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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 27 March 2012 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm, welcomed everyone in attendance, in particular the Hon Bill Grayden. She then paid respect to the Noongar peoples, past and present, the traditional custodians of the land we are meeting on and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Doherty / Council Representatives

The Mayor advised that the Council Representatives Activities Report for the month of February 2012 is attached to the back of the Agenda.

3.2 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing orders Local Law 'procedures for question time' and stated that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 Audio Recording of Council meeting

The Mayor requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: *"A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member"* and stated that as Presiding Member she gave permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
G Cridland	Como Beach Ward (from 7.10pm)
S Hawkins-Zeeb	Manning Ward
C Cala	McDougall Ward
P Howat	McDougall Ward
R Grayden	Mill Point Ward
F Reid	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Ms V Lummer	Director Development and Community Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Mrs M Evans	South Perth Senior Citizens' Centre Supervisor (until 7.30pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 9.20pm)
Ms G Nieuwendyk	Corporate Support Officer
Mrs K Russell	Minute Secretary

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

4.1 Apologies

4.2 Approved Leave of Absence

Cr G W Gleeson	Como Beach Ward
Cr C McMullen	Manning Ward
Cr B Skinner	Mill Point Ward

5. DECLARATION OF INTEREST

The Mayor advised the meeting that: *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.*

The Mayor then reported that a Declaration of Interest had been received from the CEO in relation to Agenda Item 10.7.1 part (B) 'Appointment of Auditors'. She further stated that in accordance with the Local Government (Rules of Conduct) Regulations 2007 that the Declaration would be read out immediately before the Item in question was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 28 February 2012 there were no questions taken on notice:

6.2 PUBLIC QUESTION TIME : 27.3.2012

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor advised that the purpose of Public Question time was to provide the community with the opportunity to raise questions and said that there were other ways people could raise questions, such as contacting their Ward Councillors or by logging on to the City's website and submitting a question via 'enquires'. She also reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. She further stated that for the month of April (because of the Easter Good Friday public holiday) it will be the second Friday which is: 13 April.

The Mayor then opened Public Question time at 7.07pm

Note: *Written Questions submitted prior to the meeting were provided (in full) in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Mr Lindsay Jamieson, Tralee Way, Waterford

(Written Questions submitted prior to the meeting)

Summary of Question

With regard to the matters arising from the alleged failure by all Council member participants in a motion to Council in March 2007 to declare a financial interest. The CEO now has the Legal advice from Douglas of McLeods in March 2007, advice from Douglas of McLeods from 20 September 2007, Legal advice from Zilkens advising I did nothing wrong and the recent document from the Department of Local Government that was partially tabled at the 03 May 2011 meeting that advises they withdraw the caution issued against me.

1. Please provide the amount of money paid on legal advice and other advice for the matters relating to the events, subsequent investigations and requests for legal fees. This will include but is not limited to March 2007, September 2007, February 2012 and March 2012, including payments for advice held confidential. Please provide the company name, name of the person providing the advice, date(s) of service and the amount paid for the advice. If there are any invoices either unpaid or pending please also include those and tagged as appropriate to explain the position, including a reasonable estimate of costs incurred.
2. Why did the CEO suddenly see a need to get legal advice after the meeting in March 2007?
3. Why didn't the CEO get the legal advice before the meeting in March 2007 and provide it to Council as per his role as defined in the Local Government Act?
4. If the CEO had legal concerns after the resolution from March 2007, why did he not recognise that need and seek them beforehand?

Summary of Response

The Mayor responded that the CEO will not be devoting resources to research this matter unless Council resolves otherwise.

6.2.2 Ms Carol Roe, Abjornson Street, Manning

(Written Questions submitted prior to the meeting)

Summary of Question

Further to a letter of complaint about a neighbour's tennis court lights in the Southern Gazette newspaper 20 March:

1. How many properties within the City have a private tennis court?
2. Of those, what is the breakdown between north and south of Manning Road by lights and no lights?

Summary of Response

The CEO responded that:

1. Twenty Two (22) properties (single houses, grouped dwellings and multiple dwellings) have been identified within the City that have private tennis courts.
2. Of the 22 properties, 18 are north of Manning Road and 4 are south of Manning Road. Of the 4 south of Manning road all have lights.

Note: Cr Cridland arrived at 7.10pm.

6.2.3 Mr Geoff Defrenne, Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

Summary of Question

1. Is it acceptable to the City if the CEO provides false information or fails to tell the truth in the response they have been entrusted to provide.
2. Is it acceptable to the Council if the CEO provides false information or fails to tell the truth in the response they have been entrusted to provide.
3. Is it acceptable to the City if in response to a question to the Mayor, the Mayor provides false information or fails to tell the truth even if the answer may have been provided by the City Administration.
4. Is it acceptable to the Council, if in response to a question to the Mayor, the Mayor provides false information or fails to tell the truth even if the answer may have been provided by the City Administration.
5. Is it acceptable to the City if the administration, in allegedly summarising questions for display at the council meeting to totally fail to reflect the actual question?
6. Is it acceptable to the Council if the administration, in allegedly summarising questions for display at the council meeting to totally fail to reflect the actual question?
7. In answer to my question last month regarding the timing for a train station to be built the council responded *the City is not aware of when the station will be built.* . Given that much of the precinct relies on the train station for transport and there may not be a station built for more than 20 years, will the city cease material expenditure on planning for this precinct that relies on a station until the government announces a completion date for the station.
8. Given that much of the precinct relies on the train station for transport and there may not be a station built for more than 20 years, will the city delete the words "train station" from any reference to precinct area.

Summary of Response

The Mayor responded:

- 1 - 6 No, but it is understandable if the answer given is different from what the questioner intended if the question is vague, unintelligible or has been interpreted differently.
- 7 & 8 At the time planning for the "South Perth Station Precinct" commenced there were plans to construct a train station within the Precinct as the studies name implies. As the study has now been completed it is not appropriate to change its name.

6.2.4 Mr Lindsay Jamieson, Tralee Way, Waterford

(Written Questions 'tabled' at the Council meeting)

The CEO advised that four questions, relating to an alleged incident / Code of Conduct issue that occurred at a meeting in July 2011 between an officer and Mr Jamieson, had been retrieved from the Public Question Time in-tray. He further stated that the questions were taken on notice and a response would be provided accordingly.

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.14pm

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: 28.2.2012

7.1.2 Audit and Governance Committee Meeting Held: 6 March 2012

7.1.3 Audit and Governance Committee Meeting Held: 13 March 2012

COUNCIL DECISION ITEMS 7.1.1 TO 7.1.3
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Moved Cr Trent, Sec Cr Grayden

That the Minutes of the:

- (a) Ordinary Council Meeting held 28 February 2012 be taken as read and confirmed as a true and correct record; and
- (b) Audit and Governance Committee Meetings held 6 and 13 March 2012 respectively, be received.

CARRIED (10/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy 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 - February Ordinary Council Meeting Held: 21.2.2012

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

7.2.2 Concept Forum : Rivers Regional Council Update Meeting Held: 22.2.2012

The CEO and Chair of the Rivers Regional Council provided an update on the progress by the RRC in its actions to acquire an interest in a future waste disposal site for Members of the Regional Council. Notes from the Concept Forum are included as **Attachment 7.2.2**.

7.2.3 Concept Forum : Land Management Update Meeting Held: 7.3.2012

Officers of the City provided an update on the City's Land Management Strategy in relation to various sites. Notes from the Concept Forum are included as **Attachment 7.2.3**.

COUNCIL DECISION ITEM 7.2.1 TO 7.2.3

Moved Cr Lawrance, Sec Cr Howat

That the comments and attached Notes under Items 7.2.1 to 7.2.3 on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (10/0)

8. PRESENTATIONS

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

8.1.1 Petition received 20 March 2012 from Brian Woods, Chair Como Community Action Group together with 66 signatures in relation to the lack of parking restrictions on the north side of the Canning Bridge train station in Como Beach.

Text of Petition reads:

"We the undersigned wish to express our concern at the ongoing parking issues with city workers parking daily in our streets and request that parking restrictions be imposed as they have on the Manning side of Canning Highway.

RECOMMENDATION

That the Petition received 20 March 2012 from Brian Woods, Chair Como Community Action Group together with 66 signatures in relation to the lack of parking restrictions on the north side of the Canning Bridge train station in Como Beach be forwarded to the Infrastructure Services Directorate for investigation and a report to the earliest available Council Meeting.

The Mayor read aloud the Text of the Petition.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Cridland, Sec Cr Hawkins-Zeeb

That the Petition received 20 March 2012 from Brian Woods, Chair Como Community Action Group together with 66 signatures in relation to the lack of parking restrictions on the north side of the Canning Bridge train station in Como Beach be forwarded to the Infrastructure Services Directorate for investigation and a report to the earliest available Council Meeting.

CARRIED (10/0)

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

8.2.1 Community Service Certificate Presentation

The Mayor presented a Certificate of Service from the City of South Perth to the Hon Bill Grayden in recognition of his commitment over many years as President and also a Board Member of the South Perth Senior Citizens Association. She also recognised Margaret Evans, Supervisor at the South Perth Senior Citizens centre for her commitment. The Mayor then read aloud the citation from the Certificate.

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

8.3.1 Deputations at Council Agenda Briefing Held: 20.3.2012

The Mayor advised that there were eight (8) Deputations heard at the Agenda Briefing held on 20 March in relation to Agenda Items 10.0.1, 10.1.2, 10.3.3, 10.3.4 and 10.7.1.

8.3.2 Deputations at Council Meeting Held: 27.3.2012

The Mayor reported that two (2) Requests had been received for a 'Deputation to Address Council'.

1. Agenda Item 10.3.3 (*Two Storey Single House 30 River Way, Salter Point*) from Helen Sanders, Salter Point Parade, Salter Point (*a neighbour with a common boundary*). Mrs Sanders was not aware the application was being considered at the March Council Meeting and requests an opportunity to raise her concerns.

COUNCIL DECISION ITEM 8.3.2(1)

Moved Cr Hawkins-Zeeb, Sec Cr Howat

That the 'Request for Deputation to Address Council' received from Helen Sanders, Salter Point Parade, Salter Point on Agenda Item 10.3.3 of the March Council Meeting be approved.

CARRIED (9/1)

Mrs Helen Sanders, Salter Point Parade, Salter Point Agenda Item 10.3.3

Mrs Sanders spoke against the officer recommendation in relation to Agenda Item 10.3.3 (*Two Storey Single House 30 River Way, Salter Point*) on the following points:

- unaware application coming before March Council meeting
- share common boundary on north-east side of lot
- concerns in relation to impact / stress of proposed retaining wall - size dangerous
- report states application does not comply with Visual Privacy and R Codes
- development does not meet visual privacy requirements believe further neighbour consultation should have taken place
- viewed plans / screening issues - type, height of screening not identified
- ask Council defer a decision pending further consultation with neighbours and structural plans being made available to adjoining neighbours
- ask Council address concerns / request applicants to comply with R Codes to ensure there is no overlooking

Request for Deputation:

2. Agenda Item 15 (*Matters for which the Meeting May be Closed*) from Mr Lindsay Jamieson, Tralee Way, Waterford.

COUNCIL DECISION ITEM 8.3.2(2)

Moved Cr Hasleby, Sec Cr Lawrance

That the 'Request for Deputation to Address Council' received from Lindsay Jamieson, Tralee Way, Waterford on Agenda Item 15 of the March Council Meeting be declined.

