



# **ORDINARY COUNCIL MEETING**

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## **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 Doherty / Council Representatives** *(Attached to Agenda paper)*
  - 3.2 Public Question Time**
  - 3.3 Audio Recording of Council meeting** *(Mobile Phones Required to be turned off)*
- 4. ATTENDANCE**
  - 4.1 Apologies**
  - 4.2 Approved Leave of Absence**
- 5. DECLARATION OF INTEREST**  
*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.*
- 6. PUBLIC QUESTION TIME**
  - 6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
At the Council meeting held 27 November 2012 there were no questions taken on notice:
  - 6.2 PUBLIC QUESTION TIME :11.12.2012**
- 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**
  - 7.1 MINUTES**
    - 7.1.1 Ordinary Council Meeting Held:** 27.11.2012
    - 7.1.2 Special Electors Meeting Held:** 26.11.2012
  - 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 P672 "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 - November Ordinary Council Meeting Held:20.11.2012**

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

**7.2.2 Concept Forum - Department of Planning and Metropolitan Redevelopment Authority Presentations - Meeting Held: 13.11.2012**

The Director General of the Department of Planning provided a presentation on Governance and Town Planning decision-making provisions and the CEO of the Metropolitan Redevelopment Authority provided an overview of the numerous 'reformation' projects currently occurring within the City of Perth. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

**7.2.3 Concept Forum – Swan Canning River Aquatic Use Review - Meeting Held: 14.11.2012**

Representatives from Swan River Trust and the Department of Transport provided a presentation on the Management Framework for the 'sharing rivers' project. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

**7.2.4 Concept Forum – Local Government Reform Discussion - Meeting Held: 19.11.2012**

The CEO provided an overview of the 'reform' process and identified the 30 recommendations in the Metropolitan Local Government Review Final Report. Notes from the Concept Briefing are included as **Attachment 7.2.4.**

**8. PRESENTATIONS**

<b>8.1 PETITIONS</b> - A formal process where members of the community present a written request to the Council
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- 8.1.1 Petition received 3 December 2012 from Helen Davis (also known as Helen Harding) 3 Tate Street, South Perth together with 36 signatures in relation to the Proposed Additions to Baptist Church including a Day Care Centre No. 2 Lawler Street, South Perth approved at Item 10.3.1 November 2012 Council Meeting.**

***Text of Petition***

"We local residents believe that the Planning Approval granted for the application for additions to the Baptist Church at No. 2 Lawler Street by Council on 27 November 2012 has not satisfactorily consulted with the local community in accordance with Council Policy P301 and TPS6. We do not believe that the full implications and impact of the development upon the amenity of the local residents specifically relating to the inclusion of a 56 place Child Care Centre within a residential area. We believe that the location of the site on an acute angled corner and approved overflow of cars into Tate and Lawler Streets will create an adverse and permanent traffic hazard for all users."

**RECOMMENDATION**

That the Petition received 3 December 2012 from Helen Davis (also known as Helen Harding) No. 3 Tate Street, South Perth together with 36 signatures in relation to the Proposed Additions to the Baptist Church, including a Day Care Centre, at No. 2 Lawler Street, South Perth be received and forwarded to the Director Development and Community Services for investigation.

<b>8.2 PRESENTATIONS</b> - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.
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### 8.3 COUNCIL DELEGATES REPORTS

#### 8.3.1. Council Delegate: Rivers Regional Council Ordinary General Meeting: 15 November 2012

A report from Crs Cala, Trent and the Director Infrastructure Services summarising their attendance at the Rivers Regional Council Special Meeting held 15 November 2012 at the City of Armadale is at **Attachment 8.3.1**. The Minutes of the RRC Meeting of 15 November 2012 have also been received and are available on the *iCouncil* website.

#### RECOMMENDATION

That the Delegate's Report at **Attachment 8.3.1**, in relation to the Rivers Regional Council Ordinary General Meeting held 15 November 2012 at the City of Armadale be received.

### 8.4 CONFERENCE DELEGATES REPORTS

#### 8.4.1. Council Delegate: Local Government CEO Group Conference 21-23 November 2012

A report from the CEO summarising his attendance at the Local Government CEO Group Conference Held between 21 – 23 November 2012 at Wyndham City Council in Victoria is at **Attachment 8.4.1**.

#### 8.4.2. Thriving Neighbourhoods Conference – Melbourne 12-14 November 2012

A report from Councillors Hasleby and Gleeson summarising their attendance at the 2012 Thriving Neighbourhoods Conference held at the Melbourne Convention and Exhibition Centre between 12 – 14 November 2012 is at **Attachment 8.4.2**.

#### 8.4.3. Conference Delegate: 13<sup>th</sup> International Cities Town Centres and Communities Society Conference (ICTC) held on the Gold Coast 16-19 October 2012.

A report from Cr Hawkins-Zeeb summarising her attendance at the 13<sup>th</sup> International Cities Town Centres and Communities Society Conference held on the Gold Coast between 16 and 19 October 2012 is at **Attachment 8.4.3**.

#### RECOMMENDATION

That the Delegate's Report in relation to Cr Hawkins-Zeeb's attendance at the 13<sup>th</sup> International Cities Town Centres and Communities Society Conference held on the Gold Coast between 16 and 19 October 2012 be received.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Proposed Planning Policy P313 'Local Heritage Listing'. Endorsement for community consultation (*Item 9.3.2 Council Meeting 28 February 2006 refers*)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/17
Date:	3 December 2012
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development & Community Services

### Summary

This report presents a new Planning Policy P313 '*Local Heritage Listing*', for Council consideration. The Policy has arisen from a Council instruction at the time of the last major review of the City's Municipal Heritage Inventory (MHI). Policy P313 now provides the guidance requested by the Council at that time, in relation to 'heritage listing' processes.

The recommendation is that the draft Policy P313 be endorsed for public advertising.

### Background

This report includes the following attachments:

**Attachment 10.0.1(a)** draft Policy P313 '*Local Heritage Listing*' – for endorsement

**Attachment 10.0.1(b)** draft Policy P314 '*Heritage List*' – information only at this stage

**Attachment 10.0.1(c)** Places listed on Municipal Heritage Inventory 2006

**Attachment 10.0.1(d)** Town Planning Scheme No. 6 extracts relating to Heritage

Policy P313 is the first policy that the Council has considered in relation to the process for listing places of heritage significance. Up to now, the heritage listing process has been undertaken with assistance from a heritage consultant, but without any supporting Council guidelines or criteria.

The City's Municipal Heritage Inventory (MHI) was originally adopted in 1994 and was first reviewed in 2000 by heritage consultants, *Heritage Today*. Annual updates were undertaken by City Officers. The second major review commenced in 2004, also undertaken by *Heritage Today*. The need for a Council policy became apparent in February 2006, when the Council was considering listing twenty new places as part of the review. The expanded MHI, including the additional places, was not endorsed at that time. Instead, the Council requested that a heritage policy be prepared, to provide guidance and to foster consistent decision-making regarding the listing of new places and the deletion of listed places from the MHI. The preparation of the policy was delayed for some years, owing to other major strategic projects taking priority. However, the draft Policy P313 is now presented for consideration and for endorsement for community advertising.

In 2006, the Council resolved as follows:

“...

- (c) *the Council is not prepared to consider the adoption of the draft revised Municipal Heritage Inventory (MHI) until such time as it has considered a 'heritage policy', which would provide the Council, the community and City officers with guidance with respect to:*
  - (i) *the process for any person to nominate an additional place for consideration of possible listing in the MHI by the Council;*
  - (ii) *the process for an owner requesting and Council considering the possible deletion of places from the MHI;*
  - (iii) *matters to be considered in the annual updates of the MHI required by the Heritage of Western Australia Act 1990;*
  - (iv) *matters to be considered in the four-yearly reviews of the MHI required by the Heritage of Western Australia Act 1990;*
  - (v) *the relationship between the MHI and the Heritage List which is to be prepared and adopted as a supporting document to the City's Town Planning Scheme No. 6; and*
  - (vi) *the role of heritage consultants in all of these processes.*
- (d) *when preparing the 'heritage policy' referred to in part (c) above, the Director, Strategic and Regulatory Services, in consultation with the Chief Executive Officer, be requested to examine the possible introduction of heritage incentives, and if deemed appropriate, to include provisions for this purpose for consideration by Council within a six month timeframe; and*

- (e) *until such time as the heritage policy referred to in part (c) has been adopted, the Municipal Heritage Inventory remain in the form most recently updated prior to the current review with the exception of the deletion of places identified in parts (b)(i), (ii), (iii) and (iv) above.”*

Draft Policy P313 at **Attachment 10.0.1(a)** meets all of the Council’s requirements regarding the content of the Policy.

**Comment**

Draft Policy P313 commences by stating the objectives and status of the Policy as a planning policy under Town Planning Scheme No. 6 (TPS6). It provides a description of the Municipal Heritage Inventory (which is to be renamed as the Local Heritage Inventory (LHI)) and Heritage List, their respective purposes, status, roles in development considerations, and main differences.

The main differences between the two documents are explained in the Policy as follows:

- the LHI is created as a requirement of the Heritage Act – the adoption of a Heritage List is a requirement of the Planning and Development Act through provisions of the TPS6;
- the LHI is a celebration of local heritage places and includes extensive description of the listed places; however, it provides no statutory protection – the Heritage List is a mere list of places drawn from the LHI and does provide protection of listed places;
- the LHI is not recognised in TPS6 – the Heritage List is given the status of a Council Policy by TPS6.

Most importantly, Policy P313 provides a comprehensive description of current heritage practices and focuses on the following:

- (a) **Renaming ‘Municipal Heritage Inventory’ as ‘Local Heritage Inventory’**  
Although not specifically mentioned in the document, the City is taking the opportunity to ‘update’ the title of the current heritage document, ‘Municipal Heritage Inventory’, to better reflect its purpose. The proposed name is the term referred to in the *Heritage of Western Australia Act 1990* – ‘*Local Heritage Inventory*’. This title highlights the ‘local’ emphasis of the heritage significance of listed places.
- (b) **Assessment criteria for possible listing of places in the LHI**  
Policy P313 lists the main criteria against which places are considered for heritage listing and explains the role of heritage consultants in investigating the degree of significance of a place. The assessment criteria are drawn from the ‘Burra Charter’, an internationally recognised set of heritage assessment criteria. The same criteria are also used by the Western Australian Heritage Council.
- (c) **Nomination of places for possible listing in the LHI**  
Policy P313 explains how places may be nominated for listing, who may nominate a place, and how the City will process any such requests.

**(d) Process for reclassifying or deleting places on the LHI**

This section of the Policy requires strong justification by an applicant seeking the reclassification or removal of places which have been assessed as having a high level of heritage significance. These Policy provisions are important, as places with Management Categories of A+ (listed by the Heritage Council), A (worthy of referring to the Heritage Council) and B (high level of local significance), will comprise the Heritage List. Under clause 6.11 of TPS6, places in the Heritage List may not be demolished. In accordance with the Policy, before the Council would agree to the de-listing or lower classification of a listed place, the owner would first need to establish, to the Council's satisfaction, that the place no longer has a high level of heritage significance.

**(e) Matters to be dealt with in annual updates**

The Heritage Act requires local governments to update their local heritage inventories annually. Policy P313 clarifies the sorts of matters that would be considered as part of this annual update.

**(f) Matters to be dealt with in four-yearly reviews**

The Heritage Act also requires local governments to undertake a major review of their local heritage inventories every four years. Policy P313 clarifies the range of matters that would be considered as part of these major reviews. The City's local heritage inventory is overdue for a major review.

**(g) Listing of places in the Heritage List**

Clause 7 of Policy P313 refers to the creation of the Heritage List in a future Policy P314 (**Attachment 10.0.1(b)**), clarifies how places are listed and explains the close link between the two policies.

Clause 7 also includes temporary measures to be employed until such time as a Heritage List is adopted by way of a future Policy P314. Having regard to the extended time period before the final heritage list is adopted by the Council, Policy P313 states that those portions of the LHI or Municipal Heritage Inventory comprising all places classified as Management Categories A+, A or B are deemed to comprise the Heritage List. This will enable heritage protection and heritage incentives under Policy P313 to be effected more quickly. When a final Heritage List has been adopted, these 'temporary' clauses will be deleted from Policy P313.

**(h) Heritage protection and development applications**

The Policy advises that while development on heritage sites is not prohibited, any development on these sites will be expected to respect the existing heritage place.

**(i) Heritage incentives**

The 2006 Council resolution requested that the City examine possible heritage incentives for inclusion in the Policy. A number of incentives have been examined, and some dismissed as not being practical at the present time. In particular, it is considered that a local heritage grant scheme cannot be operated effectively by the City, as it would involve a considerable amount of administration and expertise in advertising for nominations, assessing them and judging the most worthy. The City does not possess the necessary resources to operate such a scheme. It would also commit the City to payment of a reasonable grant sum on a regular basis.

Another possible heritage incentive that has been considered for inclusion in Policy P313, but was eventually dismissed, is the permanent waiving of Council rates for every (rateable) place on the Heritage List. As a guide, based on the Category A+, A and B places currently listed in the MHI (before its next major review), this incentive could cost the City in the order of approximately \$25,000 every year. Other 'rateable' places might be added in future years.

The following financial incentives are suggested:

- a refund of development application Planning Fees when a project on a heritage site has been completed to the Council's satisfaction;
- financial assistance for heritage consultant's fees (capped at \$1000 but no greater than 50% of the consultant's fee) for the purpose of providing conservation advice in support of proposed development, or in support of a request for heritage listing or a higher heritage classification; and
- for landowners who are preparing a submission for a heritage incentive offered by any other body, Policy P313 also states that the City will provide copies of any related heritage assessments, building plans and other documents held by the City, free of charge to the applicant.

In addition to the above financial incentives, clause 6.11(8) of TPS6 has always provided for relaxation of development requirements to assist in the conservation of heritage places. These provisions have not yet been fully activated because they relate to places on the 'Heritage List' which has not yet been created. The adoption of the final version of Policy P313 is the first step towards the City ultimately adopting a Heritage List. (This process is discussed further in the 'Policy, Legislative and Administrative Implications' section of this report.)

Policy P313 also refers to certain major heritage incentive schemes being offered by other bodies, one of which is the Heritage Loan Subsidy Scheme in which this Council is a participating local government, having made a one-off contribution of \$25,000 in 2011 towards the capital funds of this scheme. To date only one ratepayer has accessed an interest-free loan under this scheme.

**(j) Nomination form and reclassification or deletion form**

Forms for any person wishing to nominate a place for listing or to request reclassification or deletion of a listed place, are included as part of the policy. In both cases, applicants would need to provide supporting justification and other material. In the case of reclassification or deletion, the applicant would also need to provide a heritage assessment report.

**Consultation**

Council endorsement will enable the draft Policy P313 to be advertised for community comment. This is a particularly important process in relation to heritage, because the local heritage inventory is seen as a 'community document', containing places which are valued for their heritage significance to both the present community and future generations. Therefore, as part of the consultation process, it is proposed that, while Policy P313 would have City-wide effect, the owners of all currently listed places would be invited by letter to comment on the draft Policy, and on all future related processes outlined in the 'Policy, Legislative and Administrative Implications' section of this report.

Being a planning policy, as a minimum, Policy P313 will be advertised to the extent, in the manner and for the duration prescribed in Policy P301 'Consultation for Planning Proposals'. This will involve:

**(a) Method:**

- Letters to the parties nominated above;
- Newspaper notices (once a week for two consecutive weeks);
- Notices and documents displayed in the Civic Centre, Libraries, and on the web site.

**(b) Time period:**

- Not less than 21 days.

In addition to the above, it is also proposed that consultation on the draft Policy include letters to the following:

- Owners of all places currently listed in the City's Municipal Heritage Inventory;
- Heritage Council of Western Australia.

**Policy, Legislative and Administrative Implications**

**(a) Heritage List**

Endorsement of the draft Policy P313 will be the first step in a long series of related statutory processes in which 'heritage' places are involved. It has been mentioned, above, that Policy P313 will be closely aligned with a proposed future Policy P314 which will create a 'Heritage List'.

A draft outline of Policy P314 has been prepared as a PRELIMINARY DRAFT which is provided for INFORMATION ONLY, at this stage (**Attachment 10.0.1(b)**). Based on the 2006 Council instruction to prepare a heritage policy to guide the City in the process for listing and deleting places from the LHI and Heritage List, Policy P313 needs to be adopted prior to a review of the LHI.

The draft Policy P314, containing the Heritage List, will be presented for Council adoption at a future time. Formal adoption of Policy P314 cannot take place until a comprehensive review of the LHI has been completed and the new, possibly expanded LHI has been adopted.

The key steps in this process are set out below, together with a possible time frame for their achievement:



Process Step	Estimated Time Frame
Policy P313 'Local Heritage Listing' relating to processes, is endorsed by the Council for community advertising.	11 December 2012
A <b>preliminary draft</b> Policy P314 re Heritage List is presented for information, to assist in explaining the sequence of events towards the eventual adoption of a Heritage List.	11 December 2012
Community advertising of draft Policy P313 including mail-out to all owners of places currently listed in the MHI.	January-February 2013
Council review of the draft Policy P313 in light of any submission received and a resolution to formally adopt the policy with or without modification, or not adopt the policy.	March or April 2013
Major review of the MHI (renamed as 'Local Heritage Inventory' (LHI) under Policy P313) by a heritage consultant to be engaged for this purpose. The review will involve further community consultation.	During 2013
When the revised LHI has been advertised and adopted by the Council, a Heritage List comprising LHI places with Management Categories of A+, A and B will be prepared.	During 2013
Draft Policy P314, containing the new Heritage List, will be presented to Council for endorsement for community advertising as a planning policy.	During 2013
Council consideration of submissions and adoption of Policy P314, with or without modifications. The Heritage List must reflect places contained in the LHI.	During 2013
When Policy P314 has been finally adopted, all of the City's heritage provisions, including the City's heritage incentives, will become fully operative.	During 2013

To provide a guide as to the possible future content of the Heritage List, a summary of the places currently contained in the MHI is provided as **Attachment 10.0.1(c)**. The actual content of the Heritage List will reflect the places contained in the LHI following its next major review.

**(b) Heritage List as Policy vs. Schedule in TPS6**

Considerable thought and discussion among City Officers has taken place as to the most appropriate process for adopting a 'Heritage List'. The result is as outlined above – that is, as a Council planning policy.

Another option seriously considered but ultimately not supported, was to create a Heritage List as a schedule within TPS6. That method was employed during the operation of the City's previous TPS5. However, this was found to be too rigid as it does not allow for listed places to be added, modified or deleted quickly, requiring an Amendment to TPS6 for every addition or deletion, in order to embed these changes into the Heritage List. This is not practical, as the LHI is required to be updated annually and reviewed every four years. Any additions, reclassifications or deletions relating to Category A+, A or B places in the LHI need to be transferred as soon as possible into the Heritage List, which provides statutory protection to these places. A Scheme Amendment could take 12-18 months, while a policy change undertaken concurrently with the LHI update would be implemented in a much shorter time.

TPS6 was created in a very specific way with regard to heritage listing. The LHI is not mentioned in TPS6, because the former is created under the *Heritage of Western Australia Act 1990*, not the *Planning and Development Act 2005*, and therefore, technically is not a 'Planning' instrument. Rather, TPS6 clauses 1.5(c) and 9.6(8)(d) specifically identify the Heritage List (not the LHI) as a 'policy' created under the Scheme. Creation of a Heritage List as a Schedule in the Scheme Text would require a Scheme Amendment to modify various clauses of the Scheme to accommodate this method. The 'Scheme' approach is therefore not supported.

The 'Policy' method is also preferred by the Western Australian Planning Commission (WAPC) as evidenced by the provisions in the Model Scheme Text (MST), which they prepared. The MST is required to be followed by all local governments preparing new, or modifying existing, Town Planning Schemes. It (the MST) is worded so as to guide adoption of a Heritage List separately from the Scheme. However, this separate document is to be displayed 'with' the Scheme for public access. Prior to adoption or modification of a Heritage List, the MST requires the local government to consult with affected landowners for a period of 21 days in addition to any other consultation it thinks fit. By comparison, the minimum consultation period for a Scheme Amendment would be 42 days. In the MST, there is no reference to the statutory Scheme Amendment process set out in the Town Planning Regulations. It is therefore clear that the WAPC does not envisage that the Heritage List would form part of a Town Planning Scheme.

The methods used by other local governments vary, although the indications are that the majority of Councils employ the 'Policy' method for adoption of their Heritage Lists. The following tabulates the methods employed by six 'sample' Councils examined for this purpose:

Council	Heritage List not part of Town Planning Scheme	Heritage List as a Schedule in Town Planning Scheme
Cockburn	Heritage List comprises 41 Category A and B places only, created under Part 7 of TPS3 (based on Model Scheme Text provisions). It is not part of TPS3.	-
Fremantle	Heritage List comprises approx. 2500 places (no category or grading of places given). Created under Part 7 of TPS4 (based on Model Scheme Text provisions). It is not part of TPS4.	-
Nedlands	-	Eight conservation places are listed in Appendix II of TPS2.
Subiaco	-	Heritage Register contains 21 places and forms part of TPS4 within Schedule 1.
Swan	Entire MHI to act as Heritage List until latter is prepared. Heritage List to be prepared under Part 7 of TPS17 (based on Model Scheme Text provisions). It is not part of TPS17.	-
Vincent	Heritage list means the entire MHI. Created under Division 2 of TPS1. It is not part of TPS1	-
South Perth	Heritage List will be drawn from LHI which currently contains 52 Category A+, A and B places. Will be created under clause 6.11 of TPS6, and will have status of planning policy.	-

City Officers are therefore satisfied that the process outlined above for the future adoption of the Heritage List by way of Policy P314 (a planning policy) is the most appropriate course of action. This method will provide consistency of decision-making and certainty of protection of listed places to the same degree as if embedded as part of TPS6, but with an appropriately less time-consuming adoption and modification process.

(c) **Management Practice**

The heritage incentives proposed in Policy P313 '*Local Heritage Listing*', particularly those affecting financial gain to owners, will require careful administration. It is anticipated that at the appropriate time, a Management Practice will be prepared to guide these processes in more detail regarding the City's and the owners' responsibilities. Such a Management Practice might cover the following administrative matters:

- (i) How an applicant is to apply for a heritage incentive - a heritage incentive application form, required justification and supporting information to be submitted by the applicant for various kinds of incentive.
- (ii) The determination process – all requests for incentives and bonuses (other than supplying documents such as MHI assessments, copies of plans, etc, at no cost to the applicant), to be determined at a Council meeting.
- (iii) In the case of development incentives, these would be considered at a Design Advisory Consultants' meeting and the DAC architects would provide a recommendation to the Council.
- (iv) Successful applicants' ongoing conservation responsibilities – a Heritage Maintenance Agreement between the City and applicants.

It is anticipated that legal advice will be required so as to ensure that the City's ongoing interests are protected and that the heritage integrity of affected places is maintained.

(d) **Town Planning Scheme No. 6 provisions**

Heritage provisions are contained in a number of places throughout TPS6, with the most relevant being clause 6.11. All of these provisions are provided in **Attachment 10.0.1(d)**. There is no proposal to amend TPS6 in relation to heritage listing.

(e) **Policy process**

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to the draft Policy P313 is set out below, together with an estimate of the time-frame associated with each stage of the process:

Stages of Advertising and Adoption of Policy P313	Estimated Time Frame
Council resolution to endorse draft Policy P313 for advertising	11 December 2012
Public advertising period of 24 days	January-February 2013
Council review of the draft Policy P313 in light of any submission received and a resolution to formally adopt the policy with or without modification, or not proceed with the policy.	March or April 2013
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	Within 2 weeks of the relevant Council meeting

### **Financial Implications**

This matter has implications to the extent of the cost of advertising draft Policy P313 in the manner outlined above. It also has potential financial implications, following adoption of the Heritage List at various times in the future, in relation to:

- engagement of a heritage consultant to undertake a review of the LHI;
- legal fees in relation to advice on preparation of legal agreements with owners who have been granted heritage incentives;
- possible engagement of heritage consultants to provide advice on:
  - the merits of applications by owners are seeking heritage incentives;
  - future addition, reclassification or deletion of places on the LHI and Heritage List;
  - the financial heritage incentives discussed earlier in this report, which will not be available until the final adoption of Policy P314 containing the Heritage List.

The following financial incentives are suggested:

- a refund of development application Planning Fees when a project on a heritage site has been completed to the Council's satisfaction;
- financial assistance for heritage consultant's fees (capped at \$1000 but no greater than 50% of the consultant's fee) for the purpose of providing conservation advice in support of proposed development, or in support of a request for heritage listing or a higher heritage classification; and
- for landowners who are preparing a submission for a heritage incentive offered by any other body, Policy P313 also states that the City will provide copies of any related heritage assessments, building plans and other documents held by the City, free of charge to the applicant.

