Scheme No. 6

A major portion of the subject site is zoned Local Commercial under TPS6. Under this zoning a Single House is a 'D' (discretionary) Use. Under the proposed Residential zoning a Single House would be a 'P' (permitted) Use.

The lots surrounding the subject site have a Building Height Limit of 7.0 metres. It is proposed that Lot 300, comprising the surplus 'road' land which currently has no building height restriction, be allocated a Building Height Limit of 7.0 metres, consistent with surrounding land.

4.3 City of South Perth Local Commercial Strategy

The Local Commercial Strategy was adopted by the City in March 2004. It recognises that:

- *On the basis of the Western Australian Planning Commission's Metropolitan Centres Policy floor space per capita guidelines, the City has an over-supply of Local / Neighbourhood floor space, largely as a result of the traditional under-supply of higher order centres.*
- *Many of the centres and individual shops are old and in need of renewal / redevelopment.*

- *Many have diversified into non-retail commercial uses. There are high vacancy rates.*
- *Many of these centres are now poorly located with respect to passing trade.*

The recommended action for Local Commercial Centres is:

- *Where centres are no longer viable and are in the midst of a housing area, the Council should encourage the conversion of the vacant buildings and sites to residential purposes.*

The proposed rezoning is therefore consistent with the findings of the City's Local Commercial Strategy.

4.4 Proposed Subdivision and Future Development

It is intended that the subject site will be subdivided in accordance with the R20 density coding.

Three new lots (Lots 802, 803 and 804) are being created with frontages to Godwin Avenue, and a portion of closed road (Lot 300) will form part of each of the new lots. The existing Lot 7 on the corner of Kelsall Crescent will also be enlarged to incorporate a portion of Lot 300. The survey plan forming part of **Attachment 2** to this report, shows existing site features and the boundaries of the new lots.

5.0 CONCLUSION

The proposed Amendment No. 21 will make both the zoning and the Building Height Limit of the subject site consistent with the surrounding residential area. Although TPS6 would permit the land to be redeveloped without rezoning, the City considers that a more orderly and proper planning solution is to zone the land more consistently with the intended residential use.

With the demolition of the local shops which occupied the site approximately seven years ago, an opportunity exists for more appropriate development of the site. The City's Local Commercial Strategy identifies the problem of many

small local shops being not well located, resulting in high vacancy rates. This was the case with the current site, rendering it not economically viable for commercial purposes. It is therefore highly unlikely that the shops would be replaced. The removal of the Local Commercial zone from this location will therefore not be detrimental to the locality.

The proposed subdivision of the site and redevelopment with low density residential use will be consistent with existing development in the locality.

Having regard to the circumstances described above, the Council now requests that the Western Australian Planning Commission and the Minister for Planning support the proposed Amendment No. 21.

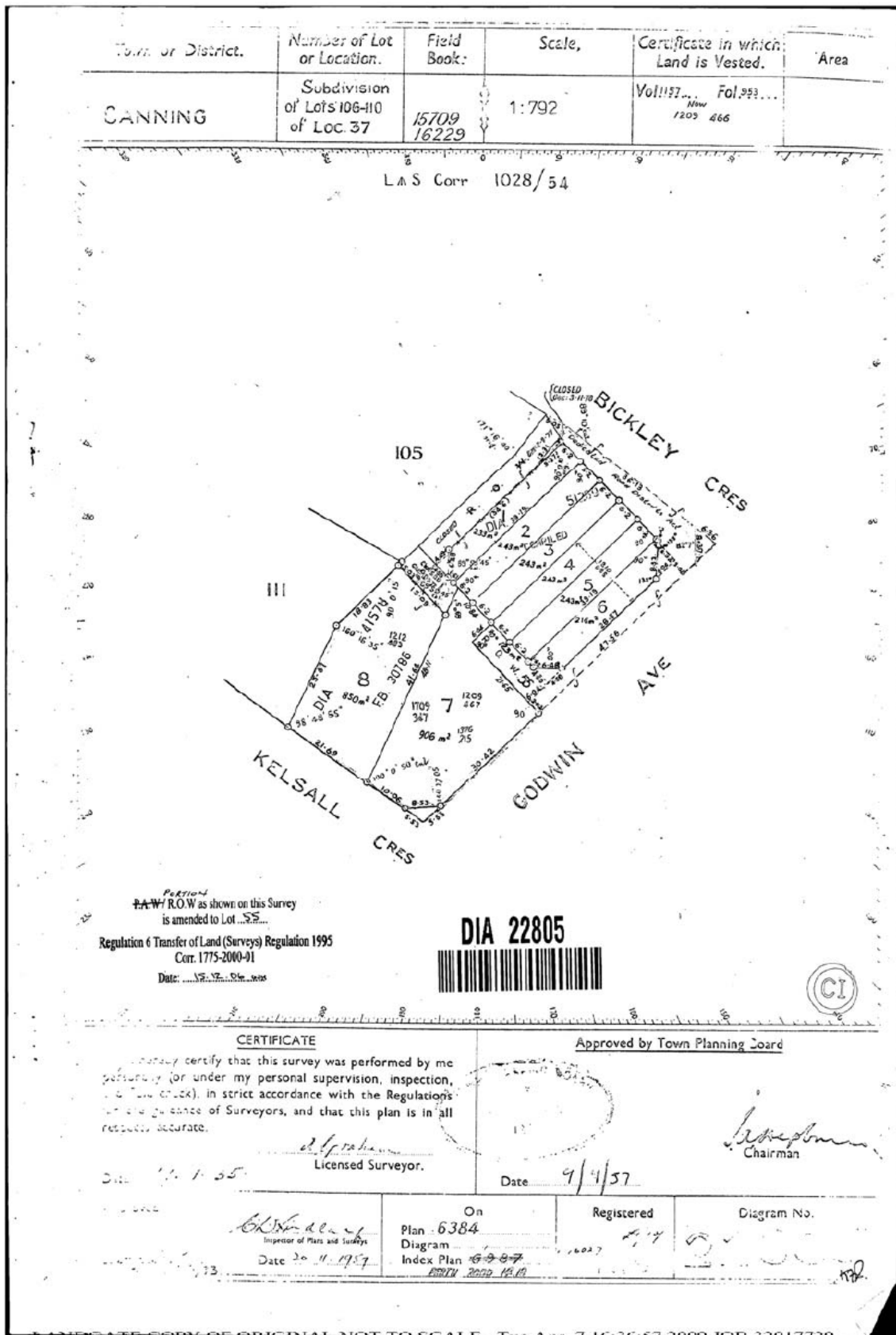
CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Report prepared by:  and City of South Perth

Dated: 26 May 2009

Attachment 1

Certificates of Title






REGISTER NUMBER 55/D22805	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2644** FOLIO **777**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

B Roberts
REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 55 ON DIAGRAM 22805

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CITY OF SOUTH PERTH OF SOUTH PERTH

(XA K026059) REGISTERED 15 DECEMBER 2006

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *B179784 CAVEAT BY REGISTRAR OF TITLES LODGED 8.7.1976.
- *B899251 PORTION OF CAVEAT B179784 WITHDRAWN AS TO THE PORTION OF DIAGRAM 51269 HEREIN ONLY. LODGED 15.4.1980.
- *C838452 PORTION OF CAVEAT B179784 WITHDRAWN AS TO THE LAND THE SUBJECT OF APPLICATION C826701. LODGED 17.8.1984.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: D22805 [SHEET 1].
PREVIOUS TITLE: 1407-127.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: CITY OF SOUTH PERTH.


NOTE 1: K044491 THIS LOT CREATED TO REDEFINE THE LAND DESCRIPTION.
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING K044491.

LT. 37

ORIGINAL—NOT TO BE REMOVED FROM OFFICE OF TITLES


Transfer G286943
Volume 1210 Folio 695

WESTERN AUSTRALIA



CERTIFICATE OF TITLE
UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

REGISTER BOOK
VOL. FOL.
CT 2085 471



I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

G. Sack
REGISTRAR OF TITLES

Dated 23rd September, 1996

ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Canning Location 37 and being Lots 4, 5 and 6 on Diagram 22805, delineated on the map in the Third Schedule hereto.

FIRST SCHEDULE (continued overleaf)

George Kuzmanovich and Jelena Kuzmanovich both of 2 Edinboro Place, Joondanna, as joint tenants of one undivided half share and Lepa Divjakoski of 15 Wrotham Place, Marangaroo, of one undivided half share, as tenants in common.