CARRIED (9/1)

Close of Deputations

The Mayor closed Deputations at 7.45pm

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 29 February 2012

A report from Mayor Doherty and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held at the Shire of Serpentine-Jarrahdale on 29 February 2012 is at **Attachment 8.4.1**. The Minutes of the WALGA South East Metropolitan Zone meeting of 29 February 2012 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report in relation to the WALGA South East Metropolitan Zone Meeting held 29 February 2012 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Cala

That the Delegate's Report in relation to the WALGA South East Metropolitan Zone Meeting held 29 February 2012 be received.

CARRIED (10/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, ie all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 20 March 2012.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following report items were withdrawn for discussion:

- Item 10.1.1 Alternative Motion proposed
- Item 10.7.1 Declaration of Interest and *Confidential* item.

The Mayor stated that in relation to Item 10.7.1, that if no Elected Member wished to speak against the Recommendations that she would call for a Mover / Secunder of the Recommendations and therefore there would be no need to go 'behind closed doors' for the *Confidential* Item. However if there is to be a discussion on Recommendation 10.7.1(K) the *Confidential* item, then the Meeting will be closed at Item 15 to deal with the matter with the 'Reading of the Resolution' done at Item 15.2. The remaining report item recommendations will be adopted en bloc

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Reid

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.1.2, 10.3.1, 10.3.2, 10.3.4, 10.3.5, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6, 10.6.7 and 10.7.1 be carried en bloc.

CARRIED (10/0)

DECLARATION OF INTEREST : CEO : ITEM 10.7.1(B)

At this point in the Meeting the Mayor read aloud the Declaration of Interest received from the CEO in relation to Agenda Item 10.7.1(B) "Appointment of Auditors" adopted en bloc.

I wish to declare an interest in Agenda Item 10.7.1(B) "Appointment of Auditors" on the Agenda for the Ordinary Council Meeting scheduled for 27 March 2012. The auditor recommended for appointment in this item is Macri Partners. Macri Partners are also my accountants. I declare that I have had no involvement in the assessment of the tenders or the preparation of this report.

COUNCIL RESOLUTION : ITEM 10.7.1 RECOMMENDATION (K)

The Mayor referred to Recommendation (K) of Item 10.7.1 adopted as part of the en bloc decision at Item 9.0 and read aloud the Council Resolution which refers to *Confidential* Item 3.1 of the Audit and Governance Committee Minutes of 13 March 2012:

That the Council...

- (a) *note the Confidential legal advice from McLeods Barristers and Solicitors, dated 25 January 2012 and 8 March 2012;*
- (b) *note that it is unable to reconsider the first application for legal representation expenses under the principle of 'functus officio';*
- (c) *refuse the second application for legal representation expenses under former Policy P519 Legal Representation and Policy P675 Legal Representation as it precludes retrospective payments; and*
- (d) *consider this matter closed and, in the event of any further communications by the former Councillor to the City about this matter, authorise the Chief Executive Officer to inform the former Councillor that the matter has been finally determined by the Council and will not be reconsidered.*

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

<p>10.0.1 Amendment No. 31 to Town Planning Scheme No. 6 to rezone Lot 36 (No. 47) Tate Street, South Perth. (Item 10.3.3 Council meeting 27 September, 2011 refers).</p>
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Location:	City of South Perth
Applicant:	RPS, on behalf of landowners, Mr and Mrs Derecourt
File Ref:	LP/209/31
Date:	1 March 2012
Author:	Adrian Ortega, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development & Community Services

Summary

The applicant has requested an amendment to Town Planning Scheme No. 6 (TPS6) in relation to the site at No. 47 Tate Street cnr Angelo Street, South Perth, identified as Amendment No. 31. The applicant is seeking rezoning of a portion of the subject site from Residential to Local Commercial and an increase in the density coding of the whole site from R15 to R40. The existing 7.0 metre building height limit will remain unchanged.

At its September 2011 meeting, the Council resolved to initiate the Scheme Amendment process and endorsed the draft Amendment for advertising. The draft Amendment has been advertised and the resulting submissions are discussed in this Report and in more detail in the accompanying attachments.

The recommendation is that Amendment No. 31 proceed to finalisation without modification and that this recommendation be forwarded to the Minister for Planning for final approval.

Background

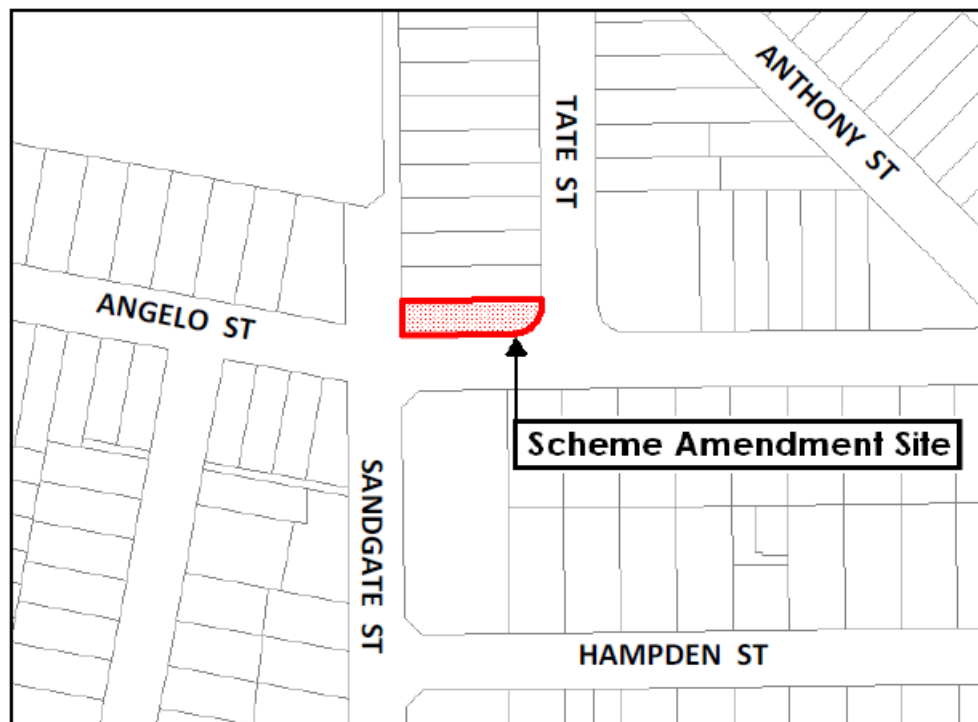
This report includes the following attachments:

Attachment 10.0.1(a)	Schedule of submissions
Attachment 10.0.1(b)	Report on submissions (for referral to the Minister)
Attachment 10.0.1(c)	Amendment No. 31 documents for final adoption

On 14 October 2011, the Scheme Amendment documents were forwarded to the Western Australian Planning Commission (WAPC) for information; and to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required. The EPA clearance was received on 15 November. Subsequently, comments were sought from the community during a 46-day advertising period.

Current zoning	Residential R15
TPS6 Amendment proposed zoning and density coding	Partly Residential and partly Local Commercial zoning with R40 density coding over the whole site
Lot area	590 sq. metres
Building Height Limit	7.0 metres. The Building Height Limit will remain unchanged.
Existing Development	Local business and private residence
Development potential	No change. However the Amendment will allow a later subdivision application to be approved in order to separate the 'Local Commercial' portion of the site from the 'Residential' portion.

The location of the subject site is shown below:



The Amendment site is Lot 36 (No. 47) Tate Street on the north-west corner of Angelo Street, South Perth. This site is surrounded to the north, east and west by properties zoned Residential with R15 density coding. The property to the south of the subject site located on the corner of Sandgate Street and Angelo Street is zoned Public Assembly and contains the South Perth Uniting Church and associated child day care centre.

The rezoning will more appropriately zone the land to reflect both its historic and current use for a local business ('Day Spa'), together with a private residence.

The Scheme Amendment is aimed at providing land use certainty to the landowners for their existing business and is not part of any proposed redevelopment. The existing private residence was only recently constructed - in 2007. The proposal is intended to facilitate either 'green title' subdivision or strata-subdivision of the land in accordance with the existing uses. The proposed R40 density coding will allow division into two allotments for the residence and Day Spa.

During the advertising period, two submission were received, objecting to the proposal. One of the submissions was signed by the owners of six Tate Street properties. Three late submissions in support of the Amendment were also received. ***The actual submissions are confidential, but are available for Councillors' perusal in the Council Members' lounge prior to the Council meeting.*** The full submissions will also be provided to the WAPC and the Minister. However the comments of the submitters, together with officer responses are contained in the attached Schedule of Submissions and Report on Submissions at **Attachments 10.0.1(a) and 10.0.1(b).** These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. The Report and the Schedule contain recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

Comment

The requested Scheme Amendment is considered reasonable, having regard to the unique history of the site. The mixture of residential and local business use has continued since the 1940's.

Partial Local Commercial zoning of the land would be consistent with the wider role Angelo Street plays within the South Perth community with the existing land uses on parts of this street including shopping, school and church. The rezoning is also consistent with the immediate surrounds, where the non-residential Uniting Church and Day Care Centre operates opposite the site.

The proposal is also consistent with the approach taken by the City of South Perth to similar local businesses either by way of past town planning scheme reviews, or subsequent site-specific Scheme Amendments.

Consultation

As referred to above, following referral of the draft Scheme Amendment to the EPA, a response was received on 15 November 2012 confirming that an EPA assessment is not required. This decision enabled the advertising process to commence on 17 January 2012. It was not possible to advertise the Amendment earlier because Council Policy P301 “Consultation for Planning Proposals” prevents advertising of Scheme Amendments during the mid-December to mid-January period.

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and Council Policy P301 was undertaken in the manner described below:

- Letters and Notices mailed to 68 landowners in Angelo, Tate and Sandgate Street within 150 metres of the Amendment site;
- Southern Gazette newspaper notice in two issues - 17 January and 31 January 2012; and
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City’s Libraries and on the City’s web site (‘Out for Comment’).

The required minimum advertising period is 42 days. On this occasion, the actual advertising period was 46 days - from 17 January to 2 March 2012.

Policy and Legislative Implications

The statutory Scheme Amendment process as it relates to Amendment No. 31 is set out below, together with related dates and estimated dates for the remaining stages of the process:

Stage of Amendment Process	Actual and estimated dates
Council resolution to initiate Amendment No. 31 to TPS6	27 September 2011
Council adoption of draft Scheme Amendment No. 31 proposals for advertising purposes	27 September 2011
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC and Water Corporation for information	14 October 2011
Public advertising period of 46 days	17 Jan - 2 March 2012
Council consideration of Report on Submissions	March 2012
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council’s recommendation on the proposed Amendment No. 31; • Three signed and sealed copies of Amendment No. 31 documents for final approval 	Mid-April 2012
Minister’s final determination of Amendment No. 31 to TPS6 and publication in <i>Government Gazette</i>	Not yet known
Publication of the approved Amendment No. 28 notice in the <i>Government Gazette</i>	Not yet known

Following the Council’s decision to recommend to the Minister that Amendment No. 31 proceed without modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council’s recommendation.

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process have been covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, the estimated Planning Fee of \$8,000 was paid on 14 November 2011 following Council's resolution to initiate the Scheme Amendment process. The actual fee will be based on officers' time and other actual costs incurred by the City. At the completion of the amendment process the fee will be adjusted to reflect actual costs.

Strategic Implications

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

Sustainability Implications

The purpose of the Scheme Amendment is not to facilitate redevelopment of the site and the applicant is not intending to undertake any further development. Amendment No. 31 simply provides the landowners with surety in regard to the existing non-conforming commercial land use and the ability to subdivide the commercial portion of the site from the residential portion.

Conclusion

To date, the proposed Amendment No. 31 has been supported by the Council. The opposing submissions received during the advertising period are not considered to be sustainable for the reasons explained in the attached Schedule of Submissions and Report on Submissions at **Attachments 10.0.1(a) and 10.0.1(b).**

Having regard to all of the submitters' comments and assessment of them by City Officers, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed without modification be forwarded to the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That ...