### **Strategic Implications**

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

**Sustainability Implications**

The proposed Policy P313 contributes to the City's sustainability by promoting retention and conservation of a scarce City resource, namely, heritage places. The Policy provides for effective and consistent decisions with respect to listing, reclassifying and deleting places on the LHI and Heritage List.

<b>OFFICER RECOMMENDATION ITEM 10.0.1</b>
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That....

- (a) under the provisions of clause 9.6 of Town Planning Scheme No. 6, Council endorse draft Policy P313 '*Local Heritage Listing*' at **Attachment 10.0.1(a)** for the purpose of public consultation; and
- (b) the draft Policy P313 be advertised in the following manner:
  - (i) Extent:
    - Owners of all places currently listed in the City's Municipal Heritage Inventory;
    - Heritage Council of Western Australia.
  - (ii) Method:
    - Newspaper (once a week for two consecutive weeks);
    - Notices and documents in Civic Centre, Libraries, web site (Feedback/Out for Comment page).
  - (iii) Time period:
    - Not less than 21 days, commencing after mid-January 2013;
- (c) following the conclusion of the advertising period a report on any submissions received be presented to the first available Council meeting; and
- (d) the Council endorses the process outlined in this report leading to the preparation and adoption of the Heritage List.

**10.0.2 Disposal of Lot 227 (30) Vista Street Kensington** (*referred from Item 10.3.8 Council Meeting 25.9.2012*)

Location:	City of South Perth
Applicant:	Council
File Ref:	G0/106
Date:	29 November 2012
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Michael J Kent, A/Chief Executive Officer

**Summary**

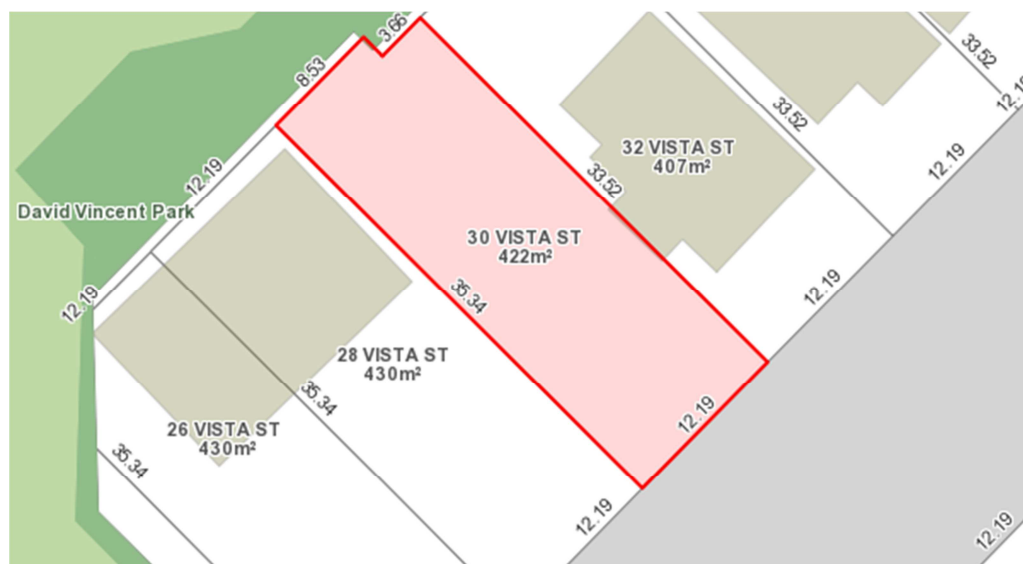
This report recommends that the Council approve expenditure related to the Vista Street drainage works totalling \$86,500 (exc GST) and the Kensington Kindergarten building works totalling \$88,780 (exc GST) to facilitate the disposal of Lot 227 (30) Vista Street Kensington.

**Background**

Lot 227 (30) Vista Street Kensington is a 422sqm site zoned residential owned freehold by the City. A portion of 30 Vista Street is presently used by the adjoining Kensington Kindergarten for storeroom and playground purposes with a further portion used as an informal access way between Vista Street and the adjoining David Vincent Reserve. As part of their new lease negotiations, the City has been liaising closely with Kensington Kindergarten to relocate their facilities onto the 26-28 Vista Street site to facilitate the disposal of 30 Vista Street Kensington.

The Council resolved at the September 2012 Council meeting to:

- (a) *dispose of Lot 227 (30) Vista Street Kensington by auction or private treaty;*
- (b) *delegate authority to the Chief Executive Officer to:*
  - (i) *appoint a real estate agent to auction land on behalf of the City;*
  - (ii) *negotiate the sale of the land, with the Chief Executive Officer having regard and consideration to the independent market valuation obtained by Garmony and Associates; and*
  - (iii) *execute the relevant documentation associated with the sale of land; and*
- (c) *Consider a further report on estimated costings associated with the proposed building improvements and relocation of the existing drainage system prior to any expenditure on the project.*



## **Comment**

### Drainage Works

The City has received a quote to construct a drainage system for Vista Street that would collect all contributing stormwater from the catchment area at the natural low point in the street (approximately 30 Vista Street) and dispose of the stormwater via a replacement drain to an improved in-ground infiltration system embracing an overflow discharge to David Vincent Reserve.

The estimated expenditure to undertake these work is \$86,500 (exc. GST) and consists of 75 metres of 600mm drain extending south from 30 Vista Street and replacing (part of) the existing 300mm diameter pipe from Collins Street. An improved collection system will be installed at 30 Vista Street and the new outfall will be located south of 28 Vista Street on David Vincent Reserve.

### Kensington Kindergarten Works

The City has received a quote to relocate the existing kindergarten storeroom and playground equipment at Kensington Kindergarten. The estimated expenditure to undertake these works is \$88,780 (exc. GST) and primarily comprises the demolition and construction of a new storeroom, erection of new fencing, playground alterations and pathway changes.

## **Consultation**

The disposal of Lot 227 (30) Vista Street Kensington was the subject of a Councillor briefing at a workshop in March 2012 and a Council resolution in September 2012. The City has also been in continuous discussions with Kensington Kindergarten in relation to this matter.

## **Policy and Legislative Implications**

The *Local Government Act 1995* provides that a local government is not to incur expenditure from the municipal fund if it is not included in the annual budget unless an absolute majority of the Council is obtained prior to expenditure.

## **Financial Implications**

The Vista Street Kensington drainage works and Kensington Kindergarten works are proposed to be funded by the budget amendment below:

Account No	Account Title	Type	Current Budget	Revised Budget	Amend Amount
8001.4500.30	Buildings - Prior Year Residual	Cap Exp	20,000	0	20,000
8130.5831	Eco Star Rating for Buildings	Cap Exp	40,000	0	40,000
8121.4500.30	South Perth Bowling Club Roof	Cap Exp	35,000	0	35,000
TBA	Kensington Kindergarten	Cap Exp	0	95,000	(95,000)
5529.1500.30	Melville Pde GPT	Cap Exp	75,000	25,000	50,000
5514.1500.30	Drainage Studies	Cap Exp	170,000	135,000	35,000
TBA	Vista St Drainage	Cap Exp	0	85,000	(85,000)

The 2012/2013 budget provides for the sale of Lot 227 (30) Vista Street Kensington. The sale proceeds minus the above expenditure will fund strategic priority services and facilities as outlined in the Strategic Plan 2010-2015 and Corporate Plan 2012-2014. There will also be a ratable income from the property.

#### **Strategic Implications**

The recommendation to dispose of Lot 227 (30) Vista Street Kensington is consistent with the 2010-2015 Strategic Plan - Direction 6– Governance “*develop and sustain appropriate human, financial, asset and technological resource capacity to deliver the priorities set out in the Strategic Plan* and the City’s Corporate Plan 2012-2014.

#### **Sustainability Implications**

The proposal to dispose of Lot 227 (30) Vista Street Kensington will strengthen the financial viability of the City of South Perth.

<b>OFFICER RECOMMENDATION ITEM 10.0.2</b>
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That the Council approve the works to the Vista Street Kensington drainage and the Kensington Kindergarten, to be funded by way of the following budget amendment.

*\*Note: Note: \*An Absolute Majority is Required*

Account No	Account Title	Type	Current Budget	Revised Budget	Amend Amount
8001.4500.30	Buildings - Prior Year Residual	Cap Exp	20,000	0	20,000
8130.5831	Eco Star Rating for Buildings	Cap Exp	40,000	0	40,000
8121.4500.30	South Perth Bowling Club Roof	Cap Exp	35,000	0	35,000
TBA	Kensington Kindergarten	Cap Exp	0	95,000	(95,000)
5529.1500.30	Melville Pde GPT	Cap Exp	75,000	25,000	50,000
5514.1500.30	Drainage Studies	Cap Exp	170,000	135,000	35,000
TBA	Vista St Drainage	Cap Exp	0	85,000	(85,000)



**10.1 STRATEGIC DIRECTION 1 : COMMUNITY**

<b>10.1.1 Draft Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers – City Submission</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	22 November 2012
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

**Summary**

City officers have reviewed the draft Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers released for comment by the Department of Transport and the Swan River Trust and have prepared a submission which requires endorsement from Council.

**Background**

The Department of Transport – Marine Safety branch (Transport) and the Swan River Trust (Trust) have developed and released the draft Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers at **Attachment 10.1.1(a)**.

The Trust and Transport have completed a systematic review of aquatic facilities and uses on the Swan and Canning Rivers. The reasons for this review is due to the increasing pressure on the rivers from diverse uses such as swimming, sailing, nature walking, motorised boating, paddle craft, water-skiing, fishing and crabbing. These uses are increasingly competing for river access and use, which is leading to conflicts, with the potential for this to worsen in future years.

Previous decision making in response to changes in demand has often been made on a localised or fragmented way. The Trust and Transport have recognised that a more strategic and integrated approach to river uses is required, hence the development of the Framework.

The Trust and Transport believe “there are currently substantial opportunities for an increase in most activities in the Riverpark during non-peak times and there are also areas that are not used to their full potential. The most effective way to maximise opportunities for different uses is to allow general use as far as possible and encourage self-regulation. However, as the diversity and intensity of use increases there may be a need for management organisations to take a more interventionist approach to avoid any serious conflicts that will compromise safety or damage the environment”.

They consider “a whole of systems approach to Riverpark management is required to ensure that use in any part of the river does not negatively impact on other parts of the river in terms of the overall health and amenity of the river system. Effective management requires balancing the needs of different users as well as the underlying health of the rivers. The technical input and stakeholder consultation was conducted in the context of increasing use in a closed and mainly shallow river system”.

As a result of this process, a number of improved management processes have been developed and are recommended in the Framework. They are:

1. Speed
  - (a) Creation of a maximum speed limit in the main channels of the Riverpark (30 knots)
  - (b) Reduction of the existing 8 knot areas to 5 knot
  - (c) Introduction of additional 5 knot areas
  - (d) Speed limits apply only to motorised vessels, with some exemptions
2. Signage –
  - (a) Improvements to signage, navigational aids and rationalisation of markers of gazetted boundaries
3. Congestion
  - (a) Minimise the existence of exclusive use areas
  - (b) Further restrictions on key areas to de-conflict aquatic use and improve safety
  - (c) Accommodate future increases and respond to emerging issues
4. Behaviour
  - (a) Improve education and enforcement efforts
  - (b) Enhance opportunities / regulations to facilitate voluntary compliance
  - (c) Increase engagement with user groups and associations
5. Aquatic Events
  - (a) Better public information on aquatic event application and approval processes
  - (b) Improved coordination in regard to aquatic events
  - (c) Possibility of lighting for events at Burswood
6. Personal Water Craft (PWC) Use
  - (a) Retain current restrictions on free styling
  - (b) Prohibit PWC's from operating in water ski areas and upstream of the Windan and Canning Bridges
  - (c) Designate new PWC water ski area
  - (d) Improve education and enforcement
7. Water Skiing
  - (a) Revoke the Chidley Point Water Ski areas
  - (b) Redefine ski areas to address safety environmental concerns
  - (c) Impose further restrictions on some ski areas
  - (d) Improve education and enforcement.

It is proposed that a formal review of the Swan Canning Riverpark Aquatic Use Framework will be undertaken by the Trust and Transport every three years.

#### **Comment**

The impact on the City of South Perth of these proposed changes has been tabled in **Attachment 10.1.1 (b)**. The table contains the locations and/or activities that are relevant to the City only, the current situation, proposed changes and finally City officer comment on the changes. Maps of the current and proposed plans can be viewed in the draft report at **Attachment 10.1.1(a)** in Appendix 6b (current situation) and Appendix 7b (proposed future plan).

City officers concur with most of the changes proposed and in particular under “R – Canning River – Mount Pleasant Ski Area North”. It is recommended that Personal Water Craft (PWC) are banned upstream of Canning Bridge and the existing water ski area is proposed to be redefined. These recommendations will benefit City residents, particularly those living upstream of Canning Bridge with PWC no longer permitted to operate and by not allowing water skiing too close to shorelines. This proposal should also significantly reduce the impact of erosion from boat wake on City foreshores in this area.

The proposed change that officers do not fully support is under “V – Perth Water”. Officers support revoking the existing commercial water ski area immediately to the east of the Narrows, but do not support the proposal to change this to a PWC ski area. The City has long held a position of not wanting PWC activity on Perth Water. This position led to the creation of the PWC Freestyle area west of the Narrows Bridge and the subsequent banning of PWC freestyle activity on Perth Water. Returning PWC activity to Perth Water, albeit in a smaller designated ski area, is not considered desirable.

The only other proposed change that officers have provided additional comment on is under “A – Public Water Transport”. Officers have requested the addition of the following recommendation – “Consider opportunities to extend the public ferry service to Coode Street jetty.” This is in-line with the City’s existing position on this issue.

In conclusion, officers are generally supportive of Draft Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers and congratulate the Trust and Transport on its preparation. It is therefore recommended that the table forming **Attachment 10.1.1(b)** be approved as the City’s submission on the draft Framework.

#### **Consultation**

The Draft Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers has been developed with extensive consultation undertaken with key stakeholders and the wider community.

The Department of Transport and the Swan River Trust presented a briefing to Elected Members on 14 November 2012 and provided the City the opportunity to comment on the draft Framework, prior to it being completed.

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

Not applicable for the City, however the relevant State legislation and regulations for the Trust and Transport are:

- Swan and Canning Rivers Management Act 2006
- WA Marine Act 1982
- WA Navigable Waters Regulations 1983,

**Financial Implications**

Nil

**Strategic Implications**

This item is consistent with Strategic Direction 1.4 of the City of South Perth Strategic Plan 2010 – 2015 - *Review, prioritise and develop facilities and relevant activities, taking advantage of Federal and State Government funding.*

**Sustainability Implications**

Effective management of potentially conflicting aquatic uses on the Swan and Canning Rivers, developed with key stakeholder and community input by the State Agencies charged with managing river transport and protecting the Riverpark, is an effective and sustainable solution.

<b>OFFICER RECOMMENDATION ITEM 10.1.1</b>
---

That the City of South Perth submission at **Attachment 10.1.1(b)** on the *draft* Swan and Canning Riverpark, Aquatic Use Review and Management Framework: Sharing the Rivers be endorsed.

<b>10.1.2 Review of Policy P101 – Public Art</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	RC/402
Date:	21 November 2012
Author:	Julia Robinson, Arts and Events Coordinator
Reporting Officer:	Sandra Watson, Manager Community Culture and Recreation

### **Summary**

The purpose of this report is to seek Council endorsement of the reviewed and amended Policy P101 - Public Art.

### **Background**

The City values public art as a means of celebrating the identity and history of the community, enhancing the environment and contributing to a sense of place. In this regard, it is relevant to have a policy in place to provide a framework for the development and management of public art within the City of South Perth. .

### **Comment**

The review of the Public Art Policy was a strategic initiative in the *2011- 2012 Corporate Plan* however due to other commitments within the Community, Culture and Recreation department; it was carried over to the *2012-2013 Corporate Plan*. A comprehensive review of the current policy and the area of public art in general has now been undertaken, including an inventory of existing City artworks, research into other local government's policies and practices relating to public art, as well as research into contemporary best practice in public art policy.

From this review, it is recommended that in terms of the public art element of City building projects applicable under the public art policy, the allocation of 2% of the total project cost still be allocated to public art; however the applicable threshold is to be raised from \$100,000 project costs to projects over \$2 million. In addition, the definition of these projects is to be revised from the current one of "New municipal above ground and non-maintenance constructions" to "New above ground urban design, public open space and public building construction and redevelopment projects".

The policy at **Attachment 10.1.2** has been amended to reflect this recommendation and an additional statement that the City will ensure "public art is adequately resourced in order to acquire, maintain and promote a public art collection that represents a high quality investment" has also been introduced to the revised policy. Otherwise, only minor changes to the policy sequence and terminology have been made.

### **Consultation**

No community consultation was undertaken as part of the Public Art Policy review however extensive internal consultation with relevant officers was undertaken. There is special provision in the policy for community consultation and/or involvement in future City public art projects.

**Policy and Legislative Implications**

There is no specific policy or legislative implications that relate to this policy.

**Financial Implications**

There has been a change to the financial threshold for public art projects within the relevant policy from a total cost of \$100,000 building projects to \$2 million.

**Strategic Implications**

The Policy P101 Public Art aligns with the following goals in the *City of South Perth Strategic Plan 2010-2015*:

1. Community – Create opportunities for a safe, active and connected community.
2. Environment – Nurture and develop natural spaces and reduce impacts on the environment.
4. Places – Plan and develop safe, vibrant and amenable places.

**Sustainability Implications**

There are no specific sustainability implications that relate to this policy. Future public art projects will be considered in line with the *City of South Perth Sustainability Strategy 2012 – 2015*.

<b>OFFICER RECOMMENDATION ITEM 10.1.2</b>
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That Council adopt the revised Policy P101 - Public Art at **Attachment 10.1.2**.

<b>10.1.3 Minutes Special Electors Meeting 26 November 2012</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	27 November 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

**Summary**

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Monday 26 November 2012.

**Background**

The Special Electors' Meeting was called following receipt of a Petition organised by Ms Marnie Tonkin, Bradshaw Crescent, Manning together with 110 signatures requesting a Special Electors Meeting to discuss the proposed Community Centre at No. 9 Bradshaw Crescent Manning.

***Text of the petition reads:***

*"We the undersigned request a Special Meeting of Electors be held to discuss residents' concerns regarding the consultation process and the scale and scope of the proposed development of Lot 571 (No. 9) Bradshaw Crescent, Manning for the Manning Community Centre"*

As a result, under a requirement of the *Local Government Act*, Section 528 a Special Electors Meeting was held on 26 November 2012 to discuss residents' concerns.

**Comment**

The Minutes from the Special Electors Meeting held 26 November 2012 are at **Attachment 10.1.3**.

At the Special Electors' Meeting the following **Motion** was passed:

**MOTION**

We call on the South Perth City Council to plan the entire Manning Hub Development as a single integrated design, rather than separate phases, that reflects the needs of the community expressed throughout the initial consultation process. Central to this plan must be the maintenance and enhancement of Manning vital community values and vibrant village atmosphere. Specifically the resolution we require is:

- (1) Reduce the overall scale of the proposed built development;
- (2) Ensure that significant open spaces are provided at the heart of the Manning Hub Development and between built facilities to promote pedestrian activity and community interaction; and
- (3) Set a maximum height of 7m or 2 stories on all developments on the Manning Hub site.

**RESPONSE TO MOTIONS**

A report on the proposed Manning Community Centre at No. 9 Bradshaw Crescent, Manning also addressing the Motion passed at the Special Electors Meeting held on 26 November 2012 will be the subject of report to the February 2013 Council Meeting.

**Consultation**

Notice of the Special Electors' Meeting scheduled for 26 November 2012 was advertised:

- in the Southern Gazette newspaper;
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre and the Libraries.

**Policy Implications**

The Special Electors Meeting was held in accordance with the provisions of section 5.28 and 5.29 of the *Local Government Act 1995*. Section 5.33 of the *Local Government Act 1995* provides that:

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
  - (b) *at a special meeting called for that purpose,*
- whichever happens first.*

*If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the Minutes of the Council Meeting*

This issue has no impact on this particular area.

**Financial Implications**

This issue has no impact on this particular area.

**Strategic Implications**

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with the Strategic Plan, Direction 1 'Community' in particular ***Goal 1.3 Encourage the community to increase their social and economic activity in the local community.***

**Sustainability Implications**

This report contributes to the City's sustainability by promoting effective communication and community participation. .

<b>OFFICER RECOMMENDATION ITEM 10.1.3.</b>
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That the Petitioner, Ms Marnie Tonkin, be advised that:

- (a) Council notes the Motion carried at the Special Electors Meeting on 26 November 2012 in relation to the Manning Community Centre; and
- (b) the Motion passed by that meeting will be considered together with other Submissions received in a report to the February 2013 Council Meeting.



**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**  
Nil

**10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES**

**10.3.1 Proposed Use Not Listed (Dog Day Care) Addition to Single House - Lot 105 (No. 234) Canning Highway, South Perth**

Location: Lot 105 (No. 234) Canning Highway, South Perth  
 Applicant: Ms L Vitas  
 Lodgement Date: 16 May 2012  
 File Ref: 11.2012.230.1 CA6/234  
 Date: 16 November 2012  
 Author: Cameron Howell, Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

To consider an application for planning approval for a Use Not Listed (Dog Day Care) addition to a single house on Lot 105 (No. 234) Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use	TPS6 Clauses 3.3(6)-(7)
Car parking provision	TPS6 Clauses 6.3(2) and 7.8(1)

As a result of the inadequate parking and access arrangements, and conflicts associated with the relevant legislation as described in the report, it is recommended that the proposal be refused.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential and Primary Regional Roads reservation (Metropolitan Region Scheme)
<b>Density coding</b>	R15
<b>Lot area</b>	470 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio limit</b>	Not applicable (Minimum 50% open space for a single house)

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)** Applicants' supporting report dated 9 October 2012 (Ms L Vitas).  
**Attachment 10.3.1(d)** Applicants' supporting reports dated 10 and 24 May and 11 June 2012 (Ms L Vitas), and 30 July 2012 (Planning Solutions).  
**Attachment 10.3.1(e)** Acoustic assessment.

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:

1. **Specified uses**
  - (h) *Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.*
3. **The exercise of a discretionary power**
  - (b) *Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*
6. **Amenity impact**

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

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

#### Comment

##### (a) Background

In May 2012, the City received an application for a proposed Dog Day Care business, proposing up to 10 dogs onsite, operating in addition to the existing single house on Lot 105 (No. 234) Canning Highway, South Perth (the site). This application was presented to the Council Agenda Briefing on 18 September 2012, with the proposal recommended for refusal (Item 10.3.6). The item was withdrawn from the 25 September 2012 Council Meeting by the applicant on the day of the meeting.

In October 2012, the City received a revised proposal reducing the maximum number of dogs' onsite from ten (10) dogs to five (5) dogs. The City has conducted neighbour consultation by readvertising the application and sought comment from Ranger Services.

(b) **Existing development on the subject site**

The existing development on the site currently features the land use of “Single House”, consisting of a single storey residence and a detached garage, as depicted in the site photographs referred to as **Attachment 10.3.1(b)**. The additions shown on the plans included in **Confidential Attachment 10.3.1(a)** do not have a valid planning approval, as the previous approval for the site expired on 30 September 2012 since construction had not substantially commenced by this date.

(c) **Description of the surrounding locality**

The site has a frontage to Canning Highway to the north-west and is located adjacent to single houses to the north and east, consulting rooms to the south, and is opposite a hotel and shop, as seen below:



(d) **Description of the proposal**

The proposal involves the use of the rear garden and conversion of the existing detached garage on the site as a Dog Day Care (including internal modifications to the garage to become a studio), whilst the residence will continue to be used as single house, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs, **Attachment 10.3.1(b)**, show the relationship of the site with the surrounding built environment.

The property owner proposes to operate the Dog Day Care on weekdays (Monday to Friday) between 7:30am and 6:00pm. The Dog Day Care proposes to provide supervision for up to five (5) small dogs, including grooming, training and socialisation activities. The dogs would be dropped off at the site by their owners in the morning and picked up in the evening. The applicant's letter, **Attachment 10.3.1(c)**, describes the proposal in more detail. The applicant's letters for the superseded ten (10) dogs' proposal are included as **Attachment 10.3.1(d)**. The acoustic assessment report prepared for the applicant is included as **Attachment 10.3.1(e)**.

The following components of the proposed development do not satisfy *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and Council policy requirements:

- (i) Land use; and
- (ii) Car parking and vehicle movements.

The proposal and the planning assessment are discussed in further detail below.