SECOND SCHEDULE (continued overleaf)


1. CAVEAT E273412. Lodged 11.1.90 at 15.32 hrs.

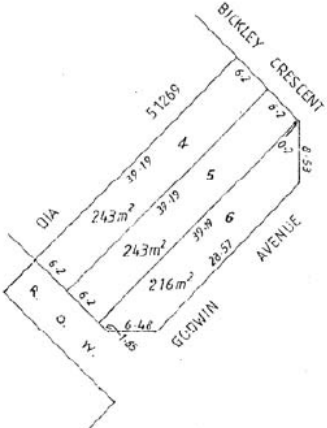
THIRD SCHEDULE

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Page 1 (of 2 pages) VOL. 2085 FOL. 471

SCALE 1:600
TOTAL AREA = 702m²







NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Apr 7 16:36:57 2009 JOB 52017729

LT. 37

Page 2 (of 2 pages)

FIRST SCHEDULE (continued)		NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS			
REGISTERED PROPRIETOR	PARTICULARS	INSTRUMENT NUMBER	REGISTERED	TIME	CERT. OFFICER
The one undivided half share of Lepa Divjakoski is transferred to Chris Kuzmanovich. The registered proprietors are now George Kuzmanovich and Jelena Kuzmanovich as joint tenants of one undivided half share and Chris Kuzmanovich of one undivided half share all of 2 Edinboro Place, Joondanna, as tenants in common. The one undivided half share of George Kuzmanovich and Jelena Kuzmanovich is transferred to Rosa Malakovska. The registered proprietors are now Chris Kuzmanovich of 2 Edinboro Place, Joondanna and Rosa Malakovska of 78 Sledge Road, Noranda as tenants in common in equal shares.	Transfer	H348655	28.1.00	14.43	
		H490140	29.6.00	13.46	

SECOND SCHEDULE (continued)		NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS			
REGISTERED PROPRIETOR	PARTICULARS	INSTRUMENT NUMBER	REGISTERED	TIME	CERT. OFFICER
Re: Transfer	Fourteen Days Notice sent on Caveat E273412 on 1.2.2000 Limit 16.2.2000. (As to one undivided half share of Lepa Divjakoski only) <u>2</u>	H348655			

CERTIFICATE OF TITLE VOL. 2085 FOL. 471

Superseded - Copy for Sketch Only

Page 1 (of 2 pages) 1709 347

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF

LT. 37

CT 1709 0547 F



Application D132638

WESTERN



AUSTRALIA

1709 347

Volume Folio
1376 215
1407 127

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 22nd October, 1985

A. J. Smyth

REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Canning Location 37 and being Lot 7 on Diagram 22805, delineated on the map in the Third Schedule hereto, save and except the right to mines of coal or other minerals.

FIRST SCHEDULE (continued overleaf)

~~Robert Joseph Caple of 8 Godwin Avenue, Como, Retired.~~

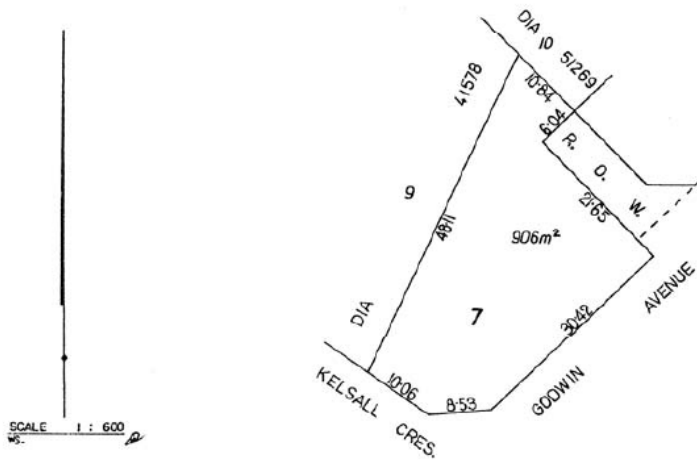
SECOND SCHEDULE (continued overleaf)

NIL

A. J. Smyth

REGISTRAR OF TITLES

THIRD SCHEDULE



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

72009/12/77-41M-S/2860

LT. 37

Page 2 (of 2 pages)

FIRST SCHEDULE (continued)

Superseded Copy for Sketch Only

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULIED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

INSTRUMENT NUMBER	PARTICULARS	REGISTERED	TIME	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED ON/LOGGED	SEAL	INITIALS
9248951	Logged 14.5.1986 at 11.30 a.m.									
D258935	to Town & Country W.A. Building Society.	30.5.86	3.13			Withdrawn	D258933	30.5.86		
D910989	to Town & Country W.A. Building Society.	21.10.88	15.3			Discharged	D910985	21.10.88		
E294341	to Westpac Banking Corporation.	13.2.90	9.23			Discharged	E294339	13.2.90		

SECOND SCHEDULE (continued)

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULIED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

INSTRUMENT NUMBER	PARTICULARS	REGISTERED	TIME	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED ON/LOGGED	SEAL	INITIALS
D258935	to Town & Country W.A. Building Society.	30.5.86	3.13			Withdrawn	D258933	30.5.86		
D910989	to Town & Country W.A. Building Society.	21.10.88	15.3			Discharged	D910985	21.10.88		
E294341	to Westpac Banking Corporation.	13.2.90	9.23			Discharged	E294339	13.2.90		

CERTIFICATE OF TITLE VOL. 1709 347



REGISTER NUMBER 7/D22805	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1709** FOLIO **347**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

R. Roberts



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 7 ON DIAGRAM 22805

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

EDWARD JOHN CURRIE OF 5 GILLAM PLACE, KARRATHA
(T E294340) REGISTERED 13 FEBRUARY 1990

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. SAVE AND EXCEPT THE RIGHTS TO MINES OF COAL OR OTHER MINERALS
2. EASEMENT BENEFIT - SEE DIAGRAM 22805 AND SECTION 167A TLA.
3. E294341 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 13.2.1990.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

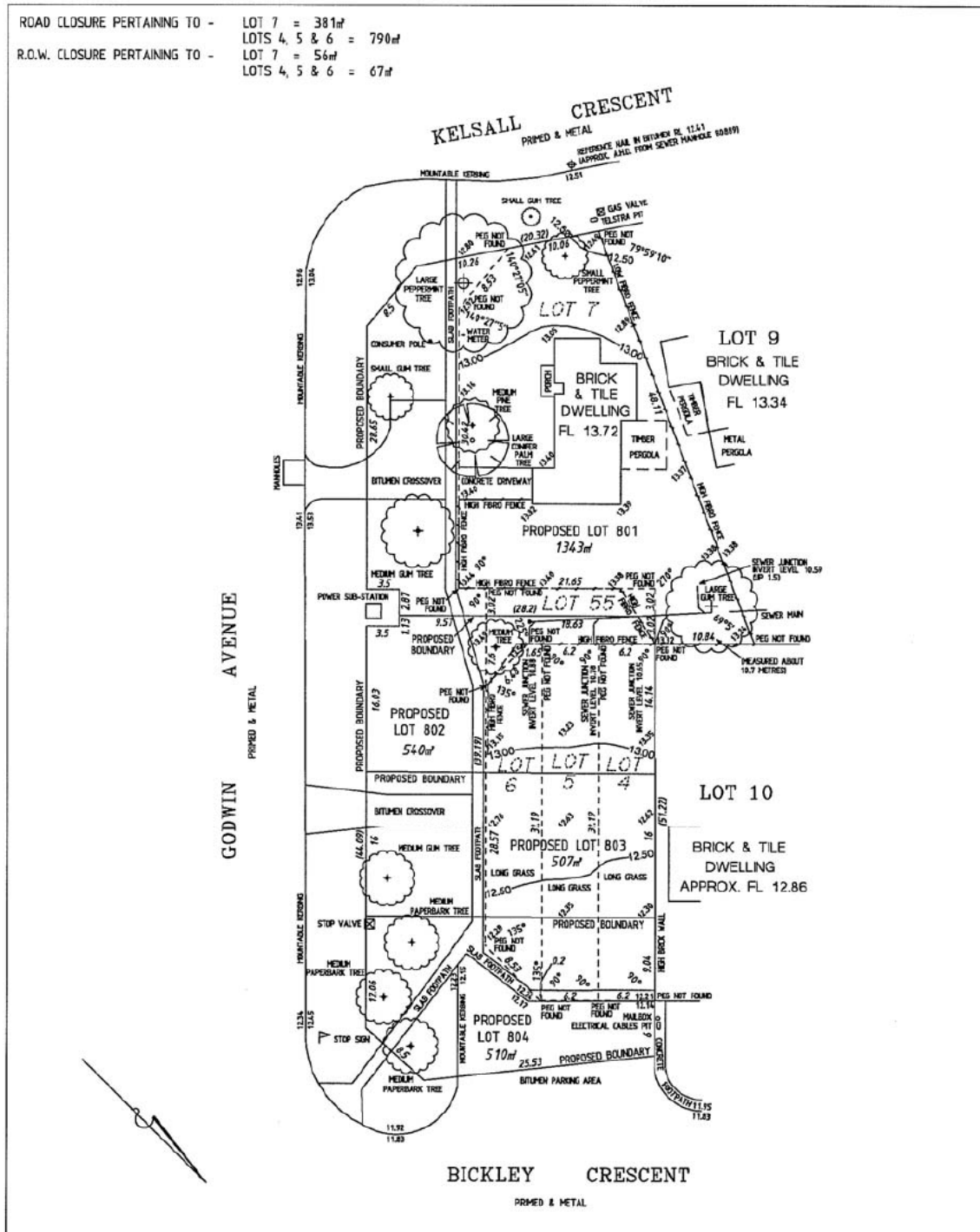
STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1709-347 (7/D22805).
PREVIOUS TITLE: 1407-127, 1376-215.
PROPERTY STREET ADDRESS: 8 GODWIN AV, MANNING.
LOCAL GOVERNMENT AREA: CITY OF SOUTH PERTH.