- (a) Amendment No. 31 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of Amendment No. 31 document, as required by those Regulations; and
- (b) the Schedule of Submissions at **Attachment 10.0.1(a)** and Report on Submission at **Attachment 10.0.1(b)**, a copy of the submissions and three executed copies of Amendment No. 31 document at **Attachment 10.0.1(c)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning.

CARRIED EN BLOC RESOLUTION

10.0.2 Building Act 2011 and Council Delegations <i>(matter referred from Item 10.3.1 February 2012 Council Meeting..</i>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GR/502
Date:	12 March 2012
Author:	Gina Nieuwendyk, Corporate Support Officer
Reporting Officer:	Phil McQue, Manager Governance & Administration

Summary

The purpose of this report is to formally revoke existing Council Delegations and adopt new Delegations effective from when the *Building Act 2011* comes into effect.

Background

The *Building Act 2011* is to become effective on 2 April 2012 and will bring significant changes to the building approvals process for all types of buildings in WA, from the design stage through to the occupation of a building. It will establish Permit Authorities to issue permits and notices/orders, ensure enforcement of permits and retain building records. A Permit Authority can be a local government, Special Permit Authority (a group of local governments) or State Government.

In December 2011 a Bulletin Item was provided to Elected Members giving a summary of the background to the Act and the possible implications to the City. A comprehensive report was then presented to the February 2012 Council Meeting identifying the changes effecting the City of South Perth.

Comments

At the February 2012 Meeting Council resolved at Item 10.3.1:

That....

- (b) Council's Fees and Charges for 2011/2012 be modified to reflect the statutory fees contained in the Building Regulations supporting the Building Act 2011, with the modified fees being effective on a date prescribed for the implementation of the Building Act 2011.*
- (c) Council adopts by Absolute Majority the proposed fees and charges for providing a Certificate of Design Compliance for Class 2 to 9 buildings and other related fees as detailed in the report.*
- (d) pursuant to Section 6.19 of the Local Government Act 1995, Public Notice be given of the proposed fees and charges for Class 2 to 9 buildings.*
- (e) the existing delegations from Council to CEO be revoked when the Building Act 2011 takes effect.*
- (f) new delegations from Council to the assigned Officers, be adopted and take effect when the Building Act 2011 is implemented; and*
- (g) in accordance with Section 96 of the Building Act 2011, the appointment of 'Authorised Officers' as detailed in the report be adopted.*

This report specifically identifies the Delegations, at **Attachment 10.0.2**, required to be revoked and the new Delegations that will come into effect as at 2 April 2012 to coincide with the *Building Act 2011*.

Policy and Legislative Implications

The *Building Act* requires new statutory procedures to be implemented as part of the City's Building Services functions; and the adoption of new fees and charges, delegations and authorisations to City Officers. Although the *Building Act* does not have a direct impact on any existing Building Services policies, standard conditions attached to the building licences and information sheets on the City's website will need to be modified.

Strategic Implications

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

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

Financial Implications

Though local governments do receive legislated fees for their building permit function, it is expected that the amount of revenue local governments normally receive from building licence applications will be affected. With the introduction of private certification, local governments will cease to be the sole permit approving authority. This is expected to have an impact on the City's revenue in relation to the building approval fees and charges, and indirectly on the staffing levels. However, it is not possible to ascertain the exact extent of the impacts.

Sustainability Implications

The key objectives of the new Act are to provide a comprehensive system of building control in Western Australia.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
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That as from 2 April 2012 (when the *Building Act 2011* comes into effect)....

(a) Delegations:

- DC353 Issue of Building Licenses
 - DC354 Administration of Building Controls within the City
 - DC355 Authority to Issue Strata Title Certificates
- at **Attachment 10.0.2(a)-(c)** be revoked; and replaced with:

(b) Delegations:

- DC370 Grant or refuse to grant a Building Permit
 - DC371 Grant or refuse to grant a Demolition Permit
 - DC372 Grant, modify or refuse to grant Occupancy Permits or Building approval Certificates
 - DC373 Approve or refuse an application to extend the validity of an Occupancy Permit or Building Approval Certificate
 - DC374 Appoint authorised persons for purposes of the Building Act 2011
 - DC375 Issue or revoke building orders in relation to building work, demolition work and/or an existing building or structure
- at **Attachment 10.0.2(d)-(i)** inclusive.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Riverside Drive Closure

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/213
Date:	23 February 2012
Author:	Cliff Frewing, Chief Executive Officer

Summary

This report summarises the recent history of the development proposal relating to the Perth Waterfront project and in particular comments on the implications of the closure of Riverside Drive. Riverside Drive will be closed in mid-2013 and it is likely that there will be traffic implications on local roads in the inner metropolitan area and in particular in the City of South Perth. It is proposed that the Government be lobbied to ensure that all supporting infrastructure works are completed by the time Riverside Drive is closed so that traffic will flow easier than otherwise would be the case.

Background

In August 2009 the State Government requested the WAPC and Department of Planning (DoP) to assume lead agency responsibility for the Perth Waterfront Project.

The WAPC and DoP prepared a Masterplan under the oversight of the Perth Waterfront Ministerial Taskforce, which was released by the Premier and Minister for Planning in December 2009. This was followed by a project Business Case submitted for consideration by Cabinet in March 2010.

In June 2010, Cabinet requested that the WAPC and DoP progress the detailed planning, design and statutory approvals necessary to facilitate the timely construction of the project.

To make this commitment possible, MRS Amendment 1203/41 was prepared to consolidate approximately 19.75 hectares of existing parks and recreation, waterways and regional road reservations to a *Public Purpose Special Use Reserve*. The MRS Amendment was advertised for public submissions for a period of three (3) months from 22 February 2011 to 27 May 2011 inclusive.

In relation to the proposed *Metropolitan Region Scheme Amendment 1203/41 'Perth Waterfront'* Council resolved in May 2011 to agree in principle to the project, subject to issues in relation to the closure of riverside Drive being clarified:

That the City of South Perth...

- (a) *supports in principal the Metropolitan Region Scheme Amendment 1203/41 'Perth Waterfront' dated February 2011, with the following exceptions:*
 - (i) *the City is extremely concerned about the proposed changes to Riverside Drive which will reduce traffic volumes from about 30,000 vehicles per day to about 15,000 vehicles per day, with the resultant traffic being forced to utilise other local and regional roads in Perth. Of particular concern to the City of South Perth is the high probability of traffic being redistributed to Canning Highway, Mill Point Road, Labouchere Road and Judd Street respectively thereby resulting in increased traffic volumes and congestion and reduction in road and pedestrian safety and residential amenity during the morning and afternoon peak travel times;*

- (ii) *the City requests that detailed traffic modelling and reporting be undertaken as a matter of urgency to determine the likely increase to traffic volumes and congestion on Canning Highway, Mill Point Road, Labouchere Road and Judd Street resulting from the Perth Waterfront development and changes to Riverside Drive, and that the City be party to such a study; and*
 - (iii) *where it is identified in the detailed traffic modelling and reporting that Canning Highway, Mill Point Road, Labouchere Road and Judd Street are adversely impacted by increased traffic volumes and congestion, improvements be undertaken to the road network and intersections to alleviate the identified negative impacts.*
- (b) *requests to be consulted on any future traffic and transport studies or initiatives undertaken by the City of Perth and/or the WA State Government, where changes to the road and transport network in Perth is likely to result in adverse impacts within the City of South Perth.*

Comment

The Perth Waterfront development has been described as a world-class precinct that is set to transform the face of Perth's capital city.

Planning for the Perth Waterfront has taken place over a number of years with a view to addressing the physical barrier currently presented by major transport infrastructure on the southern face of the city. As plans have been developed and refined, the impacts on the transport network have been constantly reviewed.

Planning for the Perth Waterfront has been guided by the following transport related principles:

- The transport system should support and be integrated with land use planning rather than be the driver of land use planning.
- Where practical give priority to sustainable transport modes (walking, cycling, and public transport) over other modes.
- Accept that some increases to delay and congestion for general traffic are likely to occur, however ensure that these can be managed effectively.
- Promote pedestrian and cyclist travel to and through the project area and along the foreshore.
- Manage the provision of car parking within the development area as part of the transport network and in the context of the wider area.
- Ensure that the operation of the Bus Port is not compromised by the redevelopment.
- Ensure that modifications to Freeway ramps do not adversely impact traffic flows on the Freeway

These principles have informed the planning for Perth Waterfront and reflect general Government policies relating to transit oriented development (TOD) when developing in areas with transport accessibility.

Transport planning for the Perth Waterfront has also been influenced by plans and policies set by the City of Perth which are guiding the initial transformation of the central city. The City released the Urban Development Framework: A Vision for Perth 2029 in January 2010. Many of the principles for Perth Waterfront reflect the objectives of the Urban Development Framework, including prioritising pedestrian oriented transport and improving connectivity around the city.

The responsibility for progressing the project has now been passed to the Metropolitan Redevelopment Authority which has responsibility for a number of other Perth transformational projects. Some of these projects as well as a number of other developments and proposals around the Perth CBD which will help shape the City and will affect the future transport network. These schemes include:

- Perth Riverside
- Perth City Link
- Forrest Place enhancement
- St Georges Terrace enhancement works
- Burswood stadium
- Trinity development at the Causeway end of East Perth
- QE11 hospital development in Winthrop Avenue
- Public transport proposals including priority on some city streets
- Opening up of many existing central city one-way streets to two-way traffic
- Other individual projects and development proposals

These projects, along with Perth Waterfront, will have a substantial impact on how the future of the Perth CBD will be shaped.

The key transport elements of the Perth Waterfront plan include:

- The development of a pedestrian friendly environment around the Swan River with active public spaces and easy connections to public transport stations and the ferry terminal;
- Introduction of two-way flow along William Street south of Mounts Bay Road, extending all the way to the Point Lewis Rotary, to provide alternative access to Mounts Bay Road from the west;
- Modification of access from William Street to Mitchell Freeway and Kwinana Freeway;
- Extension of Howard Street and Sherwood Court to Riverside Promenade. These sections of road will be two-way;
- Creation of two new all movements traffic signal intersections along The Esplanade at Howard Street and Sherwood Court to replace the existing T-junctions and improve pedestrian connectivity;
- Introduction of two-way traffic along Mounts Bay Road by the addition of one westbound lane between William Street and Mill Street;
- Creation of a new signalised intersection on Mounts Bay Road near Mercantile Lane to provide access for buses exiting the Bus Port to Mounts Bay Road eastbound;
- Adequate on-street parking will be provided within the development to replace those bays which are removed from Barrack Square and The Esplanade;
- A speed limit of 40 kph through most of the site to make it safer for pedestrians and cyclists; and
- Fewer cars passing through the site using this area as a Freeway access.

Modelling Results

The modelling work for Perth Waterfront was completed with data and methodology agreed with key bodies, including Main Roads WA, Department of Transport and City of Perth. As far as is known, other Local Governments have not been involved in the traffic modelling exercise.

To determine variations between current and future operations of the road network, a 2009 base model and a 2031 model (a standard forecast year for land use and transport planning) have been used. The models enable comparisons on performance, establish key areas of impact and an opportunity to test a range of future network scenarios.

Key information to assess the network performance differences between the base and forecast year models include traffic volumes, the time taken to complete specific journeys (from point to point) and also the performance of various bus routes.