(e) **Land use**

The proposed land use of “Dog Day Care” is not a listed land use in Table 1 (Zoning - Land use) of TPS6. The proposal is not seen to meet the definition of “Home Occupation”, primarily as the car parking and traffic generated is greater than a single house, and the proposal involves the keeping of animals. In considering this use, it is observed that the site adjoins residential and non-residential uses.

The proposed land use presents the following concerns to City officers:

- (i) Potential noise impacts to the adjoining residential properties, particularly when the dogs are outside the studio outbuilding. The actual noise impact depends on the characteristics of the dogs on the site, the amount of time spent outside of the noise insulated studio building, and whether the applicant successfully implements the proposed management practices that minimise dogs barking, as listed in **Attachments 10.3.1(c)** and **(d)**.
- (ii) Potential health impacts, particularly if there are breaches of the *City of South Perth Health Local Law 2002*. If the applicant successfully implements the proposed management practices listed in **Attachments 10.3.1(c)** and **(d)**, there should not be any health concerns.
- (iii) Conflicts with the *Dog Act 1976* and *City of South Perth Dog Local Law 2011*, in regards to the number of dogs permitted on the site. The proposal would require an exemption to be granted by the City to exceed the maximum of two (2) dogs permitted on the site. A request for three (3) dogs on the site may be able to be supported by the City’s Ranger Services, though a request for more than three (3) dogs would not be supported.

*City of South Perth Dog Local Law 2011 - 3.2 Limitation on the number of dogs*

- (1) *This clause does not apply to premises in respect of which an exemption under 26(3) of the [Dog] Act [1976] applies.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of Section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.*

However, it is noted that the proposal has beneficial components including:

- (i) The provision of a local business catering for a local demand. The applicant has advised City officers of the strong demand for Dog Day Care services from residents within the South Perth area, particularly from residents living in apartments in the Mill Point Peninsular area.
- (ii) The potential to reduce dog barking issues in other areas, from dogs that would otherwise be unattended during the day to the proposed socialisation and training activities provided.
- (iii) The proposed operating conditions, indicated schedule and facilities provided, as advised by the applicant and outlined in **Attachments 10.3.1(c)** and **(d)**, aim to minimise noise, odour and other impacts to the neighbouring properties. If successfully implemented, the adjoining properties should not be subjected to any significant detrimental impacts.

If the application was approved, the amenity impact to adjoining properties largely depends on whether the applicant is able to implement the proposed management practices, as listed in **Attachments 10.3.1(c) and (d)**, that aim to minimise the potential detrimental impacts, such as excessive dog barking. A well-structured and managed facility could eliminate these issues or minimise these impacts, however if the dogs were poorly supervised or managed, this proposal will likely generate numerous issues and complaints for City officers to resolve.

Whilst an approval can condition operating hours and the number of dogs, City officers do not consider that conditions of planning approval could be implemented that adequately address all potential noise and health issues. Accordingly, the City would not be in a position to enforce the applicant's intended management practices (e.g. the schedule, provision of training services, non-acceptance of dogs with unsuitable characteristics and temperament) as listed in **Attachments 10.3.1(c) and (d)**.

As a result of the potential amenity issues and the conflicts with the *Dog Act 1976* and *City of South Perth Dog Local Law 2011*, it is recommended that the Dog Day Care land use not be approved.

**(f) Car parking and vehicle access**

As "Dog Day Care" is not listed in Table 6 of TPS6, Clause 6.3(2) of TPS6 requires car parking bays to be provided to the number determined by Council, having regard to likely demand. The maximum demand at any time is five (5) client vehicles plus residential vehicle(s), though the actual number required is reduced if dogs shared a vehicle, (e.g. the same owner) walked to the site or clients did not arrive simultaneously.

The site can contain up to four (4) vehicles in tandem between the studio and front boundary, based upon the minimum dimensions for car bays contained in Schedule 5 of TPS6. The applicant proposes that the clients' vehicles will park in the driveway. The minimum car parking requirement for a single house is two (2) bays, which are permitted in tandem. The Dog Day Care would not impact upon residential parking outside of operating hours.

The applicant has indicated that a set drop-off and pick-up time (5 to 10 minute intervals) will be set for each client to minimise the demand for vehicle parking at any time. Alternatively, the applicant would consider a dog collection service where the dog is picked up and dropped off at their home.

The proposed car parking arrangement presents the following concerns to City officers:

- (i) The number of clients could exceed the number of onsite bays available during drop-off and pick-up periods, even with the set times if clients do not run to schedule.
- (ii) The second occupier car bay could be used by another occupier of the residence, reducing the number of parking spaces to two (2) bays during drop-off and pick-up times.
- (iii) The site does not have street parking available close to the site, if the driveway is fully occupied (the closest location being Norton Street), as vehicles would not be permitted to park on Canning Highway due to the traffic volumes and a bus stop. The use of privately owned car parks (such as the Como Hotel site) cannot be considered.

- (iv) Clients are required to reverse onto Canning Highway, a primary distributor road, to exit the site, noting that new developments are required to provide the ability to access the street in forward gear.
- (v) The use of cash-in-lieu of car parking bays [TPS6 Clause 6.3(5)(b)] cannot be utilised in this instance, as in order to seek the cash payment, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site. The Council does not have such proposals in this area.

In this instance, it is considered that the proposal does not comply with the car parking and vehicle movement requirements of the Scheme. Therefore, the proposal is not supported by the City.

**(g) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity.*
- (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.*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City, and minimise the conflict between such land use and local precinct planning.*

The proposed development is not considered to be satisfactory in relation to all of these matters.

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

In considering the application, 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 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 Council under the provisions of Clause 9.6 of this Scheme.*
- (g) *In the case of land reserved under the Scheme, the purpose of the reserve.*
- (i) *The preservation of the amenity of the locality.*
- (p) *Any social issues that have an effect on the amenity of the locality.*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site.*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (x) *Any other planning considerations which Council considers relevant.*

The proposed development is not considered to be satisfactory in relation to all of these matters.

### **Consultation**

#### **(a) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 232, 238, 240 and 243 Canning Highway and Nos. 1, 3 and 5 Campbell Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 14 consultation notices were sent. The first proposal (up to 10 dogs) received three (3) submissions, none in favour and three (3) against the proposal. The current proposal (up to 5 dogs) was advertised to the same properties as previously and four (4) submissions were received, two (2) in favour and two (2) against the proposal. The comments from the submitters of the current proposal, together with the officer responses are summarised below:

Submitters' Comments	Officer Response
1. Excessive barking and noise (× 2 submitters).	The potential impact to nearby residents can only occur on weekdays, with the operating hours generally reflecting business hours, when many residents would be at work or school. The actual impact, if the proposal was approved, would be dependent on how the business is run. It is noted that the applicant's proposed operation and procedures aim to minimise these issues whilst the dogs are onsite. The comment is NOTED.
2. Health concerns, e.g. health of animals, odours, dog droppings (× 2 submitters).	Part 5, Division 2 of the <i>Health Local Laws 2002</i> has provisions for the keeping of animals, which can address these issues, if the site was not maintained in a satisfactory condition. As a business, the applicant is likely to be encouraged by the clients to keep the premises in a clean condition or they would not continue to leave their dogs at the site. It is noted that the applicant's proposed operation and procedures aim to prevent these issues. The comment is NOTED.
3. Impact upon sleeping patterns of shift worker occupants [at home during the day sleeping; potential loss of shift work tenant due to the proposal's noise impact] (× 2 submitters).	If the proposal was approved and continual dog barking occurred, the barking is likely to impact upon the sleeping patterns of shift workers residing near the site. It is also noted that the applicant's proposed operation and procedures aim to minimise these issues whilst the dogs are onsite. The comment is NOTED.
4. In favour of the proposal (× 2 submitters).	The provision of a Dog Day Care facility would have some benefits for the wider community. The comment is NOTED.
5. Disrupt students completing homework.	If the proposal was approved and continual dog barking occurred, the barking could impact students residing near the site though the potential clash is over a short period of the day (e.g. 2 hours each afternoon). It is also noted that the applicant's proposed operation and procedures aim to minimise these issues whilst the dogs are onsite. The comment is NOTED.
6. Impact upon lifestyle - Adjacent to an outdoor living area.	The site is located adjacent to the rear gardens of the adjoining residential properties. There are no noise impacts from the Dog Day Care during the evening or weekends when these areas are most likely to be utilised by the residents. It is also noted that the applicant's proposed operation and procedures aim to minimise these issues whilst the dogs are onsite and once the dogs have left the site. The comment is NOTED.
7. Loss of property value.	The City is not in a position to determine whether the proposal impacts upon property values. The comment is NOT UPHELD.
8. The submitter's pet dog has benefited from a Dog Day Care facility located in Belmont - The dog is less likely to indulge in destructive behaviours or develop problems (e.g. barking).	The applicant's proposal, if approved, should provide similar benefits to the client's pet(s). The comment is NOTED.



The applicant's responses to the neighbours' comments that are not in support of the proposal are included in **Attachments 10.3.1(c) and (d)**.

**(b) Internal administration**

- (i) Comments were invited from the Environmental Health Services section of the City's administration. Environmental Health Services provided comments with respect to noise, dog droppings and food waste. Environmental Health Services raises concerns and has provided recommended important notes in relation to the requirements of the *Environmental Protection (Noise) Regulations 1997* and *City of South Perth Health Local Laws 2002*, Division 2 "Keeping of Animals". As requested by the Environmental Health Services comments, the applicant has supplied an acoustic assessment, referred to as **Attachment 10.3.1(e)**.

The following comments have been provided from Environmental Health Services in response to the submitted acoustic report:

- (A) The report lists two scenarios, S1 (five dogs barking within the Studio building) and S2 (one dog barking outside). Both scenarios are shown to comply with the noise regulations.
  - (B) No assessment has been provided where five dogs are barking outside the Studio outbuilding, being a worst case scenario.
  - (C) The report complies with the noise regulations, though the report is not seen to assess the full range of scenarios expected to be undertaken on the site.
- (ii) Comments were invited from the Ranger Services section of the City's administration. Rangers Services provided comments with respect to the keeping of dogs and car parking. Rangers Services strongly objects to the proposal, as summarised below:
    - (A) In addition to the relevant provisions of TPS6, the proposed Dog Day Care is required to comply with the provisions of the *Dog Act 1976* and *City of South Perth Dog Local Law 2011*.
    - (B) There is not enough parking available onsite for a business to be operating from 234 Canning Highway.
    - (C) The location is situated in a residential area, and having several dogs at the premises and the increased possibility of nuisance (barking) complaints under Section 38 of the *Dog Act 1976*. Dog nuisance (barking) complaints would not be reduced by having several dogs on a property.
    - (D) The *Dog Act 1976* Section 26 allows only two (2) dogs per premises. A Local Government may approve up to six (6) dogs per premises without a kennel license, but this would be subject to the neighbours' approval. Since there have been two (2) objections from the surrounding neighbours, Ranger Services would definitely not approve such an application. Following receipt of the application form and fee for an application for more than two (2) dogs, Ranger Services' general procedure is for the neighbours to be surveyed. If Rangers Services receive any objections from the neighbours, Ranger Services generally does not approve the application. In addition, Ranger Services considers other factors including the:
      - the amount of space available on the property for the dogs;
      - the number of dogs proposed; and
      - the breed and other characteristics of the dogs proposed on the site.

Noting the smaller size of this property and the objections received during this application's consultation process, the City's Ranger Services has advised that more than three (3) dogs would not be supported on the site. However, permission could be considered for three (3) dogs on the site (this permission can be revoked at any time).

If the application was to be approved, planning conditions and / or important notes would be recommended to respond to the comments from the above officers.

**(c) External agencies**

Comments from external agencies are not required for this application.

The proposal is not seen to impact upon the primary regional road reservation, as the Dog Day Care is located in the residential zoned land and no construction work, other than an internal fit out to the garage, is proposed. If the application was to be approved, a condition would be recommended excluding the Dog Day Care business from consideration in determining any land acquisition costs or compensation that may be payable by Council and / or the Western Australian Planning Commission, from the future widening of Canning Highway.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, R-Codes and Council policies, where relevant.

**Financial Implications**

If the applicant applies to the State Administration Tribunal for a review of Council's decision, legal and other costs will be covered by the operating budget.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within 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 proposal enhances sustainability by providing local businesses and employment opportunities. However, the proposal is seen to have an adverse amenity impact to neighbouring properties.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours. The use of conditions to achieve an acceptable outcome is not seen to be appropriate in this instance. While some components of the proposal can be conditioned (e.g. permitted operating hours, maximum number of dogs onsite), the applicant's proposed schedule and management practices listed in **Attachments 10.3.1(c) and 10.3.1(d)** cannot be enforced as a planning condition. Accordingly, as City officers cannot be assured that the Dog Day Care will operate as proposed, it is considered that the application should be refused.

<b>OFFICER RECOMMENDATION ITEM 10.3.1</b>
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That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Use Not Listed (Dog Day Care) addition to single house on Lot 105 (No. 234) Canning Highway, South Perth, **be refused** for the following reasons:

**(a) Specific Reasons**

- (i) The Dog Day Care has the potential to have a detrimental amenity impact upon the adjoining properties.
- (ii) The proposed provision of car parking bays onsite does not satisfactorily cater for the likely demand. There are no suitable locations in close proximity to the development site to provide safe and convenient car parking when all car parking bays onsite are occupied.
- (iii) The tandem parking arrangement and the requirement to reverse onto a primary distributor road are not satisfactory for the proposed number of vehicle movements.
- (iv) The proposal conflicts with Scheme objectives identified in Clause 1.6 of *City of South Perth Town Planning Scheme No. 6*, specifically Objectives (a), (d), (e), (f), (g), (i), (j) and (l).
- (v) The proposal conflicts with “Matters to be Considered by Council” identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically Matters (a), (b), (c), (f), (g), (i), (p), (s), (t), (v), (w) and (x).

**(b) Standard Advice Notes**

795B	Appeal rights - Council decision		
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**(c) Specific Advice Notes**

- (i) The City’s Ranger Services has advised that the “Dog Day Care” proposal conflicts with the provisions of the *City of South Perth Dog Local Law 2011* and *Dog Act 1976*.

<b>Footnote</b>	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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<p><b>10.3.2 Proposed Single House (Two-Storeys) - Lot 226 (No. 32) Vista Street, Kensington</b></p>
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Location: Lot 226 (No. 32) Vista Street, Kensington  
 Applicant: APG Homes  
 Lodgement Date: 1 August 2012  
 File Ref: 11.2012.354.1 VI3/32  
 Date: 15 November 2012  
 Author: Mark Scarfone, Senior Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

To consider an application for planning approval for a single house (two-storeys) on Lot 226 (No. 32) Vista Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”)

The proposed development is not considered to be consistent with Objective 1 and Clause 2, and Sub-clauses 3(d) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) and as such, it is recommended the application be refused.

**Background**

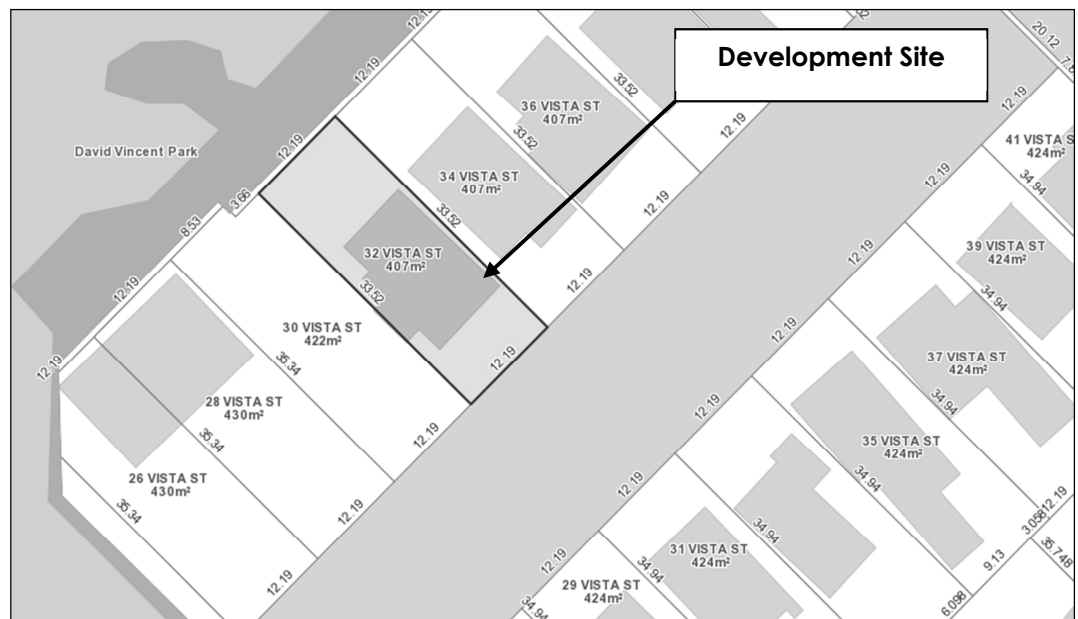
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	407 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Permissible land uses, as listed in Table 1 of TPS6
<b>Plot ratio limit</b>	Not applicable to single dwelling

This report includes the following attachments:

**Confidential Attachment 10.3.2(a)** Plans of the proposal.  
**Attachment 10.3.2(b)** Applicant’s supporting letters dated 26 July, 18 October and 12 November 2012.  
**Attachment 10.3.2(c)** Photographs of subject site and surrounding streetscape.

The location of the development site is shown below:



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

**3. *Developments involving the exercise of discretionary power***

*This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:*

- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*

**Comment**

**(a) Background**

On 30 July 2012, the City received an application for a single house (two-storey) on Lot 226 (No. 32) Vista Street, Kensington (the “subject site”). On 21 August 2012, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. A revised set of drawings was provided to the City on 18 October 2012, however it was considered that these drawings did not adequately address the City’s concerns, particularly with regard to the streetscape compatibility of the house having regard to the recently adopted Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”).

**(b) Description of the surrounding locality**

The subject site has a frontage to Vista Street, Kensington, and is located adjacent to Kensington Kindergarten to the south-west and David Vincent Park at the rear. It is proposed in the future to reinstate the adjoining Lot 30 to a residential lot. The remainder of the street is characterised by single houses. Figure 1 below depicts the subject site and surrounds which forms the wider assessment area, as per Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):



*Figure 1*

(c) **Description of the proposal**

The proposal involves the demolition of the existing single storey house and the construction of a two-storey single house on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**. Furthermore, the site photographs, **Attachment 10.3.2(c)**, show the relationship of the site with the surrounding built environment.

The proposal generally complies with *City of South Perth Town Planning Scheme No. 6 (TPS6)*, the R-Codes and relevant Council policies.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Maximum levels (TPS6 Clause 6.10);
- Primary and secondary street setbacks (R-Codes Clause 6.2.1 and Table 1);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 “Fencing and Retaining Walls”);
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5);
- Boundary walls (Clause 5 of Council Policy P350.2 “Residential Boundary Walls”);
- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b);
- Open space (R-Codes Clause 6.4.1);
- Outdoor living areas (R-Codes Clause 6.4.2);
- Visual privacy (R-Codes Clause 6.8.1 and Council Policy P350.8 “Visual Privacy”);
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Building height limit (TPS6 Clause 6.2); and
- Significant views (Council Policy P350.9 “Significant Views”).

The following planning matters, which are considered unacceptable, are discussed further below:

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
  - (i) Clause 2 – Building bulk and scale (Storey above ground storey);
  - (ii) Sub-clause 3(d) – Eaves visible from the street; and
  - (iii) Sub-clause 6(a) - Garage setback.

**(d) Land use**

The proposed land use of “Single House” on the subject lot zoned “Residential” is classified as a “P” (Permitted) land use in Table 1 (Zoning - Land use) of TPS6. In considering this use, Council shall have regard to the requirements of *City of South Perth Town Planning Scheme No. 6* (TPS6) and Council policy, the objectives listed in Clause 1.6 of TPS6, and the relevant matters listed in Clause 7.5. The proposal is generally considered to be in compliance with these matters, subject to conditions being applied.

**(e) Streetscape compatibility - Council Policy P351.5 (Streetscape Compatibility - Precinct 5 “Arlington” and Precinct 6 “Kensington”)**

Clause 7.5 of TPS6 provides a list of matters which should be taken into account by Council when making a determination. These matters may also form a condition of approval. Specifically, Clause 7.5(n) states, “*The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*”

Council P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) herein referred to as P351.5, provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City’s expectations for new developments within the “Arlington” and “Kensington” Precincts. The proposed development is generally considered to comply with the provisions of P351.5, with the exception of Clause 2 - Building bulk and scale, and Sub-clauses 3(d) and 6(a). These matters will be discussed in detail below:

**(i) Clause 2 – Building bulk and scale (Storey above ground storey)**

Objective 1 of P351.5 is, “*To preserve or enhance the desired streetscape character by ensuring that new residential development has bulk and scale that is compatible with the streetscape within which it is located.*”

Scale is defined by P351.5 as, “*The perceived visual magnitude of a building in relation to neighbouring existing buildings within the focus area. The perceived scale is determined by the height and bulk of the proposed building and its spatial separation from the street and adjacent buildings.*”

The terms “Immediate Assessment Area” and “Wider Assessment Area” are also defined within P351.5 to assist applicants and determining bodies to identify the extent to which neighbouring properties should be taken into account when assessing streetscape compatibility.

In this instance, each of the residential properties within the “Immediate Assessment Area” is single storey, and as such, the bulk associated with these buildings is minimal. Figure 2 below depicts the “Immediate Assessment Area” associated with this site:





*Figure 2*

The “Wider Assessment Area” (depicted in Figure 1 above) is characterised by single storey character dwellings, however there are three “contemporary” two-storey dwellings at 27, 36 and 38 Vista Street. These three dwellings are similar in that the upper floors are setback in line with the ground floor level. In addition to the “contemporary” two-storey dwellings, there are also two additional two-storey dwellings which have been constructed with upper floors which are setback further than the ground floor, having the effect of reducing their perceived bulk. Photographs of the subject site and surrounding streetscape, including the buildings described above, are included in **Attachment 10.3.2(c)**.

As indicated above, the proposed development is generally considered to comply with the provisions of P351.5 with the exception of Clause 2 – Building bulk and scale. This clause indicates that bulk and scale of all floors above the ground level should be reduced, having regard to the existing streetscape. It also provides applicants and landowners with five key techniques for ameliorating building bulk, which are listed below for convenience:

- (A) Articulation of the street façade.
- (B) Stepping back upper storeys of the building.
- (C) In the case of upper storeys, reduction in the floor area of the portion visible from the street.
- (D) Use of varied materials, colours and finishes for the exterior of the building.
- (E) Inclusion of major openings and balconies in the façade of the dwelling.

The applicant has provided written justification for the proposed upper floor setback, referred to in the letter dated 24 February 2012 as **Attachment 10.3.2(b)**, and raises the following points with regard to streetscape compatibility:



- (A) *The upper storeys of the building have been stepped back behind the main garage, and Bedroom 2 is also setback behind Bedroom 3. This provides sufficient articulation and visual interest, and also reduces the presence of the upper floor.*
- (B) *The upper level is substantially reduced, with greater setbacks from side boundaries than the ground floor level. The upper level has a much narrower appearance than the ground level.*
- (C) *Two major openings are provided to the street, as required under the policy.*
- (D) *The ground and upper levels feature different forms of contrasting render, adding to the level of visual interest, along with a range of glazing type.*
- (E) *The subject land is located at No. 32 Vista Street. Other two-storey developments in the wider assessment area have been identified in close proximity to the subject land at Nos. 36 and 38 Vista Street (see attached photographs) which are very close to the proposed dwelling. These dwellings also feature upper floors having similar bulk and scale with reference to ground floor levels. In addition, these dwellings feature similar or less articulation; and limited setbacks to upper levels.*
- (F) *On the basis of the above, it is evident the proposal implements the majority of requirements listed in the City's LPP as it relates to bulk and streetscape compatibility of upper levels, particularly with reference to adjoining development on Vista Street.*

City officers acknowledge that the applicant has used a mix of materials, provided some articulation to the street façade, and reduced the amount of upper floor area visible from the street, however consider that the overall bulk of the building has not been ameliorated through the use of these techniques. The upper floor of the proposed building is all setback within 1.0 metre of the ground floor below, and as such, the setback is not likely to be interpreted from the street. In addition the applicant has included only major openings in the upper floor, rather than upper floor and balconies as required by the policy. The addition of a deep balcony on the upper floor would have the effect of increasing the upper floor setback, and introduce open areas, therefore reducing bulk.

As indicated above, the predominant streetscape character of Vista Street, taking into account the definitions of immediate assessment area and wider assessment area is single storey. It is therefore considered imperative that new development within this locality employs techniques to reduce bulk at the upper level, particularly through setting back upper floors from the street, further than the ground floor.