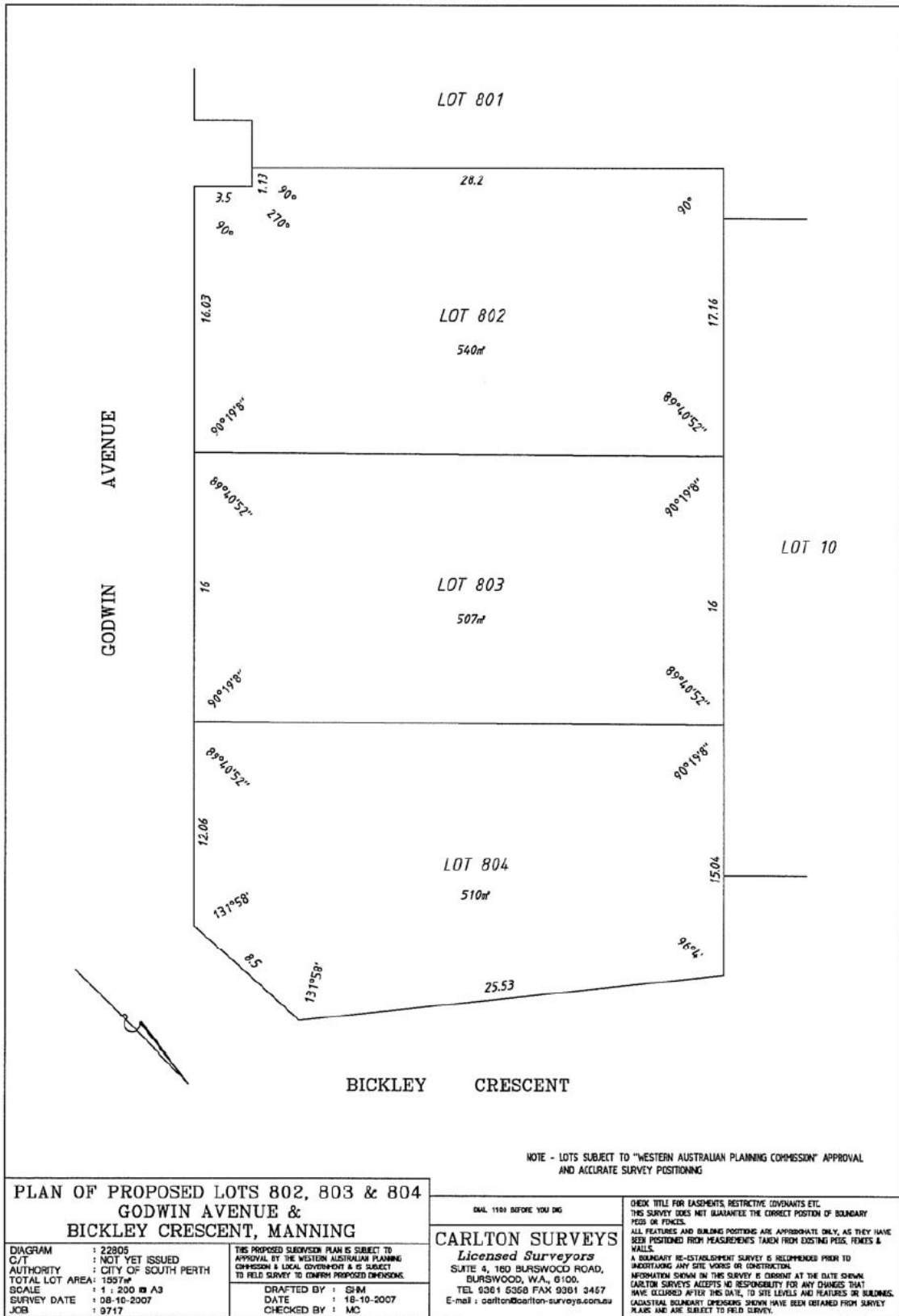
Attachment 2

Site Survey and Subdivision Plans



<p>PROPOSED SUBDIVISION, ROAD CLOSURE & R.O.W. CLOSURE OF LOTS 4, 5, 6, 7 & 55 (R.O.W.) BICKLEY CRESCENT, GODWIN AVENUE & KELSALL CRESCENT, MANNING</p>		<p>C/T TABLE LOT 4 - 2085-471 LOT 6 - 2085-471 LOT 55 - 2644-777 LOT 5 - 2085-471 LOT 7 - 1709-347</p>		
<p>DIAGRAM : 22805 C/T : SEE TABLE AUTHORITY : CITY OF SOUTH PERTH TOTAL LOT AREA : 2900m² SCALE : 1 : 400 @ A3 SURVEY DATE : 08-10-2007 JOB : 9717</p>		<p>THIS PROPOSED SUBDIVISION PLAN IS SUBJECT TO APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION & LOCAL GOVERNMENT & IS SUBJECT TO FIELD SURVEY TO CONFIRM PROPOSED DIMENSIONS.</p> <p>DRAFTED BY : SHM DATE : 18-10-2007 CHECKED BY : MC</p>		
<p>CARLTON SURVEYS <i>Licensed Surveyors</i> SUITE 4, 160 BURSWOOD ROAD, BURSWOOD, W.A. 6100 TEL 9351 5368 FAX 9361 3457 E-mail : carlton@carlton-surveys.com.au</p>		<p>CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC. THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY PEGS OR FENCES. ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES & WALLS. A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO UNDERTAKING ANY SITE WORKS OR CONSTRUCTION. INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN. CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDINGS. CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY PLANS AND ARE SUBJECT TO FIELD SURVEY.</p>		

VER. _____ AMENDMENT _____ AUTHORIZED BY _____ DATE _____	<p style="text-align: center;">INSET NOT TO SCALE</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>LOT</th> <th>FORMER P/V/TENURE</th> <th>ON PLAN / DIAGRAM</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>801</td> <td>LOT 7 PI LOT 300</td> <td>D 22805 THIS PLAN (INSET)</td> <td>1209 - 36.7 2644 - 771</td> </tr> <tr> <td>802</td> <td>PI LOTS 4, 5 & 6 PI LOT 300</td> <td>D 22805 THIS PLAN (INSET)</td> <td>2685 - 431 2644 - 771</td> </tr> <tr> <td>803</td> <td>PI LOTS 4, 5 & 6 PI LOT 300</td> <td>D 22805 THIS PLAN (INSET)</td> <td>2685 - 431</td> </tr> <tr> <td>804</td> <td>PI LOTS 4, 5 & 6 PI LOT 300</td> <td>D 22805 THIS PLAN (INSET)</td> <td>2685 - 431</td> </tr> </tbody> </table>	LOT	FORMER P/V/TENURE	ON PLAN / DIAGRAM	TITLE	801	LOT 7 PI LOT 300	D 22805 THIS PLAN (INSET)	1209 - 36.7 2644 - 771	802	PI LOTS 4, 5 & 6 PI LOT 300	D 22805 THIS PLAN (INSET)	2685 - 431 2644 - 771	803	PI LOTS 4, 5 & 6 PI LOT 300	D 22805 THIS PLAN (INSET)	2685 - 431	804	PI LOTS 4, 5 & 6 PI LOT 300	D 22805 THIS PLAN (INSET)	2685 - 431																												
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**PLAN OF PROPOSED LOTS 802, 803 & 804
GODWIN AVENUE &
BICKLEY CRESCENT, MANNING**

DIAGRAM : 22805
C/T : NOT YET ISSUED
AUTHORITY : CITY OF SOUTH PERTH
TOTAL LOT AREA: 1597m²
SCALE : 1 : 200 A3
SURVEY DATE : 08-10-2007
JOB : 9717

THIS PROPOSED SUBDIVISION PLAN IS SUBJECT TO APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION & LOCAL GOVERNMENT & IS SUBJECT TO FIELD SURVEY TO CONFIRM PROPOSED DIMENSIONS.
DRAFTED BY : SHM
DATE : 18-10-2007
CHECKED BY : MC

CALL 1100 BEFORE YOU DIG

CARLTON SURVEYS
Licensed Surveyors
SUITE 4, 160 BURSWOOD ROAD,
BURSWOOD, WA, 6100.
TEL 9361 6368 FAX 9361 3457
E-mail : carlton@carlton-surveys.com.au

CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC.
THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY PEGS OR FENCES.
ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES & WALLS.
A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO UNDERTAKING ANY SITE WORKS OR CONSTRUCTION.
INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN.
CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDINGS.
CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY PLANS AND ARE SUBJECT TO FIELD SURVEY.