It should be noted that various other factors outside of proposed changes for the Perth Waterfront will also influence future travel patterns to 2031. These include:

- General growth in traffic numbers between now and 2031;
- The cost of using different modes of transport in the future;
- The amount and timing of land use development in both the Perth CBD and metropolitan region;
- Road network changes in both Perth CBD and on roads in localities adjacent to the central city area;
- Provision of public transport services; and
- Other policies or factors which may not be currently in place.

Traffic Volumes

In the modelling outputs for 2031, the State advises that sections of the following major roads were noted as experiencing congested conditions during either AM or PM peaks: Mounts Bay Road; The Esplanade; William Street; Barrack Street; Wellington Street; and Graham Farmer Freeway.

These areas of anticipated peak hour congestion in 2031 reflect many of the existing congestion points in the city.

The modelling shows that while some roads will experience additional congestion, others will have less traffic but will still be busy during peak periods. An example is St Georges Terrace which is predicted to have 180 fewer vehicles per day travel east of Barrack Street in 2031, however the road will still experience a degree of congestion.

The closure of Riverside Drive is planned to occur in just over one years time in or around May 2013. Excavation works will commence within the next couple of months. The removal of a section of Riverside Drive will encourage some traffic to divert to other routes through the city. The most likely alternatives are St Georges Terrace, Wellington Street, Roe Street and Graham Farmer Freeway.

It is also anticipated that people may choose to use other routes further away from the CBD to travel in an east-west direction, such as Canning Highway and Mill Point road or alternately may transfer to public transport options as travel and time costs increase in the future. It is understood that traffic travelling in a west-east direction will largely be unaffected by the closure of Riverside Drive as the most direct route taken would be almost identical to that which exists at the present time.

Local Government position

Mayors and Chief Executive Officers of seven inner metropolitan Local Governments affected by the Perth Waterfront development have met and discussed the potential impact of the closure of Riverside Drive on their municipalities. The Local Governments have a combined population of well over 200,000 persons.

The joint media release issued warned that the State Government Waterfront Development will be seriously undermined unless proper planning and scheduling of ancillary works are prioritised and undertaken in a timely manner.

Through the media release, the State Government has been urged to properly complete all planned complimentary works to ensure that when Riverside Drive is closed all necessary works have been finalised to minimise traffic disruption in and around inner metropolitan Perth.

The strongly held view was that major transport infrastructure works planned to support these developments need to be completed prior to the closure of Riverside drive. Specifically, these works include:

- Completion of the widening of the Graham Farmer Freeway tunnel to three lanes in each direction (and appropriate modifications to Freeway access / exit lanes);
- Widening of Thomas and Loftus streets to 3 lanes;
- Completion of planning for the Light rail route link (including extension east of the Causeway to Victoria Park and Curtin University);
- All relevant inner-city road works completed; and
- Commitment to the construction of the proposed Railway Station at South Perth.

The Local Government Mayors are united in their view that as important stakeholders, continued effective consultation and communication is essential with the respective Councils on such significant proposals. All the Mayors are all extremely concerned that the closure of Riverside Drive, along with all other developments occurring will greatly impact on their communities unless all complementary works are first completed.

Consultation

The Mayors and CEO's of seven inner metropolitan local governments have met and discussed the issue and agreed on a joint media release. In addition, the Mayor and CEO have subsequently met with the Chair and CEO of the Metropolitan Redevelopment Authority to express concerns.

Policy and Legislative Implications

There are no legislative or policy implications

Financial Implications

There are no direct financial implications - although if local roads are affected by an abnormal increase in traffic, maintenance and other traffic management issues may arise.

Strategic Implications

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

Direction 1 - Community - Goal *1.2 Ensure that land use planning and service delivery aligns and responds to community safety priorities.*

Direction 3 - Housing and Land Uses

Goal *3.2 Encourage and facilitate economic development, Goal 3.3 Develop integrated local land use planning strategies to inform precinct plans ,infrastructure, transport and service delivery.*

Direction 5 - Transport - Goal *5.2 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 infrastructure is extremely important to ensure that it meets the current and future traffic and transport needs of the community.

OFFICER RECOMMENDATION ITEM 10.1.1

That....

- (a) the Council adopts the position that the major transport infrastructure works (listed below) are considered essential to support the Perth Waterfront Development and need to be completed prior to the closure of Riverside drive:
- (i) Completion of the widening of the Graham Farmer Freeway tunnel to three lanes in each direction (and appropriate modifications to Freeway access / exit lanes);
 - (ii) Widening of Thomas and Loftus streets to 3 lanes;
 - (iii) Completion of planning for the Light rail route link (including extension east of the Causeway to Victoria Park and Curtin University and Thomas street - UWA link);
 - (iv) All relevant inner-city road works completed; and
 - (v) Commitment to the construction of the proposed Railway Station at South Perth.
- (b) the Premier and Minister for Planning be advised accordingly.

MOTION

Cr Hasleby moved the officer recommendation. Sec Cr Cridland

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hasleby Opening for the Motion

- officer recommendation details the submission / supports report findings
- necessity to have something done in relation to Perth Waterfront
- we do not have a great deal of options in relation to what can be done
- Fiona Stanley Hospital development has created additional traffic / associated issues
- Perth Waterfront Project will do the same - but by restricting through traffic (as suggested in proposed Amendment) is not in our province other than what is recommended in the officer report/recommendation
- suggestions of placing roundabouts to restrict Mill Point Road and Labouchere Road to through traffic is opening up our ratepayers to additional monies
- to do anything more than what is prescribed is throwing money at something where we have no control
- ask Members to support officer recommendation in its entirety.

Cr Cridland for the Motion

- acknowledge we have concerns about Perth Waterfront project and traffic impact not only for CoSP but for neighbouring Perth
- personally experience slow traffic down Mill Point Road on daily drive from South Perth into Perth
- believe recommendation sends a message to State Government that we have concerns
- believe it is inappropriate to go further (proposed Amendment) and make suggestions that could potentially cause further problems to the ratepayers of South Perth
- believe there will be enough inconvenience / congestion
- inappropriate to send the wrong message
- support officer recommendation

Cr Cala Against the Motion

- officer recommendation does not go far enough in outlining Council's position
- Foreshadow an Amendment to expand the recommendation
- City of South Perth will bear the brunt of any closure of Riverside Drive
- Canning Highway and Mill Point Road already experiencing heavy congestion during peak periods
- proposed closure will create additional traffic that would have previously used Riverside Drive
- officer recommendation accepts as inevitable the proposals of the State Government, and only looks to measures to mitigate their effects
- investigation re roundabouts in Mill Point and Labouchere Roads is suggested as a starting point to reduce the traffic passing through South Perth
- suggestion for roundabouts is based on the City of Melville's treatment of Preston Point Road.

AMENDMENT

Moved Cr Cala, Sec Cr Trent

That the officer recommendation be amended to include new parts (b) and (c) as follows, and the existing part (b) be renumbered accordingly.

- (b) Council is also of the view that to avoid the impact this closure will have on the City of South Perth by way of additional traffic volume, that :
- (i) the State Government reconsiders its position on a tunnel being constructed under the inlet that forms part of the Proposed Perth Waterfront Development;
 - (ii) infrastructure funding be made available to the City for any upgrade required for Canning Highway and Mill Point Road as a consequence of additional traffic impacting on these roads;
 - (iii) Once work has been completed as outlined in (a) above, consider a trial period of closing Riverside Drive temporarily to provide an opportunity to assess the impact that any closure will have on traffic patterns, particularly in relation to the City of South Perth;
- (c) the Director of Infrastructure Services investigate placing several roundabouts in Mill Point Road and Labouchere Road to make both roads unattractive to through traffic resulting from the Riverside Drive Redevelopment; and

Cr Trent For the Amendment

- understand one option to address traffic is to put 4 lanes along Mill Point Road
- reference to further roundabouts needs to be investigated
- original objective of roundabouts in Labouchere Road was to prevent sheep trucks accessing the area
- acknowledge there will be inconvenience to South Perth residents during suggested roundabouts at part (c)
- part (c) of Amendment asks for an investigation
- support Amendment

Cr Hasleby Against the Amendment

- several of the Amendment “wish list” items are all well and good but the State Government will not take a bit of interest - especially part (c) suggesting roundabouts in Mill Point and Labouchere Road
- if the aim is trying to keep traffic moving in the mornings having to negotiate roundabouts will not - rather it will cause a grid-lock for people trying to get to work
- proposed Amendment at part (c) may stop sheep trucks, which is admiral, but will not defer through traffic
- to put in traffic slowing devices will only frustrate motorists
- to try and extract money from State Government for pie in the sky suggestions / trying to fund a tunnel is pointless
- suggestion in part (c) of Amendment not supported - should not be asking ratepayers in South Perth to pay additional money to fund the building of roundabouts in Mill Point Road and Labouchere Road
- we should be making traffic as free as possible particularly for those who do not have alternative routes.
- against the Amendment

Cr Howart for the Amendment

- support officer recommendation together with additional Amendment proposed by Cr Cala apart from part (c) calling for roundabouts
- important to upgrade infrastructure - particularly Canning Highway
- as well as having to suffer burden of extra costs also burden of extra traffic
- concerns about cost of tunnel proposed
- tunnel if not now - in the future would cost more
- suggest we remove part (c) of the proposed Amendment

AMENDMENT

Note: With the concurrence of the Mover and Seconder, part (c) of the proposed Amendment is deleted.

Cr Cridland Against the Amendment

- previously spoke in support of officer recommendation
- share many of Cr Hasleby’s concerns about effect project will have on South Perth
- communicating these concerns to State Government will have no effect
- us telling the State Government to build the tunnel elsewhere is not a sufficient reason to amend officer recommendation
- acknowledge traffic will be appalling after this development - it is appalling now
- offensive part of amendment has been removed - ie State Government putting in a development to make our traffic worse therefore we retaliate with roundabouts
- if traffic is not moving now why would we make it slower - why would we put roundabouts in Mill Point Road and Labouchere Road - no point
- against proposed Amendment

Cr Grayden Against Amendment

- aspirational comments not offensive so leave them in
- Motion as it reads is for commitment to construction of a Railway Station at South Perth.
- what are we doing to the original Motion by including part (a)(v) when we are in the middle of a consultation process - putting the cart before the horse

AMENDMENT TO AMENDMENT

Moved Cr Grayden, Sec Cr Cridland

That part (a)(v) of the Amended Motion be deleted.

Cr Grayden For the Amendment to the Amendment

- support deleting part (a)(v) of the original Motion (commitment to the construction of a Railway Station at South Perth)
- currently in the middle of consultation process - putting the cart before the horse
- part (a)(v) is just an aspirational statement
- such a short distance do not believe it will make a huge difference
- Amendment proposed will not achieve much

The Mayor Put the Amendment to the Amendment.

CARRIED (9/1)

The Mayor Put the Amended Motion.

CARRIED (9/1)

COUNCIL DECISION ITEM 10.1.1

The Mayor Put the Motion

That....

- (a) the Council adopts the position that the major transport infrastructure works (listed below) are considered essential to support the Perth Waterfront Development and need to be completed prior to the closure of Riverside drive:
- (i) Completion of the widening of the Graham Farmer Freeway tunnel to three lanes in each direction (and appropriate modifications to Freeway access / exit lanes);
 - (ii) Widening of Thomas and Loftus streets to 3 lanes;
 - (iii) Completion of planning for the Light rail route link (including extension east of the Causeway to Victoria Park and Curtin University and Thomas street - UWA link);
 - (iv) All relevant inner-city road works completed; and
- (b) Council is also of the view that to avoid the impact this closure will have on the City of South Perth by way of additional traffic volume, that :
- (i) the State Government reconsiders its position on a tunnel being constructed under the inlet that forms part of the Proposed Perth Waterfront Development;
 - (ii) infrastructure funding be made available to the City for any upgrade required for Canning Highway and Mill Point Road as a consequence of additional traffic impacting on these roads;
 - (iii) once work has been completed as outlined in (a) above, consider a trial period of closing Riverside Drive temporarily to provide an opportunity to assess the impact that any closure will have on traffic patterns, particularly in relation to the City of South Perth; and
- (c) the Premier and Minister for Planning be advised accordingly.

