



**ORDINARY COUNCIL MEETING
A G E N D A
Table of Contents**

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2.	DISCLAIMER	4
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER.....	4
3.1	Activities Report Mayor Best / Council Representatives (<i>Attached to Agenda paper</i>)	4
3.2	Audio Recording of Council meeting	4
4.	ATTENDANCE.....	4
4.1	Apologies	4
4.2	Approved Leave of Absence.....	4
5.	DECLARATION OF INTEREST	4
6.	PUBLIC QUESTION TIME.....	4
6.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
6.2	PUBLIC QUESTION TIME : 27.7.2010.....	4
7.	CONFIRMATION OF MINUTES / BRIEFINGS.....	4
7.1	MINUTES	4
7.1.1	Ordinary Council Meeting Held: 22.6.2010	4
7.1.2	Special Council Meeting Held: 13.7.2010	4
7.2	BRIEFINGS	4
7.2.1	Agenda Briefing - June Ordinary Council Meeting Held: 15.6.2010	5
7.2.2	Concept Forum Budget/Rates Modelling Meeting Held: 23.6.2010	5
7.2.3	Concept Forum – Media Training - Meeting Held: 29.6.2010	5
7.2.4	Concept Forum – Canning Bridge Submission - Meeting Held: 7.7.2010	5
7.2.5	Concept Forum – Climate Change Risk Management Plan - Meeting Held: 13.7.2010	5
8.	PRESENTATIONS.....	5
8.1	PETITIONS - A formal process where members of the community present a written request to the Council.....	5
8.2	PRESENTATIONS -Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.....	5
8.2.1	Committee for Perth Ltd – Certificate of Membership.....	5
8.2.2	Curtin University Centre for Aboriginal Studies	5
8.3	DEPUTATIONS - A formal process where members of the community may, with prior permission,	5
	address the Council on Agenda items where they have a direct interest in the Agenda item.	5

AGENDA : ORDINARY COUNCIL MEETING: 27 JULY 2010

8.4	COUNCIL DELEGATES	6
8.4.1.	Council Delegate: Perth Airport Noise Management Consultative Committee November 2009.....	4
8.4.2.	Council Delegates: Rivers Regional Council Meeting : 17 June 2010	6
8.5	CONFERENCE DELEGATES	6
8.5.1.	Conference Delegates : LGMA Conference Adelaide “Local Government ReGeneration” held 16 – 19 May 2010.....	6
9.	METHOD OF DEALING WITH AGENDA BUSINESS	6
10.	R E P O R T S	6
10.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	6
10.0.1	Application for Planning Approval for two Proposed Single Houses within 3-Storey Buildings. Lot 5 (No. 46) Onslow Street, South Perth.....	6
10.1	STRATEGIC DIRECTION 1 : COMMUNITY	18
10.1.1	Community Advisory Groups Annual Review	18
10.1.2	Funding Assistance - Round One.....	22
10.2	STRATEGIC DIRECTION 2: ENVIRONMENT	25
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES.....	25
10.3.1	Application for Planning Approval for Proposed Additions (on Level 5) to Existing Mixed Development. Lot 104 (No. 71-73) South Perth Esplanade, South Perth.....	25
10.3.2	Proposed Change of Use (Tavern to Office Use) - Lot 950 (No. 1) Preston Street, Como WITHDRAWN	32
10.3.3	Proposed Subdivision - Clontarf Estate Cnr Manning Road and Centenary Avenue, Waterford.....	33
10.3.4	Proposed Amendment No. 22 to Town Planning Scheme No. 6: Rezoning of Como Community Kindergarten and former Child Health Clinic, Lots 165 (No. 15) and 166 (No. 17) Alston Avenue cnr Labouchere Road, Como to Residential R20/30.....	40
10.3.5	Proposed Two Storey Single House - Lot 3 (No. 1/19) Cale Street, Como.....	46
10.3.6	WALGA Heritage Loan Subsidy Scheme	52
10.4	STRATEGIC DIRECTION 4: PLACES.....	54
10.5	STRATEGIC DIRECTION 5: TRANSPORT	54
10.6	STRATEGIC DIRECTION 6: GOVERNANCE	54
10.6.1	Monthly Financial Management Accounts - June 2010.....	54
10.6.2	Monthly Statement of Funds, Investments and Debtors at 30 June 2010	57
10.6.3	Listing of Payments	62
10.6.4	Applications for Planning Approval Determined Under Delegated Authority	64
10.6.5	Use of the Common Seal	65
10.6.6.	Council Decisions and the State Administrative Tribunal Policy	67

AGENDA : ORDINARY COUNCIL MEETING: 27 JULY 2010

11. APPLICATIONS FOR LEAVE OF ABSENCE	68
11.1 Application for Leave of Absence : Cr V Lawrance.....	68
11.2Application for Leave of Absence : Cr L Ozsdolay	68
11.3Application for Leave of Absence : Cr S Doherty	68
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	69
13. QUESTIONS FROM MEMBERS.....	69
13.1.Response to Previous Questions from Members Taken on Notice	69
13.2 Questions from Members.....	69
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	69
15. MEETING CLOSED TO PUBLIC.....	69
15.1 Matters for which the Meeting May be Closed.....	69
15.1.1 State Administrative Tribunal - Proposed Two Storey Residential Building for	
use as Student Accommodation - Lot 47 (No. 227) Manning Road,	
Waterford <i>CONFIDENTIAL Not to be Disclosed Report</i>	69
15.2 Public Reading of Resolutions that may be made Public.	69
16. CLOSURE.....	69
17. RECORD OF VOTING	69



**ORDINARY COUNCIL MEETING
AGENDA**

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
Chairperson to open the meeting
2. **DISCLAIMER**
Chairperson to read the City's Disclaimer
3. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
 - 3.1 **Activities Report Mayor Best / Council Representatives** (*Attached to Agenda paper*)
 - 3.2 **Audio Recording of Council meeting**
4. **ATTENDANCE**
 - 4.1 **Apologies**
 - 4.2 **Approved Leave of Absence**
5. **DECLARATION OF INTEREST**
6. **PUBLIC QUESTION TIME**
 - 6.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Note: At the Council meeting held 22.6.2010 there were no questions taken on notice:
 - 6.2 **PUBLIC QUESTION TIME : 27.7.2010**
7. **CONFIRMATION OF MINUTES / BRIEFINGS**
 - 7.1 **MINUTES**
 - 7.1.1 **Ordinary Council Meeting Held: 22.6.2010**
 - 7.1.2 **Special Council Meeting Held: 13.7.2010**
 - 7.2 **BRIEFINGS**

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing - June Ordinary Council Meeting Held: 15.6.2010

Officers of the City presented background information and answered questions on items identified from the June Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum Budget/Rates Modelling Meeting Held: 23.6.2010

The Director Financial and Information Services provided an update on the Budget process to date and confirmed the rates modelling and intended rating strategy. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum – Media Training - Meeting Held: 29.6.2010

Consultant, Gerry Gannon of Gannon Media Services gave a presentation on media training. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum – Canning Bridge Submission - Meeting Held: 7.7.2010

Officers of the City presented background information on the Canning Bridge Submission relating to the City of South Perth and answered questions from Members.

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

7.2.5 Concept Forum – Climate Change Risk Management Plan - Meeting Held: 13.7.2010

Consultants, Ron Barnes of Echelon and James Sheridan of LGIS gave a presentation on undertaking a risk assessment process in relation to Climate Change and answered questions from Members.

Notes from the Agenda Briefing are included as **Attachment 7.2.5.**

8. PRESENTATIONS

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

Nil

8.2 PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

8.2.1 Committee for Perth Ltd – Certificate of Membership

Committee for Perth Ltd Certificate of Membership presented to the City as the inaugural member in the Local Government category.

8.2.2 Curtin University Centre for Aboriginal Studies

As part of the 2010 NAIDOC Celebration a commemorative plaque presented to Mayor James Best in recognition of support for the Centre of Aboriginal Studies at Curtin University

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

8.4 COUNCIL DELEGATES

8.4.1. Council Delegate: Perth Airport Noise Management Consultative Committee 4 November 2009

Crs Hasleby and Burrows attended the Perth Airport Noise Management Consultative Committee Meeting held on 4 November 2009. The confirmed Minutes of that meeting are now available at **Attachment 8.4.1**.

RECOMMENDATION

That the Minutes of the Perth Airport Noise Management Consultative Committee Meeting held 4 November 2009 at **Attachment 8.4.1** be received.

8.4.2. Council Delegates: Rivers Regional Council Meeting : 17 June 2010

A report from Council Delegates Councillors Cala and Trent summarising their attendance at the Rivers Regional Council Meeting held on 17 June 2010 at the City of Mandurah is at **Attachment 8.4.2**.

Note: The Minutes of the Rivers Regional Council Ordinary Council Meeting of 17 June 2010 have been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.2** in relation to the Rivers Regional Council Meeting held 17 June 2010 be received.

8.5 CONFERENCE DELEGATES

8.5.1. Conference Delegates : LGMA Conference Adelaide "Local Government ReGeneration" held 16 – 19 May 2010

A report from Conference Delegates Councillors Burrows and Hasleby together with the Chief Executive Officer, Cliff Frewing summarising their attendance at the LGMA Conference on LG ReGeneration held in Adelaide between 16 – 19 May 2010 is at Attachment 8.5.1.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.5.1** in relation to the LGMA Conference on LG Regeneration held in Adelaide between 16 – 19 May 2010 at **Attachment 8.5.1** be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Application for Planning Approval for two Proposed Single Houses within 3-Storey Buildings. Lot 5 (No. 46) Onslow Street, South Perth

Location:	Lot 5 (No. 46) Onslow Street, South Perth
Applicant:	Devrite Constructions
Lodgement Date:	31 March 2010
File Ref:	11.2010.170 ON1/46
Date:	29 June 2010
Author:	Matt Stuart, Senior Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director Development & Community Services

Summary

To consider an application for planning approval for two Single Houses within 3-storey buildings on Lot 5 (No. 46) Onslow Street, South Perth. The proposal complies with the City's Town Planning Scheme No. 6, the 2008 R-Codes and City policies, subject to minor variations being accepted by the Council.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Finished Ground and Floor Levels (minor variation)	TPS6 clause 7.8(1)

It is recommended that the proposal be approved.

Background

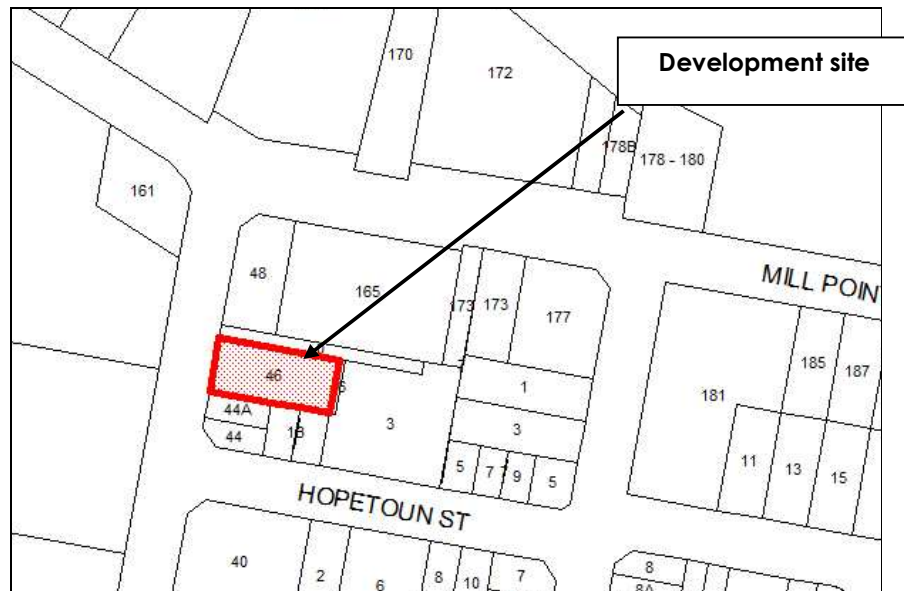
The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	956 sq. metres (161 sq. metres each new lot)
Building height limit	10.5 metres
Development potential	5 dwellings
Plot ratio limit	N.A.

This report includes the following attachments:

- **Confidential Attachment 10.0.1(a)** Plans of the proposal
- **Attachment 10.0.1(b)** Site photographs

The location of the development site is shown below:



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

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
- (c) Development of the kind referred to in items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.

7. *Neighbour comments*

In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.