Approved

Scheme Amendment

PLANNING AND DEVELOPMENT ACT, 2005

CITY OF SOUTH PERTH

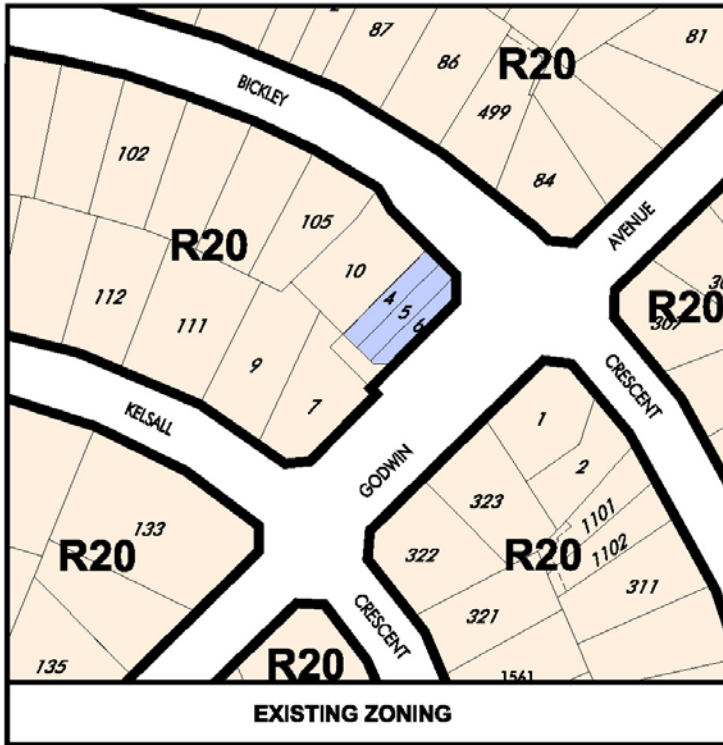
TOWN PLANNING SCHEME NO. 6

AMENDMENT NO. 21

The Council of the City of South Perth under and by virtue of the power conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:

1. Excising the Local Commercial zone and the Local Roads reserve to the extent that they respectively apply to land comprising Lots 801, 802, 803 and 804 shown on Deposited Plan 59437 in Godwin Avenue between Bickley Crescent and Kelsall Crescent, Manning, and applying the Residential zone with a density coding of R20 to that land.
2. Applying the Building Height Limit of 7.0 metres to land comprising Lot 300 shown in inset on Deposited Plan 59437 in Godwin Avenue and Bickley Crescent, Manning.
3. Amending the Scheme Zoning Map and the Scheme Building Height Limits Map for Precinct 10 'McDougall Park' accordingly.

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME No. 6** Planning and Development Act 2005

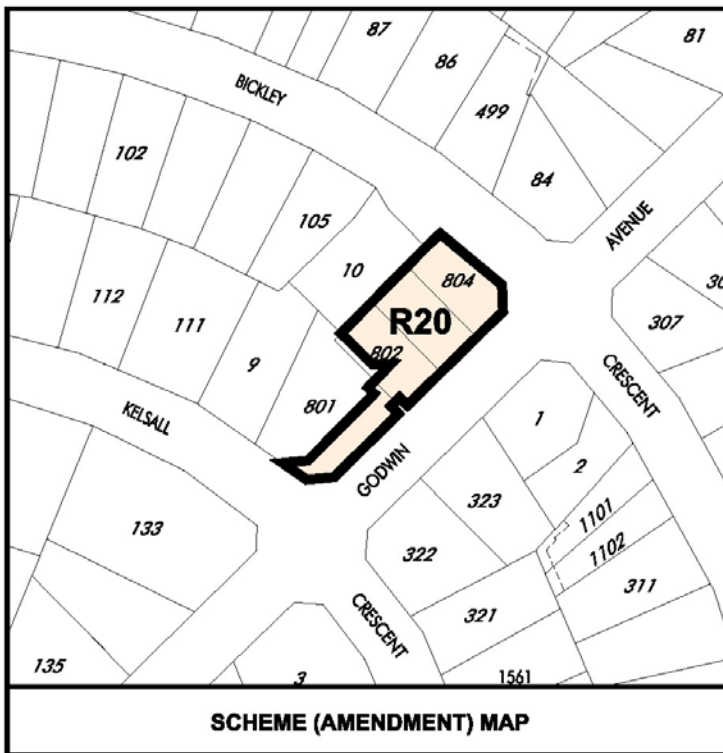


LEGEND

RESERVES

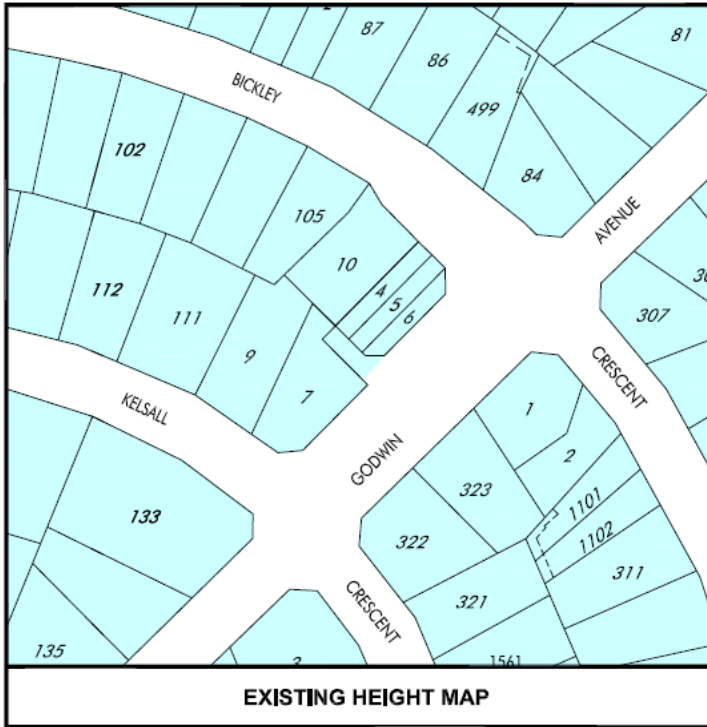


ZONES



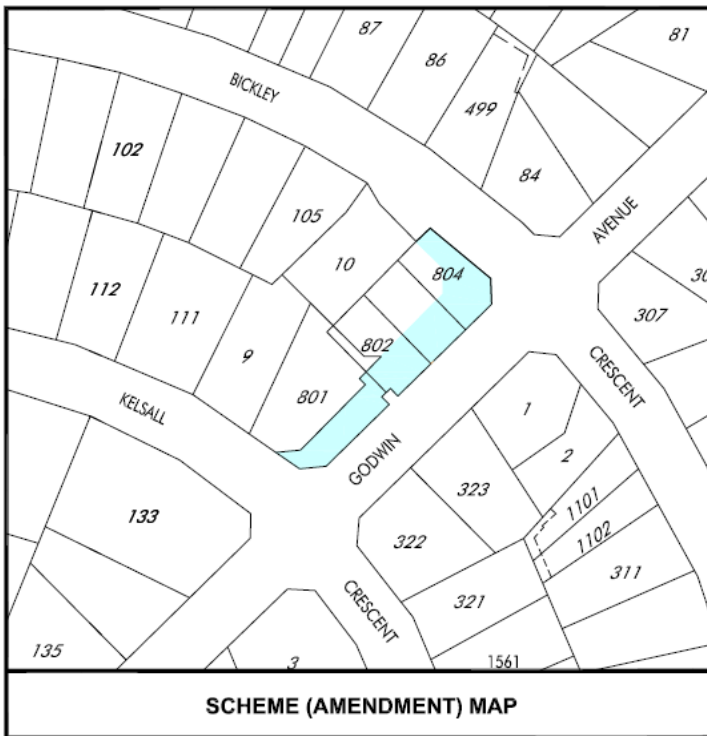
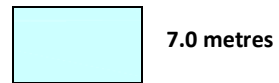
Amendment No. 21
 SCALE: 1:2000
 DATE: 7.04.2009

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME No. 6** Planning and Development Act 2005



LEGEND

BUILDING HEIGHT LIMITS



N
SCALE: 1:2000
DATE: 22.04.2009

Amendment No. 21

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 26 May 2009.