CARRIED (10/0)

Reason for Change

The City of South Perth will bear the brunt of any closure of Riverside Drive. Canning Highway and Mill Point Road that are already experiencing heavy congestion during peak periods, will have additional traffic that would have previously used Riverside Drive. Officer recommendation did not go far enough in outlining the Council's position.

10.1.2 Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Funding

Location: City of South Perth
 Applicant: Council
 File Ref: GS/109
 Date: 9 March 2012
 Author: Jenni Hess, Recreation Development Coordinator
 Reporting Officer: Sandra Watson, Manager Community, Culture & Recreation

Summary

To consider applications for the 2012/2013 Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Program (Winter Round). The application is for the Wesley South Perth Hockey Club Inc. to undertake a feasibility study for a synthetic hockey pitch.

Background

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. The State Government has allocated \$20M for the 2012/2013 funding round.

The Fund has three categories, which are listed in the table below.

Table 1 CSRFF Grant Categories

Grant category	Total Project Cost Range	Standard DSR Contribution	Frequency
Small grants	\$7,500 - \$150,000	\$2,500 - \$50,000	Bi-annual
Annual Grants	\$150,001 - \$500,000	\$50,001- \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$4 million	Annual

Small Grants program

The small grants program has 2 funding rounds, one in winter (opens February) and one in summer (opens July). The maximum grant awarded by DSR will be no greater than one-third of the total cost of the project up to a maximum of \$150,000. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

As stated in the CSRFF guidelines, small grants for this round of applications in this category must be claimed in the financial year following the date of approval. Therefore projects in this round must be claimed and acquitted by 15 June 2013.

Comment

One application has been received by the City for the 2012/2013 CSRFF small grants (winter round):

(i) Wesley South Perth Hockey Club Inc (Feasibility Study-Synthetic hockey pitch)	
CSRFF Grant sought	\$ 10,600 (ex GST)
City's contribution	\$ 10,600 (ex GST)
Club's contribution	\$ 10,600 (ex GST)
Estimated Total Project Cost	\$ \$31,800 (ex GST)

Assessment

A panel comprising the Manager Community Culture and Recreation, Manager City Environment, Recreation Development Coordinator and the Club Development Officer, assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

These results are summarised below.

Applicant	Project	Ranking	Rating	City's Contribution	Total project Cost
Wesley South Perth Hockey Club	Feasibility Study, needs assessment for synthetic hockey pitch	1	B	\$10,600 (ex. GST).	\$31,800(ex GST)

Wesley South Perth Hockey Club Inc (Feasibility Study for synthetic hockey pitch))

The Wesley South Perth Hockey Club Inc (WASPs) in partnership with Curtin Trinity Pirates Hockey Club and Wesley College are proposing to contract GHD Pty Ltd to undertake a needs assessment and feasibility study for the construction of a synthetic hockey pitch in the City of South Perth.

The study will explore and include:

- Current and future trends for hockey
- A review of existing provision
- Community consultation (including DSR, City of South Perth and Hockey WA)
- Analysis of social indicators
- A review of the Hockey WA Strategic Facilities Plan
- Local Government Authority plans
- Identification of gaps and duplications in the southern suburbs
- Identification of potential sites within the City of South Perth

The aim for the club is to assess possible locations within the City of South Perth, and identify optimal solutions regarding the location, size and potential use of such a hockey facility. The study will also identify the operational requirements for the facility including life cycle costs and capital costs associated with the facility.

According to the Wesley South Perth Hockey Club Inc, hockey is now almost exclusively played on artificial turf at an elite and competitive level, and approximately 50/50 artificial turf/grass at junior, veteran and social levels. The continued existence of major hockey clubs in the City of South Perth relies on having extensive access to artificial turf pitches for games and training. The Hockey WA facilities at Curtin University have increasingly come under heavy demand in recent years, including extensive use by national and international teams. The club's need for access to artificial turf has not been met in recent years, and will continue to not be met in the foreseeable future, by the existing Hockey WA facilities.

Officer Comments

In line with its strategic planning processes, the City of South Perth has not identified the need for a synthetic hockey pitch as a high priority. Hockey WA's Strategic Facilities Plan does not give priority for more synthetic hockey pitches within the City of South Perth region, given its proximity to Perth Hockey Stadium (Curtin University), Shenton Turf Hockey (Shenton Park) and Morris Buzacott Reserve (Melville).

The provision of a synthetic hockey pitch is perceived as a facility, providing for elite and high competition level participation, which is not historically the responsibility or role of local government. Instead, local government plays a key role in the provision of grass roots and club level facilities to support clubs to grow, thereby increasing participation in physical activity. However, as part of this role, local government does support clubs by providing tools and access to resources and processes to improve their sport and become self sustaining. This includes supporting clubs to engage in needs assessment and feasibility for future growth of its club and its sport.

Given this, the City is supportive of the Wesley South Perth Hockey Club Inc engaging in the process of conducting a feasibility study to establish whether there is a need for a synthetic pitch within the City of South Perth. However it is worth noting that City officers have had discussions with representatives of the two hockey clubs and outlined that there are limited suitable reserves and places where such a facility could be located in the City's boundaries. It is also important to note that by supporting this application for a feasibility study, the City is not:

- supporting the need for a synthetic hockey pitch
- consenting to its construction
- consenting to any financial contribution to any future construction of such a facility.

It is recommended this project is rated '*B -Well planned and needed by applicant* and in making this assessment the panel noted:

- The need for the City to encourage and support clubs to follow a strategic planning process, which includes needs assessment and feasibility studies;
- The City recognises that a feasibility study and needs assessment is a compulsory step toward planning any future facilities;
- The club should explore options to include other community groups and clubs based in the City (including City based schools - public and private) in the planning and future use of such a facility;
- Synthetic playing surfaces are emerging as a trend for the future, in respect to climate change and maintenance minimalisation; and
- The City is not currently making any commitment to the construction (and financing) of a synthetic hockey pitch.

Consultation

Initial consultation was undertaken with the City via the Club Development Officer.

The City advertised that the funding round was occurring by direct mail out to clubs, email notification and conducted a CSRFF workshop for clubs on 1 February 2012 (to become an annual event), at which nine sporting clubs were represented.

Specific to this proposed project, the Wesley South Perth Hockey club has provided letters of support from Curtin Trinity Pirates Hockey Club, and Wesley College. The club has also advised in its application that contact has been made with Hockey WA and the Department of Sport and Recreation about the proposed study.

Policy and Legislative Implications

This report relates to Policy P110 - Support of Community & Sporting Groups.

Financial Implications

The estimated total project cost	= \$31,800
Amount requested from DSR	= \$10,600
Clubs contribution	= \$10,600
Councils contribution	= \$10,600

The funding application sought from the City and DSR is for a small grant. This is for small scale projects where the total project cost is a maximum of \$150,000 and can be completed in one year. Grants in this category must be claimed in the financial year following the date of approval

Sustainability Implications

The City encourages shared use of its facilities to maximise rational use for minimal cost. This study will explore the development of a facility that potentially provides use for multiple clubs and community use. It is encouraging clubs to make decisions on a strategic level and to ensure sustainable and well planned projects.

Strategic Implications

This report is supported by the following corporate strategic documents.

Strategic Plan 2010-2015 Direction 1 'Community' *Create opportunities for a safe, active and connected community* in particular: Goal 1.3 Encourage the community to increase their social and economic activity in the local community; and Goal 1.4 Develop, prioritise and review facilities and relevant activities, taking advantage of Federal and State Government funding.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.2
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That...

- (a) the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) be submitted to the Department of Sport and Recreation together with the comments from the officer report and the following ranking and ratings:

Applicant	Ranking	Rating
Wesley South Perth Hockey Club Inc	1	B

- (b) an amount of \$10,600 (ex GST) as the City's contribution for the CSRFF Small Grants, subject to this application being successful with Department of Sport and Recreation, be included for consideration on the 2012/2013 Draft Budget.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Child Day Care Centre - Lots 165 and 166 (Nos. 221 and 219) Labouchere Road, Como.

Location: Lots 165 and 166 (Nos. 221 and 219) Labouchere Road, Como
 Applicant: Synergy WA Pty Ltd and Tonic Holdings Pty Ltd
 Lodgement Date: 10 October 2011
 File Ref: 11.2011.451.1 LA1/219 and LA1/221
 Date: 1 March 2012
 Author: Siven Naidu, Snr Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for a Child Day Care Centre on Lots 165 and 166 (Nos. 221 and 219) Labouchere Road, Como. 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 Clause 3.3
Landscaping requirement	TPS6 Clause 7.8, Table 4
Car parking provision	TPS6 Clause 7.8(1)
Number of children permitted	TPS6 Table 4

It is recommended that the proposal be approved subject to conditions.

Background

The development site details are as follows:

Zoning	Residential (previously Public Purposes reservation - Clinic and Kindergarten)
Density coding	R20/30
Lot area	1527 sq. metres (including 18.0 sq. metres street corner truncation) - Proposed Lot 2
Building height limit	7.0 metres
Development potential	3 dwellings at R20 density
Plot ratio limit	Not applicable

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) Applicant's supporting report.
Attachment 10.3.1(d) Traffic Impact Assessment.
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**
 - (a) *Child Day Care Centres; and*
 - (g) *Non-residential "DC" uses within the residential zone.*
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.*

Comment

(a) Background

In October 2011, the City received an application for a Child Day Care Centre (CDCC) in a two-storey building on Lots 165 and 166 (Nos. 221 and 219) Labouchere Road, Como (the site). The site was formally owned by the City of South Perth with a Public Purposes reserve in TPS6, and an historic land use of kindergarten and a clinic. In March 2011, the site was rezoned to Residential R20/30 and in mid 2011, the site was sold to the applicant of this proposal.

A separate subdivision application was submitted to the Western Australian Planning Commission to amalgamate Lots 165, 166, 600 and 602 (closed Right-of-Way) and re-subdivide to create two (2) lots; a smaller lot for residential purposes (proposed Lot 1 measuring 700 sq. metres), while retaining the larger portion of the subdivision for the proposed CDCC (proposed Lot 2 measuring 1477 sq. metres). The Planning Commission granted conditional subdivision approval in February 2012. However, in light of the number of children proposed for the child day care centre, the applicant / owners decided to increase the area of Lot 2 to 1527 sq. metres, while reducing the area of Lot 1 to 650 sq. metres. These amended areas have been taken into account while assessing this development application. A condition of approval requires the approved subdivision plan to be amended and endorsed by WAPC to reflect the above change.

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

The existing single-storey kindergarten and clinic buildings are still on site and are currently unoccupied. The existing buildings are indicated in the site photographs at **Attachment 10.3.1(b)**.

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

The site has a frontage to Labouchere Road to the east, Alston Avenue to the north located adjacent to two grouped dwellings to the south, and the proposed vacant lot to the west, which will be created from the resubdivision, if approved. Located further west of the proposed subdivided lot are two lots upon which one is a single house, and the other, two grouped dwellings. Single houses and grouped dwelling are located to the north and east of the site, with the oval of the Como Primary School located to the north-east, as seen in **Figure 1** below:



(d) **Description of the proposal**

The proposal involves the demolition of the existing buildings and the construction of a CDCC within a two-storey building on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.1(b)**. The proposal complies with the Scheme and relevant Council policies, with the exception of the remaining non-complying aspects discussed below. Other significant matters or matters requiring exercise of discretion have also been discussed.