Comment

(a) **Background**

In March 2010, the City received an application for two Single Houses within 3-storey buildings on Lot 5 (No. 46) Onslow Street, South Perth (the site). This application was presented to the Council at its June 2010 ordinary meeting, where the Council carried a Motion to defer the application:

*That in respect of the application for planning approval for Application for Planning Approval for a Proposed Two x 3-Storey Single Houses. Lot 5 (No. 46) Onslow Street, South Perth, a decision **be deferred** to the July 2010 Council Meeting to allow negotiations between the applicant and neighbours' to take place regarding the proposed development.*

Since that Council meeting, the Applicant and Landowner have held negotiations with some of the Councillors. However, the applicant has not submitted amended plans and has advised officers that he does not intend to. There are therefore, **no changes** to the proposal that was considered by Council in June 2010.

Further to the June decision, this application is now presented to the Council at the July 2010 meeting. As the plans have not been amended, the substance of the Officer's report remains unchanged as follows.

(b) **Description of the Surrounding Locality**

The subject site has a frontage to Right of Way (ROW) No. 9 (opposite a 3-storey block of flats) and Onslow Street, located adjacent to two-storey Grouped Dwellings to the east and south.

(c) **Existing Development on the Subject Site**

The existing development on the subject site currently features land uses of 'Single House', as depicted in the site photographs at **Attachment 10.0.1(b)**.

(d) **Description of the Proposal**

The proposal involves the construction of two Single Houses within 3-storey buildings on the site, as depicted in the submitted plans at **Confidential Attachment 10.0.1(a)**. The site photographs at **Attachment 10.0.1(b)** show the relationship of the site to the surrounding development.

The following components of the proposed development do not satisfy the Scheme requirements:

- (i) Finished Ground and Floor Levels.

The proposal complies with the TPS6, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council Policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

(e) **Land Use**

The proposed land use of Single House is classified as a 'P' (Permitted) land use in Table 1 (Zoning - Land Use) of TPS6. Accordingly, it is considered that the proposed use complies with the Table 1 of the Scheme.

(f) Residential Density

The permissible number of dwellings is 5 dwellings (R60), whereas the proposed development comprised of 3 dwellings (R31). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

(g) Finished Ground and Floor Levels- maximum

The *maximum* finished *ground* levels permitted are RL 8.11-8.21 metres; whereas the proposed finished ground levels are 8.264 metres (plus 5 - 15cm). Therefore, the proposed development does not comply with clause 6.10.3 “Maximum Ground and Floor Levels” of TPS6.

The *maximum* finished *floor* levels permitted are RL 8.21-8.31 metres; whereas the proposed finished floor levels are 8.350 metres (plus 4cm - 14cm). Therefore, the proposed development does not comply with clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

Council discretion- cl. 6.10

Council has discretionary power under clause 6.10 of TPS6 to approve the proposed ground / floor levels, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed ground / floor levels be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

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

It is noted that the development site has a frontage to a ROW to the north, which is a less sensitive streetscape, as well as internal boundaries to the west. In addition, the proposal abuts a property to the south (the rear) which features grounds higher than the proposed development. To the west, the development site abuts a Grouped Dwelling at a lower level, however the proposal is only for an additional 64cm difference between the two sites, with that neighbour not complaining.

It is also noted that the variation of ground and floor levels from the required “equal cut and fill” is a very minor 4cm – 15cm.

For the objectives of the Scheme, please refer to section Scheme Objectives, which have been satisfied.

In this instance, it is considered that the proposal complies with the discretionary clause and is therefore supported by the City.

(h) Street Setback

The permissible average street setback is 1.5 metres, whereas the proposed building setback was a minimum of 4.0 metres; therefore, the proposed development complied with Table 1 of the R-Codes. However due to concerns from the DAC and southern neighbours, the Applicant has since chosen to successfully amend the plans with a reduced setback no less than 1.5 metres, therefore, the proposed development also complies.

(i) Solar Access for Adjoining Site

The maximum area of overshadow permitted is 50 percent, whereas due to recently amended plans the proposed overshadowing ranges between 1 percent and 17 percent ($2m^2$ - $38m^2$). Therefore, the proposed development complies with the solar access element of the R-Codes.

(j) Boundary Wall- west

Under Council Policy P350.2, the permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour's ground level, whereas the proposed wall height is 3.0 metres; therefore, the proposed development does not comply with Policy P350.2.

Finally, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following "amenity test" referred to in Policy P370.2:

- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;
- Impact of bulk on adjoining Outdoor Living Areas; and
- The wall is internal to the development site and therefore neighbour comments are not applicable (see neighbour consultation).

In this instance, it is considered that the proposal complies with the objectives of the policy and is therefore supported by the City.

(k) Boundary Wall- east

Under Council Policy P350.2, the permitted height of residential boundary (parapet) walls, adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour's ground level, whereas the proposed wall height is 3.3 metres; therefore, the proposed development does not comply with Policy P350.2.

The wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following "amenity test" referred to in Policy P370.2:

- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;
- Impact of bulk on adjoining Outdoor Living Areas; and
- No objecting comments from the neighbour (see neighbour consultation).

In this instance, it is considered that the proposal complies with the objectives of the policy and is therefore supported by the City.

(l) Car Parking

As the car parking facilities for the existing dwelling will be demolished to make way for the additional dwellings proposed, car parking is an unresolved matter. However, the Applicant has stated that the existing dwelling will be demolished once the resident can occupy one of the proposed dwellings. As a consequence, it is considered that the resident needs onsite car parking facilities during the construction phase, but it would seem unreasonable to require one of those bays to be covered by a carport or garage, as is normally the case.

Therefore, as a compromise it is recommended that a condition be imposed to facilitate onsite car parking without a covering structure for no longer than later than 18-months, for construction purposes. If however the situation were to change due to unforeseen circumstances or changes to the landowner's commitment, then covering structure shall be constructed.

(m) Primary Access from a Right Of Way

The proposed development includes primary access from a privately owned Right Of Way (ROW), which is covered by Council Policy P388, which allows such development if the ROW is paved and drained. As a site inspection reveals that the ROW is paved and drained, no further action is required - **Attachment 10.0.1(b)**.

(n) Sustainable Design

Council Policy P350.1 (Sustainable Design) strongly encourages all proposed development to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. However, it is acknowledged that Policy P350.1 does not override other TPS6, R-Codes and Policy requirements via clause 5(h):

“A proposal which complies with all other TPS6, R-Codes and Policy requirements will not be refused by the City if it fails to incorporate such measures.”

As a consequence of the development complying in all other respects (see relevant sections of this report), it is considered that the proposed development complies with the policy.

(o) Building Height

The building height is 10.5 metres (18.7 metres AHD) and the proposed building height is 0.9 metres less than that (17.8 metres AHD). Therefore, the proposed development complies with Clause 6.2 "Building Height Limit" of TPS6.

(p) Visual Privacy Setbacks

As there are not any Major Openings or viewing platforms above 0.5 metres above the natural ground level that are not suitably screened, the proposed development complies with the visual privacy element of the R-Codes.

(q) Open Space

The required minimum open space is 45 percent of the site (72.41m²), whereas the proposed open space is 46.3 percent (74.43 m²). Therefore, the proposed development complies with the open space element of the R-Codes.

(r) Plot Ratio

There is no plot ratio control for this site in TPS6 or the R-Codes.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*

- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4.*

The proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2010. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Officer's Comments
<p>The Architects observed that since the proposed dwellings could be shifted closer to the right-of-way (the northern boundary) as a lesser setback is required in accordance with the Clause 6.2.1 provisions of the R-Codes, it will result in the following benefits:</p> <ol style="list-style-type: none"> 1. The proposed dwellings will have access to larger outdoor living areas for their outdoor private activities. 2. The proposed overshadowing of the properties on the adjoining southern boundary will reduce. Additionally, replacing the gable roofs facing the southern boundary with hipped roofs will assist in reducing overshadowing. 	<p>There is no planning requirement to amend the appearance or impact of the proposed building to its southern neighbours, due to compliance with the required setbacks and overshadowing provisions. However the Applicant has since chosen to successfully amend the plans to address the concerns of the DAC and abutting neighbours to the south.</p>
<p>Larger windows should be provided at the rear for better access to natural light as well as to enhance the visual appeal of the building.</p>	<p>The comment is NOTED.</p>
<p>In order to comply with the rear setback requirements, officers are to consider the reduction in the size of the rear balcony which will result in the reduction of the height of the wall.</p>	<p>The rear setbacks and building height fully comply. Furthermore, the impact of the building has been reduced due to the above comment.</p> <p>The comment is NOTED.</p>
<p>Bigger north facing balconies were recommended for better access to sunlight and views of the foreshore and beyond.</p>	<p>There is no planning requirement to increase access to sunlight or views. Furthermore, views of the foreshore and beyond is not available to the site.</p> <p>The comment is NOTED.</p>
<p>To enhance the streetscape and the visual impact of the dwellings as viewed from the entry into the right-of-way, the dwellings should be staggered whereby the dwelling on the western side is set back approximately 600mm to 900mm more than the dwelling on the eastern side.</p>	<p>Not a planning requirement, especially in relation to the streetscape character of a ROW.</p> <p>The comment is NOTED.</p>

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 ‘Consultation for Planning Proposals’. Individual property owners, occupiers and/or strata bodies at Nos 44, 44A and units 1-4 of 48 Onslow Street; Nos 1A, 1B and units 1-9 of 3 Hopetoun; and No. 165 Mill Point Road were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 28 consultation notices were sent and 6 submissions were received, 2 in favour and 4 against the proposal. The comments of the submitters, together with officer responses, are summarised as follows:

Submitters' Comments		Officer's Responses
Object to raised ground and floor levels due to amenity reasons.		Amended plans including lowering the ground and floor levels. The comment is UPHELD .
Concern that proposed development will undermine the foundations of the neighbouring development. Request planning condition that if damage occurs then repairs be made immediately.		Potential structural issues are not a planning consideration and will be dealt with by a qualified structural engineer at the Building Licence phase. The comment is NOTED .
The existing dividing fence should not be removed or undermined.		The amended plans do not propose to remove or undermine the existing dividing fence, nor is any retaining required. Furthermore, complying dividing fences are a civil matter under the <i>Dividing Fences Act 1961</i> . The comment is NOTED .
Concern that if the dividing fence is removed then the neighbouring site will be left unsecure. Request planning condition to replace fence immediately.		Standard condition recommended. The comment is UPHELD .
The proposed development does not comply with policy P350.1 (Sustainable Design), for multiple reasons, in relation to overshadowing and energy efficiency.		P350.1.5 “Any design measures that will achieve the above objectives will be considered on merit. A proposal which complies with all other TPS6, R-Codes and Policy requirements will not be refused by the City if it fails to incorporate such measures.” As the development complies in all other respects, the sustainability policy is not relevant to the assessment of this application. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .
Request city independently review the compliance of overshadowing in accordance with the R-Codes.		Standard procedure (see section Solar Access for Adjoining Sites). Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOTED .
In relation to amenity, the proposed development does not comply with the objectives of the Scheme, objectives of R-Codes and	Bulk and form of the proposed development being three-storeys and setback 1.4 metres from the boundary.	The aforementioned wall complies with the required wall setback of the R-Codes, which is “deemed to comply” with the Performance Criteria. Accordingly, although the proposed development is not matching setbacks of surrounding buildings, it is considered that the proposed setback is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the R-