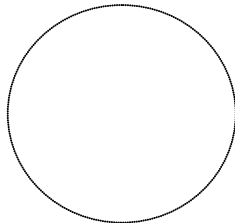
JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Final Approval

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on 2009 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH
PERTH SEAL



JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

Delegated under S.16 of the PD Act 2005

Dated _____

FINAL APPROVAL GRANTED

JOHN DAY
MINISTER FOR PLANNING

Dated _____



Figure 1 - View from Anthony Street showing vehicle access issues



Figure 2 - View from Anthony Street showing steps and railing



Figure 3 - View from 10A Anthony showing railing protruding over the easement



Figure 4 - View of over height fence in comparison to a person



Figure 5 - Closer view of fence

CampionDesign Group

SCANNED

65 Hay Street Subiaco WA 6008 Australia
T 08 9489 7066 F 08 9489 7060

www.campiondesign.com.au

14 August 2008

Planning Department
City of South Perth
Sandgate Street
SOUTH PERTH WA 6151

CITY OF SOUTH PERTH		
- 2 OCT 2008		
Doc ID No:	554284	
File No:	B0419	
Original To:	PS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

Dear Sirs,

**RE: LOT 36 OF PERTH SUBURBAN LOT 79 (UNITS 1 to 36)
SOUTH MILL CENTRE, 9 BOWMAN ST (JUDD ST) SOUTH PERTH, 6151
APPLICATION FOR PLANNING APPROVAL – COMMERCIAL EXTENSION**

Please find enclosed the following drawings and documents supporting the attached Development Approval (DA) Application:

- 1 copy of the Application for Planning Approval form & Checklist
- A cheque for \$7,346.00 made out to the City of South Perth (Planning Fee)
- 1 copy of the Strata Plan S11498
- 1 copy of the Design Data (DA Issue, Rev.-) dated 14 August 2008.
- 3 sets of A1 Plans as detailed on the attached Drawing Register sheet.
- 1 set of the above plans at A3 size.
- 1 copy of the A3 colour presentation booklet.
- 1 set of A2 colour plans of existing building for Plot Ratio calculation.

Summary

A number of informal discussions have now taken place with City of South Perth Planning Department regarding the proposals. The proposal seeks to optimise use of the available Plot Ratio on the site given its R60/R80 Mixed Use Commercial zoning.

We have arrived at a figure for available Plot Ratio based on analysis of the existing building plans and a planning archive check carried out in February 2008. Coloured up plans of the existing building together with a basic calculation sheet are attached to illustrate the methodology used to calculate available Plot Ratio.

Existing Building

The existing mixed-use building has two street frontages, Bowman Street to the South and Judd Street to the North. An 8 storey tower containing 12 residential units on the upper floor and 24 commercial units on the lower floors has its main aspect and access from Bowman Street. A 2 storey car park with an open roof containing a tennis court has a frontage to Judd Street and has a secondary access from Judd Street. The Kwinana Freeway spur runs parallel to and to the North of Judd Street.

Proposed Development

The proposal utilises the available Plot Ratio (PR) under TPS No.6, 5.1 (3), (b) which allows 1:1 PR if certain criteria are met. A new commercial unit (954m² PR) is proposed at second floor level to replace the existing tennis court. A new commercial access point with lift, stairs and vehicular access point is proposed to create a separate Judd St entry in the North East



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corner of the development. The existing buildings and units which generally use the main Bowman Street access point remain. The whole site, including existing uses and buildings is re-considered as a holistic new mixed-use proposal, drawing on the special provisions 4.2 Mixed-Use Development of the R-Codes, in particular 4.2.1, A1, iii. Additional car parking has been provided in excess of Council minimum requirements. Improved landscaping and streetscape to Judd St and indirectly the Kwinana spur, will result from the new design.

Please refer to the Design Data sheet attached.

We believe the new proposal will provide an attractive frontage to Judd St and the Kwinana Freeway spur and contribute further to the economic vitality of the City of South Perth.

Variation from Residential Design Codes, City's TPS or Council Policy

Further justification in the form of a Town Planner's Report may be provided to support the application.

Plot Ratio

A Plot Ratio of 1.0:1 is proposed in accordance with TPS No.6, 5.1 (3) and meets the criteria (i) to (iv). Plans are attached which show how the existing PR has been calculated. PR has been calculated using the R-Codes and TPS definitions.

Car Parking and End of Trip facilities

For information, there are currently 89 car bays in the lower car park and 56 bays in the upper car park, making 145 bays total. The new proposal provides 162 cars, bicycle provision in accordance with Table 6 of the TPS – see Design Data sheet. End of Trip facilities are provided to encourage alternative means of transport.

Open Space and Landscaping

R60 density requires 50% of site as Open Space whilst R80 requires 60% under the R-Codes, Table 1. To the extent the Scheme allows, 4.2 Mixed-Use of the R-Codes allows for nil open space or communal open space. However, significant open space is retained around the buildings and equates to 61 % of site. Landscaping at 20% is provided in accordance with TPS No.6, Table 3, Mixed-Use Commercial.

Setbacks

TPS No.6, Table 3, Mixed-Use Commercial requires a 6.0m setback to Street for a building less than 10.5m in height (the maximum permissible height to Judd Street). A general setback to Judd Street of 2.65m is provided with a lesser setback of 0.8m to the North East entry point. We consider this to be justifiable given the 0.8m setback of the adjacent 3 storey, roof terraced, building immediately to the East and adjacent to the turning head. In addition, the set back of Judd Street from the Kwinana Freeway spur and the streetscape permits a greater sense of openness and setback than would occur in a normal street and does not impact on any adjacent properties in this location. The 2.65m setback proposed is further landscaped to soften the streetscape to Judd St.

CampionDesignGroup


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As a non-complying application, we understand that it will be necessary for you to write to and consult adjacent owners and occupiers. We would appreciate confirmation of the extent of consultation.

Should you require any further information please contact Andrew Campion, Manuela Gioia or Mark Scott-Jeffs on 9489 7066

Yours faithfully,



Mark Scott-Jeffs
Campion Design Group

Cc. Eric Rogers, Strata Manager, South Mill Centre

From: Mark Scott-Jeffs [mailto:mark@campiondesign.com.au]
Sent: Friday, 8 May 2009 1:41 PM
To: Rajiv Kapur; Laurence Mathewson
Cc: Andrew Champion; Manuela Gioia
Subject: 9 Bowman St AHD and Fig 7 Car Bays.
Importance: High

Rajiv and Laurence,

I refer to our discussion following Laurence's e-mail 11.26am today and note the need to complete your report this afternoon.

Cars

In relation to the car bays, subject of our e-mail to Laurence 7 May 09 3.52pm, we have re-considered. Whilst it is technically possible to achieve Fig 7 envelope, it would have a knock on effect of 100mm width/length per bay and aggregate of some 1700mm across the building. That would cause loss of one car bay. The main problem would be the effect on column centres and would cause offset from the existing building grid. The latter is much more complex structurally. We wish to continue with the revised AS 2890.1 layout issued 7 May 09 and explain the effect to Councillors at the Agenda Briefing 19 May 09. AS 2890.1 can be achieved using the existing column centres. If we cannot convince the Councillors of the validity of this (Australian Standard) we would reluctantly accept a Condition to adhere to Policy P350.3, Fig.7.

Floor Levels TPS 6, 6.9

The proposal is an extension to an existing building with a Car Park and Electricity Sub-Station already at a Ground Floor Level of 1.130m related to AHD. We have added 1.75m AHD (non-habitable) and 2.30m AHD notional levels (iaw 6.9(2)) to the attached section to illustrate the problem. The current First Floor Level is 3.822m. Only the Judd St entrance lobby, stair and lift are affected.

We understand that Clause 6.9 is to protect against potential flooding. To raise the Ground Floor Level (GFL) to 1.75 at the access point is impractical as level access from the existing 1.130m car park is needed for disabled (lift) access. If ramping and steps were provided at GFL, the existing Floor to Floor height of 2692mm is then too low, requiring the first floor also to be raised, ramped and stepped. The same would have to happen at second floor too. New car bays however would really need to remain at the existing levels as ramping to those is not possible. The effect would simply be barriers to disabled access and unnecessary complexity.

If the area were to flood, a secondary access and exit is available from the existing building podium which is approximately 2.50m above AHD - we envisage flooding would be an exceptional occurrence. Emergency exit would still be possible from second floor at NE corner via the 1st Floor car park. The existing ground floor car park would be affected anyway.

We will also explain this issue at the Agenda Briefing and request that Council permit the proposed levels in accordance with TPS 6, 6.9 (3)(c).

Please advise if you require further information.

Regards,

CampionDesignGroup

Mark Scott-Jeffs

Phone: 08 9489 7066

Fax: 08 9489 7060

Email: mark@campiondesign.com.au

Web: www.campiondesign.com.au

 <p>MEMORANDUM</p>	
To:	Laurence Mathewson Planning Officer
From:	Les Croxford MANAGER ENGINEERING INFRASTRUCTURE
Date:	1 st May 2009
ID Number	11.2008.462
Subject:	APPLICATION FOR PLANNING APPROVAL 9 BOWMAN STREET

Laurence

General Comments

Generally the parking layout and access is satisfactory. I would expect City Environment to comment separately on the retention (or otherwise) of the street trees any verge treatments. Some specific comments on parking, drainage and crossing design are included below.

On Site Parking

The layout of the on site parking bays fails to meet the requirements of AS 2890. Part 1 Off Street car parking at locations where the bay is the last bay and is adjacent a wall, fence or similar. The Australian Standard requires the end bays to be increased in width by at least 300 mm with the aisle being extended at least a further 700mm beyond the widened parking bay. Generally parking bays are 2.5 metres in width and 5.5 metres in length except where identified below. Bays incorporating columns are generally less than 2.5 metres. The position of the columns will pose no difficulties to persons entering / leaving the vehicle but may cause the driver some inconvenience if sufficient care is not exercised when manoeuvring into and out of the bay.