(e) **Compliant aspects**

The following aspects of the proposed development are compliant with the Scheme, R-Codes and policy provisions:

- Finished ground and floor levels and driveway gradients (TPS6 Clauses 6.9 and 6.10);
- Building setbacks from the street (TPS6 Table 4);
- Building setbacks from the southern and western boundaries – Ground and 1st floor levels (R-Codes Tables 2a and 2b);
- Plot ratio – Not applicable;
- Building height limit (TPS6 Clause 6.2);
- Dimensions for car parking bays (TPS6 Clause 6.3(8) and Schedule 5); and
- Visual privacy (R-Codes 6.8.1) adjoining residential development.

(f) Land use

The proposed land use for a CDCC is classified as a “DC” (Discretionary with Consultation) land use in Table 1 (Zoning - Land use) of TPS6. In considering this discretionary with consultation use, it is observed that the site adjoins residential uses in a location with a residential streetscape. The site is diagonally opposite the Como Primary School and was previously operated as a kindergarten and clinic for a number of years. The street setbacks and landscaping proposed are in keeping with the current streetscape character. Accordingly, the use is regarded as complying with the Table 1 of the Scheme.

(g) Landscaping

The required minimum landscaping area is 610.80 sq. metres (40%), and the proposed landscaping area is 580 sq. metres (38%), therefore the proposed development does not comply with the landscaping requirements of Table 4 of TPS6.

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed landscaping if Council is satisfied that all requirements of that clause have been met. In addition, Clause 5.1(5) of TPS6 permits a variation of landscaping if the developer provides outstanding landscaping in accordance with the provisions of Clause 6.14(1) of TPS6.

In this instance, officers considered the minor variation of 2% complies with the discretionary clause, and is therefore supported by the City on the basis that a condition is included requiring the provision of outstanding landscaping.

(h) Car parking

The required number of car bays is 23 and the proposed number of car bays is 22, a shortfall of one (1) bay (4.5%). The proposed aisle width accessway is 5.8 metres in lieu of the 6.0 metres requirement. Therefore, the proposed development does not comply with the car parking requirement or the aisle width accessway in Clause 6.3 and Schedule 5 of TPS6 respectively.

Council discretion - Clause 6.3.4

Council has discretionary power under Clause 6.3.4 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved as the applicant has satisfied the City in relation to the following requirement of that clause:

- (i) Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site.

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

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

As a response to the above, the applicant submits the following comments in support of their submission referred to at **Attachment 10.3.1(c)**:

“We have amended the plans from 20 to 22 car bays instead of the 23 bays requested. We are seeking a discretionary approval and dispensation for one (1) bay not being provided on the following basis:

- *We have reduced child numbers by four (4) places from 86 to 82 places;*
- *We have reduced total staff numbers by one (1) to a total of 14 staff; and*
- *As reflected in the Traffic Impact Assessment supplied, there is existing street parking.”*

Further to the applicant’s response, having regard to the location of the proposed CDCC and its close proximity to high frequency public transport along Canning Highway and the Canning Bridge Train Station, staff may choose to make use of public transport. However, on the assumption that 14 bays are taken up by staff, this still leaves eight (8) unused car bays on site for visitors to the site.

In addition to the 22 on site car parking bays, there are 24 existing street car bays along the southern boundary of the Como Primary School on Alston Avenue, diagonally opposite the CDCC, referred to as **Attachment 10.3.1(b)**. These bays could be utilised outside daily peak hour traffic, i.e. 8:00am to 9:00am, as the CDCC opens at 7:00am, hence it is envisaged that the peak traffic to and from the site will be around 7:00am to 8:00am. In addition to the above shortfall, a Traffic Impact Assessment was carried out, referred to as **Attachment 10.3.1(d)**, providing substantial data and supporting the proposed on site parking provision and traffic movement to and from the site. The aisle width of the accessway, which has been reduced by 0.2 metres, is supported by the City’s Engineering Infrastructure Services.

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

- (i) **Development Requirements for Child Day Care Centres in the Residential Zone**
 Clause 5.2 and Table 4 “Development Requirements for Non-Residential Uses in the Residential Zone” of TPS6 provides a number of specific requirements for “Child Day Care Centres”. Column 1 of the table below contains an extract of these requirements, while the officer’s brief response is contained in Column 2:

Table 4 Requirements	Officer Response
Minimum lot area - 900 sq. metres and a regular shape.	Complies.
Minimum lot frontage - 20.0 metres.	Complies.
Maximum number of children - 30 unless otherwise approved by Council.	Addressed in part (i) of the report.
Image and external appearance - To be in keeping with existing residential character of the street.	Complies
Car parking - Refer to Clause 6.3 and Table 6.	Addressed in part (g) of the report.
Location - Sites adjoining schools, public open space or other non-residential uses are preferred. Sites with sole access from a cul-de-sac street, right-of-way, laneway or battleaxe access leg will not be approved by Council. In all other instances, the suitability of a proposed site will be considered, having regard to Council’s planning policy on Child Day Care Centres.	Two street frontages and diagonally opposite the Como Primary School - Complies.
Corner sites - The Child Day Care Centre shall be designed to address the primary street. When considering any application involving a corner site, Council’s assessment will place strong emphasis on the effect of the increased traffic and parking.	Addressed in part (g) and (j) of the report.

Table 4 Requirements	Officer Response
Canning Highway - Child Day Care Centres will generally not be permitted on sites having frontage to Canning Highway unless: (i) the proposed development is situated on a corner site; (ii) vehicular access is confined to a street other than Canning Highway; and (iii) the intersection is not controlled by traffic lights.	Not applicable.
Suitable premises - Converted single house or purpose built building.	Existing aged buildings to be demolished and replaced with proposed new buildings with facilities to cater for the child numbers and needs -Supported by officers.
Minimum indoor and outdoor playing space - As per the regulations made under the <i>Child Care Services Act 2007</i> .	Addressed in part (j) of the report.
Signs - No sign advertising a Child Day Care Centre is permitted other than one (1) sign, not more than 700mm wide and 500mm high, attached to the front screen wall of the centre may be permitted. Signs for a Child Day Care Centre located on a corner site will only be permitted on the frontage which faces the designated road.	Not applicable.

(j) **Maximum number of children - Town Planning Scheme No. 6 Table 4**

Table 4 permits on a 900 sq. metre lot, a maximum number of 30 children unless otherwise approved by Council. Noting that the proposed number of children is significantly greater than the numbers prescribed in TPS6, the Council will be required to exercise discretion. Officers are of the view that a ratio of site area to the number of children could provide reasonable guidance on how to proceed with this proposal. TPS6 requirement in this regard provides a ratio of 1:30, i.e. one (1) child per 30.0 sq. metres. If the above ratio was applied to the subject site of 1527 sq. metres, 51 children could be accommodated.

The applicant proposes to accommodate 82 children in the CDCC and has submitted the following comments in support of their submission, referred to as **Attachment 10.3.1(c)**:

“It is our professional opinion, based on 15 years of experience working within this industry, that this provision is no longer applicable to the needs and requirements for the provision of current day child care sites and services.

The current provision was formulated many years ago when child care centres were essentially converted from existing single residential homes into small cottage type industry centres. Parking for parents and staff was not provided on site and was generally street parking. Requirements for correct indoor and outdoor place space per child was not regulated as it is today as was the need for commercial kitchens, administration space, and appropriate toilet and laundry facilities.

Consequently, child care services could then be established without significant building or land infrastructure or regulatory requirements.

The current day child care centre and industry is driven by significantly larger, purpose built centres that are expected to meet a wide range of building and regulatory requirements. Larger sites are now utilised in order to provide and include on site parking, regulated indoor and outdoor play space per child, administration, laundry, kitchen, staff rooms, toilet and storage facilities.

Additionally, with the increase of land values and building costs and the need for centres to be strategically located to provide easy and appropriate access for parents, centres are now located on suitably larger sites. Accordingly, the number of approved child places in centres that are designed for now needs to be higher to ensure viability is sustained and future growth of child numbers is provided for.

Whilst the provision of child care is a service to the local community, it is also still a commercial entity and accordingly needs to be commercially viable. Due to the significant cost of purchasing the appropriate land in the City of South Perth for a CDCC site, a higher number of children are required. In order for the service to function correctly and provide the highest standard of care possible, it also has to be commercially and financially accountable and viable.

Can we please request that consideration is given to our application with respect to the number of child places that we have requested based on the current and future needs of the community and the significant changes to land and building requirements.

There are already several existing examples of approved child care centres in the CoSP that exceed 30 places as detailed below:

- *United Church South Perth Child Care Centre, 2 Sandgate Street, South Perth - Licensed for 53 children. (Officers' comment - Out of the total site area measuring 3224 sq. metres, approximately 1200 sq. metres is being used for this purpose);*
- *Lady Gowrie Child Care Centre Karawara, 61 Lowan Loop, Karawara - Licensed for 72 children (Officers' comment - The total site area measuring 5726 sq. metres is being used for this purpose); and*
- *Ngala Early learning and Development Services, 9 George Street, Kensington - Licensed for 54 children (Officers' comment - Out of the total site area measuring 10499 sq. metres, approximately 3000 sq. metres is being used for this purpose)."*

Further to the applicant's comments regarding City requirements relating to the number of children permitted, City officers provide the following comments:

- It is observed from the three examples of child day care centres in South Perth provided above by the applicant, the United Church South Perth Child Care Centre is operating with the least site area that is available per child, approximately 22.6 sq. metres per child. If the same ratio is applied to the proposed development, approximately 67 children could be approved on the subject site measuring 1527 sq. metres.
- The site is located in close proximity to public transport;
- Acoustic Assessment and Traffic Impact Assessment provided by consultants are in support of the number of children proposed for the CDCC.
- The site is located diagonally opposite the Como Primary School.
- No comments were received opposing the proposed CDCC or the number of children proposed.

In light of the applicant meeting the requirements to accommodate a minimum of 82 children by way of streetscape compatibility, landscaping, on site parking and indoor and outdoor playing space, City officers are of the view that a greater number of children, in the region of 67 can be supported.

However, while noting that the applicant is of the opinion that the proposal for 82 children will comfortably comply with the requirements of the Department for Communities Child Care Licensing and Standards Unit; no concerns have been highlighted for the proposed 82 children as a result of neighbour consultation and referrals to the City's Engineering infrastructure and Environmental Health Services - officers are of the view that the Council could approve this greater number of children. Accordingly, a condition of approval, condition (b)(iii), reflecting the above is recommended to the Council.

(k) City Policy P307 "Family Day Care and Child Day Care Centres"

City Policy P307 "Family Day Care and Child Day Care Centres" provides further guidance for the assessment of the proposed CDCC in the City of South Perth. The policy covers matters such as car parking, traffic and noise impacts, indoor and outdoor play spaces, maximum numbers, design requirements and fencing.

The policy places particular emphasis on traffic and noise impact. The applicant has provided traffic and noise assessments which have generally been supported by the City's Engineering and Environmental Health Services.

The City policy also provides indoor and outdoor playing space, as based on the Department for Communities Child Care Licensing and Standards Unit, which require a minimum indoor playing space of 3.25 sq. metres per child and 1.0 sq. metre for each child up to two (2) years of age, with a minimum 9.3 sq. metres outdoor playing space per child. The applicant has provided the City with updated regulations to the Care Services National Regulations published 13 December 2011, referred to in **Attachment 10.3.1(c)**, which requires a minimum indoor playing space of 3.25 sq. metres per child and a minimum 7.0 sq. metres outdoor playing space per child. The proposal is based on these updated regulations.

The proposal is considered to be generally consistent with the provisions of this policy, and as such is able to be supported.