<p>planning policy, due to the following:</p>		<p>Codes. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. The comment is NOT UPHELD.</p>
	<p>Overshadowing of adjoining outdoor living areas and windows to living areas.</p>	<p>The proposed overshadow complies with the designing for climate provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. In addition, the impact upon future solar collectors which may or may not be installed is not a reasonable or enforceable consideration.</p>
<p>Recommended that the R-Codes Explanatory Guidelines and Performance Criteria of overshadowing be assessed in lieu of the Acceptable Development standards.</p>		<p>Furthermore, tripling the required rear setback will heavily and unreasonably constrain the ground-floor design on this very small but complying lot. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south.</p>
<p>The Council should require the building be reduced to 2-stories and set back from the rear boundary by 3.5 metres due to significantly reduced sunlight to our clothes drying area, large glass doors and windows, as well as potential solar collectors.</p>		<p>The comment is NOT UPHELD.</p>
<p>The development does not comply with clause 7.5 of the Scheme (Matters to be Considered by Council):</p>	<p>The proposed overshadowing of the neighbouring north-facing outdoor living area will considerably reduce the future enjoyment and solar performance of this area.</p>	<p>The comment is NOT UPHELD.</p>
	<p>The proposed development has little recognition of the surrounding built form due to a blank 2-storey wall set back only 1.3m from the common boundary in contrast to the adjoining 3.0m set backs, which is a visual amenity issue.</p>	<p>The aforementioned wall complies with the required wall setback of the R-Codes, which is "deemed to comply" with the Performance Criteria. Accordingly, although the proposed development is not matching setbacks of surrounding buildings, it is considered that the proposed setback is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the R-Codes. As a consequence of the above, it is not considered reasonable or defensible to refuse a proposed development on subjective "guideline" clauses, where specific and unambiguous planning controls are provided and have been satisfied. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD.</p>
	<p>The proposed development (3-storeys) will not be consistent with the scale of the neighbouring buildings (2-storeys), which are well articulated in shape and rhythm.</p>	<p>Whilst it is acknowledged that the proposed development has a different height (3-storeys) to the neighbouring southern and eastern dwellings (2-storeys), the proposal is consistent with the neighbouring northern development [a large block of 3-storey flats; see Attachment 10.0.1(b)]. Furthermore, the western neighbouring dwelling is part of the development site which is due to be demolished. In addition, the subject site is not on a transitional Scheme boundary between small and large building height controls (or density controls). Conversely, the subject site is embedded within block of medium-height control (10.5m), to which the proposed development complies. Accordingly,</p>
<p>The development is not considered to represent a desirable built form in conjunction scale of the neighbouring residential development, and therefore does not comply with the scheme requirement for 'buildings in visual harmony'.</p>		<p>Conversely, the subject site is embedded within block of medium-height control (10.5m), to which the proposed development complies. Accordingly,</p>
<p>A two-storey development is still achievable</p>		<p>Conversely, the subject site is embedded within block of medium-height control (10.5m), to which the proposed development complies. Accordingly,</p>

and be compatible with the dwellings in the surrounding area, as none are three storeys high.		although the proposed development is not matching the heights and scales of surrounding buildings, it is considered that the transition between two and three storeys is not unreasonable or incompatible with the local built environment, especially when the design in accordance with the City's height and density controls. The comment is NOT UPHELD .
Object to proposed development as it is not appropriate development, given:	The design of the surrounding properties.	
	The significant impact of the proposed development on our lifestyle as a result of loss of privacy and sunlight.	The proposed overlooking complies with the visual privacy provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. In addition, the proposed overshadow complies with the designing for climate provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. Furthermore, the Applicant has since chosen to successfully amend the plans to reduce the impact of the building upon the abutting neighbours to the south. The comment is NOT UPHELD .
Loss of privacy due to the proposed third-storey terrace/balconies overlooking our house and outdoor living area. Request planning condition for privacy screen.		The proposed overlooking complies with the visual privacy provisions of the R-Codes, which is "deemed to comply" with the Performance Criteria. However, there is a concern that the screens are considerable and therefore may be removed by future occupiers. Accordingly a standard planning condition is recommended. The comment is UPHELD .
Object to any balconies or windows looking into neighbouring bedroom window.		
Would like to be able to negotiate finish of parapet wall.		The preference of the finish was requested by the City as part of the consultation. A standard condition is recommended.
Request finish of parapet be of a uniform material and complimentary colours to neighbouring dwelling.		The comment is UPHELD .
Request planning condition for colours of the rear wall is of the same materials and colours as the surrounding four dwellings.		Whilst information on the colours and materials are required as per a standard condition, having them strictly matching surrounding development is not a requirement. The comment is NOTED .

Policy and Legislative Implications

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

Financial Implications

The determination has a no financial implications.

Strategic Implications

This matter relates to Strategic Direction 6 "Housing and Land Uses" identified within the Council's Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

No outstanding issues (see section Sustainable Design).

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and all of the relevant Scheme, R-Codes and Council Policy objectives and provisions. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.0.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for two Single Houses within 3-storey buildings on Lot 5 (No. 46) Onslow Street, South Perth, **be approved** subject to:

(a) Standard Conditions

455	dividing fence- standards	456	dividing fence- timing
616	screening to be permanent	377	screened clothes drying
390	crossover standards	550	plumbing hidden
625	sightlines for drivers	427	colours & materials- details
340	parapet walls- finish of surface	578	new titles prior to BL
470	retraining walls- if required	664	inspection (final) required
471	retaining walls- timing	660	expiry of approval

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) two car parking bays shall be provided for the existing dwelling on its lot. Furthermore, if the dwelling is not demolished within 18 months, then one of those car parking bays shall be provided with permanent covering (such as a carport or a garage), subject to further applications and approvals as required within the City of South Perth;
 - (B) a 25 degree roof pitch for the rear portion of the dwellings, as requested by the Applicant; and
 - (C) demonstrate that all obscure glass panels and visual privacy screening to Major Openings prevent overlooking in accordance with the Visual Privacy requirements of the Residential Design Codes of WA.
- (ii) Any damages to the Right Of Way during construction shall be rectified and paid in full by the Landowner, prior to occupation of the proposed dwellings.

(c) Standard Advice Notes

648	building licence required	649A	minor variations- seek approval
646A	masonry fence requires BA	651	appeal rights- SAT

(d) Specific Advice Notes

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements.
- (ii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

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

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Community Advisory Groups Annual Review

Location:	City of South Perth
Applicant:	Council
File Ref:	CS/701
Date:	9 July 2010
Author:	Jelette Jumayao, Research and Administration Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration

Summary

The City has four Community Advisory Groups established by resolution of Council in accordance with Policy P502. Policy P502 requires the Chief Executive Officer to provide an annual report to Council detailing the activities and achievements of each group and reviewing its terms of reference. As the last report to Council was in April 2008, this report covers the period since that time.

Background

The City recognises the important role community advisory groups play in providing advice to the City and the contribution that community members make in the decision-making processes of the City. Council may by resolution establish an advisory group for a particular purpose which is identified in the terms of reference. Policy P502 was adopted by Council at its October 2002 meeting to formalise the arrangements for establishing new and reviewing exiting advisory groups. Advisory Groups established under this policy are to be distinguished from committees established under the *Local Government Act*.

During this period under review, the City has operated a number of Advisory Groups which draw their membership from the community. Currently the following Advisory Groups are in operation:

- (i) TravelSmart RoadWise Advisory Group
This group was established in September 2000 to oversee the implementation of the City's TravelSmart Local Action Plan and to advise on issues related to road safety.
- (ii) Sir James Mitchell Park Community Advisory Group
This group was established in June 2000 to oversee the implementation of the Sir James Mitchell Park Management Plan, jointly developed with the Swan River Trust.
- (iii) Community Sustainability Advisory Group
This group operated from 1999 until 2005 as the Environmental Advisory Group but was rebadged in February 2005 to give the group a more strategic focus on sustainability.
- (iv) South Perth Youth Network (SPYN)
This group operated from 1990 until 2009 as the South Perth Youth Advisory Council but was rebadged to give the group a more strategic focus on local issues affecting the City's youth.

Each group is supported by a City officer who is responsible for conveying and presiding at meetings, recording the group's views and communicating this information to the City.

Comments

Summary of Activities / Achievements

TravelSmart RoadWise Advisory Group

TravelSmart is a behaviour change program to reduce the community's dependence on car travel and help preserve the environment and quality of life.

RoadWise is a local government and community road safety program. It aims to contribute to the long term vision of the Road Safety Council in eliminating road crashes as a major source of premature death and injury by increasing community support, partnerships and participation.

The TravelSmart Roadwise Advisory Group was involved in supporting and having input into the following events:

- Walk Safely to School Day - 2008
- School traffic observation
- WA School Travel Planning Pilot Project

There have been no meetings of TravelSmart since December 2008.

In February 2009, in accordance with Policy 502 and Management Guideline 502, the City advertised for membership to the TravelSmart Roadwise Advisory Group.

In addition to the local newspaper advertisements, notices were placed in local shops, council halls, senior citizen centres, recreation centres and aged care facilities. The TravelSmart officer visited posted notices during the advertisement period to ensure that the notices were still in place. The invitation was sent to past members and any member of public that had showed any interest in becoming a member of the group. Included in the invitation, additional to the Management Guideline web link, was the email address and direct phone number for the TravelSmart Officer, provided as an alternative means of contact for interested parties.

Despite the efforts to recruit a TravelSmart Roadwise Advisory Group membership, the response was limited to one past member. The TravelSmart Roadwise Advisory Group terms of reference can be seen at **Attachment 10.1.1(a)**.

In light of the poor response to attempts to recruit group members, the City has decided to dissolve the TravelSmart Roadwise Advisory Group until such time that it is evident that public interest is significant enough to warrant an advisory group. Council Members have previously been advised (via the Weekly Bulletin 10/2009 of 20 March 2009) of the difficulty in recruiting members for this Committee and of its subsequent disbanding. However, in order to maintain some representation on local transport related issues, the City will look into alternatives. Meantime, transport related issues will be dealt with administratively. This is in line with other Councils within the Perth Metropolitan area.

The disinterest in this group is not surprising and in line with the well documented decline in community groups in general. Other local governments have also experienced this decline.

Sir James Mitchell Park Advisory Group (SJMPAG)

The Sir James Mitchell Park Advisory Group met four times during 2008/10 and three times in a joint meeting with the Community Sustainability Advisory Group.

The SJMPAG currently consists of seven members; five residents, two City staff and a representative of the Swan River Trust.

The major issues the SJMPAG were involved with included:

- Esplanade Beaches upgrade project
- Replacement River Wall and Pedestrian Promenade replacement
- Tree planting workshops
- Red Bull Air Race
- Flagpole area upgrade

The SJMPAG terms of reference can be found at **Attachment 10.1.1(b)**.

Community Sustainability Advisory Group

The group has met 10 times which includes 3 meetings with the Sir James Mitchell Park Advisory Group.

Currently seven residents and the Sustainability Coordinator are on the team.

Topics involved:

- Review of sustainability policies
- Grey water recycling seminar
- Inaugural Speaker Series - 2009
- Fiesta - 2009
- Community gardens
- Community Visioning
- Tree planting project for SJMP.
- Three new members in April 2010

The terms of reference for Community Sustainability Advisory Group are at **Attachment 10.1.1(c)**.

South Perth Youth Network (SPYN)

The SPYN is a team of young people who meet regularly to identify and discuss issues that are important to local young people and develop projects in response. Also provides a 'youth voice' in City of South Perth consultations and occasionally external consultations. The group does not have a calendar of set meeting dates but meets as often as necessary, usually about once a month but sometimes more often in busier periods.

The SPYN consists of 15 young local members and the meetings are coordinated by one of the City's Community Development Officers.

The SPYN have been involved in the following:

- Fiesta
- Coordinating a "youth zone" at Australia Day festivities
- Fogarty Foundation Youth Leadership Program
- Act Now Youth Action Workshop 2009
- Bright Green Youth Climate Change Camp
- Planning for an upcoming secret event
- Planning for a local youth magazine

The SPYN information guide can be seen at **Attachment 10.1.1(d)**.

Consultation

The City officers responsible for supporting each of the advisory groups were approached to provide the information in this report.

Policy and Legislative Implications

The City has established community advisory groups in accordance with policy P502.

Financial Implications

The operation of community advisory groups has a minimal financial impact on the operation of the City.

Strategic Implications

The report aligns to Goal 1 in the City's Strategic Plan "*Create opportunities for safe, active and connected community.*"

Sustainability Implications

The creation of advisory groups contributes to the City's sustainability by promoting effective communication and community participation.

OFFICER RECOMMENDATION 10.1.1

That Council...

- (a) receive the report on the City's Community Advisory Groups and the terms of reference;
- (b) acknowledge the 'Groups' contribution to the success of the City's operations; and
- (c) note that the TravelSmart RoadWise Advisory Group has been disbanded, due to lack of public interest, and its inclusion into the Sustainability Advisory Group.

10.1.2 Funding Assistance - Round One

Location: City of South Perth
Applicant: Council
File Ref: GS/103/1- 2010/2011
Date: 5 July 2010
Author: Sandra Watson, Manager Community Culture & Recreation
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

This report relates to applications in the Community Development category of the Funding Assistance Program - Round One - 2010/2011.

Background

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

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

1. **Community Partnerships** - with identified organisations that provide a major benefit to the City of South Perth community.
2. **Community Development Funding**
 - (a) Community Development Category - Project funding for incorporated not for profit groups - these are considered by council in two rounds annually.
 - (b) Individual Development Category – Financial assistance for individuals attending interstate or international sporting, cultural or academic activities.
3. **Community Grants** - Smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development Funding program.