As you know AS 2890 is based on the B85 universal car. The B85 vehicle is 4910 mm long (compare B98 at 5200) and 1870 mm wide (1940 mm). The parking layout design should accommodate the B85 vehicle only. It is unreasonable (not sustainable) to expect that all but 2% of the vehicles ever sold in Australia would be able to occupy every parking bay. The B85 vehicle is the basis of the assessment.

Accordingly there will be within any "mix" of vehicles small cars that fall outside the upper limits of the B85 vehicle. I would have no hesitation in accepting those bays that are less than the designated 5.5 metres in length or end bays that have not been increased in width (and the "blind aisle" extended) if designated as "Small Vehicle Bays". The following bays would fall into this category. The list is not definitive and other bays may have been inadvertently omitted.

Bay Number : GF38, 55, 72, 87.

FF95, 108, 109,127, 145, 162.

Car bays that are less than 5.5 metres in length but allow for overhang of the vehicle (up to 600mm) would be acceptable. The following bays (appear to) fall into this category. Again the list is not definitive and other bays may have been inadvertently omitted.

Bay Number : GF01 to 16, 17 to 22, 35 to 37, 73 to 86.
FF88 to 94, 146 to 161.

All existing garages are less than that prescribed in TPS6 i.e. less than 5.5 metres. I see no issue with the "slightly" undersize bays as they appear to function OK today. The bays referred to above are:

Bay Number : GF23 to 34.
FF96 to 107.

Crossing

The new crossing in Judd Street is to be constructed in concrete and will comply with the City of South Perth Small Plan SP30. Concrete is the preferred construction material and is defined as the standard crossing. The crossing is to be constructed in such a way that, at any point 1500 mm from and at right angles to the kerb line, the height of the crossing is a minimum of 125mm above the gutter level.

The concrete footpath section must be retained to acknowledge the priority afforded to pedestrian users of the street system. The footpath section is to be continuous through the crossing and will be constructed such that the first 1800 mm of the crossing slopes away from the boundary at a grade not less than 2.5%. A construction joint is to be placed on the alignment of the path (a standard concrete path installed by the City is 1500 mm wide and 300 mm from the boundary). No part of the existing path or the property levels as determined by the existing path and adjoining crossings is to be lowered (or raised) to accommodate internal levels.

The vehicle crossing is to be no wider than 6 metres.

The new pedestrian path servicing the lift foyer can be constructed in materials other than concrete that are typically used in domestic and/or commercial pedestrian areas i.e. segmental pavers.

Stormwater Drainage

Drainage to be in accordance with Policy P415 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M415.

The development falls within the Mill Point Drainage Precinct where the following applies:

- Stormwater reuse is encouraged;
- Soak well discharge is not an option; and
- A Private Drainage Connection to the street system subject to the following will be accepted.

The drainage requirements will be determined by a Hydraulics Engineer or similar as the discharge rate to the street system is limited to less than 3 litres per second being the expected flow from the site as it was prior to any development i.e. approximately 10% runoff. An application for a Private Drainage Connection along with the design calculations is to be submitted to Engineering Infrastructure for approval prior to installation. The Private Drainage Connection will comprise a silt trap at the boundary and a connection to the street system. Sufficient storage is required on site to cater for the 1 : 10 year (minimum) storm event with the

controlled discharge. As the expected flow from the site can be accommodated in a 50mm diameter pipe at minimum grade an "orifice plate" or similar can be fixed to a larger diameter pipe to control flow to the prescribed amount

Dewatering Management Plan

Should the site require dewatering for footings or similar but not subject to prolonged discharge i.e. less than several days, a Dewatering Plan will not be required. It will be necessary however for any discharge to the street system satisfies the minimum water quality standards set by the Swan River Trust for waters discharging into the Swan River.

Should dewatering be a major activity in construction the Builder will be required to produce a Management Plan that will address both the environmental aspects as well as the physical activities of the dewatering operations. A suitably qualified Environmental Consultant will:

- undertake water testing to ensure the samples satisfy all the criteria;
- commit to a monitoring regime during dewatering to ensure water quality of discharge does not deteriorate; and
- outline a recovery plan should the dewatering operations result in a loss of water quality.

Regards

L H CROXFORD
MANAGER ENGINEERING INFRASTRUCTURE

(Council's Copy) Birdwood Ave.

OFFICE USE ONLY

Serial No. 11/789

METROPOLITAN REGION SCHEME

Form 2

City/Town/Shire of SOUTH PERTH

APPROVAL TO COMMENCE DEVELOPMENT.
REFUSAL OF APPROVAL

Name of Owner of Land on which Development Proposed: SURNAME TOWNSEND
CHRISTIAN NAMES: LESLIE WILLIAM & MARY ALICE JANE
Address: 47 BIRDWOOD AVE., COMO 6152

Approval to commence development in accordance with the Application dated 16.9.74 and the attached Plans

is granted subject to the following conditions -

- Pursuant to the provisions of the City of South Perth Town Planning Scheme NO.2 and Clause 30 of the Metropolitan Region Scheme, this application for approval to commence development be granted, subject to - having regard to the orderly and proper planning of the locality and the preservation of the amenities of the locality
(a) the number of children cared for being not more than fifteen at any one time
(b) a circular driveway being constructed to allow for off-street setting down and picking up of children
(c) the grounds being kept to their present landscaping standards and being maintained to the satisfaction of the Council of the City of South Perth
(d) carparking spaces being provided on site in the ratio of one for each member of the staff on duty.

This approval is valid for a period of 12 months only. If development is not completed within this period a fresh approval must be obtained before commencing or continuing with development.

Signed

Secretary, The Metropolitan Region Planning Authority or Town Clerk/Shire Clerk

24.10.74

(Council's Copy)

OFFICE USE ONLY

Serial No. 11/789

COPY

METROPOLITAN REGION SCHEME

Form 2

City/Town/Scheme of SOUTH PERTH

~~REFUSED APPROVAL~~
APPROVAL TO COMMENCE DEVELOPMENT

Name of Owner of Land on which Development Proposed SURNAME DIXON
CHRISTIAN NAMES ROBERT GEORGE & SHIRLEY
Address 47 BIRCHWOOD AVENUE, COMO

Approval to commence development in accordance with the Application dated 7/8/84 and the attached Plans is granted subject to the following conditions:-
~~refused~~

Pursuant to the provisions of the City of South Perth Town Planning Scheme No.2 and Clause 30 of the Metropolitan Region Scheme, this application for approval to commence development be granted, subject to the following conditions :-

- (a) the number of children cared for not being more than thirty (30) at any one time;
- (b) the grounds being kept and maintained to their present landscaping standards to the satisfaction of the City of South Perth;
- (c) the hours of operation being restricted from 7.30 a.m. to 5.30 p.m. on weekdays only;
- (d) no valid complaints being received concerning disturbance caused by noise and/or traffic movement.

This approval is valid for a period of only. If development is not completed within this period a fresh approval must be obtained before commencing or continuing with development.

Signed *P. J. Bennetts*

~~SOUTH PERTH TOWN PLANNING AUTHORITY~~
Region Planning Authority

Of Town Clerk/SOUTH PERTH 24 August 1984

BELINDA MOHARICH

Solicitor

Tel: 08 9367 8352
Mobile: 0412 157 639
Email: moharich@amnet.net.au

11 Warrego Street
KENSINGTON WA 6151

Your ref: B13/47 - 11.2008.555.LIM

29 April 2009

Mr Laurence Mathewson
City of South Perth
Civic Centre, Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Dear Sir

COMO CHILDREN - PROPOSED ADDITIONS / ALTERATIONS TO
CHILDCARE CENTRE - 47 BIRDWOOD AVENUE, COMO

I refer to our meeting yesterday afternoon regarding the above application.

I am instructed by my client to advise you that the application is for the development of 2 new buildings only, and DOES NOT include an increase to the number of children above that imposed in the 1984 approval.

As discussed at the meeting yesterday, as the application relates to the construction of buildings only, and not an intensification of use, there is not the requisite nexus to impose a condition with respect to car parking.

Yours faithfully



Belinda Moharich

BELLA CASA CANNED

DEVELOPMENTS

Experienced Quality Builders

CITY OF SOUTH PERTH		
- 5 FEB 2009		
Doc ID No:	569670	
File No:	BI3/47	
Original To:	PS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

3rd January 2009

Chief Executive Officer
City of South Perth
Cnr Sandgate St & South Terrace
SOUTH PERTH WA 6151

Attention: Planning Services - Laurence Mathewson

Dear Sir

**Re: Ref 11.2008.555P Proposed Renovation and Addition to
47 Birdwood Avenue Como**

Following receipt of your e-mail dated 22 December 2008 requesting extra information and clarification of issues raised by adjoining property owners we submit our comments below.