(l) 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; and*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

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

(m) 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;*
- (f) Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) The preservation of the amenity of the locality;*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) Any social issues that have an effect on the amenity of the locality;*
- (q) The topographic nature or geographic location of the land;*
- (r) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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; and*
- (x) Any other planning considerations which Council considers relevant.*

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

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 October 2011. The proposal was favourably received by the consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Responses	Officer Response
The Design Advisory Architects observed that the general built form of the proposed development was acceptable. However, noting that the child care facility is proposed to cater for children in the 0 to 6 age group, the Architects expressed concern in relation to the activity areas and external play areas being spread over two-storeys.	There are existing CDCC's in the metropolitan area built over two-storeys. We have consulted with the owners of the largest centre and have been advised that there are no significant issues in terms of safety, function and practicality relating to the provision of quality care in a two-storey facility.	The comment is NOTED .
The Architects strongly recommended that the applicants / owners of the proposed development seek early advice from the Department for Communities with regards to achieving compliance with the child care licensing standards and other relevant requirements.	The proposed centre is designed in accordance with the licensing requirements and an application for an operating license will be made upon completion of the facility.	The comment is NOTED .
The applicants / owners should also provide justification in relation to the proposed number of children at the facility; staff numbers to provide care, and children's age who will be receiving child care.	Justification provided at (i) in the report	The comment is NOTED .
Additionally, in order to ensure that sufficient play and activity areas are available for the children in accordance with the City's Town Planning Scheme and policy provisions, as well as the State Department's regulations, the owners may need to consider utilising the entire lot for the child care centre facility instead of subdividing it and selling a portion for residential development.	Sufficient internal and external play space has been provided in accordance with the licensing requirements for play space for children in the CDCC. Utilisation of the entire lot would require a significant increase in the number of child places, staff numbers and parking requirements.	The comment is NOTED .
The site plan drawing should incorporate an 8.5 metre truncation (6.0 x 6.0 metres) at the corner of Labouchere Road and Alston Avenue. To ensure that this corner truncation is kept clear of all obstructions, the proposed car parking layout and any fencing adjacent to this corner will need to be modified.		Amended plans have been submitted in compliance with the required (6.0 x 6.0 metres) truncation. 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 “Area 2” consultation method, individual property owners, occupiers and / or strata bodies were invited to inspect the plans and to submit comments during a minimum 21-day period.

During the advertising period, a Notice of Public Advertisement of Application for Planning Approval was placed on the site and a total of 61 consultation notices were sent. A number of people came in to view the plans, but no submissions were received.

(c) Internal administration

Comments were invited from Engineering Infrastructure, Environmental Health and City Environment of the City’s administration.

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to the Traffic Impact Assessment, car parking and traffic generated from the proposal. This section raises no objections and has provided recommended important notes.

The Environmental Health section provided comments with respect to ventilation and noise. Environmental Health Services was also asked to comment on issues relating to the Acoustic Assessment, referred to as **Attachment 10.3.1(e)**, and have supported the recommendations proposed. This section raises no objections and has provided recommended important notes.

City Environment records indicate that no tree will be affected by the proposed development, hence no further action is required. This section raises no objections.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the 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 development is observed to generally meet sustainable design principles. Being a non-residential land use, it is considered that the development enhances sustainability by providing employment opportunities and child care provisions within the local community.

Conclusion

It is considered that, subject to the recommended conditions, the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions. Accordingly, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Child Day Care Centre on Lots 165 and 166 (Nos. 221 and 219) Labouchere Road, **be approved** subject to for the following conditions:

(a) Standard Conditions

416	Street tree - Not to be removed	456	Dividing fences - Required
578	Subdivision - New titles	470	Retaining walls - If required
427	Colours and materials - Details	471	Retaining walls - Required
508	Landscaping approved and completed	625	Sightlines for drivers
390	Crossover - Standards	630	8.5 metre truncation
393	Verge and kerbing works	560	Rubbish storage screened
352	Car bays - Marked and visible	550	Plumbing hidden
353	Visitor bays - Marked and visible	445	Stormwater infrastructure
354	Car bays - Maintained	660	Expiry of approval
455	Dividing fences - Standards		

(b) Specific Conditions

- (i) An amended subdivision plan, reflecting the proposed new lot areas, shall be submitted with the WAPC for endorsement prior to lodgement with Landgate for issuing of the Certificates of Titles.
- (ii) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The applicant to indicate a mountable kerb which is to be used in conjunction with the ACROD bay.
- (iii) The number of children permitted in the Child Day Care Centre shall not exceed 67, unless a greater number not exceeding 82 children is approved by the Department for Communities Child Care Licensing and Standards Unit.
- (iv) The hours of operation of the Child Day Care Centre are limited to Monday to Friday - 7:00am to 6:00pm.
- (v) In order to minimise the noise related amenity impact upon the adjoining residential property at No. 223/223A Labouchere Road, the owner of the proposed development is required to provide a 2.2 metre high fence on the common southern boundary, with the consent of the adjoining property owner(s). The fence is to be constructed of either rendered and painted brickwork, or alternative masonry materials as agreed with the neighbour. The cost of the fence and its installation is to be borne by the owner of the proposed development.

Resolution Item 10.3.1 cont'd.

(c) Standard Advice Notes

700A	Building licence required	790	Minor variations - Seek approval
705	Revised drawings required	709	Masonry fences require BA
762	Landscaping - Plan required	766	Landscaping - General standards
708	Boundary wall surface finish process	725	Fences note - Comply with that Act
706	Applicant to resolve issues	795B	Appeal rights - Council decision
715	Subdivision procedure		

(d) Specific Advice Notes

- (i) The applicant is advised of the need to comply with the relevant requirements of the City's Engineering Infrastructure and Environmental Health departments.
- (ii) The applicant is advised that, prior to the issuing of a building licence, certification is required to be provided that the site has been remediated (soil and groundwater) to the satisfaction of the Department of Environmental Protection.

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

10.3.2 Proposed Two Grouped Dwellings (1 Single-Storey and 1 Two-Storey) - Lot 45 (No. 132) Angelo Street, South Perth.

Location:	Lot 45 (No. 132) Angelo Street, South Perth
Applicant:	Summit Projects
Lodgement Date:	27 January 2012
File Ref:	11.2012.37.1 AN1/132
Date:	1 March 2012
Author:	Peter Ng, Planning Officer, Development Services
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for two Grouped Dwellings (1 single-storey and 1 two-storey) on Lot 45 (No. 132) Angelo Street, 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 lot area	TPS6 Clause 7.8(1)
Corner lot subdivisions in certain circumstances	TPS6 Clause 4.4

It is recommended that the proposal be approved subject to conditions.

Background

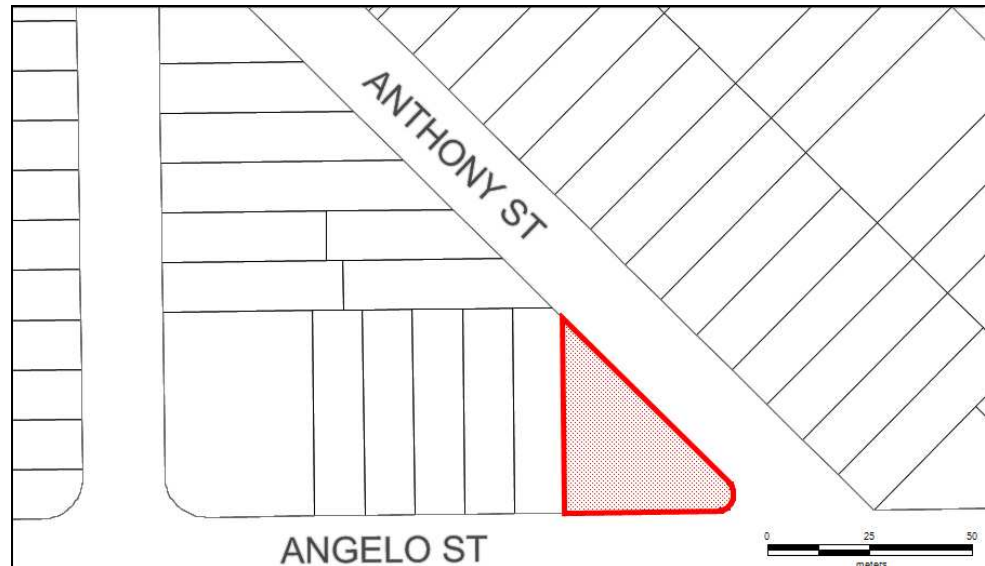
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	1133 sq. metres
Building height limit	7.0 metres
Development potential	1 dwellings

This report includes the following attachments:

- | | |
|--|--------------------------------|
| Confidential Attachment 10.3.2(a) | Plans of the proposal. |
| Attachment 10.3.2(b) | Site photographs. |
| Attachment 10.3.2(c) | Applicant's supporting report. |

The location of the development site is shown below:



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

3. The exercise of a discretionary power

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

Comment

(a) Background

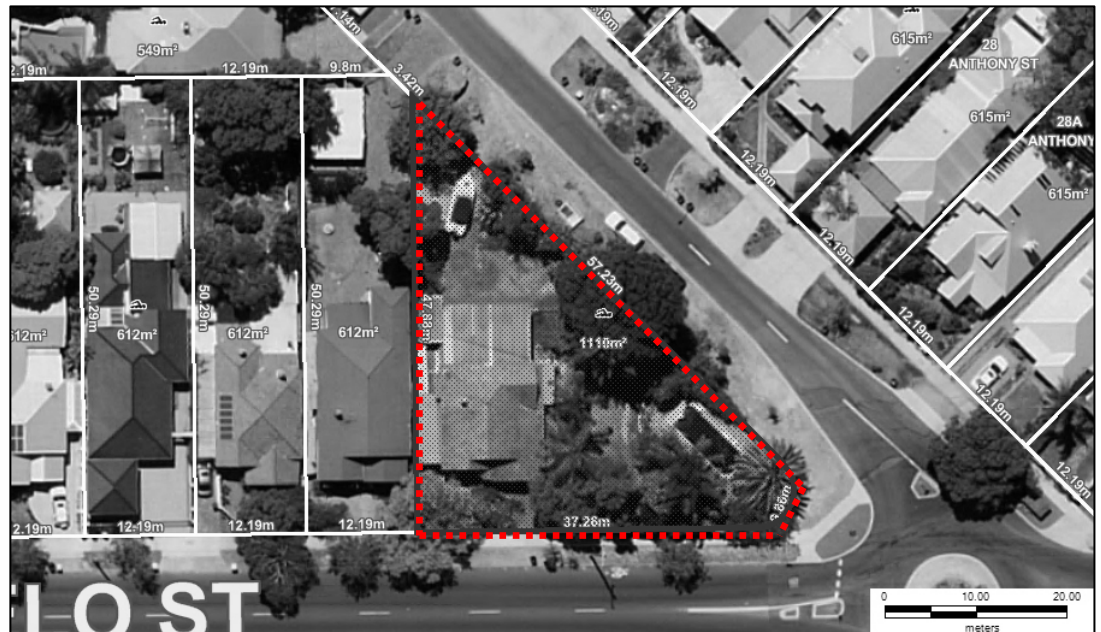
On 25 January 2012, the City received an application for two Grouped Dwellings on Lot 45 (No. 132) Angelo Street, South Perth (the site).

(b) Existing development on the subject site

The subject site is located at Lot 45 (No. 132) Angelo Street, South Perth. The existing development on the site currently features land use of "Residential", as depicted in the site photographs at **Attachment 10.3.2(b)**.