- (ii) Sub clause 3(d) – Eaves visible from the street  
Sub-clause 3(d) of P351.5 states, “*Eaves are required with a minimum width of 450mm to roofs that are visible from the street.*”

It is observed that portions of roof visible from the street do not have eaves of the required width, and as such, the proposed development is inconsistent with this clause.

- (iii) Sub-clause 6(a) – Garage setback  
Sub-clause 6(a) of P351.5 states, “*Garages are to be setback in line with the ground storey façade of the dwelling or further.*”

It is observed the proposed garage is located 590mm forward of the ground floor line. Officers consider that locating the garage in line with or behind the building setback line is a key element in reducing perceived building bulk. Officers also note that the clause does not detail the instances where garages would be appropriate forward of the building line. The proposed garage setback is not considered to comply with Sub-clause 6(a), and is not supported.

**(f) Conclusion**

The proposed development is not considered to be consistent with Objective 1, Clause 2 and Sub-clauses 3(d) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) and as such, it is recommended the application be refused.

**(g) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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.*

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

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

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (i) The preservation of the amenity of the locality.*

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

**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 August 2012. The proposal was not favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comment	Applicant's Response	Officer Comment
The Design Advisory Architects considered the proposed development and observed that the built form <i>(and the former skillion roof)</i> will be incompatible with the existing streetscape character.	No comment, however revised drawings submitted with modified roof pitch from skillion to pitched.	Officers also observe the proposed development will be incompatible with the street, and as such, recommend refusal. The comment is NOTED.

**(b) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, the property owner at 34 Vista Street was invited to inspect the plans and to submit comments during a minimum 14-day period. No submission was received during this time.

No information notices were sent by the City as this development is located adjacent to land reserved "Parks and Recreation" and "Public Purposes" under TPS6, not R15 or R20 prescribed by Council Policy P360 "Informing the Neighbours of Certain Development Applications".

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within 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 dwelling has been designed, having regard to solar passive design principles with internal and external living areas located on the northern side of the lot.

**Conclusion**

The proposed development is not considered to be consistent with Objective 1, Clause 2 and Sub-clauses 3(d) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) and as such, it is recommended the application be refused.

<b>OFFICER RECOMMENDATION ITEM 10.3.2</b>
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That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a “Single House”(two-storey) at 32 Vista Street, Kensington, **be refused** for the following reasons:

**(a) Specific Reasons**

- (i) The proposed development conflicts with the objectives and specific provisions of City Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”).
- (ii) The proposed dwelling is not consistent with the requirements of Clause 2 and Sub-clauses 3(d) and 6(a) of City Policy P351.5.
- (iii) The proposal conflicts with Scheme objectives identified in Clause 1.6 of *City of South Perth Scheme No. 6*, specifically Objectives (c) and (f).
- (iv) The proposal conflicts with “Matters to be considered by Council” identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically Matters (f) and (n).

**(b) Standard Advice Notes**

795B	Appeal rights - Council decision	700A	Building permit
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<b>Footnote</b>	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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**10.3.3 Proposed Café / Restaurant and Offices in a Three-Storey Building - Lot 20 (No. 98) Mill Point Road, South Perth**

Location: Lot 20 (No. 98) Mill Point Road, South Perth  
 Applicant: Doepel Marsh Architects  
 Lodgement Date: 17 September 2012  
 File Ref: 11.2012.413.1 MI3/98  
 Date: 2 November 2012  
 Author: Siven Naidu, Senior Statutory Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

To consider an application for planning approval for a café / restaurant and offices in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Minimum ground floor levels	TPS6 Clause 6.9
Setbacks	TPS6 Clause 7.8(1)
Landscaping	
Plot ratio	
Car parking provision	

It is recommended that the proposal, which is based upon compliance with Scheme Amendment 25 “South Perth Station Precinct” and not the current *Town Planning Scheme No. 6*, be approved subject to conditions.

**Background**

The development site details are as follows:

<b>Zoning</b>	Mends Street Centre Commercial
<b>Density coding</b>	R100
<b>Lot area</b>	759 sq. metres
<b>Building height limit</b>	13.0 metres
<b>Development potential</b>	11 multiple dwellings and / or specific non-residential land uses
<b>Plot ratio limit</b>	1.50

This report includes the following attachments:

**Confidential Attachment 10.3.3(a)** Plans of the proposal and Street montages.  
**Attachment 10.3.3(b)** Site photographs.  
**Attachment 10.3.3(c)** Applicant’s supporting report.  
**Attachment 10.3.3(d)** Amendment 25 (South Perth Station Precinct – “Schedule 9”).

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**
  - (a) *Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City;*
3. **The exercise of a discretionary power**
  - (c) *Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*
7. **Neighbour comments**

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

#### **Comment**

##### **(a) Background**

In September 2012, the City received an application for a café / restaurant and offices in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth (the site). Revised plans were received on 31 October, 19 November and again on 23 November 2012.

Further to a meeting that was held with the applicant on 19 March 2012 which primarily focused on the requirements of Scheme Amendment 25, referred to as **Attachment 10.3.3(d)**, the City provided written confirmation to the applicant, referred to in **Attachment 10.3.3(c)**, indicating that the City would be supportive of an application which is in accordance with the principles of the provisions in Amendment 25 and also meet the current Scheme requirements, where discretion can be exercised, with no guarantee of approval.

Based upon further direction to officers, Amendment 25 is approximately two months from gazettal, and the feedback from the Department of Planning has indicated that there are no changes likely to the car parking, plot ratio or setbacks as these have not been raised as issues. Taking into account the advanced nature of Amendment 25, officers have used the associated provisions in the assessment of this development application. Additionally, officers are of the view that through final approval of Amendment 25, Council has indicated its preferred type of development for the future of this precinct.

Officers have a responsibility to act in accordance with the current Scheme, however it is considered that the proposal can be approved using discretion in the Scheme, and the justification for using this discretion is that it complies with Council's wishes for the future of the precinct, i.e. in keeping with Scheme Amendment 25.

It is envisaged that the Scheme Amendment will be finalised and gazetted within the next month or two.

**(b) Existing development on the subject site**

The existing development on the site currently features a land use of "Café / Restaurant", as depicted in the site photographs at **Attachment 10.3.3(b)**.

**(c) Description of the surrounding locality**

The site has a frontage to Mill Point Road to the south-west and Harper Street to the north-west, and is located adjacent to a mixed development to the south-east and a shop to the north-east, as seen below:





(d) **Description of the proposal**

The proposal involves the demolition of the existing development and the construction of a café / restaurant and offices in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.3(b)**.

The following components of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and Council policy requirements:

- Maximum floor and ground levels (TPS6 Clause 6.10);
- Building setbacks to the side boundaries (TPS6 Tables 3);
- Building height limit (TPS6 Clause 6.2);
- Bicycle parking provisions (TPS6 Clause 6.4 and Table 6); and
- Driveway gradients (TPS6 Clause 6.10).

The following component of the proposed development, which will be discussed within the report, is considered to comply with the applicable discretionary clauses, and is therefore supported:

- Minimum ground floor levels (TPS6 Clause 6.9).

The following components of the proposed development, which will be discussed within this report, are not considered to comply with the applicable discretionary clauses, however are in line with Councils proposed Scheme Amendment 25 and the vision for future development within this precinct, hence is able to be satisfactorily resolved with the implementation of conditions and therefore is supported:

- Building setbacks from the street (TPS6 Table 3 and Table 5);
- Building setbacks to the side and rear boundaries (TPS6 Tables 3);
- Landscaping (TPS6 Clause 5.1(5));
- Plot ratio (TPS6 Table 4); and
- Car parking provision (TPS6 Clause 6.3(8) and Schedule 5).

(e) **Finished ground levels - Minimum**

The required *minimum* finished *non-habitable rooms and car parking* floor level permitted is 1.75 metres above AHD, and the proposed finished floor level is 1.35 metres. Therefore, the proposed development does not comply with Clause 6.9.2 “Minimum Ground and Floor Levels” of TPS6.

Council discretion - Clause 6.9(3)

Council has discretionary power under Clause 6.9(3) of TPS6 to approve the proposed floor level, if Council is satisfied that all requirements of that clause have been met.

As a response to the above sub-clause, the applicant submits the following comments in support of their application, as referred to in **Attachment 10.3.3(c)**:

*“The car stacker has a pit not accessible to the public, 2.30 metres deep or 1.35 AHD, which is 400mm below the 1.75 AHD.*

*In this case a pump will be in place in the pit to expel any seepage or stormwater to a holding tank as part of the hydraulic design system, all in accordance with your Engineering Department requirements.*

*The pit level will have no adverse effect on the operation of the building and will not cause harm to persons or property.”*

*We have designed completed projects at 73 and 31 Mill Point Road, which had a similar pit or basement level.*



In this instance it is considered that the proposal complies with the discretionary clause and it is recommended that the proposed floor level be approved with conditions.

**(f) Vehicle crossovers**

The crossover requirement in relation to Scheme Amendment 25, Element 11.1 “Vehicle Crossovers” permits one (1) vehicle crossover per lot per street. The applicant has provided two (2) crossovers along Harper Terrace, which exceeds this provision.

The site at its location has two (2) street frontages, with Harper Terrace approximately 3.5 times the width of Mill Point Road. The City’s Engineer Infrastructure Services have indicated no concern with the provision of two (2) crossovers in this location.

In light of the traffic volumes along Mill Point Road, the proximity of the site to the intersections at Labouchere Road / Mill Point Road and Mends Street / Mill Point Road to the site, City officers consider the location of the crossovers along Harper Terrace would create a more favourable outcome, and hence support the proposal.

**(g) Components of the proposed development not considered to comply with the applicable discretionary clauses; however which are within the scope of Scheme Amendment 25.**

The following table indicates the comparison between TPS6 requirements and the proposed Scheme Amendment 25:

Table of planning matters that were assessed against Town Planning Scheme No.6 and Scheme Amendment 25			
Issues raised during the assessment	TPS6 requirements	Scheme Amendment 25 requirements	Proposal
Street setbacks from the street – Mill Point Road	9.0 metres	Nil	Nil
Street setbacks from the street – Harper Terrace	1.5 metres	Nil	Nil
Setback to the rear boundary	4.5 metres	Nil	Nil
Landscaping	10%	Nil	0.26%
Plot ratio	1.50	No maximum plot ratio within the precinct	1.79
Car parking	104 bays	32 bays	36 bays

As seen in the above table, all matters not conforming to TPS6 clearly meet the requirements to Scheme Amendment 25. The expectation that the proposal should be in line with the current Scheme requirements, and not granting the proposed variations, is not likely to be in the best interests of future development of this precinct.

The City does have a responsibility to act in accordance with the current Scheme, however the proposal can be approved using discretion in the Scheme and the simple justification for using this discretion is that it complies with Scheme Amendment 25, as evident in the above table.

As a response to the above, the applicant submits the following comments in support of their application, as referred to in **Attachment 10.3.3(c)**:

*“The proposal has been designed in accordance with the provisions of Amendment 25, except with respect to building height, as Council has no discretion in approving anything above 13.0 metres; hence the proposal is within the 13.0 metres height restriction.*

*Clause 7.8 of TPS6 allows Council to vary plot ratio, setbacks, open space, car parking and landscaping.*

*Mill Point Road setback - TPS6 requires 9.0 metres; Amendment 25 requires nil and nil is proposed. Similarly the Harper Street and rear setbacks are proposed at nil in accordance with the Amendment 25 provisions, instead of 1.5 and 4.5 metres.*

*Street interaction and better streetscape outcomes will result as set out in the Amendment 25 document. The nil setbacks can therefore be supported in accordance with Amendment 25.*

#### ***Landscaping***

*As the proposal has been designed in accordance with Amendment 25, there is no prescribed minimum landscape area. Therefore, Council can use its discretion and approve no landscaping in accordance with the Amendment 25 requirements.*

#### ***Car parking***

*The car parking has been designed in accordance with Amendment 25 and complies with one bay per 50m<sup>2</sup> of gross building area, plus reciprocal bays for the café.”*

In this instance, it is considered that the proposal is in line and in keeping with the requirements of Scheme Amendment 25, and is therefore supported.

#### **(h) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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.*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality.**

The proposed development is considered satisfactory in relation to the above matters, subject to the recommended conditions.

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

In considering the application, 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 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.*
- (d) Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia.*
- (e) Any approved environmental protection Council policy under the Environmental Protection Act, 1986 (as amended).*
- (f) Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (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.*
- (p) Any social issues that have an effect on the amenity of the locality.*
- (s) Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site.*
- (t) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (u) Whether adequate provision has been made for access by disabled persons.*
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved.*
- (w) Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (x) Any other planning considerations which Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**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 6 November 2012. The proposal was not favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

#	DAC Comments	Applicant's Response	Officer Comment
1	The Design Advisory Architects considered the proposed development and observed that the majority of the Harper Street frontage is car parking. The design should have attempted to activate this street frontage. While openings have been provided in the wall facing this street, they are to car parking and not active spaces.	<p>The ground floor is made up of several elements:</p> <p>1.1 A café at the intersection of Mill Point Road and Harper Street.</p> <p>1.2 Only one crossover is permitted and can only be from Harper Street.</p> <p>1.3 The entire Harper Street frontage is articulated with windows, tiled columns and fire escape doors.</p> <p>1.4 The car parking can only be placed on the ground level; it cannot go below ground because of the water table.</p> <p>1.5 It is impossible to have a different ground floor use other than car parking.</p> <p>1.6 The Harper Street elevation does activate with the street; it is considered that the access drive is better next to the boundary rather than having the car stackers close to the windows.</p>	The comment is NOTED.
2	Entry to the building from Mill Point Road is through a 2.0 metre wide and approximately 30.0 metre long corridor without access to any natural lighting, hence is not desirable. An entrance through Harper Street would have eliminated this issue.	<p>Most access into the building will be via the ground floor car park, not mentioned by the DAC.</p> <p>Given the long shape of the site, the entrance layout which included all the other requirements such as lift, end of journey facilities, bike racking, bin store, fire escape, access to café, etc. Natural light floods the ground floor and natural lighting does illuminate the lobby and entrance.</p> <p>The DAC is not correct and inaccurate.</p> <p>The address is Mill Point Road, not Harper Street.</p>	The comment is NOTED.
3	Similar issues were observed with the proposed narrow and long balconies on the upper levels along the rear property boundary. When the adjoining rear lot will be developed with a similar nil setback, these balconies will become narrow tunnels without any natural light. Additionally, they will be required to comply with the fire rating requirements of the Building Codes of Australia.	<p>The windows are 1.5 metres from the rear boundary, which will require drenches.</p> <p>Natural light will always penetrate through the 1.50 metres regardless of the adjoining site development.</p>	The comment is NOTED.
4	The design of the building façade was observed to be repetitive and uninteresting. At least some articulation of the building façade and introduction of a mix of external materials was recommended.	Doepel Marsh Architects have prepared 4 elevation options. The submitted option was requested by the client and the alternative options can be discussed with Council.	The comment is NOTED.

5	The proposed plant rooms on the upper floors and proposed rubbish storage area were observed to be insufficient, noting the size of the building and the scope for additional development on the site in the future.	Plant rooms are sufficient for package units per floor. Rubbish store - The area is actually larger than Council require so the comment is not correct,	The comment is NOTED.
6	Access to plant rooms from the office spaces was not desirable.	Given the WorkSafe requirements for roof top access, access from within the building is the safest method.	The comment is NOTED.
7	The Design Advisory Architects observed that the building was not adequately designed and should be recommended for refusal on the basis of the points stated above.	The proposal complies with all Amendment 25 requirements and meets the 13.0 metre height. Alternative elevation options will be discussed with Council at a future date.	The comment is NOTED.

In relation to the DAC comments provided above, amended drawing where submitted to the City on 19 November 2012. The design of the proposal was again considered by the City's DAC at their meeting held on 20 November 2012. Their comments and responses from the applicant and the City are summarised below:

#	DAC Comments	Applicant's Response	Officer Comment
1	The Design Advisory Architects observed that the amended drawings demonstrated improvements in relation to the entrance lobby being shifted to the Harper Street frontage to allow for greater interaction with the street. Additionally, this has resulted in a slightly bigger café.	Noted by applicant.	The comment is NOTED.
2	The Architects noted that some portions of the building were constructed in the Council owned land. The building, except the proposed canopy over the pedestrian pathways, should be contained within the property boundaries.	No portion of the building is constructed in Council owned land.	In accordance with Amendment 25 the only the canopy over the footpath is permitted to encroach over council property. Additional canopies and architectural fins protruding from the building are not permitted to encroach over council property. The comment is UPHELD.

3	The machine room and associated access to the roof should be shown on the roof plan and elevations. A dotted box, as shown on the drawings, does not correctly depict the scale of the building at this level. Additionally, access to the air-conditioning and ventilation ducts is unclear on the drawings.	This is now shown in elevation. Access to the plant room is via the central staircase as is shown on the roof plan.	The comment is NOTED.
4	<p>To create better visual interaction between the building and Harper Street, the following measures were recommended:</p> <ul style="list-style-type: none"> <li>• reducing the vehicular accessway widths to comply with the minimum required, resulting in an increased width of the café which might require additional car parking;</li> <li>• replacing brickwork appurtenant to the café and entrance lobby with transparent elements such as glass windows;</li> <li>• incorporating landscaping and artwork (e.g. laser cut aluminium formwork); and</li> <li>• introducing vertical elements in the façade between the café and entrance lobby.</li> </ul>	<ul style="list-style-type: none"> <li>• The access ways have been increased to 7.50m to provide more comfortable access to parking bays. The café will not be increased in area.</li> <li>• We need some structure to support the cantilever over the easement and we believe there is sufficient glass already to the street elevations. We need some solid wall surface near the Harper Street entrance to put a sign, the letter box and Tenant Board.</li> <li>• Amendment 25 requires nil setbacks and no landscaping, so this statement is not accurate. Low ground cover landscaping is shown in the easement and the visual truncation.</li> <li>• The elevation has now incorporated this vertical elements in the façade</li> </ul>	Additional artwork to the building along the footpath and the inclusion of the vertical elements in an effort to engage more interaction between the public and the private realm. The comment is NOTED.
5	While the applicant has attempted to articulate the building façade, the Advisory Architects expressed their view that greater and bolder articulation should be achieved, noting the prime location of this building on a corner site.	The elevation has been made bolder, as enclosed, refer amended drawing.	The comment is NOTED.
6	The area marked as "Café" should show the location of the toilet and indicate the kitchen area, as these will form an integral part of its entire function. The officers noted that while the drawings submitted via e-mail showed the toilet facility, for some unknown reason, it was removed from the large paper drawings submitted later.	Amended drawings submitted	The comment is NOTED.
7	The Advisory Architects expressed their view that more could have been done to achieve a better outcome for the development site.	<p>This comment is completely rejected and is derogatory.</p> <p>The site is narrow and long, it is now bold and not repetitive, and satisfies all the planning requirements discussed from the very first meeting with Vicki Lummer on 19 March 2012.</p>	The comment is NOTED.

In addition to the above the applicant has provided the following comments in support of the proposed design:

*The comments do not reflect the very complex issues and do not make any comment with respect to what exists on the site. The comments are negative. We have repeatedly requested to address the Committee so the issues could be discussed in a professional manner and have been denied this request on three occasions. If that was allowed the inaccuracies would have been sorted out in October.*

*We are trying to responsibly address the needs of our client.*

*Another set of elevations is enclosed, addressing the relevant points.*

**(b) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period

During the advertising period, a total of 34 consultation notices were sent and four (4) submissions were received against the proposal. The comments from the submitters, together with the applicant's and officer responses are summarised below:

#	Submitters' Comments	Applicant's Response	Officer Comment
1	The proposed development will obscure motorists' line of vision of oncoming traffic whilst exiting from adjoining buildings onto Mill Point road.	Amendment 25 requires all new development to be constructed at nil street setbacks. The proposal complies with that requirement.	Amended drawings have included vehicular visual truncations where the driveway meets the verge / footpath and at driveways along common boundaries. The comment is NOTED.
2	The development further obscure the line of vision from the oncoming traffic, both from vehicles turning left onto Mill Point Road from Harper Terrace and the vehicles exiting the off-ramp from the freeway, as well as vehicles turning from the traffic lights at the corner of Mill Point Road and Labouchere Road.		As stated above and addressed in Part (f) of the report. The comment is NOTED.
3	The lack of a 9.0 metre setback (from Mill Point Road) constitutes a dangerous and potentially fatal traffic hazard.		
4	In order to see the oncoming traffic the motorist would have to cross out over the footpath, hazardous for pedestrians and cyclists.	The existing footpaths remain, and therefore the proposal will have no additional impact.	Visual truncations have been provided on amended drawings as stated above. The comment is NOTED.
5	The design and location of the proposed development will be hazardous to pedestrian traffic.		
6	The proposed entry from Harper Terrace will increase traffic flow through Mends Street, as cars cannot turn right into Harper Terrace from Mill Point Road. The volume of traffic coming in to Mill Point Road will increase as they are unable to turn right from Harper Terrace.	The proposal will not affect the existing road system. What might happen is that cars will travel a lot slower and that will be a big benefit to the Mend Street area. Amendment 25 allows only one	The comment is NOTED.

		crossover and the existing property has access from Harper Terrace. Access from Mill Point Road is not an option.	
7	Cars would most likely gain access to Harper Street via Mends Street, which is not designed for large volumes of traffic, hence will destroy the existing village atmosphere of the area.	The proposal will not affect the existing road system. What might happen, is that cars will travel a lot slower and that will be a big benefit to the Mend Street area.	The comment is NOTED.
8	The design of the building is in conflict with the character and appearance within the area.	The character and land use of the area will be vitalised by Amendment 25, making South Perth Mend Street Precinct a lively, interesting, diverse and sought after urban infill regeneration.	Addressed at (a) "Design Advisory Consultants' Comments" above. The comment is NOTED.
9	Proposed buildings positioned close to each other of a similar height and alignment will create a strong wind tunnel.	In fact the opposite will be the case with buildings built at nil boundary alignment, wind will be controlled better with less tunnelling.	The comment is NOTED.
10	The proposed building will restrict sunlight to adjoining habitable rooms.	No shadow will fall over 100 Mill Point Road's habitable rooms, as set out in the R-Codes.	The acceptable development criteria for an R60 coding, allows 50% overshadowing of the adjoining properties' site area. The codes explanatory guidelines further goes on to say that; "In higher coding's, it is anticipated that some overshadowing will occur, however the building design can ensure that solar access on adjoining sites and within the development are not adversely affected." In this instance, the proposed development is seen to satisfy this requirement. The comment is NOTED.



**(c) Internal administration**

Comments were invited from Engineering Infrastructure and Environmental Health sections of the City's administration.

- (i) The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections and has provided conditions and recommended important notes.
- (ii) The Environmental Health section provided comments with respect to bins, noise, kitchen and toilets. This section raises no objections and has provided recommended important notes.

Accordingly, planning conditions and / or important notes are recommended to respond to the comments from the above officers.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within 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**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION ITEM 10.3.3**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6, proposed Scheme Amendment 25 "South Perth Station Precinct"* and the *Metropolitan Region Scheme*, this application for planning approval for a café / restaurant and office in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth **be approved** subject to the following conditions:

**(a) Standard Conditions**

427	Colours and materials - Details		
340A	Parapet walls - Finish from street	455	Dividing fence standards
340B	Parapet walls - Finish from neighbour	456	Dividing fence - Timing
575	Subdivision/Amalgamation	470	Retraining walls - If required
352	Car bays - Marked and visible	471	Retaining walls - Timing
353	Visitor bays - Marked and visible	515	Lighting - Communal areas
354	Car bays - Maintained	550	Plumbing hidden
390	Crossover standards	445	Stormwater infrastructure
393	Verge and kerbing works	560	Rubbish storage area screened
625	Sightlines for drivers	660	Expiry of approval

**(b) Specific Conditions**

- (i) Any dewatering at the site will require approval from the Department of Water through a water abstraction licence.
- (ii) The applicant to provide an engineer's certification in relation to water-proofing.
- (iii) The existing footpath is not to be obstructed or lifted for any reason without the concurrence of Engineering Infrastructure;
- (iv) Due to the narrow street verges, a Permit to Store Materials on the verge cannot be issued for this site.
- (v) All works from the street that result in the stopping or redirection of through traffic will require a Traffic Management Plan and a Traffic Control Diagram being prepared and presented to Engineering Infrastructure.
- (vi) No work is to be undertaken within the road reserve without prior acknowledgement of Engineering Infrastructure.
- (vii) No portion of the building (including the building façade) is permitted to encroach over the property boundary into council property/land, other than the permitted 2.5 metre canopy over the footpath as prescribe in proposed Amendment 25.

**(c) Standard Advice Notes**

700A	Building permit required	715	Subdivision/Amalgamation
706	Applicant to resolve issues	790	Minor variations - Seek approval
708	Boundary wall surface finish process	795B	Appeal rights - Council decision

**(d) Specific Advice Notes**

The applicant is advised of the need to comply with the relevant requirements of the City's Engineering Infrastructure and Environmental Health Departments.