Submissions in the Community Development Funding category, which is the subject of this report, are assessed against the following criteria:

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City);
2. The proposed benefits for the participants involved, as well as for the wider City of South Perth community;
3. The expected number of number of participants who are residents of the City of South Perth;
4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored;
5. The level of cash or in kind support committed to the project;
6. The sustainability of the project and / or the organisation; and
7. The level of exposure given to the City in the promotion of the project. (recipients are required to promote the City's support of the project.)

Full details of the funding program can be found on the City's website, where information is available about program guidelines, eligibility and selection criteria, acquittal information along with resources to assist with grant seeking and the development of grant submissions.

Comment

Five applications were received in this round requesting a total of \$41,660. Details of all applications are included in the submission summaries at **Attachment 10.1.2**. All five applications comply with the requirements of the program. The applications cover a range of community services and projects, and were submitted by:

- Esther Foundation
- Carson Street School P & C
- Communicare Inc.
- Lady Gowrie Childcare Centre
- Youthcare Como District Council

This report recommends that four of the five eligible submissions are fully supported and that the remaining application is supported in part for reasons outlined in the attached submission summaries. The total recommended funding amount is \$30,600

Consultation

This funding round was advertised on the City's website and in the Southern Gazette, and promoted directly to over 300 community groups listed in the City's Community Information Directory. In addition, City officers are proactive in discussing projects with applicants and assisting in the development of submissions.

Policy Implications

This report refers to the Funding Assistance Policy P202.

Financial Implications

A total amount of \$195,000 is allocated in the 2010/2011 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program. The recommendation of this report is within budgetary parameters.

It has been noted that pressure on the City's Funding Assistance Program has increased significantly over the past several years and in the current economic climate it is expected that this demand will continue to grow. There is some concern about the City's ability to respond to increased requests for financial support. As a consequence, the officers have worked closely with applicants to ensure that criteria are met and to explain, where applicable, why full funding had not been granted.

Strategic Implications

This report is complimentary to Strategic Direction, 'Community', and relates to Direction 1.3. *'Encourage the community to increase their social and economic activity in the local community.'*

Sustainability Implications

Through the City's Funding Assistance program a range of community services and initiatives, many of which are run by volunteers, are fostered and supported whereas it would not be sustainable for the City or other government level organisations to deliver these programs.

OFFICER RECOMMENDATION ITEM 10.1.2

That...

- (a) \$30,600 be distributed to the following five organisations from City funds for Round One of the Community Development category of the Funding Assistance Program:
- Esther Foundation \$5000
 - Carson Street School P & C \$2000
 - Communicare Inc. \$7000
 - Lady Gowrie Childcare Centre \$2600
 - Youthcare Como District Council \$14,000; and
- (b) the one applicant (Communicare Inc.) who did not receive their full request be advised in writing of the reason:

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Application for Planning Approval for Proposed Additions (on Level 5) to Existing Mixed Development. Lot 104 (No. 71-73) South Perth Esplanade, South Perth

Location: Lot 104 (No. 71-73) South Perth Esplanade, South Perth
Applicant: John Collière, CMP Architects
Lodgement Date: 4 April 2010
File Ref: 11.2010.175 SO1/71-73
Date: 8 July 2010
Author: Matt Stuart, Senior Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for the proposed additions (penthouse on level 5) to an existing Mixed Development on Lot 104 (No. 71-73) South Perth Esplanade, South Perth. The proposal is observed to demonstrate compliance with the City's Town Planning Scheme No. 6, the 2008 R-Codes and relevant Policies. Officers recommend to the Council that the proposed development be approved.

Background

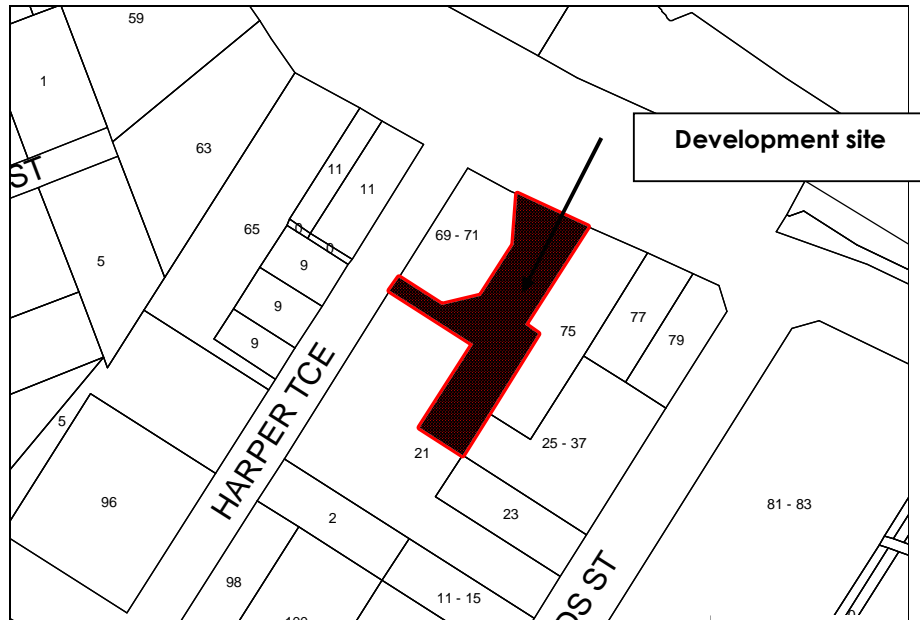
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,501 sq. metres
Building height limit	13.0 metres
Plot ratio limit	1.0

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Plans of the proposal
- **Attachment 10.3.1(b)** Site photographs
- **Attachment 10.3.1(c)** Photo montage

The location of the development site is shown below:



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

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

Comment

(a) Description of the Surrounding Locality

The subject site has frontages to South Perth Esplanade and Harper Terrace, located opposite a Parks and Recreation metropolitan reserve to the north, adjacent to a Single House to the east, a shopping arcade to the south and a Single House to the west as depicted in the site photographs at **Attachment 10.3.1(b)**.

(b) Existing Development on the Subject Site

The existing development on the subject site is a Mixed Development comprising Multiple Dwellings in the northern building, and Offices in the southern building, as seen in the photograph below.



(c) **Description of the Proposal**

The proposal involves the addition of a penthouse to the existing Mixed Development, as depicted in the submitted plans at *Confidential Attachment 10.3.1(a)*. The site photographs at **Attachment 10.3.1(b)** show the relationship of the site with the surrounding development.

The proposal complies with the TPS6, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council Policies, with significant matters discussed below.

(d) **Building Height**

The building height limit for the site under the current TPS6 is 13.0 metres, whereas the *existing* building height is 15.777 metres (18.077m AHD). However, it should be noted that the existing building was approved under the previous Scheme (TPS5) and subsequently granted building licence in January 1993. At that time, TPS5 contained provisions that prescribed building heights in terms of the number of floors (4-storeys) rather than linear measurements. Amendment No. 60 to TPS5 was gazetted on 8 October 1993 which converted 'storey height' limits to 'metre height' limits.

Accordingly, the proposed development on this site has been assessed under clause 6.2(1)(d) of TPS6 which relates to additions to existing buildings which exceed the prescribed building height limit. The relevant sub-clause states as follows (emphasis added):

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

- (i) *subject to clauses 6.11(8) and 7.8, the additions will not extend the plot ratio area of the building beyond the prescribed maximum;*
- (ii) *walls of the additions will not extend to a greater height than the highest wall of the existing building;*
- (iii) *in the Council's opinion, the additions will contribute positively to the visual enhancement of the building, the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct;*

;

- (iv) *in the Council's opinion, there will not be a significant adverse impact upon adjoining neighbouring properties; and*
- (v) *advertising of the proposed additions has been undertaken in accordance with the provisions of clause 7.3.*

In assessing the proposed development under sub-clause (i), the proposed plot ratio does not exceed beyond the prescribed maximum, as detailed in section Plot Ratio.

In assessing the proposed development under sub-clause (ii), it is considered that all walls are no greater than the wall height of the existing development (18.077 meters AHD).

In assessing the proposed development under sub-clause (iii), it is considered that the additions will contribute positively to the visual enhancement of the building, as seen in the submitted photo montage at **Attachment 10.3.1(c)**. In addition, the scale and character of this streetscape is dominated by multi-storey residential buildings (including the subject site) and that the proposed additions are suitably compatible.

In assessing the proposed development under sub-clause (iv), given the vertical location and moderate scale of the additions, it is considered that the proposal will not have a significant adverse impact upon adjoining neighbouring properties.

Advertising has been carried out as per sub-clause (v), as detailed in section Neighbour Consultation. One "no objection" submission was received.

In addition, the "Feature Art Glass Infill" within the roof structure (as seen on the elevation drawings) is considered to be a "Minor Projection" in accordance with clause 6.2(1)(b)(v)(D) of TPS6, therefore exempt from building height controls (emphasis added):

*Minor projections which extend outside the space referred to in subparagraph (v)(A), including, but without in any way restricting the generality of this provision, such structures as **vertical glass planes within the roof structure**, dormer and saw-toothed windows, and chimneys.*

In light of the assessment that has been carried out, it is considered that the building height of the proposed development complies with the relevant provisions of TPS6 and is therefore recommended for approval.

(e) Solar Access for Adjoining Sites

The proposed additions will create an insignificant increase of overshadow and only onto the car parking areas due south (see aerial photograph above in section Existing Development on the Subject Site). Therefore, the Assessing Officer considers that no further assessment is required and the proposed development complies with the solar access element of the R-Codes.

(f) Wall Setback

The proposed wall setbacks on the eastern and southern sides generally comply, however the western walls to proposed additions on the terrace level have side setback shortfalls of 2.8 – 5.3 metres. Therefore, the proposed development does not comply with Table 1 of the R-Codes.

The Applicant has satisfied all of the Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed structure provides adequate ventilation and sun to the subject site;
- The proposed structure provides adequate sun and ventilation to the neighbouring property;
- Building bulk is not an issue, due to the considerable height differences of the two development;
- Visual privacy is not an issue; and
- No comment from the neighbour (see neighbour consultation).

(g) Street Setback

The prescribed minimum street setback is 12.0 metres for buildings; whereas the proposed setbacks are 18.5 metres, therefore the proposed development complies with Table 5 of TPS6.

(h) Visual Privacy Setbacks

Due to the terrace level being an existing viewing platform, the site currently has a previous planning approval in relation to visual privacy; and therefore no further assessment was required. Regardless, due to the considerable height differences between the proposed development and adjoining neighbours, it is considered that there will not be any visual privacy issues in accordance with the relevant provisions of the R-Codes.

(i) Plot Ratio

The maximum permissible plot ratio is 1.0 (1,501m²), whereas the proposed plot ratio is 0.96 (1,443m²). Therefore the proposed development complies with the plot ratio element of the R-Codes.

(j) Car Parking

As the car parking requirements are measured against the number of dwellings, which is not proposed to be amended, an assessment of car parking is not required.

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

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

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2010. The proposal was favourably received by the Consultants. Comments and responses from the Applicant and the City are summarised below:

DAC Comments	Applicant's Responses	Officer's Comments
The Architects observed through broad calculations that the proposed building is over height.	Amended plans provided.	The applicant has amended the plans to comply with the City's interpretation of the building height control (see section Building Height). The comment is NOTED .
While the proposed additions on the terrace level could be contained within the notional roof envelope, portions of the proposed additions including the sides of the patio were observed to be outside the building height limit, which can not be approved under the current TPS6 provisions.		
Due to the height of the building, the proposed additions on the terrace level were observed to have a minimal visual impact upon the existing streetscape character.	No comment.	The comment is NOTED .

(b) Neighbour Consultation

Neighbour Consultation was undertaken for this proposal to the extent and in the manner required by Policy P355 ‘Consultation for Planning Proposals’. Individual property owners, occupiers and/or strata bodies at Nos 69, 75, and 77 South Perth Esplanade and Nos 21, 23 and 25-37 Mends Street were invited to inspect the plans and to submit comments during a 14-day period (however the consultation continued until this report was finalised). During the advertising period, a total of 9 consultation notices were sent and 1 submission of no objection was received.

Policy and Legislative Implications

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

Financial Implications

The determination has a no financial implications.

Strategic Implications

This matter relates to Strategic Direction 6 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

The proposed development is observed to comply with the principles of sustainability as it has access to northern sunlight, ample area for outdoor activities and provides cross ventilation to implications relating to this application.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed additions (penthouse) to an existing Mixed Development on Lot 104 (No. 71-73) South Perth Esplanade, South Perth, **be approved** subject to:

(b) Standard Conditions

377	screened clothes drying	664	inspection (final) required
425	colours & materials- matching	660	expiry of approval
550	plumbing hidden		

(b) Specific Conditions

The proposed additions on Level 5 are being approved to be used in conjunction with the existing dwelling on Level 4. The additions are not approved to be used separately as a dwelling.