- 1 Children cared for on site.** The current licence provides for 35 children (please see supporting documentation). The operating number however ranges from 24 to 33. Maximum numbers primarily occur during change over from morning to afternoon a period from 11.00 am to 2.00pm.
- 2 Maximum numbers of staff** at any one time is 6.
- 3 Previous operating hours** were from 7.00 am to 6.00pm. (Please note these times relate when there are children present). Preparation and cleaning is required in some instances outside these hours.
- 4 There is no proposal** to increase numbers now or after the completion of the proposed improvement and that does not form part of this Planning Application. New operating times have been adjusted to 7.30 am to 5.30pm.

Issues

Sleeping room boundary wall

We have attached a photograph of the western boundary clearly identifying that the western neighbours have heavy planting on their eastern fence line to provide shading and privacy.

We would claim that the proposed addition to the western boundary (while complying with the R Codes) has limited extra negative impact on the amenities.

Noise

As our statement details above there is no intention to apply to have the facility licensed to accommodate extra children.

The design of the upgraded facilities has consciously addressed the noise transmitting to the adjoining properties.

The additional higher fencing to the eastern boundary, the parapet wall to both boundary and the roof cover to the central undercover activity area will give considerable noise relief.

The Planning Application drawings indicate a higher fence is proposed to the eastern boundary forward of the parapet wall. This proposal is based on discussion with the adjoining property owners to meet their specific request to assist in noise management.

Our owners recognise that is in excess of standard boundary fence requirements.

Traffic Congestion

Parents dropping children to the centre are constantly encouraged to use the one way circular drive way for setting down and picking up of children. This area is not used for staff parking.

There are to be no extra children using the facility.

It is our observation that increased traffic flow has occurred in recent times but this is not generated by the centre but by general traffic using Birdwood Avenue to access Canning Highway.

Parking

There is to be no increase in the number of vehicles parked by staff during the operating hours.

Two parking bays are provided currently inside the property and four parking bays are available on the verge in front of the front boundary fence between the two crossovers to the property. *not contained on-site.*

These bays accommodate the maximum number of staffs vehicles required to operate the centre when the centre is operating at optimum number.

It is not considered desirable to restrict the current circular drive way for dropping off and picking up children to provide extra off street parking.

Operating Hours

The centre is **not** operating outside of the approved hours (see attached documentation).

Operating hours do not relate to cleaning and maintenance of the facilities.

General maintenance occurs generally on Saturday and in all instances and it would only generate typical household noise.

Cleaning does occur outside operating hours but no excessive noise is generated at unreasonable times and when it is applicable it would be not in excess of typical house hold noise.

The owners have undertaken to continue with this practice to minimise unreasonable impact on their neighbours

Summary

It would appear from the general comments received from the summary that your office has made available to us that the principal issues from the adjoining property owners are centred on our client's intentions to increase the number of children attending the centre.

Our clients wish to confirm that the proposed improvements are to bring their facility up to modern child care accommodation only and to allow them to offer the best facilities possible for their clients.

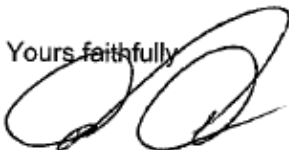
The proposed improvements will replace existing flat metal roof patio approx 9 x 5 and a pre-fabricated metal enclosure of 5.5 x 3.8.

As we confirmed in our correspondence when lodging our Planning Application we have had meetings and telephone conversations with the immediate property owners to the eastern and western boundaries and we have addressed their concerns and included them in our initial submission.

We wish to confirm that we are very willing to meet with any other neighbours to discuss any aspect that would address reasonable concerns they may have.

Should further information be required please contact me.

Yours faithfully



Alan Pilatti
Director
Enc.



Panel Members Recommendation Report

Tender

Services Relating to the Receiving and Processing of Recyclable Materials

Request for Tender (RTF) Number

Tender 21/2009

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Part 4	Selection Criteria and Rating Scale
Part 5	Evaluation methodology
Part 6	Evaluation Tools
Part 7	Basis of Decision
Part 8	Decision
Part 9	Endorsement by Evaluation Panel



Part 1

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1. Introduction

1.1. Title

The Rivers Regional Council, on behalf of the members being the Cities of South Perth, Gosnells and Armadale, invited suitably qualified persons, companies or organisations to submit tenders for the Services Relating to the Reveal and Processing of Recyclable Materials on Saturday 18 April 2009.

1.2. Scope

The requirements shall consist of but not be limited to the following:

- Services Relating to the Reveal and Processing of Recyclable Materials.

1.3. Value

The price basis for the Contract is a schedule of Prices Tender.

The cost of processing to be provided as a dollar value per tonne as required.

The price basis for the contract is a Schedule of Prices based on indicative requirements as outlined in **2.3 Tender Price** below:

1.4. Advertising Details

The tender was advertised by the Rivers regional Council on behalf of its member Councils as follows:

The West Australian - Saturday 18 April 2009

2. Background

2.1. Current Arrangement

The City currently has a contract in place with Cleanaway Pty Ltd for the Services Relating to the Reveal and Processing of Recyclable Material which expires on the 30 June 2009. There are no provisions for a further term within the current contract to extend the period. Therefore a new tender was called for a fixed two (2) year period for the Services Relating to the Reveal and Processing of Recyclable Material, to align it with the Collection of Waste and Recycling Bin Contract which expires on the 30 June 2011.

2.2. Tenderer's Name

The Rivers Regional Council on behalf of the City of South Perth issued a Request for Tender for the Services Relating to the Reveal and Processing of Recyclable Material's on Saturday 18 April 2009.

At the opening of tenders on the 4 May 2009, two (2) submissions were received from:

- a) Transpacific Cleanaway Pty Ltd
- b) Perth Engineering & Maintenance Pty Ltd

2.3. Tender Price

Proposed tender price provided by tenderers in ascending order were as follows:

Services Relating to the Reveal and Processing of Recyclable Materials

		Transpacific Cleanaway Pty Ltd	Perth Engineering & Maintenance Pty Ltd
1	Cost of Processing (Calculated at Dollar per Tonne)	\$27 per tonne	\$49 per tonne (Density less than 200 km's/m ³)
2	Cost of Processing (Calculated at Dollar per Tonne)		\$60 per tonne (Density greater than 200 km's/m ³)
Total Lump Sum Price excluding GST			

Note: the tender did not require to provide costs for density rates, therefore the tender for Perth Engineering & Maintenance Pty Ltd acknowledges two rates being \$49 per tonne (Density less than 200 km's/m³) and \$60 per tonne (Density greater than 200 km's/m³). For the purposes of this tender the Standard rate of \$49 per tonne will be considered as part of this process for Perth Engineering & Maintenance Pty Ltd.

Services Relating to the Reveal and Processing of Recyclable Materials

Tenderer	Price (excl.GST)
Transpacific Cleanaway Pty Ltd	\$27 per tonne
Perth Engineering & Maintenance Pty Ltd	\$49 per tonne (standard rate)

3. Evaluation Panel

3.1. Participants

An Evaluation Panel assessed each tender. Details on members of the Panel are contained within the table below:

Name	Position/Role
Sebastian Camillo	Manager Environmental Health & Regulatory Services
Fraser James	Tenders & Contracts Officer

Selection Criteria and Rating Scale

Compliance Criteria

Compliance Criteria	Transpacific Cleanaway Pty Ltd		Perth Engineering & Maintenance Pty Ltd	
	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.	Y		Y	
1. Offer Form of Tender was received	Y		Y	
2. All Schedules attached	Y		Y	
3. One signed original and two copies of signed Tender attached.	Y		Y	
4. Alternative Tender was also attached and accompanied with a conforming tender (see clause 21).		N		N
5. Has the tenderer agreed to perform the works in accordance with the specification?	Y		Y	
6. Are commencement & completion dates provided?	Y		Y	
7. Technical merits of methods to be used?	Y		Y	
8. Materials/products suitability?	Y		Y	
9. Compliance with environmental and community issues?	Y		Y	
10. Has the tenderer complied with the Tender Instructions/License requirements?	Y		Y	
11. Are all documents completed?	Y		Y	
12. Has the tenderer provided examples of similar work performance?	Y		Y	
13. Were referees provided?	Y		Y	
14. Does the Tender comply with the City's Occupational Safety and Health requirements?	Y		Y	
15. Does the tenderer have the financial capability to perform the work?	Y		Y	

Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects	30%
2. Current Local Government Clients	20%
3. Price	50%

3.2. Rating Scale

Ratings for the evaluation were from 0 to 10 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

3.3. 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.

Evaluation Methodology

3.4. Initial Compliance Check

An initial compliance check was conducted by the Evaluation Panel on 6 May 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 are conforming

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.

3.5. Qualitative Criteria Assessment

The qualitative criteria assessment was carried out by the Evaluation Panel on the 6 May 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.

4. 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 3.2 of the Evaluation Report for a description of the Selection Criteria.