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

**10.3.4 Proposed Single House (Two-Storeys) - Lot 435 (No. 18) Market Street, Kensington**

Location: Lot 435 (No. 18) Market Street, Kensington  
 Applicant: Buildwest Pty Ltd  
 Lodgement Date: 7 September 2012  
 File Ref: 11.2012.401.1 MA6/18  
 Date: 15 November 2012  
 Author: Mark Scarfone, Senior Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

To consider an application for planning approval for a single house (two-storeys) on Lot 435 (No. 18) Market Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”)
Maximum ground / floor levels	TPS6 Clause 6.10
Visual privacy	R-Codes Element 6.8.1 P1

The proposed development is not considered to be consistent with Objective 1, Clause 2 and Sub-clauses 4(a) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). In addition, the proposal is considered inconsistent with Clause 6.10 “Maximum Ground and Floor Levels” of TPS6 and Clause 6.8.1 “Visual Privacy” of the *Residential Design Codes of Western Australia*, and as such, it is recommended the application be refused.

**Background**

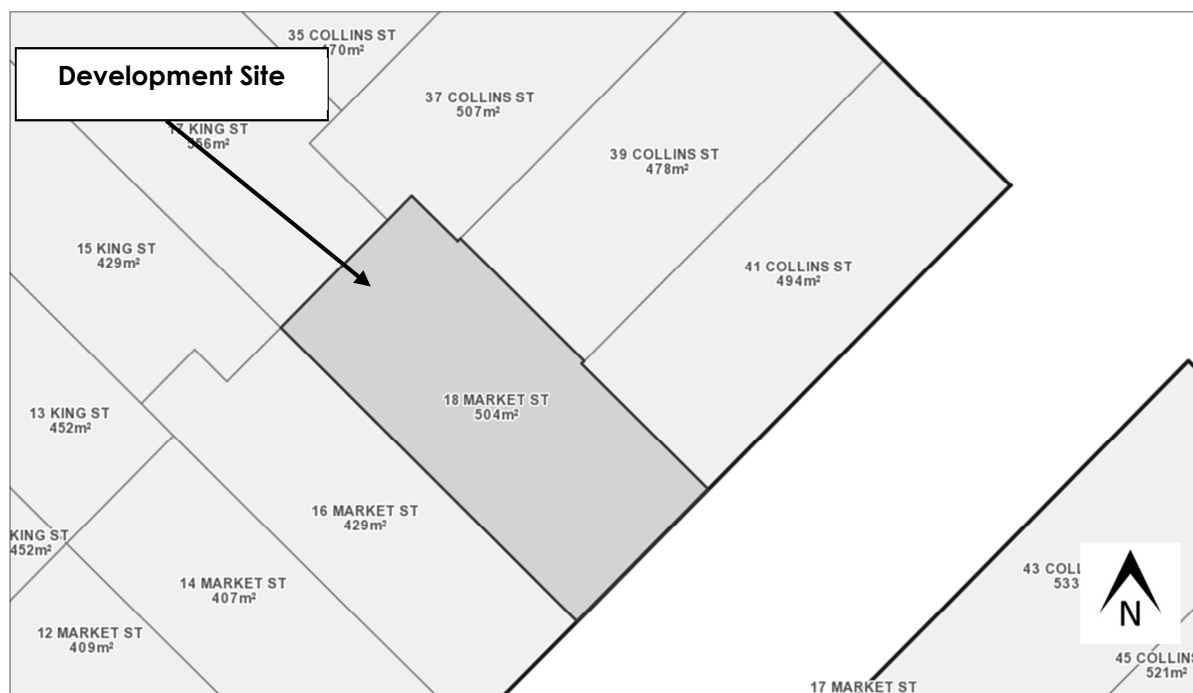
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	407 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Permissible land uses, as listed in Table 1 of TPS6
<b>Plot ratio limit</b>	Not applicable to single dwelling

This report includes the following attachments:

**Confidential Attachment 10.3.4(a)** Plans of the proposal  
**Attachment 10.3.4(b)** Applicant’s supporting letters dated 12 October and 12 November 2012.  
**Attachment 10.3.4(c)** Photographs of subject site and surrounding streetscape.

The location of the development site is shown below:



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

**3. *Developments involving the exercise of discretionary power***

*This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:*

- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*

**Comment**

**(a) Background**

On 5 September 2012, the City received an application for a single house (two-storeys) on Lot 435 (No. 18) Market Street, Kensington (the “subject site”). On 25 September 2012, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. A revised set of drawings was provided to the City on 16 October 2012, however it was considered that these drawings did not adequately address the City’s concerns, particularly with the streetscape compatibility of the house having regard to the recently adopted Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). A meeting between the applicant, landowner and assessing officer was held on 8 November 2012 to discuss the main issues and a second further information request was sent following this meeting. The drawings contained in ***Confidential Attachment 10.3.4(a)*** were received on 14 November 2012.

**(b) Description of the surrounding locality**

The subject site has a frontage to Market Street, Kensington, close to the intersection of Collins Street. The street is characterised by single houses. Figure 1 below depicts the subject site and surrounds. This figure also depicts the wider assessment area, as defined by Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):



*Figure 1*

(c) **Description of the proposal**

The proposal involves the construction of a two-storey single house on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.4(a)**. Furthermore, the site photographs, **Attachment 10.3.4(c)**, show the relationship of the site with the surrounding built environment.

The proposal generally complies with *City of South Perth Town Planning Scheme No. 6* (TPS6), the R-Codes and relevant Council policies.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land use – “Single House” is a “P” or “Permitted” land use on the subject site zoned “Residential” (Table 1 of TPS6);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 “Fencing and Retaining Walls”);
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5);
- Boundary walls (Clause 5 of Council Policy P350.2 “Residential Boundary Walls”);
- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b);
- Open space (R-Codes Clause 6.4.1);
- Outdoor living areas (R-Codes Clause 6.4.2);
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Building height limit (TPS6 Clause 6.2); and
- Significant views (Council Policy P350.9 “Significant Views”).

The following planning matters which are considered unacceptable, are discussed further below:

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
  - (iv) Clause 2 – Building bulk and scale (Storey above ground storey);
  - (v) Sub-clause 3(d) – Eaves visible from the street; and
  - (vi) Sub-clause 6(a) – Garage setback.
- Maximum ground and floor levels (TPS6 Clause 6.10); and
- Visual privacy (R-Codes Clause 6.8.1 and Council Policy P350.8 “Visual Privacy”).

**(d) Streetscape Compatibility (Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”))**

Clause 7.5 of TPS6 provides a list of matters which should be taken into account by Council when making a determination. Specifically, Clause 7.5(n) states, *“The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.”*

Council P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) herein referred to as P351.5, provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City’s expectations for new developments within the “Arlington” and “Kensington” Precincts. The proposed development is generally considered to comply with the provisions of P351.5, with the exception of Clause 2 – Building bulk and scale, and Sub-clauses 4(a) and 6(a). These matters will be discussed in detail below:

**(i) Clause 2 – Building bulk and scale (Storey above ground storey)**

Objective 1 of P351.5 is, *“To preserve or enhance desired streetscape character by ensuring that new residential development has bulk and scale that is compatible with the streetscape within which it is located.”*

Scale is defined by P351.5 as, *“The perceived visual magnitude of a building in relation to neighbouring existing buildings within the focus area. The perceived scale is determined by the height and bulk of the proposed building and its spatial separation from the street and adjacent buildings”.*

The terms “Immediate Assessment Area” and “Wider Assessment Area” are also defined within P351.5 to assist applicants and determining bodies to identify the extent to which neighbouring properties should be taken into account when assessing streetscape compatibility.

In this instance, each of the residential properties within the “Immediate Assessment Area” is single storey, and as such, the bulk associated with these buildings is minimal. Figure 2 below depicts the “Immediate Assessment Area” associated with this site:





Figure 2

The majority of dwellings within the “Wider Assessment Area” (refer Figure 1) are single storey. The two-storey dwellings within this area are generally characterised by large balconies on the upper floor facing the street and upper floors setbacks, which are greater than the ground floor, having the effect of reducing their perceived bulk. Photographs of the subject site and surrounding streetscape, including the buildings described above, are included in **Attachment 10.3.4(c)**.

As indicated above, the proposed development is considered inconsistent with the provisions of Clause 2 – Building bulk and scale. This clause indicates that bulk and scale of all floors above the ground level should be reduced, having regard to the existing streetscape. It also provides applicants and landowners with five key techniques for ameliorating building bulk, which are listed below for convenience:

- (A) Articulation of the street façade.
- (B) Stepping back upper storeys of the building.
- (C) In the case of upper storeys, reduction in the floor area of the portion visible from the street.
- (D) Use of varied materials, colours and finishes for the exterior of the building.
- (E) Inclusion of major openings and balconies in the façade of the dwelling.

The applicant has provided written justification for the proposed upper floor setback, referred to in the letter dated 12 November 2012 as **Attachment 10.3.4(b)**. The following point summarise this submission:

- (A) *Design of dwelling occurred prior to adoption of P351.5 - Redesign will add cost to the building.*
- (B) *Several examples of similar development within the streetscape.*
- (C) *No objections have been received during the consultation period; one neighbour has verbally indicated support for the proposal.*
- (D) *Major openings and balconies have been incorporated into the design as per P351.5.*

With regard to Point (A), as discussed with the applicant during the meeting of 8 November 2012, P351.5 was adopted by Council in May of this year and the application lodged in September. It is considered appropriate to assess the application having regard to this policy.

In respect of Point (B), the immediate and wider assessment areas are described in detail above. While there are a number of two-storey dwellings within the wider assessment area, these are generally characterised by large balconies and upper floors which are setback from the ground levels; refer to the photographs contained in **Attachment 10.3.4(c)**.

Council P351.5 was adopted in response to community concern with respect to the types of developments being approved within the precinct area. While specific objections to the proposal may not have been received in this instance, it is imperative to apply the policy in a consistent manner across the precincts.

With regard to Point (D), City officers acknowledge that the applicant has used a mix of materials, provided some articulation to the street façade, and used a combination of major openings and a small balcony in the front façade, however they consider that the overall bulk of the building has not been ameliorated through the use of these techniques. The majority of the upper floor of the proposed building protrudes 1.5 metres forward of the ground floor below, adding to the perceived bulk of the upper floor. Combined with the other area of non-compliance described below, the proposal is considered to be inconsistent with the predominant streetscape character of Market Street, and is therefore not supported.

(ii) Sub-clause 4(a) – Averaging of front setback

Sub-clause 4(a) of P 351.5 states, “*Averaging of the primary street setback prescribed in Table 1 of the R-Codes is not permitted unless the primary street setbacks of the existing dwellings on each side of the development site fronting the same street, are less than the primary street setback prescribed in Table 1.*”

In their letter dated 12 November 2012, the applicant provides written justification in support of the reduced setback. This is summarised as follows:

*The upper floor cantilevers over the ground floor, with an open balcony facing Market Street. This element adds character to the building and reduces bulk.*

*It is noted the primary street setback required for land with a density coding of R15 is 6.0 metres. The applicant proposes a minimum setback of 5.0 metres and an average of 5.6 metres. The existing dwelling at 16 Market Street has a minimum setback of approximately 7.0 metres. As indicated above, averaging of front setbacks is only permitted when each dwelling on either side has reduced primary street setbacks, and this is not the case for this site. As such, the proposed front setback is not considered to comply with Sub-clause 4(a), and is not supported.*

(iii) Sub-clause 6(a) – Garage setback

Sub-clause 6(a) of P351.5 states, “*Garages are to be setback in line with the ground storey façade of the dwelling or further.*”

In their letter dated 12 November 2012, the applicant provides written justification in support of the garage alignment. This is summarised as follows:



*The porch column and major openings and balconies in the upper floor detract from the garage location, reducing its dominance. In addition, there are a number of other examples in the streetscape.*

*Officers consider that locating the garage in line with, or behind the building setback line is a key element in reducing perceived building bulk. The clause does not detail the instances where garages would be appropriate forward of the building line. The proposed garage setback is not considered to comply with Sub-clause 6(a), and is not supported.*

(iv) Conclusion

The proposed development is not considered to be consistent with Objective 1, Clause 2 and Sub-clauses 4(a) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) and as such, it is recommended the application be refused.

(e) **Finished ground and floor levels - Maximum**

(i) Ground levels

Clause 6.10 of TPS6 aims to achieve equal cut and fill across a site to ensure finished floor levels of a building and its surrounds do not adversely affect the amenity of neighbouring properties in relation to the streetscape character, overshadowing and visual privacy. The proposed finished floor level of the building has been assessed and is considered compliant with the performance criteria contained in Sub-clause 6.10(1).

While the finished floor levels of the building comply with Clause 6.10, the ground levels of the areas beyond the external walls of the dwelling, including the alfresco area and raised backyard, do not. The finished ground level of these areas is 9.02 RL, in lieu of 8.1 RL.

Where finished ground levels do not comply with equal cut and fill, Council may permit a variation if it is satisfied the proposed levels will not impact on the amenity of neighbouring buildings in terms of visual impact, overshadowing or visual privacy. In this instance, it is considered the proposed levels would unreasonably adversely affect the amenity of the southern property in terms of both visual impact and overshadowing, and the northern property in terms of visual impact.

The proposed ground levels are not considered to be consistent with Clause 6.10 of TPS6 and forms one reason for refusal.

(ii) Driveway grade

Due to the significant sloping of the subject site, and the requirements for equal cutting and filling of the site (see above), a significant grade is proposed for the driveways.

The standard permissible grade is no greater than 1:12 for the first 3.6 metres, then no greater than 1:8, and the proposed grade is 1:6.1. Therefore, the proposed development does not comply with Clause 3.7(b) “Driveway gradient” of Council Policy P350.3.

However, Council policy provides for grades not steeper than 1:6 if the applicant provides a letter to acknowledge full responsibility for the issue, which has been provided to the City. Therefore, the driveway grade complies with Council Policy P350.3.

**(f) Visual privacy setback – Rear upper floor balcony**

The acceptable development standards contained in Clause 6.8.1 of the R-Codes identify minimum setback requirements for major openings and for unenclosed outdoor areas with a finished floor level greater than 0.5 metres above natural ground level, in order to ensure a level of privacy is maintained between properties. The setbacks required are less for bedrooms and studies than for outdoor spaces. The applicant has generally utilised screening and highlight windows in order to demonstrate compliance with the acceptable development standards of this clause.

With regard to the rear upper floor balcony, the applicant has chosen to demonstrate that the development complies with the performance criteria contained in Clause 6.8.1 through the provision of an overlooking diagram, contained in **Confidential Attachment 10.3.4(a)**, and written justification. City officers have reviewed this justification and consider that it does not adequately address the performance criteria contained in Clause 6.8.1. The proposed variation is therefore not supported and forms one reason for refusal.

**(g) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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.*

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

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

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (i) The preservation of the amenity of the locality.*

The proposed development is not considered satisfactory in relation to all of these matters, and therefore it is recommended the proposal be refused.

### **Consultation**

#### **(a) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the standard consultation method, the property owners at 16 Market Street, and 39 and 41 Collins Street, were invited to inspect the plans and to submit comments during a minimum 14-day period. No submission was received during this time.

Information notices were sent to landowners and occupiers at 37 Collins Street, and 15 and 17 King Street in accordance with Council Policy P360 “Informing the Neighbours of Certain Development Applications”.

### **Policy and Legislative Implications**

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, R-Codes and Council policies, where relevant.

### **Financial Implications**

This determination has no financial implications.

### **Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within 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 dwelling has been designed having regard to solar passive design principles with internal and external living areas located on the northern side of the lot.

### Conclusion

The proposed development is not considered to be consistent with Objective 1, Clause 2 and Sub-clauses 4(a) and 6(a) of Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”). In addition, the proposal is considered inconsistent with TPS6 Clause 6.10 “Maximum Ground and Floor Levels” and Clause 6.8.1 “Visual Privacy” of the *Residential Design Codes of Western Australia*, and as such, it is recommended the application be refused.

### OFFICER RECOMMENDATION ITEM 10.3.4

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a “Single House”(two-storeys) at 32 Vista Street, Kensington, **be refused** for the following reasons:

#### (a) Specific Reasons

- (i) The proposed development conflicts with the objectives and specific provisions of City Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”).
- (ii) The proposed dwelling is not consistent with the requirements of Clause 2 and Sub-clauses 4(a) and 6(a) of City Policy P351.5.
- (iii) The proposed development is not considered to comply with Clause 6.10 “Maximum Ground Levels” of *City of South Perth Town Planning Scheme No.6*.
- (iii) The proposed development does not comply with the acceptable development standards contained in Clause 6.8.1 of the *Residential Design Codes of Western Australia*.
- (iii) The proposal conflicts with Scheme objectives identified in Clause 1.6 of *City of South Perth Town Planning Scheme No. 6*, specifically Objectives (c) and (f).
- (iv) The proposal conflicts with “Matters to be considered by Council” identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically Matters (f) and (n).

#### (b) Standard Advice Notes

795B	Appeal rights - Council decision	700A	Building permit
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<b>Footnote</b>	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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<b>10.3.5 Draft Economic Development Strategy 2013-2016</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	20 November 2012
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### Summary

This report recommends that the Council adopt the *draft* Economic Development Strategy 2013-2016 for public consultation, with a further report to be presented to Council following the conclusion of the public consultation in February 2013.

### Background

The 2009 *Our Vision Ahead* process and subsequent strategic planning process identified economic development as a key focus and required strategy for the City. The resulting 2010-2015 Strategic Plan contained the following initiatives:

- 1.3 Encourage the community to increase their social and economic activity within the City
- 3.2 Encourage and facilitate economic development

### Comment

The City has prepared a *draft* Economic Development Strategy 2013-2016, in alignment with the initiatives contained in the Strategic Plan 2010-2015 at **Attachment 10.3.5**.

The objective of the *draft* Economic Development Strategy 2013-2016 is to facilitate economic growth and investment and build more sustainable, liveable and prosperous local communities. The vision for South Perth is to have a more mature and diversified economy which enhances the quality of life for residents and visitors to the City.

The draft Economic Development Strategy 2013-2016 is based on the four key areas of economic development leadership and facilitation, urban place making and revitalisation, marketing and promotion, and strategic property management.

The draft Economic Development Strategy 2013-2016 contains 25 actions and initiatives which are able to be resourced and performance measured by the City. Some of the key areas and of economic development include:

- Lead and facilitate development of Activity Centres
- Engage and partner with the business community in revitalisation projects
- Develop Master Plans for Activity Centres
- Promote business and investment attraction (including home occupation)
- Communicate regularly with business community
- Engage, lobby and collaborate with state government for public infrastructure eg train station
- Generate economic growth from both council-owned and managed land.

It is proposed to release the draft Economic Development Strategy 2013-2016 for public comment until 1 February 2013 with a further report to be submitted to Council in late February 2013.

**Consultation**

A pre-release version of the *draft* Economic Development Strategy 2013-2016 was provided to a key stakeholder group at the Strategic Community Plan function held on 7 November 2012 inviting feedback. The draft strategy was also provided to Councillors for feedback for a period of one week.

As previously mentioned, it is proposed to release the draft Economic Development Strategy 2013-2016 for public comment until 1 February 2013 with a further report to be submitted to Council in late February 2013.

**Policy and Legislative Implications**

Whilst not a legislative requirement, many local governments have developed an economic development strategy to facilitate their communities becoming more sustainable and prosperous.

**Financial Implications**

There will be some minor financial implications involved in delivering the activities and objectives outlined in the draft Economic Development Strategy 2013-2016.

**Strategic Implications**

The draft Economic Development Strategy 2013-2016 is consistent with the 2010-2015 Strategic Plan - Direction 3.2 *Encourage and facilitate economic development*; and Direction 1.3 *Encourage the community to increase their social and economic activity within the City*.

It is also outlined in the 2012-2014 Corporate Plan Initiative 3.2.1 *Develop and implement an Economic Development Strategy*.

**Sustainability Implications**

The draft Economic Development Strategy 2013-2016 will facilitate the City of South Perth becoming a more sustainable, prosperous and liveable community,

<b>OFFICER RECOMMENDATION ITEM 10.3.5</b>
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That the Council resolve to advertise the draft Economic Development Strategy 2013-2016 for public comment until 1 February 2013 with a further report to be submitted to Council for consideration.

**10.4 STRATEGIC DIRECTION 4: PLACES**  
Nil

**10.5 STRATEGIC DIRECTION 5: TRANSPORT**

**10.5.1 Area 12 Local Area Traffic Management Study**

Location:	City of South Perth
File Ref:	TT/60212V3
Date:	31 August 2012
Author:	Catherine Deady, Traffic Technical Officer
Reporting Officer:	Stephen Bell, Director, Infrastructure Services

**Summary**

This report summaries the key findings and recommendations of the Area 12 Local Area Traffic Management (LATM) study. It will be a recommendation to the Council that the Area 12 LATM study be received.

**Background**

In September 2011, the City engaged a Consultant, Opus International, to undertake a LATM study for the Area 12 traffic precinct. The Area 12 traffic precinct is bounded by the Kwinana Freeway, Canning Highway, Henley Street, Goss Avenue and Manning Road and is shown at Figure 1 below.

**Figure 1 – Study Area**



There are a total of twenty roads that comprise the study area, including major local roads like Henley Street, Canavan Crescent and Ley Street. These three roads are classified as “Local Distributors” which provide vital transport connections to Manning Road (District Distributor) and Canning Highway (Primary Distributor) respectively.

In September 2011, the City invited members of the community to nominate to be part of a working party for the Area 12 traffic study. Community members were enlisted via advertisements in the Southern Gazette and a letter drop within and adjacent to the Area 12 study area. Ultimately, a working party comprising 17 local residents, 2 City Officers, and 2 representatives from the Consultants was formed.

In January 2012, the City sought community comment and input via a questionnaire, which was distributed to all residents within the Area 12 study area. In total, 312 responses were received providing valuable anecdotal information about the traffic, transport, road safety, pedestrian and cycling issues impacting the local area.

Following receipt of the first questionnaire and resultant responses, the City developed a concept LATM plan in conjunction with the working party to address the identified traffic, transport, road safety, pedestrian and cycling issues. The concept plan and second questionnaire was distributed to the local residents for comment. In total, 232 responses were received.

The study objectives for the project included but were not limited to the following:

- To assess and manage traffic movements within City of South Perth in order to enhance safety and amenity for all road users;
- To ensure management strategies minimise potential conflicts between road users;
- To ensure that management strategies are appropriately applied to the functional classification of the roads and are consistent with the road environment and minimise impacts on mobility throughout the area;
- To encourage the appropriate usage of distributor class roads; and
- To highlight crash problem areas and provide comment on improving safety.

The copy of the *final* LATM study for Area 12 is at **Attachment 10.5.1**.

### **Comment**

#### **Traffic Volumes**

A review of the existing traffic volumes and patterns was undertaken for Area 12. Only one road was identified as having a higher traffic volume than would reasonably be expected for its road classification. This road is Henley Street (between Canning Highway and Ley Street), which is classified by Main Roads Western Australia (MRWA) as a Local Distributor Road. In accordance with the *Main Roads Western Australia Functional Road Hierarchy (MRWA-FRH)*, Local Distributor Roads can safely convey up to 6,000 vehicles per day, however the recorded traffic volume for Henley Street is 7,751 vehicles per day (as at 2011). Other than the higher traffic volumes recorded at Henley Street, all other local roads within the precinct have traffic volumes which are consistent with their functional class as defined by the MRWA-FRH. This would therefore suggest that there is not a significant problem with non-local traffic utilising local roads for 'rat-running' or thoroughfares.

As the roads in the study area consist of a range of both higher order (Primary Distributor and District Distributor A) and lower order roads (Local Distributor and Access Road), a review of the existing traffic patterns in the area indicate traffic is being distributed effectively and efficiently.

#### **Speed Data**

Vehicle speed surveys conducted indicate that at several locations within the study area the 85th percentile (or operating) speeds are in excess of the nominated speed limit of 50 km/h and can be considered to be excessive and undesirable, particularly in the residential areas. The 85<sup>th</sup> percentile speed is defined as that speed at which 85% of vehicles travel at or below, and is the commonly used measure of speed in traffic studies.

As a result of the above speed surveys, several strategies outlined in the proposed mitigation measures have been developed to specifically target this driver behaviour.



### **Public Transport**

The bus routes servicing the study area have been sourced from TransPerth. The study area is generally well serviced by convenient and regular bus services, with a large proportion of residents being within a 400 metre walk to a road along which a bus services operates. This achieves the Western Australian Planning Commission's Liveable Neighbourhoods policy requirement for walkable catchments and this short distance and the frequency of the buses should both be factors that encourage local residents to utilise public transport when they can. The City also works in conjunction with the Public Transport Authority (PTA) to provide accessible and attractive bus stop facilities for the community.