(c) Standard Advice Notes

648	building licence required	651	appeal rights- SAT
649A	minor variations- seek approval		

(d) Specific Advice Notes

Nil.

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

10.3.2 Proposed Change of Use (Tavern to Office Use) - Lot 950 (No. 1) Preston Street, Como

Note: Following the deputation by the applicant at the July Council Agenda Briefing, the applicant has decided to provide additional information in support of the application. With the agreement of the applicant, the officer report at Item 10.3.2 is hence withdrawn.

10.3.3 Proposed Subdivision - Clontarf Estate Cnr Manning Road and Centenary Avenue, Waterford

Location: Lots 83, 829, 9000 & 9001, corner Manning Road and Centenary Avenue, Waterford
 Applicant: Development Planning Strategies
 Lodgement Date: 25 May 2010
 File Ref: MA3/295 - WAPC 142096
 Date: 1 July 2010
 Author: Emmet Blackwell, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

There is a current subdivision approval for the subject land issued by the Western Australian Planning Commission (WAPC) on 29 January 2007 which is due to expire on 29 January 2011. The existing subdivision approval is for the creation of 189 new residential lots at R20 density and approximately 5.0 hectares of open space.

Stage 1 of construction commenced in April 2010. Given that the development of this site will continue over the next few years, renewal of subdivision approval is sought by the applicant, noting the likelihood that the required works will not be completed by the due date. The details of the subdivision proposal have not changed since Council resolved to recommend conditional approval at its 25 July 2006 meeting.

This report requests that Council makes a supporting recommendation to the WAPC in relation to this application. Such a recommendation would be consistent with Council’s previous decision made at the July 2006 meeting. Normally DM342 “Delegation from the Chief Executive Officer” would not allow a subdivision proposing new local roads to be determined at a delegated officer level. However, in this case it is observed as appropriate to do so as the proposal is not new, but is simply renewal of an existing subdivision approval.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
The requirement for community consultation in regard to the proposed renewal of the existing subdivision approval.	While Council policies provide guidance for decision-making, Council Members are not bound by policies and should exercise discretionary judgement as to whether particular policy provisions should be invoked in particular instances. In relation to the current subdivision proposal, both the City’s Director Development and Community Services and the City’s Strategic Urban Planning Adviser consider that the advertising procedures in Policy P355 should not be implemented because the proposed subdivision design is unmodified since it was last considered by Council and subsequently recommended approval.

Background

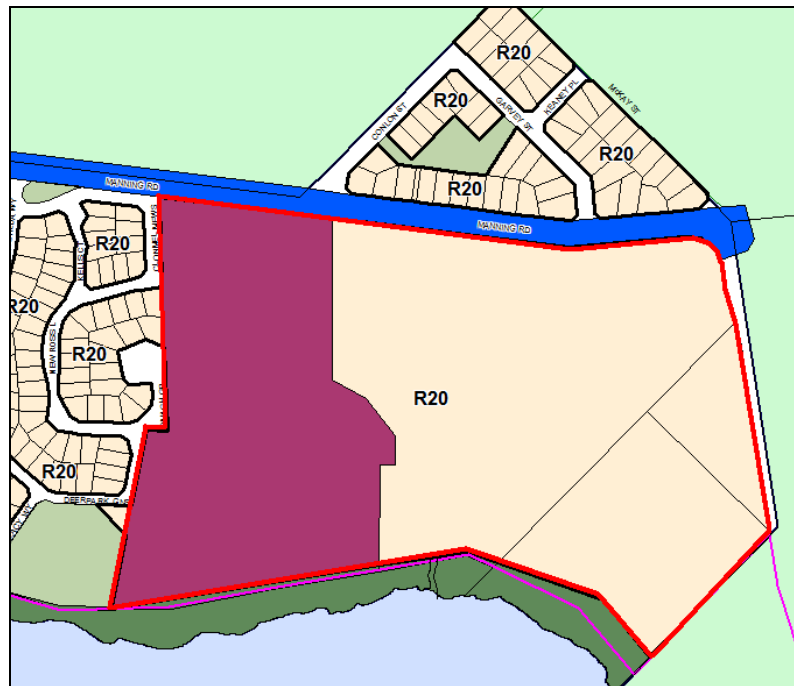
Zoning	Residential
Density coding	R20
Lot area	Lot 9000 - 12.3086 hectares; Lot 9001 - 12.4921 hectares; Lot 829 - 1.4526 hectares; Lot 83 - 5.21 hectares
Building height limit	7 metres

This report includes the following attachments:

- | | |
|-----------------------------|--|
| Attachment 10.3.3(a) | Plan of the proposal. |
| Attachment 10.3.3(c) | Minutes of Council meeting 25 July 2006. |

The *confidential* report provided by the Town Planning Consultants in support of the proposal, **Confidential Attachment 10.3.3(b)** is a very large document. This attachment has not been circulated, however is available for viewing in the Councillors' Lounge along with a full size copy of the subdivision plan referred to as **Attachment 10.3.3(a)**.

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



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

- 5. Subdivision applications**
Subdivision applications involving the creation of a new local road.

However, in this case as the proposal is simply a renewal of an existing subdivision approval which Council previously recommended conditional approval; refer to **Attachment 10.3.3(c)**, it is the view of both the City's Director Development and Community Services and the City's Strategic Urban Planning Adviser that the proposal does not require a new assessment by Council.

Comment

(a) Extension of time

As outlined above, a current subdivision approval for the subject land exists which was issued by the Western Australian Planning Commission (WAPC) on 29 January 2007 and is due to expire on 29 January 2011. Given that the development of this site will continue over the next few years, renewal of subdivision approval is required as is being sought by the applicant. The details of the subdivision proposal have not changed since Council resolved to recommend conditional approval at its 25 July 2006 meeting, except for required changes in order to satisfy conditions of the existing subdivision approval.

(b) Principal shared path

It has been a longstanding desire of the City to provide a continuous pathway linkage along the foreshore reserve at Clontarf from Centenary Avenue (the City's eastern boundary) through to Mount Henry Reserve (the City's southern boundary). The City is keen to provide a foreshore path that is sympathetic to the natural environment, enhances the visual amenity of the area and which allows the local and broader community to enjoy these unique values through a cycling and walking experience. It is also a facility that the local community have long advocated as being of vital importance.

In 2009, the City was successful in being allocated grant funding from both the Commonwealth Government (Regional and Local Community Infrastructure Program) and Department of Transport to construct approximately 552 metres of the foreshore path from Treacy Way to the eastern boundary of Clontarf College. The above two grants were supplemented using funds from the City's annual budget. In addition to the work undertaken by the City of South Perth, the City of Canning upgraded several hundred metres of shared use path at Centenary Drive. Consequently, the only section of path that remains unconstructed is that section within land owned by the developers of Cygnia Cove (proposed POS).

The City is keen for the developer of Cygnia Cove to construct the missing section of foreshore path as a matter of priority. In doing so, this will meet the City's objective of providing a continuous pathway linkage at Canning River foreshore that enables the broader community and the new residents of Cygnia Cove to take advantage of the shared use path for cycling and walking purposes.

Condition 8 of the Western Australian Planning Commission's (WAPC) existing subdivision approval states "*A shared path is to be constructed through POS area A, connecting the eastern boundary of the Clontarf Campus, to accommodate a future cycle route along the Canning River foreshore.*" The City recommends to the WAPC that Condition 8 be amended to state that the subject section of shared path be constructed prior to clearance of Stage 1 or the sale of any lots.

A copy of the WAPC subdivision approval is contained within ***Confidential Attachment 10.3.3(b)***.

(c) Centenary Avenue – Future Duplication

As Councillors would be aware, there is significant traffic congestion at Manning Road, Centenary Avenue and Leach Highway (at Shelley Bridge and on-ramp to Centenary Avenue) at the morning and afternoon peak times. Centenary Avenue particularly is not well equipped to cope with the increased traffic and transport demands associated with the continued growth of Curtin University and the nearby residential precincts and hence upgrade is necessary in the future. Centenary Avenue currently comprises one southbound and northbound lane for the majority of its length (except at road intersections and near Shelley Bridge).

There is a proposal by the City of South Perth and City of Canning (as joint road managers) to duplicate the northbound travel lane of Centenary Avenue from Leach Highway to Manning Road and improve traffic signal phasing at the intersection of Manning Road / Centenary Avenue. In this regard, both local governments propose to submit a joint Blackspot application to Main Roads Western Australia (MRWA) for funding to implement improvements in the 2011 / 2012 financial year. In addition to the improvements recommended by the City of South Perth and Canning, it is understood that the Public Transport Authority (PTA) is looking into the possible introduction of a bus only lane at Centenary Drive to provide priority movement for buses to the Curtin University precinct.

Duplication of the northbound travel lane at Centenary Avenue is urgently required to:

- Improve traffic flow and travel times by reducing queuing and congestion at Manning Road, Centenary Avenue and Leach Highway respectively;
- Cater for the increased traffic and transport demand associated with the continued expansion of Curtin University and other areas such as Bentley Technology Precinct;
- Facilitate improved bus services to Curtin University and other nearby centres; and
- Provide two dedicated left turn lanes from Centenary Avenue to Manning Road.

The developers of Cygnia Cove propose a road connection at Manning Road and Centenary Avenue. Whilst the City has no choice but to approve a road connection at Manning Road and Centenary Avenue in order to service the needs of the Cygnia Cove development, such a connection should, as far as practicable:

- Not compromise traffic flow and efficiency at Centenary Avenue and Manning Road;
- Be designed and constructed such that the future residents of Cygnia Cove are able to access Centenary Avenue and Manning Road safely and with relative ease; and
- Be designed and constructed to accommodate the future upgrade or improvements to Centenary Avenue and Manning Road (i.e. future proofed).

The design of the proposed access road connection to Centenary Avenue shows a dedicated right turn pocket to service Cygnia Cove. A left turn pocket is not proposed.

If duplication of the northbound travel lane proceeds as suggested for 2011/2012 then the following situation is likely:

- There will be little or no opportunity to accommodate a dedicated right turn pocket or central median due to the constrained width of the existing road reserve;
- Whilst two travel lanes would be available for northbound traffic, only one lane would be available for southbound traffic;
- Right turn access from Centenary Avenue to Cygnia Cove during the morning and afternoon peak times would not be approved due to close proximity to the existing traffic signals at Manning Road/Centenary Avenue, impact on traffic flow (due to there only being one southbound lane) and safety concerns; and
- Right turn access out of Cygnia Cove to Centenary Avenue during the morning and afternoon peak times would be extremely difficult and unsafe.

Condition 5 of the current WAPC approval states “*Arrangements being made with the City of Canning for the upgrading of Centenary Avenue in association with the new entry road.*” Whilst Condition 5 indicates that the City of Canning is to approve of the upgrade to Centenary Avenue, the condition is not specific in regards to the location and form of the proposed intersection. It is therefore recommended that an additional condition and advice note be included on the subdivision approval.

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

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

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

Consultation

(a) Neighbour consultation

Part 7.1 of Council Policy P355 requires subdivision proposals involving the creation of a new public road to be advertised by having a sign placed on site for a 30 day period. In relation to the current subdivision proposal, both the City’s Director Development and Community Services and the City’s Strategic Urban Planning Adviser consider that the advertising procedures in Policy P355 should not be implemented because the proposed subdivision design is unmodified since it was last considered by Council and subsequently recommended approval. There is no new information to consider.

While City policies provide guidance for decision-making, officers recommend that the Elected Members exercise discretionary judgement as to whether particular policy provisions should be invoked in this instance.

(b) Environmental Health comments

The following comments have been received from the Environmental Health department:

Please be advised that in reviewing this proposal and giving consideration to the recent issues that the Environmental Health and Regulatory Services department experienced with the Waterford residents, it would be wise if the City could inform potential purchasers of these lots through an encumbrance condition in accordance with WAPC Version 9 - Model Conditions, of the following.

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases.”

In accordance with the standard encumbrance wording, a condition of approval has been recommended.

(c) Other departments

Comments were also invited from Infrastructure Services and City Environment departments. These departments have indicated that as the proposed subdivision has not changed since it was last considered and recommended approval by Council in 2006, they have no objections to this proposed extension of time for the existing subdivision approval. Each department has confirmed that the subdivision conditions carried at the previous Council meeting of July 2006, referred to in **Attachment 10.3.3(c)**, be recommended again as the subdivision design is unchanged.