As part of the qualitative criteria assessment, the Evaluation Panel scored tenders according to the evaluation matrix as shown below:

4.1. Evaluation Matrix - Qualitative Criteria and Price

Weighted Cost Method

Tender 20/2009 Supply and Installation of Parking Machines

ASSESSMENT CRITERIA	WEIGHTING	Transpacific Cleanaway Pty Ltd		Perth Engineering & Maintenance Pty Ltd	
	FACTOR	Out of 10	Weighted Score	Out of 10	Weighted Score
Demonstrated experience in completing similar projects	30%	10	3	10	3
Current Local Government Clients	20%	10	2	5	1
Tender Bid Price	50%	10	5	5	2.5

TOTAL	100%	10	6.5
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"JOB" PRICE BASED ON BID

\$27 per tonne	\$49 per tonne
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LOWEST BID PRICE

\$27 per tonne

- Score for tender fee is based on $\frac{((\text{lowest tender fee} - \text{actual tender fee}) / \text{lowest tender fee}) + 1}{2} \times 10$.
- "0" indicate insufficient information to determine.
- Tenderers may be contacted during the assessment process to clarify information.

5. Basis of Decision

5.1. Basis for Recommending a Tenderer

Based on the Panel's evaluation, the tender from Transpacific Cleanaway Pty Ltd represents the highest rated assessment against the qualitative selection criteria and demonstrates the most advantageous tender to Local Government and is therefore recommended as the preferred tenderer.

The Tender from Transpacific Cleanaway Pty Ltd also outlined in detail a comprehensive list of local key personnel capable of providing the service expected from the City.

Transpacific Cleanaway Pty Ltd current commitments in Perth including the City of South Perth were also a factor that stood out in their favour. Their experienced personnel and resources reinforced the strengths they have in the service side of the Tender.

Details of Referee Report

The referee report provided for Transpacific Cleanaway Pty Ltd, included names and referrals from local government representatives from 13 Local Governments, supports the recommendation for Transpacific Cleanaway Pty Ltd as the preferred supplier.

Current Tender Commitments	INFORMATION PROVIDED
<p>City of Bayswater James Risley</p>	<ul style="list-style-type: none"> • Refuse collection and disposal • Recycling collection and processing • Greenwaste collection and diversion • Bulk general waste collection and disposal • Transfer Station management • Materials Recovery Facility Operations • Materials transfer • Term 1983 - 2012.
<p>City of Belmont Kevin Davidson</p>	<ul style="list-style-type: none"> • Refuse collection and disposal • Recycling collection and processing • Greenwaste collection and diversion • Bulk general waste collection and disposal • Term 1984 - 2013
<p>Shire of Kalamunda Murray Miskelly</p>	<ul style="list-style-type: none"> • Refuse collection and disposal • Recycling collection and processing • Term 2008 - 2013

6. Decision

The Evaluation Panel recommends that the contract be awarded to Transpacific Cleanaway Pty Ltd for the processing cost of \$27.00 per tonne (Excl.GST).

Endorsement by Evaluation Panel

Sebastian Camillo

Manager Environment/Health

(Signature)

(Date)

Fraser James

Tenders & Contracts Officer

(Signature)

(Date)

City of South Perth

List of Applications for Planning Consent Determined Under Delegated Authority for the Period 1/04/2009 to 30/04/2009

Application Number	Address	Applicant	Description	Status	Date Received	Date Determined	Processing Days
11.2008.214	32 River Way SALTER POINT	Alana John Design	Two storey Single House	Approved	15/5/2008	23/4/2009	240
11.2008.342	60 Canning Hwy SOUTH PERTH	Overman & Zuidevaeld	Grouped dwellings	Approved	28/7/2008	30/4/2009	49
11.2008.357	5 Ferry Street SOUTH PERTH	Palzaao Homes	Multiple dwellings	Approved	4/8/2008	30/4/2009	147
11.2008.468	7 Banksia Tce SOUTH PERTH	Beaumonde Homes	Two storey Single house	Approved	6/10/2008	28/4/2009	8
11.2008.474	359 Mill Pt Rd SOUTH PERTH	Ms E Moncada	Addition to existing house	Approved	8/10/2008	21/4/2009	57
11.2008.505	1 Kirkby Ridge SALTER PT	Mr A J Frew	Addition to existing house	Approved	27/10/2008	16/4/2009	118
11.2008.597	44 Ranelagh Cres SOUTH PERTH	Overman & Zuideveld	Addition to existing house	Approved	15/12/2008	22/4/2009	88
11.2008.608	7 Cliffe St SOUTH PERTH	Q3 Architecture	Addition to existing house	Approved	22/12/2008	23/4/2009	83
11.2009.032	34 Waverley St SOUTH PERTH	Mrs T L Trager	Addition to existing house	Approved	28/1/2009	28/4/2009	9
11.2009.042	265 Canning Hwy COMO	JWH Group P/L	Two storey Grouped	Approved	28/1/2009	22/4/2009	50
11.2009.062	3 Wandarra Cl KARAWARA	Minaret Holdings	Single storey Single House	Approved	16/2/2009	29/4/2009	22
11.2009.075	152 Lockhart Street COMO	Mr P Abernethy	Out building	Approved	24/2/2009	22/4/2009	40
11.2009.076	4 Gwentyfred Road KENSINGTON	WA Sign & Print Management	Sign	Approved	18/2/2009	14/4/2009	38
11.2009.079	37 Conochie Cres MANNING	Build West Pty Ltd	Alteration Grouped house	Approved	3/3/2009	9/4/2009	1
11.2009.080	203 South Terrace COMO	Kalmar Factory	Addition Grouped house	Approved	3/3/2009	22/4/2009	21

Application Number	Address	Applicant	Description	Status	Date Received	Date Determined	Processing Days
11.2009.089	25 Unwin Crescent SALTER POINT	Mr M Cocks	Addition Grouped house	Approved	11/3/2009	14/4/2009	23
11.2009.090	18 Greenock Ave COMO	Broadview Design	Alterations Grouped house	Approved	11/3/2009	8/4/2009	21
11.2009.092	42 Gardner Street COMO	Outdoor Transformations	Addition Grouped house	Approved	12/3/2009	20/4/2009	26
11.2009.093	188 Lockhart Street COMO	Residential Attitudes	Two Single (double storey) houses	Approved	13/3/2009	23/4/2009	12
11.2009.096	390 Mill Point Road SOUTH PERTH	RJ Knott & Associates	Addition to existing house	Approved	13/3/2009	23/4/2009	28
11.2009.101	47 Labouchere Road SOUTH PERTH	Eco-Logical Building Pty Ltd	Addition to Office development	Approved	19/3/2009	24/4/2009	25
11.2009.103	144 Coode Street COMO	Mr J Fyfe	Alteration to Shop	Approved	20/3/2009	16/4/2009	18
11.2009.104	37 River Way SALTER POINT	Mr P Keaene	Single house	Approved	19/3/2009	30/4/2009	29
11.2009.106	176 Lockhart Street COMO	Signmanager	Sign	Approved	23/3/2009	16/4/2009	17
11.2009.107	80 Forrest St SOUTH PERTH	African Thatch	Addition to Single house	Approved	23/3/2009	14/4/2009	15
11.2009.108	39 Ranelagh Cresc SOUTH PERTH	Mrs L Woodbrook	Crossover	Approved	23/3/2009	9/4/2009	14
11.2009.111	106 Brandon Street KENSINGTON	Escape Garden Design	Addition to Single house	Approved	25/3/2009	20/4/2009	17
11.2009.114	33A Edgecumbe Street COMO	Mr V Daly	Addition to Grouped house	Approved	26/3/2009	8/4/2009	10
11.2009.121	16 Murray Street COMO	Mr C Brookes	Alteration to Single house	Approved	2/4/2009	30/4/2009	19
11.2009.122	52 Campbell Street KENSINGTON	David Browning Building Service	Alternation to Single house	Approved	7/4/2009	7/4/2009	1
11.2009.123	2 Boongala Close KARAWARA	Kalmar Factory	Addition to Single house	Approved	7/4/2009	7/4/2009	1

Application Number	Address	Applicant	Description	Status	Date Received	Date Determined	Processing Days
11.2009.125	146 Coode Street COMO	Mr J Orczech	Addition to a Grouped house	Approved	7/4/2009	21/4/2009	9
11.2009.126	89 King George Street KENSINGTON	Ms T Chapman	Fence	Approved	7/4/2009	9/4/2009	3
11.2009.127	21 Deerpark Gns WATERFORD	Mr M Rehman	Fence	Approved	8/4/2009	9/4/2009	2
11.2009.131	66 Axford Street COMO	West Coast Patios	Addition to Single house	Approved	9/4/2009	14/4/2009	1
11.2009.133	49 Jackson Road KARAWARA	Small Patio Group	Addition to Single house	Approved	14/4/2009	16/4/2009	3
11.2009.137	14 Wooltana Street COMO	One Stop Patio Shop	Addition to Single house	Approved	16/4/2009	16/4/2009	1
11.2009.140	39 Challenger Ave MANNING	Aspect Construction	Alteration to Grouped house	Approved	17/4/2009	17/4/2009	1
11.2009.145	63 Robert Street COMO	Outdoor World	Addition to Grouped house	Approved	22/4/2009	23/4/2009	2