### **Crash History-Roads and Intersections**

The City obtained historical crash data from MRWA to inform the traffic modelling and study report. The crash data obtained from MRWA is for the 5-year period from 1/1/2007 to 31/12/2011. It was identified that only one intersection within the study area may potentially satisfy the crash frequency eligibility criteria for either both, or one, of the National and State Black Spot Programs. This is the intersection of Ley Street / Manning Road.

### **Parking**

Parking issues are prevalent along the roads within close proximity to Canning Bridge interchange, which include Davilak Street and Robert Street. These roads are generally used for parking by people commuting by train or bus to Perth CBD.

In 2009 the City implemented 4 hour parking restrictions on Robert Street and Davilak Street to curb all day parking in the area. Anecdotally, the timed parking restrictions have worked extremely well to curb all day commuter parking within close proximity to Canning Bridge interchange, with very few complaints from local residents received over the last couple of years.

### **Proposed Major Infrastructure Projects**

Although not strictly within the parameters of a LATM study, throughout the public consultation process it was reported by local residents that the following major infrastructure projects are interconnected to the local issues identified and therefore warranted mention within the report. Such issues include:

- Bus priority along Canning Highway, Henley Street, Murray Street and Jackson Road to link to Canning Bridge Interchange/Railway Station and Curtin University;
- Major improvements to Canning Bridge Interchange; and
- Construction of a south bound on-ramp connecting Manning Road to Kwinana Freeway.

### **Area 12 Local Area Traffic Management Study - Recommendations**

As a result of the review of the existing traffic and crash data on each of the roads contained within the study area, and following consultation with the community and working party, a suite of LATM measures were developed. These LATM measures incorporate best practice traffic engineering and safe systems principles which represent a balanced approach between meeting community expectations and maintaining a balanced and efficient traffic and transport network.

Some of the proposed treatments or additional studies noted in the Area 12 study for consideration by Council in future annual budgets are as follows:

**Capital Works Programme 2012/2013**

- Road Safety Audit (at the intersection of Manning Road / Welwyn Avenue);
- Road Safety Audit of all intersections along Henley Street;
- New shared use path from Canning Bridge Interchange to Davilak Street;
- Installation of dedicated cycle path on Murray Street from Jackson Road to Henley Street;
- Installation of a left in/left out traffic measure at the intersection of Henley Street/Edgecumbe Street.

**Capital Works Programme 2013/2014**

- Modified 'T' Intersection Clydesdale Street/McDougall Street Intersection.
- Bi-Directional cycle lane along Davilak Street.
- Construction of a roundabout at the intersection of Edgecumbe Street and Davilak Street.
- Parking facility for pick up and set down only at the northern end of Robert Street.
- Davilak Street Cul-de-sac: Removal of on-street parking to accommodate pedestrian and cycling movements, and to implement a treatment to deter motorists from utilising Davilak Street cul-de-sac as a pick up and set down area. Robert Street and Davilak Street cul-de-sac to be implemented together to ensure the treatment at Robert Street is successful.

The intersection of Goss Avenue at Manning Road is limited to "left in" only from Manning Road.

The LATM study report suggests that Goss Avenue should be closed given motorists are currently exiting Goss Avenue rather than entering from Manning Road. City Officers are of the opinion that in order to improve traffic flow into and out of the area, with enhanced connectivity to Manning Road, that Goss Avenue should open to left in/left out only. For this reason, it is recommended that improvements to Goss Avenue be considered in 2013/2014. Such improvements (i.e. full closure or left in/left out) would be developed in consultation with the local community.

**Consultation**

This plan has been prepared through consultation with the local community. The City advertised within the Southern Gazette and via a letter drop for expressions of interest from members of the community to form a working party for the Area 12 traffic study. The working party formed for this study included City officers, Opus Consultants and 17 community representatives. The City held three working party meetings over a nine month period:

- Working Party Meeting 1 (23 November 2011): Outlined the scope and objectives of the study. Discussed the local community concerns in relation to traffic and transport issues within the study area. Delivered the first questionnaire to the local and broader community, after feedback from the first meeting.
- Working Party Meeting 2 (3<sup>rd</sup> April 2012): Presented results of the first questionnaire and discussed the next stages of the study. Discussed the delivery of a second survey outlining proposed mitigation measures to improve road safety within the study area.
- Working Party Meeting 3 (2<sup>nd</sup> August 2012): Presented the results of the second questionnaire and the draft Area 12 Local Area Traffic Management Report. The working party member's comments and concerns have been considered in the draft report.

Two questionnaires were also distributed at two stages of the study process, which included:

- *Questionnaire 1:* Traffic and transport issues within “your street” and traffic and transport issues within the “study area”. A total of 312 responses were received; and
- *Questionnaire 2:* Proposed mitigation measures to improve road safety and traffic management in the study area. A total of 232 responses were received.

The feedback received provided valuable anecdotal information from the road users in the area, and identified a broad spectrum of community concerns relating to traffic, transport, road safety, pedestrian access and cycling throughout the network.

### Draft Report Community Feedback

Opus presented the *draft* Area 12 Local Area Traffic Management Study to Council at a Council Briefing held on Tuesday 2 October 2012. The *draft* report was then advertised for public comment, with the consultation period ending 13 November 2012.

The City received 5 responses from the local/broader community. In response to the 5 submissions received, the following comments have been considered in the final Area 12 LATM study. The public comments received and responses from the Consultant and the City are summarised below:

Public Comments	Opus Response	Officer Comment
Additional blister (in addition to that proposed) island along Canavan Crescent	Through the data analysis and WP meetings, it has been acknowledged that an additional blister island would assist reducing speed and improving safety along Canavan, this will then result in 2 blister islands between two existing roundabouts. Another blister island cannot be accommodated on Canavan Cr as it requires space from the road reserve that will encroach onto the pedestrian footpath space and existing services. It is suggested that no more should be implemented given this is also a bus route and the location of bus stops in this area.	The comment is <b>UPHELD</b> . The road environment along Canavan Crescent may change subject to State Government's investigation to identify an appropriate location that will be functional for the bus transit route from Canning Bridge transfer station to Curtin University.
Manning Road / Ley Street realignment	Provision of lane narrowing and mast arms are proposed to reduce speeds through the intersection and improve visibility of signal heads to reduce rear-end crashes. The proposed treatment also improves access for vulnerable road users.	The comment is <b>UPHELD</b> .
Proposals for Davilak Street and Edgecumbe	The LATMS for Area 12 has recommended as per the proposals and the concept plan, a roundabout for the intersection of Davilak and Edgecumbe, altering of the stop sign configuration at Edgecumbe and McDougall and a modified T intersection at Clydsdale and McDougall. As well as parking recommendations for Davilak Street.	The comment is <b>UPHELD</b> .

Additional measures proposed along Goss Avenue	Speed is the issue within this area of Goss Avenue. The existing treatment in this area has achieved its purpose of reducing traffic speed and improving safety for school children and this is why the study proposes to extend this treatment. However, it is acknowledged that pinch points can occur for cyclists, however, cyclists have a right to share the road space, notwithstanding this however future treatments will be designed to ensure the safety of all road users. Localised treatment at existing slow points could also be implemented to allow cyclists additional space or off road access. There are no recorded cycle crashes along Goss Avenue and this is not a designated cycle route.	The comment is <b>UPHELD</b> .
Cycling within the study area	Comments amended in the report, other comments more relevant to the City's bike plan – for City consideration.	The comment is <b>UPHELD</b> .

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

Nil.

#### **Financial Implications**

The City allocated funding in the 2011/2012 annual budget to engage a consultant to prepare the Area 12 LATM study. The annual budget for 2012/2013 has allocated funding, totalling \$70,000, to facilitate implementing some of the priority measures identified in the Area 12 LATM study.

All of the other identified key actions resulting from the Area 12 LATM study will be identified for funding in future annual budgets.

#### **Strategic Implications**

This project compliments the City's Strategic Plan 2010 – 2015 and in particular:

Direction 1.1 – Community – *“Develop, prioritise and review services and delivery models to meet changing community needs and priorities”*

Direction 1.2 – Community - *“Ensure that land use planning and service delivery aligns and responds to community safety priorities”*.

Direction 5.2 – Transport - *“Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network.*

#### **Sustainability Implications**

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic and transport needs of the community, whilst ensuring that local resident concerns are taken into account.

#### **OFFICER RECOMMENDATION ITEM 10.5.1**

That Council receive the Area 12 Local Area Traffic Management Study at **Attachment 10.5.1**.

**10.6    *STRATEGIC DIRECTION 6: GOVERNANCE***

<b>10.6.1   - 10.6.3   Monthly Financial Management Accounts – November 2012</b>
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**Note:** Due to the December Council Meeting being brought forward by 2 weeks the ‘end of month’ Financial Reports and Attachments for November will be circulated separately to Elected Members (for information) via the Council Member Bulletin.

<b>10.6.4 Local Government Ordinary Election - October 2013</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	A/EL/1
Date:	19 November 2012
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### **Summary**

This report recommends appointing the Western Australian Electoral Commissioner to be responsible for the conduct of a postal election for the ordinary election scheduled for 19 October 2013. All offices of Councillor at the City of South Perth will be declared vacant at the 2013 ordinary election, with two Councillors to be elected to represent each of the four new wards of Mill Point, Manning, Moresby and Como.

### **Background**

The Western Australian Electoral Commissioner has written to the City agreeing to be responsible for the conduct of the 2013 ordinary election. In accordance with the *Local Government Act 1995*, the Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

The Council in August 2011 resolved to review its elected member representation and ward boundaries. This review resulted in the Minister for Local Government approving all twelve offices of Councillor being declared vacant at the 2013 ordinary election, with the number of offices of Councillor to be reduced from twelve to eight, with two Councillors to represent each of the four new wards of Mill Point, Manning, Moresby and Como. The office of Mayor will not be declared vacant and the incumbent will complete her term until expiry in October 2015.

### **Comment**

The Electoral Commissioner has estimated the cost of the City of South Perth 2013 election at \$80,000. This estimate is based on the following assumptions:

- 26,000 electors;
- response rate of approximately 30%;
- 8 vacancies; and
- count to be conducted at the offices of the City of South Perth.

The City has appointed the Electoral Commissioner to undertake the past four ordinary elections as a postal election and it is recommended that the Council appoint the Electoral Commissioner to conduct the 2013 election as a postal election.

### **Consultation**

The WA Electoral Commission has been consulted on the conduct of the 2013 ordinary election.

**Policy and Legislative Implications**

The conduct of local government elections is regulated under Part 4 of the *Local Government Act 1995*. Section 4.20(4) of the *Local Government Act 1995* enables Council to appoint the Electoral Commissioner to be responsible for the conduct the election and section 4.61(2) of the *Local Government Act 1995* permits the Council to determine that the election be conducted as a postal election.

**Financial Implications**

The estimated cost for the 2013 ordinary postal election is \$80,000, and funding will be provided in the 2013/2014 budget.

**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**

This report is aligned to the City's sustainability strategy and policies.

<b>OFFICER RECOMMENDATION ITEM 10.6.4</b>
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That....

- (a) in accordance with section 4.20(4) of the *Local Government Act 1995* Council declares the Electoral Commissioner to be responsible for the conduct of the October 2013 ordinary election, together with any other elections or polls which may also be required; and
- (b) in accordance with section 4.61(2) of the *Local Government Act* Council decides that the method of conducting the October 2013 election will be as a postal election.

<b>10.6.5 Tender 26/2012 Provision of Cleaning Services. Review of Tender Submissions</b>
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Location:	City Facilities
Applicant:	Council
File Ref:	Tender 26/2012
Date:	22 November 2012
Author:	Gil Masters, Buildings and Assets Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### **Summary**

Schedule of Rates tenders have been called and received for the Provision of Cleaning Services for the City's community and administration offices, halls, toilets and barbecues. The duration of the contract is for two years with an option to renew for a further one year at the City's discretion. The tender has stipulated a fixed price for the three years of the contract.

This report outlines the assessment process and recommends the tender submitted by Multi Clean Pty Ltd for the estimated annual amount of \$650,864 plus GST for years one, two and three of the contract be approved by Council.

### **Background**

The City's current cleaning contract was approved for two years with an option for a third year. The City has decided not exercise its option to extend the current contract for a further year months, because there was an opportunity to improve and amend the current specification due to changing circumstances. As a result, the current contract expires on 16 January 2013.

There have been a number of changes within the scope of works since the existing contract was awarded, such as the commissioning of the new Library and Community Hall. These changes have been reflected in the new tender documentation which should provide the City with a more adaptive and responsive cleaning regime. There has also been a reduction in the number of cleaning sites including Heritage House, Old Police Station, Kensington Health Clinic and Manning Pre-school. Officers believe this would make the contract more flexible and therefore potentially cheaper to administer over its duration.

The new contract has been developed for a two year fixed term, with an option to extend the contract for a further one year at the City's discretion. A fixed price was stipulated for the first two years of the contract. The contract has been divided into five groups to reflect their different characteristics and requirements.

Group 1	Community Facilities (e.g. George Burnett Leisure Centre, Manning Hall and Collins Street Centre)
Group 2	Civic Centre Administration Facilities (e.g. Administration Office, Library and Community Centre (Hall etc.)
Group 3	Administration Facilities (e.g. Operation Centre, Collier Park Village and Senior Citizens Centre
Group 4	Public Toilets
Group 5	Barbecues

The tender was written to be separable. This enables the City to choose the same contractor for all of the groups, or utilise more than one contractor within any of the categories, if necessary, to achieve a better outcome.



### Comment

Tenders were invited on Saturday 3 November 2013 and during the advertisement period forty one sets of tender documents were distributed. At the close of tenders, sixteen submissions including two alternative tenders were received.

The tender submissions were initially assessed against the compliance criteria and all but one was found to be compliant with the City's requirements. The tender from Briteshine was excluded because it was deficient in pricing the schedules.

The schedule of rates submitted by each of the tenderers was then compared to determine a total price for each. An annual price of the contract services can be determined based on scheduled cleans only. The prices are listed below.

<b>Tenderer</b>	<b>Tendered Price (ex GST)</b>
Vacated Property Maintenance	\$419,864
Academy	\$472,413
OCE Corporate Cleaning Alternative 2	\$495,689
Glad Group	\$495,788
OCE Corporate Cleaning	\$503,352
OCE Corporate Cleaning Alternative 1	\$552,000
Du Clene Pty Ltd	\$581,209
Multi Clean	\$650,864
DMC Cleaning	\$706,780
ICS	\$712,841
GWC	\$715,758
GJK	\$753,891
Anthony Cleaning Services	\$805,365
Plus 8	\$820,096
JasNeat	\$2,542,031

Due to the high overall price submitted, JasNeat was excluded from further consideration. The remaining twelve tenders, plus two alternatives were then assessed against the qualitative criteria as established below:

<b>Qualitative Criteria</b>	<b>Weighting %</b>
1. Demonstrated Experience and Capacity	20%
2. Personnel	25%
3. Materials	25%
6. Price	30%
<b>TOTAL</b>	<b>100%</b>

Each company's price submission and response to the criteria was then incorporated into the Selection Criteria matrix. Some of the submissions were lacking in detail or were deficient in other areas and their qualitative scoring reflects this assessment. The scores appear below.

Tender	Score
Multi Clean	7.30
Du Clene	7.22
Academy	7.22
Glad Group	7.11
OCE Alternative 2	6.86
OCE	6.80
Vacated Property Maintenance	6.70
Anthony Cleaning	6.55
OCE Alternative 1	6.46
GWC Cleaning	6.24
DMC Cleaning	6.22
GJK Cleaning	5.96
ICS	5.81
Plus 8	5.29

As a result of this process, the tender by Multi Clean WA Pty Ltd has attained the highest score. This is not the lowest priced tender however the assessing officers believe it represents the best outcome for the City. The cleaning contract is one of the more significant the City manages because it impacts across not only the City administration buildings, but also facilities heavily used by the community such as the libraries, halls, BBQ's and toilets. It is very important that the recommended contractor can exercise the contract to the required standard at a reasonable price.

Officers then investigated whether utilising different contractors for the separable portions of the contract would result in cost savings and/or efficiency gains. This approach was rejected as the savings achieved were insignificant once the additional cost to administer the separable components was taken into account. Consequently, the tender submitted by Multi Clean WA Pty Ltd is recommended for approval by Council.

### **Consultation**

Tenders were advertised in accordance with the *Local Government Act (1995)*.

Tenders were invited on Saturday 3 November 2012 and during the advertised period forty one (41) sets of documents were distributed. At the close of tenders 16 (sixteen) submissions including 2 (two) alternative tenders were received.

A mandatory meeting was held on Thursday 15 November 2012 to enable prospective bidders to inspect typical sites and to discuss and clarify any points within the tender.

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:  
Policy P605 - *Purchasing & Invoice Approval*;  
Policy P607 - *Tenders and Expressions of Interest*.

**Financial Implications**

This is a Schedule of Rates tender, however an estimated price for the work based on what has been specified in the tender documentation is \$650,864 plus GST. The contract stipulates a fixed price for the first two years of the contract and for the optional third year, subject to the City being satisfied with the overall performance and value for money provided by Multi Clean Pty Ltd

Funding for the contract is based on allocations in the City's annual maintenance budgets across administrative, community, parks, buildings and special events.

**Strategic Implications**

This item is consistent with Strategy 6.4 of the City of South Perth Strategic Plan 2010 – 2015: *Develop and sustain appropriate human, financial, asset and technological resource capacity to deliver the priorities set out in the Strategic Plan*.

**Sustainability Implications**

The specification for the cleaning contract is reviewed each time it is due for renewal to ensure it meets contemporary sustainability practises. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable maintenance of City buildings.

<b>OFFICER RECOMMENDATION ITEM 10.6.5</b>
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That ...

- (a) the schedule of rates tender submitted by Multi Clean WA Pty Ltd for the provision of cleaning services, having an estimated value of \$650,864 plus GST each year for years one and two of the contract, being the period of supply from 17 January 2013 to 31 December 2014, be accepted; and
- (b) subject to the City being satisfied with the overall performance and value for money provided by Multi Clean for the previous two years of supply, the contract be extended by an additional twelve months from 1 January 2015 to 31 December 2015 at the same schedule of rates.

<b>10.6.6 Bill Grayden Pavilion - Proposed Alterations and Additions - Review of Tender Submissions</b>
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Location:	Bill Grayden Pavilion, Como
Applicant:	Council
File Ref:	Tender 21/2012
Date:	23 November 2012
Author:	Gil Masters, Buildings and Assets Coordinator
Reporting Officer:	Stephen Bell Director Infrastructure Services

### **Summary**

Tenders have been received for proposed additions and alterations to the Bill Grayden Pavilion (Tender 21/2012). This report outlines the assessment process and recommends the tender submitted by Palace Homes and Construction Pty Ltd for the lump sum amount of \$685,194 plus GST be approved by Council.

### **Background**

Bill Grayden Pavilion is located on Grayden Reserve and is currently used by the South Perth Baseball Club and the Trinity Aquinas Amateur Football Club. Wesley College is also a stakeholder with plans to use the pavilion for school sporting activities. The use of the pavilion is therefore extensive and in order to cater for both genders the addition of multi-function male and female change rooms would give the facility a new dimension for sports.

In 2006, the City adopted its *“Future Directions and Needs Study for Sporting and Recreational Clubs”* report. The report recommended that Bill Grayden Pavilion be upgraded in accordance with the “Regional Sporting Pavilion” model to service three active reserves (Bill Grayden, Collins and Collier) and be shared by all of the various sporting groups. Under this model, the upgrades and extensions should comprise:

- Two additional change rooms and extension to the two existing change rooms (total of 4);
- Extension and upgrading of the kitchen to enable professional catering activities;
- Improved insulation of the building;
- Increased storage facilities for sports equipment;
- Improved building security; and
- A function room with bar facilities.

The planning of these facilities should also explore the benefits of establishing an overarching sporting association to be the lessee/managing body.

A preliminary design was prepared and following meetings with stake-holders final drawings were prepared and signed off with the relevant stakeholders. Full drawings and appropriate documentation for tendering was then prepared.

### **Comment**

Tenders were called on Saturday 3 November 2012 and during the tender period thirty three sets of tender documents were distributed. Tenders closed at 2:00pm on Thursday 22 November 2012 and eight (8) tenders were received. The prices submitted are listed below:

<b>Tenderer</b>	<b>Tendered Price (ex GST)</b>
Palace Homes & Construction Pty Ltd	\$650,194
Laneway Construction	\$703,680
Devco Builders Pty Ltd	\$730,133
BE Projects (WA) Pty Ltd	\$735,875
ZD Construction 93 Pty Ltd	\$821,884
McCorkell Constructions Pty Ltd	\$798,850
Connolly Building Company	\$855,022
Classic Contractors Pty Ltd	\$898,796

A qualitative evaluation of tenders was then completed based on the following criteria as listed in the request for tender (RFT):

<b>Qualitative Criteria</b>	<b>Weighting %</b>
1. Industrial Relations and safety record	5%
2. Works record and experience	10%
3. Inventory of Safety Equipment	10%
4. Demonstrated ability to perform on time, in accordance with the relevant definitions and standards and time schedules detailed in the specifications.	10%
5. Demonstrated availability of resources and equipment to complete works as detailed in the schedules	15%
6. Price	50%
<b>Total</b>	<b>100%</b>

The evaluation process has resulted in the following scores:

<b>Company</b>	<b>Score</b>
Palace Homes & Construction Pty Ltd	9.35
Laneway Construction	9.09
Devco Builders Pty Ltd	9.04
BE Projects (WA) Pty Ltd	8.74
ZD Construction 93 Pty Ltd	8.43
McCorkell Constructions Pty Ltd	8.36
Connolly Building Company	7.92
Classic Contractors Pty Ltd	7.74

Analysis of the tenders against the assessment criteria show that the tender submitted by Palace Homes and Construction Pty Ltd is the best priced and provides better value for the City and is therefore recommended for approval by Council.

Refurbishment of the pavilion is scheduled to commence in January 2013, with the facility being completed in October 2013. Tenants and patrons of the pavilion will be inconvenienced during the improvement works, but the City's aim is to minimise this disruption as much as possible. The intention is to phase the work into two stages by constructing the new section (additional change room and toilets) and then in Stage 2 refurbish the existing facilities (change rooms, toilets and kitchen). This will enable the tenants to have reasonable access throughout the construction period and ensure the clubs can hold sporting fixtures and train. However, there will be limited access to the kitchen.

### **Consultation**

This project has required extensive liaison with the South Perth Baseball Club, Trinity Aquinas Amateur Football Club and Wesley College over design aspects for the additions and alterations to the pavilion. Public tenders were advertised in accordance with the *Local Government Act (1995)*.

### **Policy and Legislative Implications**

Section 3.57 of the Local Government Act 1995 (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

### **Financial Implications**

The City sought part funding for the project from the Department of Sport and Recreation (DSR) under the Community Sporting Recreational Facilities Fund (DSRFF) program. The City was successful in receiving a grant to the value of \$290,180 plus GST spread over two (2) financial years with \$217,635 plus GST allocated in the 2012/13 year and a further \$72,545 plus GST in the 2013/14 year.

The City's funding allocation for this project is \$69,365 plus GST in the 2012/13 Capital Works budget, with a further amount proposed for the 2013/14 Capital Works budget to complete the project.

### **Strategic Implications**

This item is consistent with Strategic Directions 1.4 & 4.1 of the City of South Perth Strategic Plan 2010 – 2015:

- 1.4 Review, prioritise and develop facilities and relevant activities, taking advantage of Federal and State Government funding.*
- 4.1 Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable.*

### **Sustainability Implications**

The City utilising its ESD Consultants has undertaken a BCA Part J DTS Energy Efficiency Conformance Audit which addressed issues including:

- Thermal Efficiency
- Roof and Ceiling Insulation
- Lighting
- Glazing
- Air Conditioning
- Artificial and Natural Lighting
- Power
- Hot Water Supply

Addressing all of these areas not only will have the benefit of reducing the City's greenhouse gas emissions, but will also reduce the cost of operating the building with the added benefit of assisting sporting club sustainability.

<b>OFFICER RECOMMENDATION ITEM 10.6.6</b>
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That the tender submitted by Palace Homes & Construction Pty Ltd for proposed additions and alterations to the Bill Grayden Pavilion for the lump sum amount of \$685,194 plus GST, be accepted.

<b>10.6.7 City of South Perth Strategic Community Plan 2013-2023</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CM/601
Date:	29 November 2012
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Mike Kent, Acting Chief Executive Officer

**Summary**

The draft Strategic Community Plan 2013-2023 was open for community consultation from 28 September 2012 through to 28 November 2012 with 529 comments being received and a stakeholder forum also being held in November 2012. The analysis of the community feedback has determined that there is a strong level of support for the proposed directions and initiatives and this report recommends that the Council note the comments received and adopt the Strategic Community Plan 2013-2023.