Policy and Legislative Implications

Comments in relation to the various relevant provisions have been addressed elsewhere in this report.

Financial Implications

This issue has a potential financial impact on the City in relation to maintenance of open space reserves. For detailed information regarding maintenance issues, refer to the “Comments” section from City Environment officers within **Attachment 10.3.3(c)**.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

In the interest of environmental sustainability, the subdivision has been designed to preserve and enhance a large proportion of the existing wetlands and foreshore open space.

Conclusion

The design has not changed since previously supported by Council. Therefore the recommendation to the Western Australian Planning Commission on the current application should be essentially the same as the previous recommendation, but with the addition of a new recommended conditions as detailed in the report.

OFFICER RECOMMENDATION ITEM 10.3.3

That with respect to the renewed subdivision application for Lots 83, 829, 9000 and 9001, corner Manning Road and Centenary Avenue, Waterford submitted by Development Planning Strategies, it is recommended that the Council recommends to the Western Australian Planning Commission that the application **be approved** subject to the following conditions:

- (a) All conditions previously carried at the Council meeting held on 25 July 2006, to the extent that those conditions are still required;
- (b) The existing ground levels of the development shall be raised to at least 1.7 metres above Australian Height Datum as required by Clause 6.9(1) "Minimum Ground and Floor Levels" of the City's Town Planning Scheme No. 6;
- (c) A shared path is to be constructed through POS Area A at the developers expense prior to clearance of Stage 1 or the sale of any lots, connecting the eastern boundary of the Clontarf Campus, to accommodate a future cycle and pedestrian route along the Canning River foreshore. The shared use path is to be designed and constructed to the satisfaction of the City;
- (d) A notification, pursuant to Section 165 of the Planning and Development Act is to be placed on the Certificates of Titles of the proposed lots advising of the existence of a hazard. Notice of this notification is to be included on the Deposited Plan. The notification is to state as follows: *"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases."*
- (e) The location and form of the new entry road and intersection at Centenary Road is to compliment the future duplication of Centenary Avenue and be to the satisfaction of the City of South Perth and City of Canning.; and
- (f) A new advice be included on the approval as follows : The Applicant is advised that the City of South Perth and City of Canning propose to undertake improvements to Centenary Avenue by way of duplicating the northbound travel lane in 2011/2012 or shortly thereafter. This duplication is likely to impact traffic movements into and out of the proposed development. The Applicant is therefore advised to liaise with both the City of South Perth and City of Canning in regard to the location and form of the entry road and intersection at Centenary Avenue.

10.3.4 Proposed Amendment No. 22 to Town Planning Scheme No. 6: Rezoning of Como Community Kindergarten and former Child Health Clinic, Lots 165 (No. 15) and 166 (No. 17) Alston Avenue cnr Labouchere Road, Como to Residential R20/30.

Location: Lots 165 (No.15) and 166 (No. 17) Alston Avenue cnr Labouchere Road, Como.
 Applicant: City of South Perth
 File Ref: LP/209/22
 Date: 1 July 2010
 Author: Rod Bercov, Strategic Urban Planning Adviser
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

This report presents a proposal to initiate Amendment No. 22 to Town Planning Scheme No. 6 (TPS6) in order to rezone the sites of the Como Community Kindergarten and the former Child Health Clinic for residential development. The recommendation is that the Council adopt the necessary formal resolution to initiate the Scheme Amendment process, and that the draft Amendment No. 22 document be endorsed to enable the Amendment to be advertised for public inspection and comment.

Background

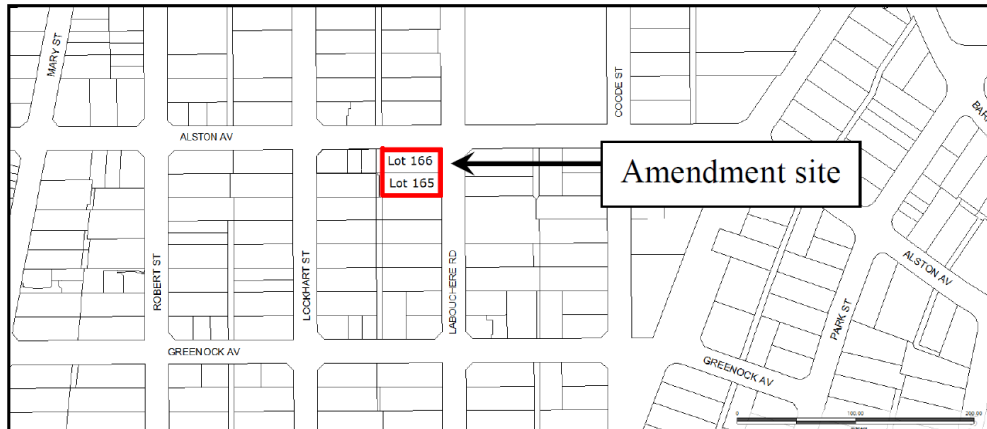
The Amendment site details are as follows:

Current zoning	Public Purposes Reserve specifically for Kindergarten (Lot 165) and Clinic (Lot 166).
TPS6 Amendment proposed zoning and density coding	Residential R20/30
Lot areas	Lot 165: 1012 sq. m, plus an additional 52 sq. m allocated to this lot following the closure of Right-of-Way No. 78 in 1999. Lot 166: 1012 sq. m, plus an additional 101 sq. m allocated to this lot following the closure of Right-of-Way No. 78 in 1999.
Building Height Limit	7.0 metres
Existing Development	Lot 165: Kindergarten Lot 166: Disused Child Health Clinic (currently used for storage)
Development potential	R20 density: 2 Single Houses or Grouped Dwellings on each lot R30 density: 3 Single Houses or Grouped Dwellings on each lot

This report includes **Attachment 10.3.4**, being the Amendment report for community consultation and ultimately for the Minister's final determination.

The Amendment site comprises two lots on the south-west corner of Alston Avenue and Labouchere Road, Como. Lot 166 (No. 17) situated on the street corner is occupied by the building formerly used as a Child Health Clinic and currently used for storage. Lot 165 (No. 15), occupied by the kindergarten, is the adjoining lot to the south. The Amendment site is contained within a street block which is otherwise zoned Residential with a density coding of R20/30. As the current facilities will soon become surplus to requirements, in the interests of orderly and proper planning, the Amendment site should be rezoned to be consistent with the zoning and density coding of surrounding land.

The location of the subject site is shown below:



The proposal is for an amendment to TPS6 to zone the sites of the Como Community Kindergarten and former Child Health Clinic for residential development, with the proposed density coding being R20/30.

Comment

The report to be presented to the Minister (**Attachment 10.3.4**) contains additional background information and all relevant details relating to the proposed Scheme Amendment. When the rezoning is finalised, it is proposed to offer the subject land for sale for residential development. The development potential of the combined site will be 4 Single Houses or Grouped Dwellings at R20 density coding, or 6 dwellings at R30 coding.

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

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

The proposed Scheme Amendment meets this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (d)** *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- Objective (e)** *Ensure community aspirations and concerns are addressed through Scheme controls;*
- Objective (f)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

While clause 7.5 is intended to relate to the consideration of development applications, the proposed Scheme Amendment will have an effect on future applications for residential development. To that extent, clause 7.5 is also relevant to the Scheme Amendment. Clause 7.5 lists a range of matters which the Council is required to have due regard to, and may impose conditions with respect to, when considering a proposed development. Of the 24 listed matters, the following are relevant to this Scheme Amendment, and will also be relevant when a future development application is being considered for the site:

- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) the topographic nature or geographic location of the land;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The proposed Scheme Amendment will be beneficial in relation to all of these matters.

Consultation

(a) Consultation with Education Department

On 21 May 2010 a meeting was held between City officers and the Director of Schools – Department of Education and Training - Canning District Office (DET). At this meeting, DET staff indicated that if the Como Community Kindergarten was to close and kindergarten places were still required in the area, accommodation for kindergarten aged students would be provided on the Como Primary School site. This meeting was followed up with written correspondence from the DET dated 18 June 2010 which stated, in part, the following:

“As per Department of Education policy, community kindergartens, whilst staffed by Department of Education personnel, are managed by the parent representative group. In light of this, any decisions related to the closure or relocation of this kindergarten must be managed by the parent body.”

(b) Consultation with Como Community Kindergarten

On 8 June 2010 the City's Manager Community Culture and Recreation and the Grants and Consultation Officer met with some of the committee members and the teachers of the Como Community Kindergarten. At this meeting, those present were informed of the proposal to rezone the land occupied by the kindergarten (and Child Health Clinic). The process involved was outlined by City officers and initial questions were answered. The City subsequently followed up this meeting with a formal letter to the committee outlining what is proposed, including the vacancy date suggested by the City (December 2011) and the commitment by the Department of Education and Training in terms of the provision of kindergarten places at the Como Primary School, should they be required.

(c) City of South Perth Historical Society

The City of South Perth Historical Society presently use the former Child Health Clinic on a short term lease basis, for storage purposes. The Society has been informed of the City's intention to dispose of the property within the next two years.

(d) Neighbour and community consultation

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the Town Planning Regulations and in the City's Policy P355 "Consultation for Planning Proposals". Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P355. The consultation process will also involve referral to the Environmental Protection Authority for assessment; and also to the Water Corporation.

Community consultation will involve a 42-day advertising period, during which, notices will be placed on the City's web site, in the Southern Gazette newspaper and in the City's Libraries and Civic Centre. Any submissions received during this period will be referred to a later Council meeting for consideration.

Policy and Legislative Implications

Lots 165 and 166 are both owned freehold by the City of South Perth. Council Policy P306 'Development of Council Owned Land' presents the rationale for the Policy in the following terms:

"An application involving the rezoning or development of land owned (by) the City of South Perth, for commercial purposes, is to be assessed independently and in a manner that removes the potential for a perceived or real conflict of interest or bias.

This policy is intended to cover applications involving significant developments on Council owned or controlled land for commercial purposes. This policy is not intended to apply to applications involving non-profit services, community based services, education services or recreational pursuits or where the project is the subject of an existing lease, which has previously been publicly advertised and approved by Council. The policy also does not apply where the commercial use is ancillary to the predominant use or where State Government bodies are the final approving authority."

While Council Policies provide guidance for decision-making, Council Members are not bound by policies and should exercise discretionary judgement as to whether particular policy provisions should be invoked in particular instances. In relation to the current Scheme Amendment proposal, the Chief Executive Officer considers that Policy P306 should not be invoked because:

- the Policy does not apply where State Government bodies are the final approving authority - in this instance, the Minister for Planning and the Western Australian Planning Commission are the final approving authorities for the Scheme Amendment;
- the current proposal does not relate to “commercial development”. It relates to rezoning of the subject land for future low to medium density residential development with the density coding being identical to the existing coding of other residential land in the vicinity; and
- the current proposal does not relate to building construction, but only the rezoning of the land - the Council will not be undertaking the actual development.

When finalised, Amendment No. 22 will have the effect of modifying the Scheme Maps of the City’s operative Town Planning Scheme No. 6.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 22 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Preliminary consultation under Policy P355	Not applicable
Council resolution to initiate Amendment No. 22 to TPS6	27 July 2010
Council adoption of draft Scheme Amendment No. 22 proposals for advertising purposes	27 July 2010
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	End of July 2010
Public and Water Corporation advertising period of not less than 42 days	Commencing end of August / early September 2010
Council consideration of Report on Submissions - Report on Submissions and related recommendations prepared by independent consultant as required by Council Policy P306	November 2010 Council meeting
Referral to the WAPC and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council’s recommendation on the proposed Amendment No. 22; • Three signed and sealed copies of Amendment No. 22 documents for final approval 	Early December 2010
Minister’s final determination of Amendment No. 22 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Financial Implications

Some minor financial costs will be incurred during the course of the statutory Scheme Amendment process. In the case of Scheme Amendments implemented at the request of an external applicant, the applicant is required to pay the Planning Fee, in accordance with the Council’s adopted fee schedule. However, in this instance, since the City is the proponent, all costs are borne by the City. These include the cost of notices in newspapers and the Southern Gazette, placement of signs on site, and mailing of notices to neighbouring landowners.

More importantly however, the land sale proceeds have been factored into the City's budgeting model and will be used to fund identified priority community facilities and services.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

The Scheme Amendment provides an opportunity for the Council to make effective use of the subject land when no longer required for its present uses. The rezoning of the land to Residential will make a small contribution towards urban infill which is an objective of the State Government and the City in the interest of sustainability.