**Background**

In alignment with the Department of Local Government's Integrated Planning Model, the Council resolved to adopt the draft Strategic Community Plan 2013-2023 for community consultation at the 25 September 2012 Council meeting with a further report to be submitted for consideration in December 2012 following community consultation.

The draft Strategic Community Plan 2013-2023 was primarily based on the *Our Vision Ahead* project and the resulting Strategic Plan 2010-2015, which documented our community's vision for the future and ensured that we are responsive to the needs and aspirations of the local community.

The Council also conducted a number of Councillor workshops during 2012 reviewing the Strategic Plan 2010-2015 in consultation with Dr Ron Cacciope from Integral Development and developed the *draft* Strategic Community Plan 2013-2023 which was subsequently released for community consultation.

There are six key Strategic Directions as outlined below and 29 strategic priorities as documented in the Strategic Community Plan 2013-2023 shown at **Attachment 10.6.7(a)**.

- 1. Community**  
Create opportunities for an inclusive, connected, active and safe community
- 2. Environment**  
Enhance and develop public open spaces and manage impacts on the natural environment
- 3. Housing and Land Uses**  
Accommodate the needs of a diverse and growing population
- 4. Places**  
Develop, plan and facilitate vibrant and sustainable community and commercial places
- 5. Infrastructure and Transport**  
Plan and facilitate efficient infrastructure and transport networks to meet the current and future needs of the community.
- 6. Governance, Advocacy and Corporate Management**  
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.

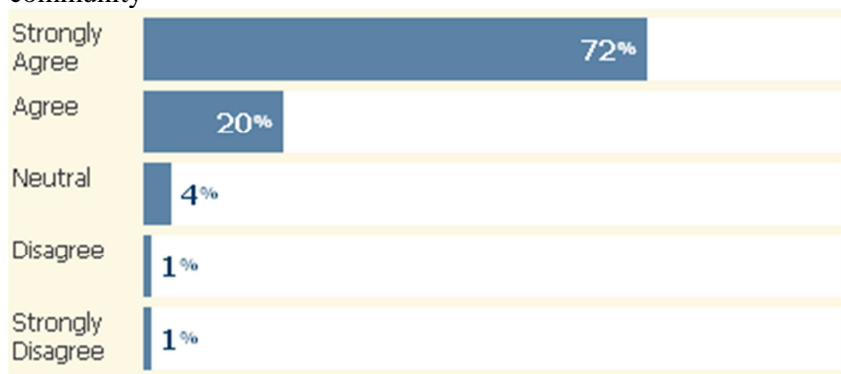
### Comment

There were an overwhelming 529 submissions received in relation to the draft Strategic Community Plan 2013-2023 during the consultation period. The City considers this an extremely successful consultation period and was very pleased with the high level of discourse and engagement with the community, with many thoughtful and insightful suggestions and comments provided.

The consultation comprised an online and hard copy survey with 15 questions based around the six strategic directions. A number of additional comments were also provide on the fifteen themes and these are shown at **Attachment 10.6.7(b)**.

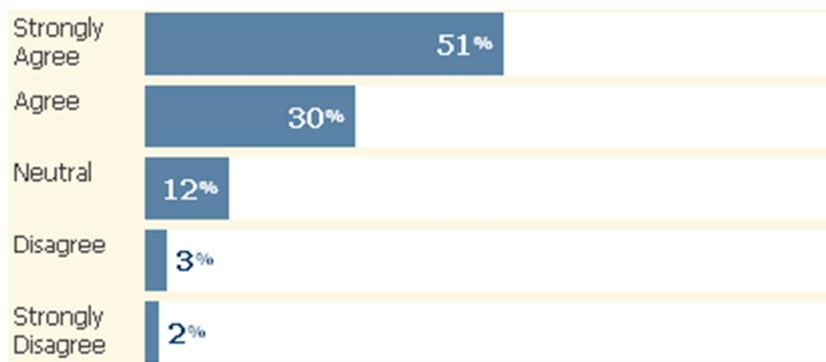
### Building Safer Communities

The City should make it a priority to facilitate and foster a safe environment for our community



### Promoting Social, Cultural and Physical Activity

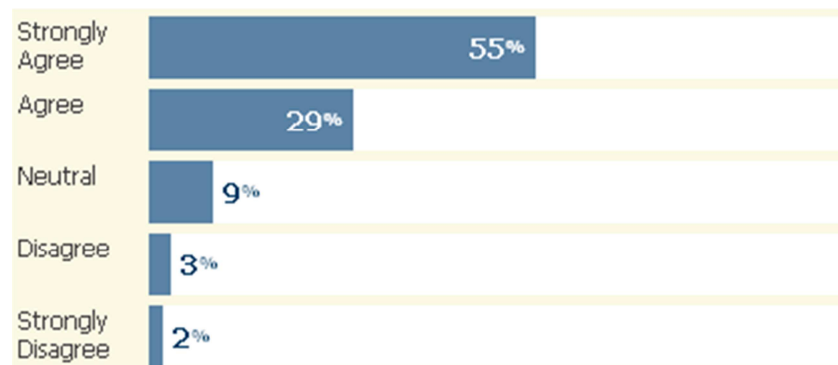
The City should make it a priority to create more opportunities for social, cultural and physical activity in the City.





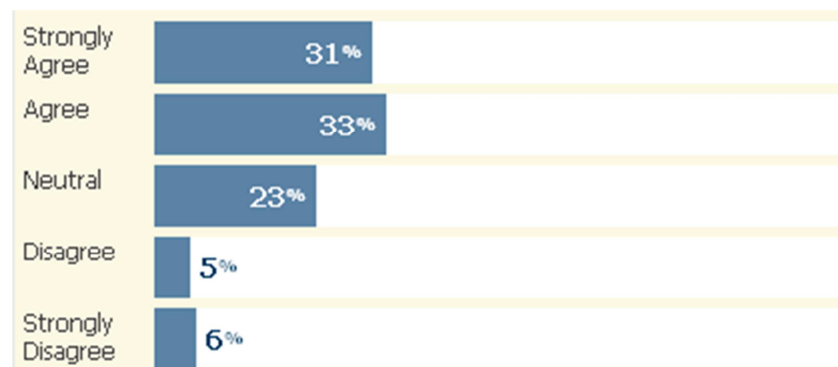
Encouraging Healthy Lifestyles

The City should make it a priority to encourage the community to embrace more sustainable and healthy lifestyles.



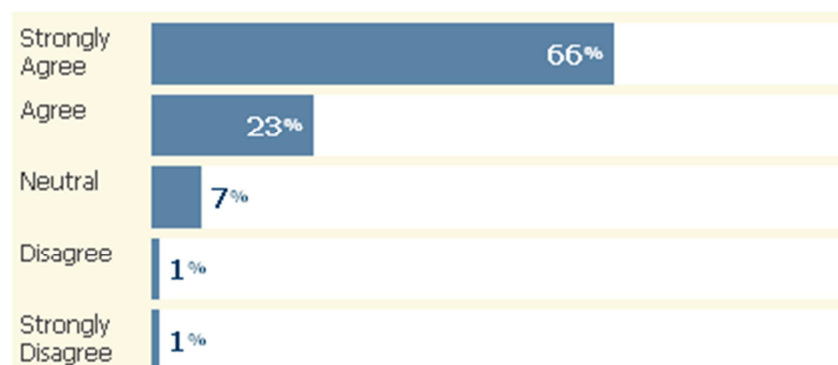
**Climate Change**

The City should make it a priority to increase awareness of climate change risks through leadership, adaptation and mitigation.



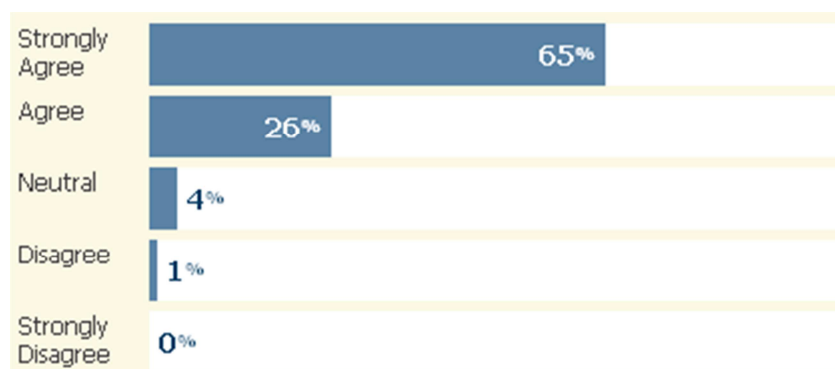
Accommodate a Diverse and Growing Population

The City should make it a priority to develop a Local Planning Strategy to meet current and future needs.



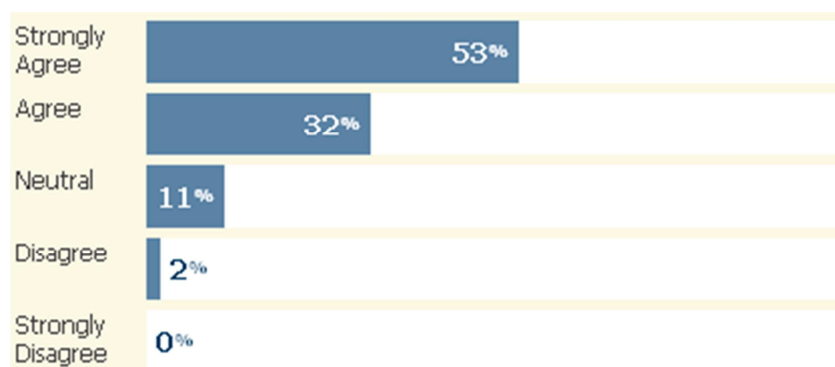
Conserving Our Water

The City should make it a priority to foster and promote sustainable water management practices



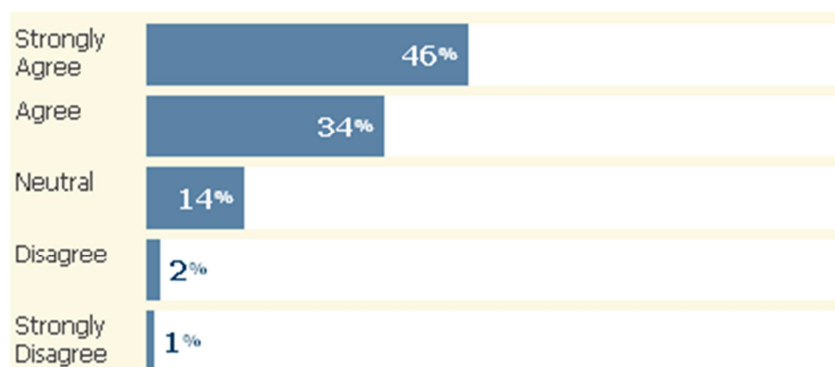
Enhancing Our Foreshore Reserves

The City should make it a priority to identify, develop and promote a range of sustainable uses for the Swan and Canning River foreshore reserves



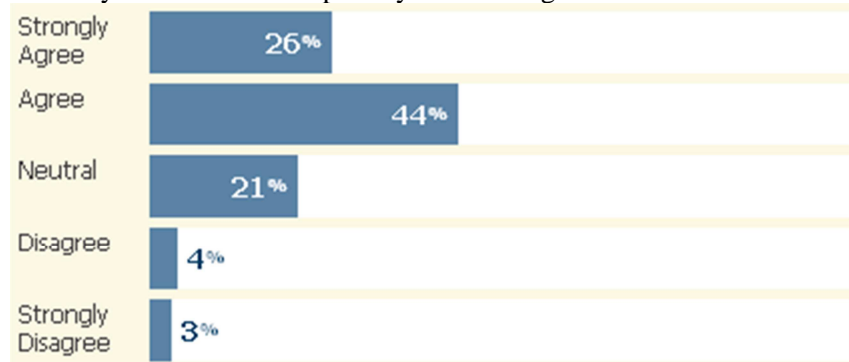
Supporting Sustainable Development

The City should make it a priority to develop and promote contemporary sustainable buildings, land uses and best practice environmental design standards



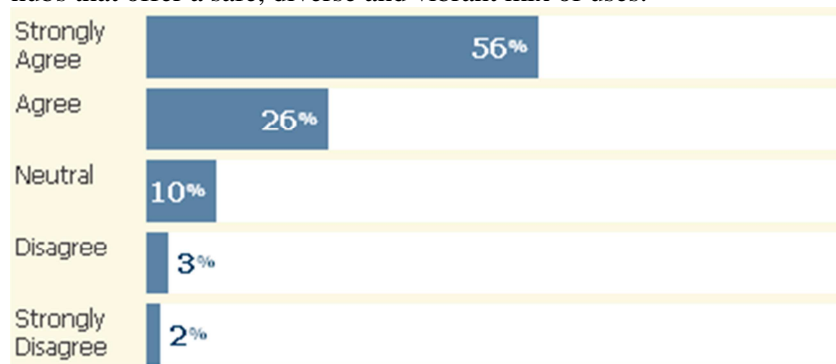
Increasing Economic and Business Growth

The City should make it a priority to encourage and facilitate economic development.



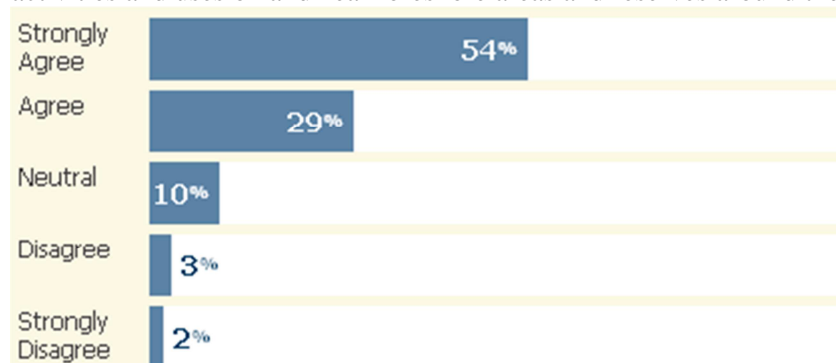
Developing Vibrant Community Hubs

The City should make it a priority to develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.



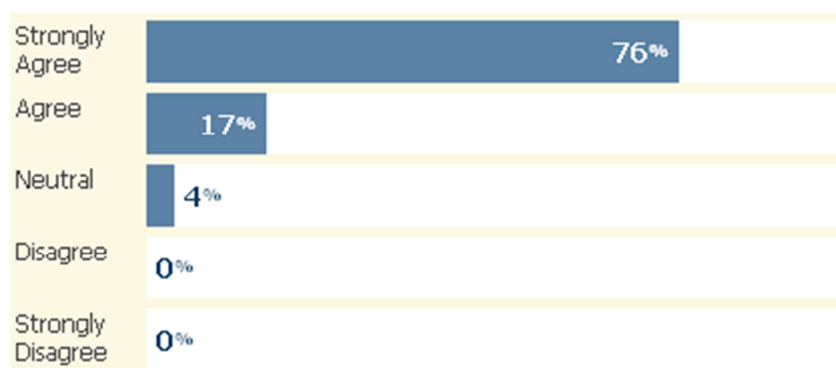
Maximising our Open Spaces

The City should make it a priority to engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City.



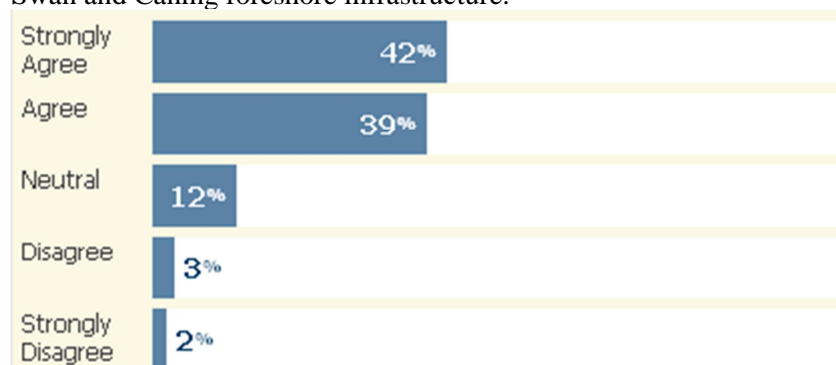
Fostering Transport Efficiency

The City should make it a priority to support and maintain a safe and efficient transport network (including pedestrian and cycling).



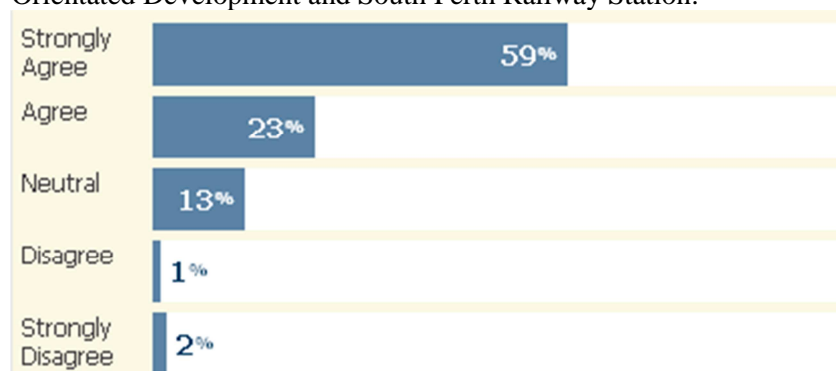
**Swan and Canning River Walls**

The City should make it a priority to advocate for and facilitate effective management of the Swan and Canning foreshore infrastructure.



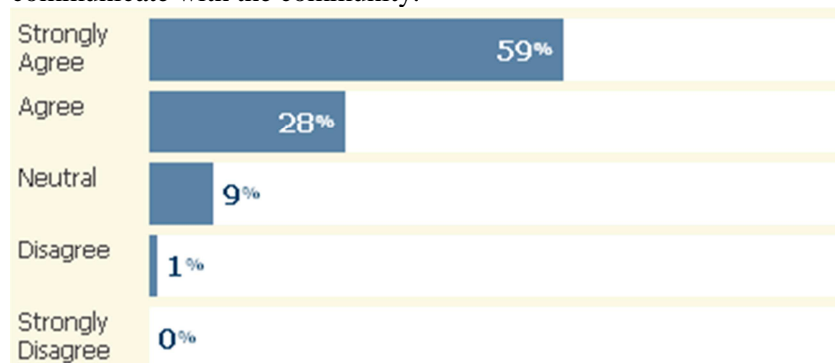
Advocating for the Community

The City should make it a priority to advocate and represent effectively on behalf of the South Perth community, including the Manning Road Off-Ramp, Canning Bridge Transit Orientated Development and South Perth Railway Station.



### Listening to the Community

The City should make it a priority to develop more effective processes to listen, engage and communicate with the community.



### Summary

The theme and initiatives receiving the strongest support and validation from the community were:

- the City focusing its priorities on supporting and maintaining a safe and efficient transport network (including pedestrian and cycling). (93% strongly agree / agree)
- the City facilitate and foster a safe environment for our community. (92% strongly agree / agree)
- the City making it a priority to foster and promote sustainable water management practices. (91% strongly agree / agree)
- the City developing a Local Planning Strategy to meet current and future needs. (89% strongly agree / agree)

The themes and initiatives receiving the lowest support and validation from the community were:

- the City's involvement in managing climate change risk (64% strongly agree / agree)
- the City encouraging and facilitating economic development (70% strongly agree / agree)
- the City develop and promote contemporary sustainable buildings, land uses and best practice environmental design standards. (80% strongly / agree)

Some minor wording amendments, marked in bold red, have been made to the Strategic Community Plan 2013-2023 to reflect the outcome and feedback receiving during the community consultation process.

Following the adoption for Strategic Community Plan 2013-2023, the City will commence work on the development of a four year Corporate Plan 2013-2017, aligned with the Strategic Plan and outlining how the City will deliver on the determined initiatives.

### **Consultation**

The City released the draft Strategic Community Plan 2013-2023 for community consultation from 28 September 2012 through to 28 November 2012. There was considerable advertising and promotion of the consultation process, with adverts appearing in the *Southern Gazette* on 2 October, 16 October, 30 October and 13 November and it featuring prominently in the November 2012 Peninsula and on the City's website. As previously mentioned, a total of 529 submissions were made online in relation to the draft Strategic Community Plan 2013-2023.

A key stakeholder's forum was held on 7 November 2012 with approximately 100 key members of the South Perth community attending to hear and provide feedback on the draft Strategic Community Plan 2013-2023.

### **Policy and Legislative Implications**

Section 5.56 of the *Local Government Act 1995* and Regulation 19C of the *Administration Regulations 1996* provide:

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*
- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - (c) demographic trends.*
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the*  
*modifications. \*Absolute majority required.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

**Financial Implications**

The City has set aside funding to undertake the adoption of the Strategic Community Plan 2013-2023.

**Strategic Implications**

The Strategic Community Plan will guide the strategic direction for the City of South Perth from 2013 to 2023.

**Sustainability Implications**

The Strategic Community Plan 2013-2015 is based on the sustainability principle of planning for and meeting the needs of the present without compromising the ability of future generations to plan and meet their own needs. It also complements the City's Sustainability Strategy 2012-2015, with the objective of enhancing the quality of life and prosperity of the community, and preventing the harmful local and global effects of its action through careful planning and decision making.

<b>OFFICER RECOMMENDATION ITEM 10.6.7</b>
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That the Council note the outcome of the community consultation and adopt the City of South Perth Strategic Community Plan 2013– 2023 at **Attachment 10.6.7(a)**.

*Note : An Absolute Majority required*

<b>10.6.8 Tender – Strategic Aged Care Service Review of the Collier Park Village and Hostel</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	G0/106
Date:	28 November 2012
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Michael J Kent, Acting Chief Executive Officer

**Summary**

This report recommends that the Council approve the tender received from Grant Thornton to undertake a strategic aged care service review of the Collier Park Village and Hostel at the tendered fee of \$41,470 (exc GST).

**Background**

The City owns and manages Collier Park Village and Hostel, located on Reserve 38665 Bruce Street and Lot 4049 Morrison Street Como, vested in the City for the purposes of aged person homes.

Commencing operations in 1986, the Village comprises 169 two bedroom independent villas whilst the Hostel comprises 40 single bedroom rooms designed for low level aged care. The City has invested considerably in the Collier Park Village and Hostel in relation to infrastructure and the provision of high quality services for its residents.

Collier Park Village and Hostel has an annual (cash) operating budget of \$3.4M and is serviced by 23.2 FTE City staff. A recent independent financial valuation has identified the capital value of Collier Park Village and Hostel at approximately \$28M (buildings only) with a further \$3.4M in other improvement costs. The City has more recently unsuccessfully attempted to acquire freehold title of the property from the State Government either through acquisition or a suitable land swap.

At a Council workshop in June 2012, it was agreed that the City would seek to appoint a consultant to undertake a strategic aged care service review of the Collier Park Village and Hostel with a view to determining a sustainable strategic direction for its future management and operations.

**Comment**

The City recognises the rapidly changing statutory landscape in relation to aged care - and it also acknowledges the importance of providing a degree of certainty for the residents and families of aged care facilities.

As one of the few local governments directly involved in the delivery of aged care services, the City of South Perth is keen to better understand contemporary aged care service delivery models and to explore opportunities which better enable us to facilitate the delivery of responsive aged care services that are sustainable in the longer term.

With this in mind, the City is seeking to appoint an experienced independent external consultant with good credentials in the (increasingly complex) area of aged care to provide contemporary advice on how the City can best achieve its aged care objectives to the greatest advantage of the (present and prospective) residents of the Collier Park Village & Hostel.



At the conclusion of the process, it is expected that the City will receive guidance on how best to implement contemporary governance models, financial models and service delivery plans that reflect a best value outcome for the residents of the Collier Park Village and Hostel . Council will then consider an operating and governance model which is sustainable into the future.

This exercise will be collaborative effort between the City, the CPV Residents Association and the external consultants - and the wellbeing and ongoing care of the residents will be a primary consideration.

The scope of works, project deliverables and qualitative selection criteria detailed in the tender documentation are outlined below.

#### Scope of Works

- Overview of present and forecast aged care service provision in Western Australia, and specifically South Perth.
- Overview of relevant Commonwealth and State legislation and proposed aged care service reforms.
- Review and assessment of the Collier Park Village Complex operations.
- Recommend options for the future management of the Collier Park Village Complex, inclusive of service delivery models options to ensure effective and efficient service provision.
- Provide recommendations to Council on the role and strategic direction of the City of South Perth in the future provision of aged care services.

#### Project Deliverables

- Meeting with the Project Control Group, comprising the Chief Executive Officer, Director Finance and Information Services, Manager Governance and Administration, Collier Park Village Coordinator and other stakeholders at key points during the process.
- Preparation of a detailed project plan, including project methodology, consultation plan and project timeframes.
- Preparation of draft and Final Reports addressing the scope of works components.
- Presentations to the Project Control Group, South Perth Executive Team and Council on the key findings contained in the draft and/or final reports.

Qualitative Criteria	Weighting
a) Demonstrated skills and experience in completing similar projects;	30%
b) Demonstrated understanding of the scope of works and project deliverables; and	40%
c) Fee structure	30%

The Tender was open from 12 October 2012 through to 16 November 2012. At the close of the tender process, there were a total of 11 tenders received and their tendered prices are listed below. The Tender Panel assessed all tenders against the criteria that reflected the critical elements of the project, being demonstrated skills and experience, demonstrated understanding of the scope of works and the fee structure with the evaluation results outlined in the table below.

The Tender Panel rated the Grant Thornton submission the highest against the criteria, followed very closely by RSM Bird's submission. The Tender Panel is confident that Grant Thornton's previous experience and expertise in undertaking similar projects at their tendered price will deliver a comprehensive strategic report for Council's consideration in March / April 2013.

<b>Tenderer</b>	<b>Tendered Price (exc GST)</b>	<b>Qualitative Score</b>
KGA Consulting	\$14,700	7.9
Blue Chip Consulting Group	\$20,550	7.9
Hames Sharley	\$22,650	7.9
<b>Grant Thornton</b>	<b>\$41,470</b>	<b>9.4</b>
Progressing Priority Projects	\$43,500	7.3
Southcare Inc	\$46,600	7.0
RSM Bird Cameron	\$47,800	9.3
KPMG	\$64,296	7.8
Tomorrow	\$64,750	6.0
Miles Morgan Australia	\$116,500	5.8
Ernst and Young	\$117,500	5.9

### **Consultation**

Tenders were advertised in accordance with the *Local Government Act 1995*, with statewide advertisements placed on 12 October 2012 and 17 October 2012 in *The West Australian*.

### **Policy and Legislative Implications**

Part 4 Provision of Good and Services in the Local Government (*Functions and General*) Regulations 1996 prescribe the requirements in relation to tenders.

### **Financial Implications**

There is funding in the 2012/13 budget to undertake this project however this will need to be supplemented with a further \$15,000 from the Collier Park Reserve. The deliverables of this project will recommend to the Council a more cost effective and sustainable aged care service for the Collier Park Village and Hostel.

### **Strategic Implications**

The appointment of a consultant to undertake this project is outlined in Initiative 1.1.6 of the City of South Perth Corporate Plan 2012 -2014 and it also aligns with Direction 6 of the Strategic Plan 2010-2015 *Governance – Develop and sustain appropriate human, financial, asset and technological resource capacity to deliver the priorities set out in the Strategic Plan*.

### **Sustainability Implications**

The objective of this project is determine a strategic direction and outcome that will ensure more effective service provision and delivery facilitating the Collier Park Village and Hostel becoming more sustainable.

<b>OFFICER RECOMMENDATION ITEM 10.6.8</b>
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That the Council accept the tender received from Grant Thornton to undertake a strategic aged care service review of the Collier Park Village and Hostel at the tendered fee of \$41,470 (exc GST).

<b>10.6.9 Tender – Civic Triangle Project, South Perth</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	G0/106
Date:	3 December 2012
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Michael J Kent, A/Chief Executive Officer

### **Summary**

The City called tenders in October 2012 for the provision of specialised property management advice and marketing / real estate services on the disposal of the Civic Triangle, South Perth. A total of six tenders were received, however the majority of them proposed a scope of works that was either outside the City's requirements or duplicated analysis / modelling already undertaken on this project and as a consequence, it is recommended that these tenders not be accepted.

Garmony and Associates have been working closely with the City during the past year to produce a comprehensive valuation and financial assessment of the Civic Triangle on the options available to Council and this report recommends that Garmony and Associates attend a Councillor briefing in February 2013 to build upon the existing financial analysis and provide further advice on the options available to Council.

This report also recommends that the Council adopt the tender from TomEsze.com to undertake the marketing and disposal of the Civic Triangle at the tendered fee. TomEsze.com has demonstrated previous success on similar large scale projects and the City is confident that the optimum financial result will be achieved by this engagement.

### **Background**

The South Perth Civic Triangle is a Council owned 7133 square metre site comprising nine separate lots bounded by Mends Street, Labouchere Road and Mill Point Road (excluding the Australia Post site). The City has been in the process of strategically acquiring the lots since 1986 with the longer term objective and vision to facilitate and enable a vibrant mixed use 'civic heart' development that incorporates retail, residential, commercial and public open space on this strategic landmark location.

Since 2004, important precursor activities relating to the disposal of the Civic Triangle site, (including multi-criteria analysis of the various disposal options, amalgamation of lots, rezoning of land, establishing the development potential of the site and financial modelling of the various disposal options) have been progressed by the City.

A total of five Councillor workshops were held between 2004 and 2006 with J Syme and S Marmion from Syme and Marmion, G Bouma and R Lanski from Murdoch University, M Mackay from Mackay Urban Design and E Richardson from Sinclair Knight Mertz assessing the results of the multi-criteria analysis and reviewing the preferred disposal options for the site. This resulted in Syme Marmion presenting an analysis of options for lease versus sale for the Civic Triangle to a Council workshop in 2006. The Council considered all of this information in detail and resolved in 2007:

*That with respect to land owned by the City known as the Civic Triangle within the street block bounded by Mends Street, Labouchere Road and Mill Point Road:*

- (a) *on the basis of specialist advice that an upfront lease payment for the Civic Triangle land will approximate the likely freehold sale prices the City plan to dispose of the land on the basis of a 99 year lease, not freehold sale;*

- (b) *a further Council report be submitted addressing:*
  - (i) *proposed development guidelines (i.e. height, density residential vs. commercial land use), and other relevant conditions of disposal (i.e. continued access to South Perth Learning Centre);*
  - (ii) *public consultation on the proposed development guidelines, and*
  - (iii) *an indicative study timetable be prepared for the proposed Town Planning Scheme review associated with the South Perth train station precinct to demonstrate compatibility with the indicative timetable for disposal of the Civic Triangle land;*
- (c) *a figure of \$11m be incorporated in the Strategic Financial Plan for the 2008/2009 year in respect to income from disposal of the land.*
- (d) *a professional land valuation be obtained prior to any action being taken to dispose of the land.*

Since that time, the City has maintained current valuations and these have been incorporated into the City's forward financial planning models. The funds generated from converting a land asset to cash are inextricably linked to Council's capacity to deliver a number of major community projects including Manning Community Facility, EJ Oval redevelopment and GLBC expansion.

Given this, it was considered prudent to provide up to date advice to Council on the disposal options ahead of the planned disposal of the site. In doing so, it was considered important to ensure that any consultant expenditure should add value to the work previously undertaken rather than duplicating existing work.



Following the most recent Council workshop in July 2012, a report was submitted to the August 2012 Council meeting where the Council resolved:

*That the Council*

- (a) approve the City calling expressions of interest for suitably qualified consultants /specialised real estate agent services to provide commercial property advice to the City on the Civic Triangle project; and*
- (b) consider a report on the assessment of the expressions of interest received*

**Comment**

Given that the tendered fee was likely to exceed \$100,000, the City was required under the *Local Government Act 1995* to call tenders. The scope of works and qualitative selection criteria detailed in the tender documentation are outlined below.

Scope of Works

- Provision of property management services in respect to the disposal of the Civic Triangle, inclusive of financial modelling and property management advice.
- Provision of marketing and real estate services for the disposal of the Civic Triangle.

Qualitative Criteria	Weighting
(a) Demonstrated skills and experience in completing similar projects	30
(b) Demonstrated understanding of the scope of works	40
(c) Fee Structure	30

The Tender was open from 12 October 2012 through to 16 November 2012. Despite extensive advertising of the tender (including The West Australian on Wednesday with their Property Focus Insert), the City only received six responses from CBRE, Duomark, Integral, Conway Highbury, DTZ and Tom Esze. A copy of their proposed scope of works and tendered fee has been provided to Councillors under separate cover at *Confidential Attachment 10.6.9*.

The Tender Panel, comprising the Chief Executive Officer, Director Finance and Information Services and Manager Governance and Administration assessed the tenders against the criteria that reflected the critical elements of the project, being demonstrated skills and experience, demonstrated understanding of the scope of works and the fee structure.

The Tender Panel evaluation revealed that in respect to the provision of specialised property management advice, all the tenders had provided a scope of works that did not align with the requirements of the City and were excluded from further consideration. It is therefore recommended that none of those tenders be accepted by the Council.

To assist in determining the land value of the Civic Triangle site and development potential, the City previously engaged architectural firms Motus Architecture and Zuideveld Marchant Hur to both develop concept mixed used development proposals for the highest and best use for the site. This sophisticated planning and modelling allowed for the site to be developed to its full potential under the proposed Amendment 25.

The City had also engaged Garmony and Associates to undertake financial modelling and provide three valuations based on the land component of the Civic Triangle, cognisant of those preliminary development proposals. Confidential market valuations based on the “*hypothetical development method*” were obtained for:

- Market valuation
- Leasehold valuation (99 year lease)
- Ground rental valuation (99 year lease)

It is now proposed that Garmony and Associates be provided the opportunity to present their confidential report to a Councillor workshop in February 2013. Given that this firm had already performed substantial work on this project and had acquired specialised knowledge of the site, it is recommended that the City continue to utilise the expertise of Garmony and Associates if required after this initial council workshop to undertake further feasibility and financial assessment. The consultant would also work in coordination with the Director Financial and Information Services to model the impact of the various disposal options on organisational cash flows and report this analysis back to Council for consideration.

Three of the tenders received also quoted for the provision of marketing and real estate services for the disposal of the Civic Triangle. DTZ stipulated that its ‘fee structure was based on being appointed in a sole capacity to conduct both the property management and sales function’. Given that it is recommended that the City not proceed with the engagement of a consultant to provide property management services, their tender was excluded from further consideration. CBRE tendered for the provision of real estate and marketing services, however their scope of works exceeded the City’s requirements and their tender was excluded from further consideration.

Should the Council resolve to proceed to dispose of the Civic Triangle by sale at market rather than leasehold or ground rental valuation, it is recommended that the Council accept the tender from TomEsze.com for the provision of marketing and real estate services at the tendered fee of 1% (excluding GST) plus marketing costs. TomEsze.com has had considerable experience and success in disposing of similar large scale properties and has successfully worked with the City on previous occasions to dispose of property above the market valuation.

### **Consultation**

Tenders were advertised in accordance with the *Local Government Act 1995*, with statewide advertisements placed on 12 October 2012 and 17 October 2012 in *The West Australian*.

### **Policy and Legislative Implications**

Part 4 Provision of Good and Services in the Local Government (*Functions and General*) Regulations 1996 prescribe the requirements in relation to tenders. The regulations provide that the City may accept or reject any tender.

The proposed disposition of the Civic Triangle would be the subject of a Business Plan and a six week community consultation period as required under *section 3.58 Disposing of Property* and *section 3.59 Commercial Enterprises, Local Government Act 1995*.

The business plan is required to be advised state-wide inviting public submissions and will need to include an overall assessment of the major land transaction, its effect on the provision of services and facilities by the City, its expected financial effect on the City and the ability of the City to undertake the transaction.

### **Financial and Risk Implications**

The Council has budgeted for \$16.5M gross revenue in the long term financial plan for the proposed disposition of the Civic Triangle. The Civic Triangle disposal proceeds are inextricably linked to funding other identified Council strategic priorities such as the Manning Community Hub, EJ Oval redevelopment and GLBC expansion.

It should be acknowledged that there is financial risk in further deferring or abstaining from disposing of the site as a number of the City's major projects are premised on the impending sale of the Civic Triangle. In fact the disposal of this site is central funding platform to the City's financial plan - and ongoing financial sustainability. Further, there is market evidence to suggest that the City would achieve a greater financial return by bringing the site to market in early 2013 rather than late 2013 given the financial uncertainty prevailing in financial markets worldwide.

The City does not believe the adoption of this recommendation contains any perceived risk to Council. The recommendation is for the City to utilise and build upon the work already undertaken by Garmony and Associates and also to select a qualified and proven real estate agent to obtain the maximum financial return on the Civic Triangle.

### **Strategic Implications**

This proposal is aligned with Strategic Direction 4.4 of the Strategic Plan 2010-2015 and Initiative 4.4.1 of the Corporate Plan 2012-2014 : *Facilitate optimal development of the Civic Triangle Precinct.*

### **Sustainability Implications**

This report is aligned to the City's sustainability strategy and policies.

<b>OFFICER RECOMMENDATION ITEM 10.6.9</b>
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That the Council...

- (a) note the outcomes of the Civic Triangle Project Tender;
- (b) not accept any tenders in respect to the provision of specialised property management advice or those tenders for the provision of marketing and real estate services that exceeded the tendered scope of works required;
- (c) invite Matt Garmony from Garmony and Associates to present the findings of their confidential report on the Civic Triangle and if required continue to work with Garmony and Associates to provide further financial analysis on the options available to Council;
- (d) agree to prepare a Business Plan for community consultation in respect to the proposed disposition of the Civic Triangle; and
- (e) accept the tender from TomEsze.com for the provision of marketing and real estate services at the tendered fee subject to the Council resolving to proceed to sale in 2013.

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

<b>11.1 Request for Leave of Absence - Mayor Doherty</b>
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I hereby apply for Leave of Absence from all Council Meetings for the period 9 to 16 January 2013 inclusive.

<b>11.2 Request for Leave of Absence - Cr Howat</b>
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I hereby apply for Leave of Absence from all Council Meetings for the period 17 to 21 January 2013 inclusive.

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>12.1 Deferral of Amendment to Wards from 6 to 4 LG Reform</b>	<b>Cr Skinner</b>
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I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 11 December 2012

### MOTION 1

That approval be sought from the Minister for Local Government for the City of South Perth to defer its proposal for a general election in October 2013 to amend the Wards from six to four and membership from thirteen to nine.”

### Reasons

1. The current lack of detailed information on the implementation of the proposed reforms and any subsequent amalgamations;
2. The uncertainty of when the Government will clarify its intended course of action;
3. The additional cost of conducting the election in October 2013 where it had been proposed to reduce the Wards from six to four and the Council Members from thirteen to nine;
4. The community confusion on the possibility of a general election in October 2013, that may be overlapped by a subsequent decision by the Government of the day;
5. The detrimental impact of uncertainty on the morale and productivity of local government members and officers.
6. The disincentive for prospective candidates, given the cost and time involved in standing for elections.

### CEO COMMENT

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the A/Chief Executive Officer comments as follows:

Whilst acknowledging the current uncertainty in the local government arena as a result of the ongoing local government reform process, it is the carefully considered view of the Administration that Minister for Local Government is unlikely to favourably regard an approach from Council to reverse a decision made only a year ago of its own volition and initiated in the context of local government reform at the Minister’s request.

It is also considered that this Motion is unlikely to be approved as it is in direct conflict with the principles of Local Government Reform and the recent Metropolitan Local Government Reform Report (Robson Report) which aims to reduce Elected Member representation



The Administration has concerns that even if a review was approved, the timing of this Motion may not allow sufficient time to effect the necessary changes to proposed representation and ward structures in time for the 2013 election as the required process normally takes approximately 28 weeks to complete. Furthermore, should the Local Government Advisory Board finally recommend approval or refusal at the end of the process, it is still then up to the Minister for Local Government to either accept or reject the recommendation.

In reaching its present position on elected member representation, Council considered a comprehensive Discussion Paper reviewing the elected member representation and ward boundaries and resolved by absolute majority in 2011:

*That Council...*

- (a) endorse the Review of Ward Boundaries and Representation Discussion Paper May 2011;*
- (b) agree to undertake a review of the City of South Perth ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- (c) endorse Option 2 (four wards with two Elected Members per Ward with one Mayor elected at large) as the preferred option;*
- (d) invite public submissions from 28 May 2011 to 11 July 2011; and*
- (e) consider all submission and make a determination on the Review in August 2011.*

The process initiated by Council was a resource intensive, timely and costly exercise for both the City and the Department of Local Government to undertake – and was done at the request of the Council. Undertaking this process took several months and it involved an extensive community consultation period. The above Council resolution resulted in the Local Government Advisory Board making a recommendation to the Minister for Local Government to reduce the elected member representation and wards which the Minister agreed to. This was subsequently gazetted as law in the Government Gazette.

The Local Government Advisory Board has advised that the Council decision cannot be rescinded as it has been fully effected. If the Council were to adopt this motion, there would be considerable work involved including a full review by the Local Government Advisory Board. Schedule 2.2 of the *Local Government Act 1995* prescribes the requirements and process for undertaking a ward and representation review including the following:

- Council resolving to undertake a ward and representational review
- 42 day public submission period on ward and representation review
- Council considering all submissions and relevant factors before making a decision
- Submission of a report to the Local Government Advisory Board for consideration
- The Local Government Advisory Board submitting a recommendation to the Minister for Local Government for determination.
- The Minister for Local Government gazetting the determination if approved.

Given the considerable expense to the community involved in pursuing this matter and the unlikelihood of it being approved, it is therefore recommended that Council not proceed with this Motion.

MOTION 2

That the Council endeavour to seek clarification of the proposals by the State Government on their intentions on whether to amalgamate existing local authorities or other considered options to enable the City of South Perth Council to brief its community on options and implications that will affect them.

Reasons

1. The Council should clearly demonstrate its leadership of the community of South Perth.
2. There is an expressed view in the community for clarification on the proposals and any impact on those areas under review, and we should attempt to harness the support of our community that directly affects their future if amalgamations were to proceed.
3. It is not appropriate to operate in a climate of uncertainty and to deny the democratic rights of our community to express a view based on clear facts.

COMMENT ACTING/CEO

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the A/Chief Executive Officer comments as follows:

Whilst recognising the intent of the Notice of Motion, the Administration is not able to support this recommendation.

The Minister for Local Government has been clear in his direction about Local Government Reform process and is presently seeking submissions and feedback on the Metropolitan Local Government Reform Report. The City is preparing to seek the views of its community in January / February 2013 via the Peninsula newsletter and City website. These will be important inputs to the City's submission.

All publicly known information in relation to the reform process is currently available to our community and the City will continue to share any emerging information in a timely manner.

All metropolitan local governments are required to continue to operate under this 'reform' environment and it is recommended that the Council can best show leadership to its community by focusing its attention on preparing and developing its response to the Metropolitan Local Government Reform Report as requested by the Minister for Local Government.

**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.**

<b>15.1.1 City of South Perth 2013 Australia Day Citizen of the Year and Premier's Australia Day Active Citizenship Awards CONFIDENTIAL- NOT TO BE DISCLOSED REPORT</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CR/108
Date:	26 November 2012
Author:	Abbie Bristow, Youth and Children's Officer
Reporting Officer:	Sandra Watson, Manager Community Culture & Recreation

***Confidential***

This report is declared ***Confidential*** under Section 5.23 (h) of the *Local Government Act* as it relates to the selection of community members as the recipient of an Award to be announced and presented at the 2013 Australia Day Citizenship Ceremony.

**15.2 Public Reading of Resolutions that may be made Public.**

**16. CLOSURE**

**17. RECORD OF VOTING**



## **Mayors Activity Report - November 2012**

<b>Date</b>	<b>Activity</b>
Friday, 30 November	City of Melville Mayoral Dinner
Friday, 30 November	White Ribbon Day Event + Crs Betty Skinner, Fiona Reid and Sharron Hawkins-Zeeb
Thursday, 29 November	South Perth Senior Citizens Volunteers' Gathering
Wednesday, 28 November	The Practical Art of Making Great Places – Gilbert Rochecousta
Wednesday, 28 November	South East Metropolitan Zone meeting + Deputy Mayor, Cr Kevin Trent + Manager Legal and Governance
Tuesday, 27 November	November Council meeting
	JP's Christmas function
	Mayor/CEO meeting
Monday, 26 November	Special Electors Meeting to discuss the Manning Community Development & Scheme Amendment 36
	Manning Hub Teleconference with architect + Senior Planning Officer
Sunday, 25 November	WALGA Civic Service St George's Cathedral
Saturday, 24 November	Australian of the Year Awards 2013
Friday, 23 November	South Perth Hospital Board Christmas celebration dinner + Crs Fiona Reid, Glenn Cridland, Bill Gleeson, Ian Hasleby, Peter Howat, Sharron Hawkins-Zeeb, Betty Skinner
Wednesday, 21 November	Committee for Perth AGM + End of Year celebration
	City of South Perth Community Safety Meeting + Deputy Mayor, Cr Kevin Trent
	42A Sulman Avenue meeting with residents + Manager, Development Services
Tuesday, 20 November	Agenda Briefing
	Mayor/CEO meeting + Deputy Mayor, Cr Kevin Trent
	Official Opening of the Material Recycling Facility + Deputy Mayor, Cr Kevin Trent

## AGENDA : ORDINARY COUNCIL MEETING : 11 DECEMBER 2012

Monday, 19 November	Local Government Reform discussion Meeting John Bond – Lifestreams Christian Church Draft Aboriginal Engagement Strategy meeting
Sunday, 18 November	Art Exhibition & Mosaics at the Cowshed - McDougall House Exhibition and Sale
Friday, 16 November	Royal Perth Golf Club Charity Golf Day Dinner Amendment 34 meeting with Vince Carcione + Planners Implementing Directions 2031 and Beyond + CEO (Property Council)
Thursday, 15 November	McDougall Farm Seniors' Garden Party Australian Institute of Urban Studies 5X5X5 Forum Meeting Shane Fisher- Edventures
Wednesday, 14 November	Briefing - Swan Canning River park use Audit & Governance Committee Mayor/CEO meeting Inclusive Community Action Group meeting
Tuesday, 13 November	Briefing Department of Planning and Metropolitan Redevelopment Authority NBN rollout and media with Chris Gregory from NBN Co Celebration of Achievement Ceremony – 2012 AIF Malaya Nursing – Curtin University Mayor/CEO weekly meeting + Cr Peter Howat
Monday, 12 November	Hippo Creek Official Opening
Sunday, 11 November	Book launch 'Beyond Matta Gerup: a history of Victoria Park'
Sunday, 11 November	Lifestreams Christian Church Karawara launch
Sunday, 11 November	Remembrance Day – War Memorial + Cr Fiona Reid
Saturday, 10 November	McDonald's McHappy Day
Friday, 9 November	Year 12 Graduation Ceremony - Clontarf Aboriginal College Interview with Curtin re Blue and Green Spaces Research Project
Thursday, 8 November	Committee for Perth: Perth In Focus + CEO, Director Infrastructure, Manager, Infrastructure Engineering + Cr Veronica Lawrance
Wednesday, 7 November	Strategic Plan Stakeholder Cocktails Function Meeting with Mayor of Subiaco Mayor/CEO weekly meeting
Tuesday, 6 November	South Perth Senior Citizens Melbourne Cup lunch + Deputy Mayor, Cr Kevin Trent New Tools for Local Government Seminar with David Engwicht

## AGENDA : ORDINARY COUNCIL MEETING : 11 DECEMBER 2012

Monday, 5 November	Citizenship Ceremony Child's play in a risk averse world, with international guest speaker Tim Gill – Wembley Golf Club
Friday, 2 November	30th Anniversary - Rotary Club of Como Meet the Community Mill Point Rotary breakfast
Thursday, 1 November	LGMA State Conference

### **Council Representatives' Activity Report - November 2012**

November 2012	Activity
Friday, 30 November	Ben Wyatt MLA Community Sundowner - Deputy Mayor, Cr Kevin Trent
Friday, 30 November	Meath Care Como Village Residents/Day Centre Clients & Volunteers Christmas Sundowner – Deputy Mayor, Cr Kevin Trent
Wednesday, 28 November	Asia-Pacific Tennis League Finals & Christmas Party – Cr Glenn Cridland
Wednesday, 28 November	Como Secondary College 2012 Valedictory ceremony – Cr Fiona Reid
Friday, 23 November	Dr Ken Michael Inaugural Lecture & Gold Medal Award Gala Dinner – Deputy Mayor, Cr Kevin Trent South Perth Historical Society AGM Deputy Mayor, Cr Kevin Trent
Thursday, 15 November	Rivers Regional Council Special Meeting – Deputy Mayor, Cr Kevin Trent + Cr Colin Cala
Thursday, 15 November	Kensington Community Info Night
Thursday, 15 November	Site Inspection - Waste to Energy project – Deputy Mayor, Cr Kevin Trent
Monday 12- Wednesday 14 November	Thriving Neighbourhoods Conference, Melbourne – Crs Ian Hasleby and Bill Gleeson
Thursday, 8 November	Committee for Perth: Perth in Focus – Cr Veronica Lawrance
Thursday, 1 November	WALGA: Cash for Containers Schemes information session – Deputy Mayor, Cr Kevin Trent + Cr Ian Hasleby