Conclusion

If Amendment No. 22 is ultimately approved by the Minister and the subject land is rezoned and sold for residential purposes, the Como community will still have the benefit of a kindergarten located on the Como Primary School site. The rezoning of the subject land will have benefits in terms of facilitating more appropriate and sustainable residential use of the land. The money from the sale of the land will contribute to Council's capital works projects without imposing on the ratepayers of the City.

Following Council's resolution to initiate the Scheme Amendment process, the draft Amendment documents will be made available for community consultation before being referred to the Western Australian Planning Commission and the Minister for final determination.

OFFICER RECOMMENDATION ITEM 10.3.4

That ...

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.3.4**;
- (b) the Report on the Amendment containing the draft Amendment No. 22 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.3.4**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 22 be implemented in accordance with the Town Planning Regulations and Council Policy P355; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 22:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.

10.3.5 Proposed Two Storey Single House - Lot 3 (No. 1/19) Cale Street, Como

Location: Lot 3 (No 1/19) Cale Street, Como.
 Applicant: Perth Residential Developments
 File Ref: 11.2010.95 CA2/19
 Date: 13 July 2010
 Author: Siven Naidu, Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

The application for planning approval is for a proposed two storey Single House on Lot 3 (No. 1/19) Cale Street Como. Council’s discretion is sought in regard to one of the boundary walls on the western boundary and boundary fence on the eastern boundary facing Park Street. The recommendation is for approval, subject to a number of standard and specific conditions that require modifications to the drawings submitted along with the application.

The Council may choose to exercise discretion in relation to the heights of the boundary wall on the western boundary, and the boundary fence on the eastern boundary in accordance with the following provisions:

Element on which discretion is sought	Source of discretionary power
Height of the boundary wall	Clauses 5 & 6 of Policy P350.2 “Residential Boundary Walls”
Height of the boundary fence	Clause 6.2.5 “Street walls and fences” of the R-Codes

Background

The development site details are as follows:

Zoning	Residential
Density coding	R30
Lot area	333 sq. metres
Building height limit	7.0 metres
Development potential	A single dwelling

This report includes the following attachments:

Confidential Attachment 10.3.5(a) Plans of the proposal

The location of the development site is shown below. The site is adjoined by a vacant strata lot on its western boundary for which the City received a development application on 28 June 2010, grouped dwellings on its southern boundary as well as across Cale Street, and a church opposite on Park Street.



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

3. The exercise of a discretionary power

- (i) Applications which, in the opinion of the delegated officer, represent a significant departure from the scheme, the Residential Design Codes or relevant Planning Policy.
- (ii) The Applicant has verbally requested Council consideration for the proposed solid fence along both street frontages.

In relation to item above, the recommendation for approval is subject to conditions that require modifications to the drawings.

Comment

(a) Description of the proposal

The proposal comprises a two storey single house on the vacant lot at the corner of Cale Street and Park Street. **Confidential Attachment 10.3.5(a)** shows the proposed development.

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

(b) Boundary wall (theatre) on the western boundary

The boundary wall has been assessed in accordance with the amenity factors listed under clause 5 of City Policy P350.2 'Residential Boundary Walls':

- The effect on the existing streetscape character;
- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Outlook from an adjoining Habitable Room window;
- Impact of bulk on adjoining Outdoor Living Areas; and
- Overshadow of adjoining habitable room windows or Outdoor Living Areas;

The City officers observe that the boundary wall is considered acceptable for the following reasons:

1. No effect on streetscape character, as the proposed boundary wall is at the rear of the site and is not visible from the street.
2. Major source of outlook and natural light is provided through the major opening in the dining area (sliding doors) which leads onto the Alfresco.
3. A portion of the Boundary wall sits opposite the barbeque recess of the adjoining property's outdoor living area, and does not impact upon the active habitable area. Therefore, the boundary wall will only be visible from the barbeque recess which is of minimal impact.
4. No overshadowing is proposed, compared to the second dining major opening along the side boundary.

Finally, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against Policy P350.2, however a condition is recommended to reduce the height of the parapet wall to no greater than 2.7 metres to meet with clause 6 of Policy P350.2, *'Where a proposed boundary wall is situated adjacent to an outdoor living area on an adjoining lot, in addition to meeting the provisions of clause 5 of this Policy, such wall shall be no higher than 2.7 metres measured above the finished ground level on the adjoining lot.'*

Therefore, it is recommended that the boundary wall be approved subject to the abovementioned condition.

(c) Special Application of Residential Design Codes – Variations: Clause 4.3 of TPS6

The application includes a portico which is setback 1.3 metres from the secondary street boundary in lieu of 1.5 metres required. Having regard to the variation provided within this clause 4.3(d), the proposal is considered not to meet the following:

- (d) Notwithstanding other provisions of the Scheme, the Council may permit a portico or a porte-cochère to be located forward of the prescribed setback from the street boundary, provided that such a structure shall be set back not less than 1.5 metres from a street boundary.*

Clause 7.8 (1)(a)(iii) of TPS6 allows discretion to permit variations from the scheme provisions in relations to setbacks. In this instance a 1.3 metre setback has been proposed in lieu of the 1.5 metre requirement.

In the City officers view, this can be considered acceptable for the following reasons:

1. Due to this being a secondary street, the garage has been proposed at a distance of 1.5 metres to the street alignment.
2. A portico is proposed next to the garage structure which causes a visual conflict; hence the portico has been brought forward by 0.2 metres to create a more aesthetic visual appearance in relation to garage.

Therefore, it is recommended that the Council approves this variation.

(d) Height of the boundary fence facing Park Street

1.8 metre high fences have been proposed for the development on both street frontages. Under normal circumstances, the boundary fence within the front setback area of the subject dwelling along Cale Street should be visually permeable above a height of 1.2 metres in accordance with the acceptable development provisions of Clause 6.2.5 "Street walls and fences" of the R-Codes, and 1.8 metre high solid fence along the secondary street (Park Street) would have been permitted.

However, in the subject development, a 1.8 metre high solid fence within the front setback area along Cale Street has been proposed to provide privacy to the north facing outdoor living area in this setback area to maximise access to northern sunlight. Such an arrangement is permitted under the associated performance criteria provisions. Having permitted a solid fence along one street boundary, it is seen desirable from a streetscape perspective to provide visual relief by having a 1.2 metre high fence along Park Street.

Hence, it is recommended that the portion of fence that runs from the Portico to the Dining room alignment along Cale Street be no higher than 1.2 metres solid and visually permeable above to a maximum height of 1.8 metres.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*

Subject to the recommended modifications to the drawings, the proposed development is considered to meet with the above mentioned matters.

Consultation

(a) Design Advisory Consultants' comments

The design and built form of the proposal was considered acceptable by officers, hence the application was not referred to the City's Design Advisory Consultants for their comments.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at No 2/19 Cale Street were invited to inspect the application in relation to boundary walls and to submit comments during a 14-day period. During the advertising period, no submissions were received.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within the Council's Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

The proposed development is observed to be designed on the principles of sustainability. The outdoor living area and living areas has been designed facing north, thus providing access to northern sunlight.

Conclusion

Officers recommend approval for the proposed development subject to lowering the height of the boundary fence to 2.7 metres, and keeping the fence along Cale Street as visually permeable above 1.22 metres.

OFFICER RECOMMENDATION ITEM 10.3.5

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Two Storey Single House on Lot 3 (No. 1/19) Cale Street Como **be approved**, subject to:

(c) Standard Conditions / Reasons

377	screening- clothes drying	456	dividing fence- timing
390	crossover- standards	340	parapet walls- finish of surface
625	sightlines for drivers	550	plumbing hidden
470	retaining walls- if required	427	colours & materials- details
471	retaining walls- timing	660	expiry of approval
340	boundary wall finish	510	provide a tree on-site
455	dividing fence- standards		

(b) Specific Conditions / Reasons

- (i) All habitable room windows to demonstrate compliance with the visual privacy provisions of the R-Codes; and
- (ii) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) Boundary wall to be reduced to a height of 2.7m as measured from the ground levels on the adjoining property; and
 - (B) The portion of fence that runs from the Portico to the Dining room alignment along Park Street be no higher than 1.2 metres solid and visually permeable above to a maximum height of 1.8 metres.

(c) Standard Advice Notes

648	building licence required	649A	minor variations- seek approval
647	revised drawings required	578	new titles prior to BL
646	landscaping- general standards	651	appeal rights- council
646A	masonry fence requires BA		

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

10.3.6 WALGA Heritage Loan Subsidy Scheme
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Location:	City of South Perth
Applicant:	Council
File Ref:	GS/106
Date:	9 July 2010
Author:	Jelette Jumayao, Research and Administration Officer
Reporting Officer:	Phil McQue, Governance and Administration Officer

Summary

The City currently does not have an incentive scheme with regards to heritage homes. This report addresses this shortfall by the City participating in the WALGA Heritage Loan Subsidy Scheme, which would enable home owners of heritage houses within the City of South Perth to apply for subsidy on the interest rate of loans for conservation works.

Background

The Heritage Loan Subsidy Scheme subsidises interest rates on loans for conservation works by 4% for a maximum of 5 years, offering owners significant savings. Loans can be arranged through the financial institution of the owner's choice. The minimum loan amount on which the subsidy is available is \$5,000 and the maximum loan amount on which the subsidy is available is \$50,000.

The Heritage Loan Subsidy Scheme is administered by the WA Local Government Association (WALGA) and the Heritage Council of WA and has been running since July 2003. Participating local governments are currently Albany, Armadale, Bassendean, Broomehill-Tambellup, Bunbury Claremont, Coolgardie, Cottesloe, Cue, Donnybrook-Balingup, East Fremantle, Fremantle, Gingin, Geraldton-Greenough, Katanning, Murchison, Nedlands, Perth, Sandstone, Stirling, Subiaco, Swan, Toodyay, Vincent, Woodanilling and York.

To be eligible properties must be within a participating local government area and be listed on the local government heritage list, State Register of Heritage Places, Commonwealth Register of the National Estate or the National Trust's List of Classified Places.

Applications are accepted any time of the year and are considered on a quarterly basis. An application form for residents to fill out has been provided at **Attachment 10.3.6**.

To participate in the scheme, a local government is required to provide 0.5% of annual rates or \$25,000 which is the lesser. This is a once of contribution that will entitle owners of heritage homes in South Perth to apply for subsidies on loans totalling approximately \$30,000 each year in the future. The City would also be required to enter into a Memorandum of Understanding with WALGA to participate in these scheme.

Comment

By participating in the WALGA Heritage Loan Subsidy Scheme the City will be able to encourage community interest in restoring and conserving heritage buildings within the City of South Perth.

Heritage conservation can improve the amenity, historical and educational value in the area. It can also encourage specialised employment opportunities and tourism.

By conserving and restoring heritage places it can enhance a community's sense of place and provide links to the past. Properties that are carefully conserved may also aid in improving property prices of the particular heritage property and surrounding area.

Consultation

There has been no direct consultation with residents, however there have been residents who have contacted the City wishing the City to be part of the Heritage Loan Subsidy Scheme so they can restore their heritage homes.

Policy and Legislative Implications

In conjunction with the City's Municipal Heritage Inventory (MHI).

Financial Implications

The City will be providing \$25,000 WALGA to participate in this Heritage Loan Subsidy Scheme. This money has already been allocated in the 2010/2011 budget.

Strategic Implications

This report aligns to Goal 3 of the City's Strategic Plan - Housing and Land Uses *"Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses."*

Sustainability Implications

By participating in this subsidy scheme owners of heritage homes will be encouraged to restore buildings and make older historical buildings more sustainable for the future, and reduce the destruction and redevelopment of these historical icons.

OFFICER RECOMMENDATION ITEM 10.3.6

That....

- (a) the City agree to participate in WALGA's Heritage Loan Subsidy Scheme; and
- (b) the \$25,000 funding required to participate in the Scheme be considered for inclusion in the first quarter 2010/2011 budget review

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - June 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 04 July 2010
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

The attachments to this financial performance report are part of the suite of reports that were recognised with a Certificate of Merit in the last Excellence in Local Government Financial Reporting awards.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

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

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month. This schedule reflects a reconciliation of movements between the 2009/2010 Adopted Budget and the 2009/2010 Amended Budget including the introduction of the capital expenditure items carried forward from 2008/2009 (after August 2009).

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

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

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts as at year end would be presented to Council at the first available meeting of Council after their completion - ideally the August 2010 meeting if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

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

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION ITEM 10.6.1

That the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2009 be presented to the 24 August 2010 meeting of Council in order to allow the final year end position to be accurately and completely disclosed.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 July 2010
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$33.73M compare favourably to \$30.43M at the equivalent stage of last year. Reserve funds are almost \$1.0M higher than the level they were at for the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV & CPH (\$2.6M higher) but \$3.0M less holdings in the Future Building Works Reserve as monies are applied to the new Library & Community Facility project. The Waste Management and Plant Replacement Reserves are \$0.2M higher, UGP Reserve is \$ \$1.0M higher pending works at Murray St and several other Reserve balances are modestly changed when compared to last year.

Municipal funds are \$2.0M higher although this relates primarily to very favourable timing of cash outflows for capital major projects (we still have 3.5M of carried forward projects to be completed). Collections from rates and reimbursements from the Office of State Revenue for pensioner rebates are also well in advance of last year's cash position thanks to very successful and timely follow up actions from the Financial Services team.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have continued to have the desired effect in relation to our cash inflows. Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is continually monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$6.08M (compared to \$8.60M last month) It was \$4.07M at the same time in 2008/2009. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$33.48M compared to \$28.51M at the same time last year. This is due to the higher holdings of Municipal Funds and Reserves as investments as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 97.0% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603.

Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Interest revenues (received and accrued) for the year to date total \$1.83M - well down from \$2.13M at the same time last year. This result is attributable to the substantially lower interest rates available early in the year - notwithstanding higher levels of cash holdings. Rates were particularly weak during July and much of August but have strengthened progressively (albeit modestly) since late September as banks undertook capital management initiatives and the Reserve Bank lifted cash rates throughout the year.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding, investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 4.73% with the anticipated weighted average yield on investments yet to mature now sitting at 5.64% (compared with 5.38% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 4.25% since 5 May - although this is a significant improvement on the 2.75% on offer early in the year.

(c) **Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of June 2010 (after the due date for the fourth instalment) represent 97.3% of total rates levied compared to 97.0% at the equivalent stage of the previous year. This means that the year end KPI of 95% has been comfortably achieved and last year's total collection result has also been bettered.

This is a particularly pleasing result in spite of the improving economic climate. It reflects a good community acceptance of the rating and communication strategies applied by the City in developing the 2009/2010 Annual Budget. The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) has again been supported by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors stand at \$2.54M at month end (\$2.18M last year) excluding UGP debtors - and compared to \$2.61M last month. It is recognised, however, that this balance will further increase by year end as final accruals are reflected in the accounts. Major changes in the composition of the outstanding debtors balances (year on year) are a \$0.06M increase in the amount of GST refundable - and a \$0.2M decrease in Balance Date debtors (accruals). Offsetting these improvements is a \$0.7M increase in Sundry Debtors - attributable to invoices to Lottery West and Infrastructure Australia for works on the Library and Community Facility The balance of parking infringements outstanding is now slightly higher (0.3M) than last year. Debtors relating to pensioner rebates, outstanding CPH fees and other sundry debtors are less than the previous year balance.

The majority of the outstanding amounts are government & semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$5.76M was collected by 30 June with approximately 76.2% of those in the affected area electing to pay in full and a further 22.9% opting to pay by instalments. The remaining 0.8% has yet to make a payment. However, most of these 19 remaining properties are disputed billing amounts and are now the subject of escalating collection actions by the City as they have not been satisfactorily addressed in a timely manner. Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 but on the negative side, has resulted in somewhat less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report as is the DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectibility of debts.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

OFFICER RECOMMENDATION ITEM 10.6.2

That Council receives the 30 June 2010 Monthly Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 July 2010
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 June 2010 and 30 June 2010 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability.

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function are no longer recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

Consultation

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

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

OFFICER RECOMMENDATION ITEM 10.6.3

That the Listing of Payments for the month of June as detailed in the report of the Director of Financial and Information Services, at **Attachment 10.6.3**, be received.

10.6.4 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 July 2010
Author: Rajiv Kapur, Manager Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of June 2010.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of June 2010, forty-seven (47) development applications were determined under delegated authority at **Attachment 10.6.4**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.

Sustainability Implications

Reporting of Applications for Planning Approval Determined under Delegated Authority contributes to the City’s sustainability by promoting effective communication.

OFFICER RECOMMENDATION ITEM 10.6.4

That the report and **Attachment 10.6.4** relating to delegated determination of applications for planning approval during the month of June 2010, be received.

10.6.5 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 6 July 2010
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Phil McQue, Governance and Administration Manager

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:
“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.”

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

June 2010

Nature of document	Parties	Date Seal Affixed
Notification Under Section 70A	Amanda Goodier and City of South Perth	2 June 2010
Deed of Lease - Collier Park Village	Donald Sutcliffe Wall and Jessica Rose Wall and City of South Perth	2 June 2010
Deed of Agreement of Lease - Collier Park Village	Donald Sutcliffe Wall and Jessica Rose Wall and City of South Perth	2 June 2010
Deed of Agreement Collier Park Village Hostel	Kathleen Madge Taylor and City of South Perth	28 June 2010
Standing Orders Amendment Local Law 2010	City of South Perth	28 June 2010

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City's Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

Reporting of the use of the Common Seal contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION ITEM 10.6.5

That the report on the use of the Common Seal for the month of June 2010 be received.

10.6.6. Council Decisions and the State Administrative Tribunal Policy

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801
Date:	8 July 2010
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

On a small number of occasions, Council decisions are inconsistent with or contrary to an officer recommendation and have resulted in an appeal being lodged by the applicant with the State Administrative Tribunal.

A draft policy at **Attachment 10.6.6** has been prepared for Council's consideration which better clarifies the process, roles and responsibilities for Councillors and staff where an appeal to the State Administrative Tribunal arises under these circumstances.

Background

The Council has the lawful discretion to make decisions that are inconsistent with or contrary to an officer's recommendation. When such a decision is made, the City's practice is that the reason for this change is recorded in the Council Minutes.

On occasions, these decisions result in an appeal being lodged with the State Administrative Tribunal and are required to be defended. Clearly, it is not appropriate, under the circumstances, for City Officers to be involved in this process. The proposed policy therefore provides guidance ensuring that such Council decisions are appropriately defended in the event of an application for review being lodged with the State Administrative Tribunal.

Comment

The proposed policy provides a framework in respect to the appointment of a consultant / lawyer, Elected Member attendance, officer attendance, mediation and appeals.

Where an application is made for the review of a decision that is inconsistent or contrary to a recommendation made by an officer, the policy provides for an independent consultant / lawyer to be engaged by the City Administration to represent the Council's best interests

The Elected Members that moved and seconded the Council decision may be requested to attend meetings with the engaged consultant / lawyer as well as attend mediation sessions and hearings as far as practicable, to defend the Council's decision. The City will ensure an officer is present at any meeting, mediation or hearing involving Elected Members, the engaged consultant / lawyer and the State Administration Tribunal.

Consultation

The draft policy has previously been circulated to all Councillors for comment.

Policy and Legislative Implications

The proposed policy assists in ensuring that an appropriate governance framework is in place for the Council decision making process.

Financial Implications

Council is advised on a monthly basis of all associated consultant / legal expenses in respect to State Administrative Tribunal hearings in the Councillor Bulletin publication. Funds are provided in the budget for appeal purposes.

Strategic Implications

The proposed Council Policy “Council Decisions and the State Administrative Tribunal” is consistent with Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

Nil.

OFFICER RECOMMENDATION ITEM 10.6.6

That Council endorse Policy P524 “Council Decisions and the State Administrative Tribunal” at **Attachment 10.6.6.**

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr V Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 8 December 2010 to 8 January 2011 inclusive.

11.2 Application for Leave of Absence : Cr L Ozsdolay

I hereby apply for Leave of Absence from all Council Meetings for the period 23 August to 26 August 2010 inclusive.

11.3 Application for Leave of Absence : Cr S Doherty

I hereby apply for Leave of Absence from all Council Meetings for the period 22 September until 25 October 2010 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.2 Questions from Members

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.1.1 State Administrative Tribunal - Proposed Two Storey Residential Building for use as Student Accommodation - Lot 47 (No. 227) Manning Road, Waterford <i>CONFIDENTIAL Not to be Disclosed Report</i>

Location:	Lot 47 (No. 227) Manning Road, Waterford
Applicant:	Charlie Haddad (BGC Residential)
File Ref:	11.2009.322 MA3/227
Date:	12 July 2010
Author:	Vicki Lummer, Director Development and Community Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act 1995* Section 5.23(h) as it relates to confidential mediation at the State Administration Tribunal (SAT) and which relates to a matter to be discussed at the meeting.

Note: *Confidential* Report circulated separately

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



Mayors Activity Report - June 2010

Date	Activity
Wednesday, 30 June	Host/ speak at the CoSP Pioneer Luncheon + CEO, Crs Kevin Trent, Colin Cala, Travis Burrows and Betty Skinner. Attend Kensington Park Nursing Home accreditation
Tuesday, 29 June	Council Media Training session -conducted by Gerry Gannon. Meeting with property owners regarding Richardson St precinct + Director Development and Community Services. Acceptance of ideas for the Old Mill precinct by Wesley Year 7 boys Key note speaker at CEDA “Leadership for local Communities” (Committee for Economic Development of Australia)
Monday, 28 June	Attend Zoo Board meeting Mayor/CEO weekly meeting
Saturday, 26 June	Attend Rotary Club of Mill Point Changeover ceremony + Crs Betty Skinner and Veronica Lawrence.
Friday, 25 June	Meeting McLeod’s office with Peter Gillett -- Court Preparation Chair Swan Canning Rivers 21 councils Local Government Policy Forum Event
Thursday, 24 June	Travel back to Perth from Canberra
Wednesday, 23 June	Meeting with Kate Ellis, Minister for Sport regarding the George Burnett Leisure Centre submission, Parliament House, Canberra.
Tuesday 22 - Wednesday 23 June	Attend Committee for Economic Development Australia (CEDA) 2010 State of Nation Conference
Thursday 17 - Friday 18 June	Attend Australian Council of Local Government (ACLG) Mayors Summit, Canberra
Wednesday 16 - Thursday 17 June	Attend national conference of the Australian Local Government Association (ALGA), Canberra
Wednesday, 16 June	Attend WALGA Breakfast Forum with WA Senators and Members of Parliament.
Tuesday, 15 June -	Travel to Canberra
Monday, 14 June	Mayor/CEO weekly meeting + Deputy Mayor, Cr Sue Doherty

AGENDA : ORDINARY COUNCIL MEETING: 27 JULY 2010

Thursday, 10 June	Attend state budget briefing by Premier Colin Barnett as guest of the Planning Institute of Australia. Attend Curtin University Public Policy forum with Hon Julia Gillard MP, Deputy Prime Minister
Wednesday, 9 June	Attend Community Cabinet - Como Secondary College Meet Penny Wong -- Minister for Climate Change regarding Swan Canning River funding with Sue Doherty Deputy Mayor, Cr Pete Best and CEO Host Council's Local Politicians' Breakfast with Councillors, CEO and Directors
Tuesday, 8 June	Mayor/CEO weekly meeting Meeting with Sarah Molloy WALGA Swan Canning policy forum
Friday, 4 June	Meet with Bill Marmion MLA, Minister for Housing and Science regarding Homeswest, Curtin University, South Perth train station.
Thursday, 3 June	Open 'Our Heritage 'Written and Photographic' Exhibition, featuring the Phillip Pandal Young Heritage Award with Crs Skinner, Grayden Discussion re Hoyles Corner bench & Riverview tree health with Manager City Environment Community Cabinet discussion with Digby Mercer - Principal Como Secondary College & CEO Attend WALGA Breakfast Forum - Local Government Enterprises with Cr Kevin Trent and Pete Best & CEO
Wednesday, 2 June	Attend WALGA State Council Attend WALGA state council -- strategic planning day Attend WALGA Better Local Government Taskforce workshop
Tuesday, 1 June	Chair Draft Council Budget workshop Conduct Private citizenship ceremony Mayor/CEO weekly meeting Present Knowledge Arc Light rail presentation -- Karrakatta Club Discussion with Prof Peter Newman - Knowledge Arc Light Rail + mayors & officers from Town of Vic Park, City of Nedlands and Subiaco.

Council Representatives' Activity Report - June 2010

June 2010	Activity
Saturday, 26 June 2010	Attend Lions Club of South Perth Changeover dinner - Deputy Mayor, Cr Sue Doherty
Friday, 18 June 2010	Attend Local Chambers Business Dinner of the Year and Commerce and Industry Awards 2010
Wednesday, 16 June 2010	Chair Meeting of Safety and Crime Prevention - Deputy Mayor, Cr Sue Doherty
Monday, 14 June 2010	Chair Access Ambassadors meeting - Deputy Mayor, Cr Sue Doherty