(c) Description of the surrounding locality

The site is situated on a street corner which has frontages to Angelo Street to the south and Anthony Street to the north-east, located adjacent to a single-storey house to the west, as seen in **Figure 1** below:



(d) **Description of the proposal**

The proposal involves the demolition of the existing development and the construction of two Grouped Dwellings (1 single-storey and 1 two-storey) on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.2(b)**. The applicant's letter dated 12 January 2012, referred to as **Attachment 10.3.2(c)**, describes the proposal in more detail.

The proposed development complies with the *City of South Perth Town Planning Scheme No. 6* (TPS6) and relevant Council policies, with the exception of requirements in relation to minimum site area requirements. The non-complying aspect along with other significant matters, have been discussed below.

(e) **Residential density**

The permissible number of dwellings is one dwelling (R15), and the proposed development comprised of two dwellings (R17.5). Therefore, the proposed development does not comply with the density controls in Table 1 of the R-Codes.

The applicant has not satisfied the variation to the minimum site area requirements, Acceptable Criteria 6.1.3A3 of the R-Codes. The proposed development does not meet with the average lot size of 666 sq. metres, and proposed Lot 2 does not meet with the minimum lot size of 580 sq. metres, as required under Table 1 of the R-Codes.

However, Performance Criteria P3.1 of the R-Codes permits Council to approve the creation of a survey strata lot for Grouped Dwellings of a lesser minimum site area than that specified in Table 1, provided that the proposed variation would meet the following criteria:

- (a) *Be no more than 5% less in area than that specified in Table 1; and*
- (b) *Facilitate the protection of an environmental or heritage feature; or*
- (c) *Facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention; or*
- (d) ***Facilitate the development of lots with separate and sufficient frontage to more than one public street; or***
- (e) *Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
- (f) ***Allow land to be developed with housing of same type and form as land in the vicinity and which would not otherwise be able to be developed; or***
- (g) *Achieve specific objectives of the local government's scheme and, where applicable, the local planning strategy.*

The proposed development satisfies the criteria in Performance Criteria P3.1 of the R-Codes, (d) and (f), as highlighted in bold above.

Clause 4.4 "Corner Lot Subdivisions in Certain Circumstances" of TPS6 permits variations from the minimum land area prescribed in the R-Codes for specific lots. This clause states as follows:

"In respect to subdivision for the purpose of creating lots for single houses, Council generally will not recommend to the Western Australian Planning Commission that variations from the minimum land area prescribed in the Residential Design Codes be approved unless, in Council's opinion, the following criteria are met:

- (a) *The land to be subdivided has been allocated a density coding of R15;*
- (b) *The land to be subdivided is situated on a street corner;*
- (c) *The resulting subdivided lots shall have a minimum frontage of not less than 12.0 metres to each street;*
- (d) ***The land to be subdivided is adjoined on at least one boundary by a lot which has been redeveloped to a density higher than R15; and***
- (e) *In the case of a corner lot created by the subdivision, the resultant lot shape shall be conducive to a dwelling design which would equally address both streets."*

The proposed development satisfies the criteria in Clause 4.4(1)(a), (b), (c) and (e), except (1)(d), as highlighted in bold above.

Council has discretionary power under Clause 7.8(1) of TPS6 to approve the proposed Grouped Dwellings development if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed Grouped Dwellings development be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

- (i) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) *The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) *The proposed development meets the objectives for the City and for the precinct in which the land is situated, as specified in the precinct plan for that precinct.*

As a response to the above subclause, the applicant submits the opinion that the proposed development will blend in with the existing streetscape as the adjoining properties are all on narrow lots. The proposed development will greatly enhance the Anthony Street streetscape by addressing the street with a visually appealing home. The owner of the land, who is an elderly age, is burdened to maintain the large lot. Therefore, the proposed development will allow his son to live in the two-storey dwelling, allowing the owner to reside in the single-storey dwelling with the help and care of family members.

The City officers observed that the proposed residential development has been designed in a manner that will enhance desired streetscape character in terms of scale and building bulk. The proposed Lot 1 width, 14.3 metres, is consistent with adjoining lot width and building bulk within the focus area. It will also facilitate a diversity of dwelling styles within the locality while retaining the desired streetscape character by replacing the current unmaintained street verge and deteriorating fibro fence.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City. The officers recommend to Council that discretion be exercised with regards to the minimum site area requirements, and the variation be approved.

(f) Visual privacy setback - 1st floor balcony

The applicant has not satisfied the visual privacy Performance Criteria 7.4.1P1 of the R-Codes or City Policy P350.08 "Visual Privacy". The required minimum visual privacy setback for a balcony is 7.5 metres. Assessment of the proposal against those criteria reveals that the 1st floor front balcony overlooks sensitive areas of the adjoining proposed Unit 2 single-storey dwelling's study room. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes. However, a condition is recommended to install effective screening to the balcony and thereby rectifying this matter.

(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; and*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

(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;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (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; and*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

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 and occupiers at Nos. 19, 20, 22, 24, 26, 26A, 28, 28A, 30 and 32 Anthony Street, Nos. 121, 123, 125, 127, 128, 129, 130 and 134 Angelo Street, and Nos. 2 and 4 Addison Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 20 consultation notices were sent and no submissions were received. In addition, the City has not received any complaints regarding this site prior to this planning application. As part of the planning application, the applicant has attached signed plans by six owners (Nos. 20, 24 and 32 Anthony Street and Nos. 125, 127 and 130 Angelo Street) who have no objections to the proposal.

(b) Internal administration

Comments were invited from City Environment section of the City’s administration.

The Landscapes Officer, City Environment provided comments with respect to the removal of two (2) street trees due to the proposed crossovers for both dwellings. This section raises no objections and has provided the following comments:

- (i) *Remove trees for crossovers, replace after construction; and*
- (ii) *Owner to pay all costs (\$1,523.50) for removal and replacement including amenity value, as per Council Policy P350.5.8(b)(g) and P350.5.9.*

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

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the 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

Noting the favourable orientation of the lot, the officers observe that the proposed indoor and outdoor living areas have access to the northern sunlight. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that while the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions, it will not have a detrimental impact on adjoining residential neighbours and streetscape. Additionally, conditions as recommended, will address some of the issues. Accordingly, officers recommend to Council that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2
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That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for two Grouped Dwellings (1 single-storey and 1 two-storey) on Lot 45 (No. 132) Angelo Street, South Perth **be approved** subject to:

(a) **Standard Conditions**

200	Screening - Amended plans required	470	Retaining walls - If required
210	Screening - Permanent	471	Retaining walls - Timing
377	Screening - Clothes drying	455	Dividing fences - Standards
415	Street tree - Fee yet to be paid (\$1,523.50)	456	Dividing fences - Timing
416	Street tree - Not to be removed	340B	Parapet walls - Finish from neighbour
507	Street tree - Protect and retain	508	Landscaping approved and completed
390	Crossover - Standards	550	Plumbing hidden
358	Crossover - Gradient (Letter required)	427	Colours and materials - Details
410	Crossover - Affects infrastructure	445	Stormwater infrastructure
393	Verge and kerbing works	650	Inspection (final) required
625	Sightlines for drivers	660	Expiry of approval

Resolution Item 10.3.2 cont'd.

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) Measures designed to prevent overlooking of the adjoining property from the 1st floor balcony by either:
 - (1) increasing the sill height to 1600mm above the floor level; or
 - (2) the use of glass blocks or fixed obscure glass; in accordance with the visual privacy requirements of the Residential Design Codes of WA.
- (ii) The approved drawings show that the proposed crossovers will interfere with existing City property; two (2) street trees situated within the road reserve. The applicant is required to pay a sum of \$1,523.50 for the cost of removing and replacing these trees as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.

(c) Standard Advice Notes

700A	Building licence required	762	Landscaping - Plan required
705	Revised drawings required	766	Landscaping - General standards
706	Applicant to resolve issues	709	Masonry fences require BA
720	Strata note - Comply with that Act	790	Minor variations - Seek approval
725	Fences note - Comply with that Act	795B	Appeal rights - Council decision

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

10.3.3 Proposed Two-Storey Single House - Lot 42 (No. 30) River Way, Salter Point.

Location:	Lot 42 (No. 30) River Way, Salter Point
Applicant:	Building Corporation WA Pty Ltd
Lodgement Date:	16 September 2011
File Ref:	11.2011.411.1 RI3/30
Date:	1 March 2012
Author:	Mark Scarfone, Senior Planning Officer, Development Services
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for a two-storey Single House on Lot 42 (No. 30) River Way, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Primary street setback	R-Code Performance Criteria 6.2.1 P1
Surveillance of the street	R-Code Performance Criteria 6.2.4 P4
Building setbacks	R-Code Performance Criteria 6.3.1 P1
Visual privacy	R-Code Performance Criteria 6.8.1
Building height	TPS6 Clause 6.2(2)
Maximum ground and floor levels	TPS6 Clause 6.10
Parking on site	Policy P306 "Development of Properties Abutting River Way"
Boundary walls	Policy P350.2 "Residential Boundary Walls"
Significant views	Policy P350.9 "Significant Views"

It is recommended that the proposal be approved subject to conditions.

Background

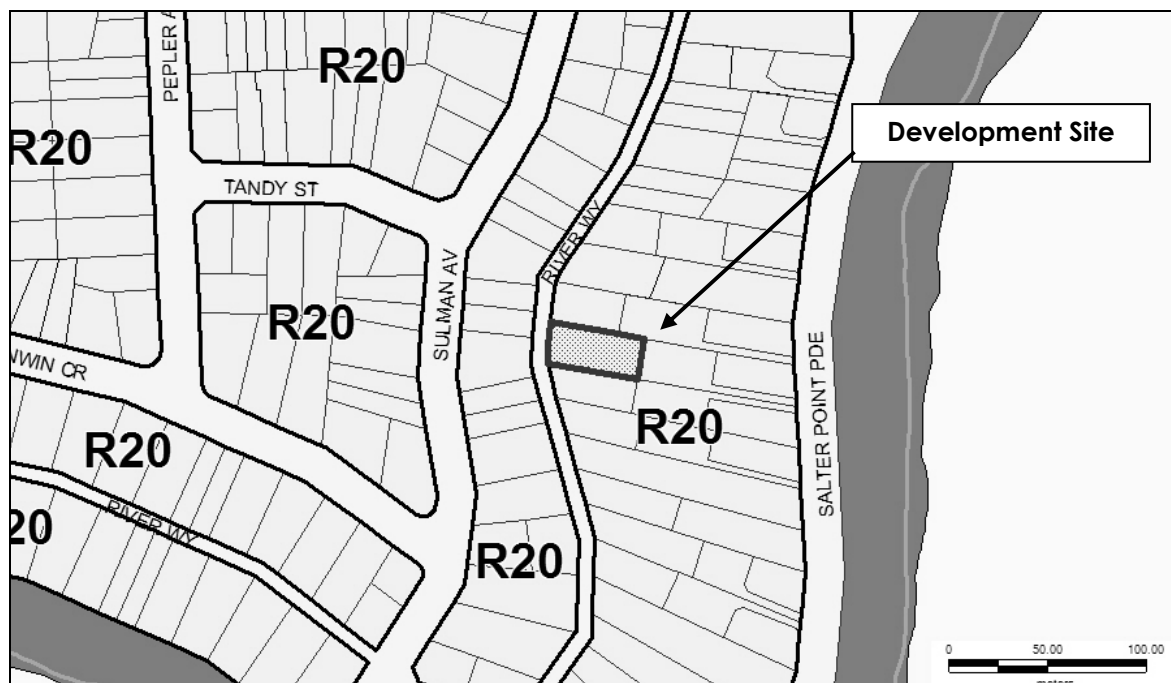
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	984 sq. metres
Building height limit	3.0 metres
Development potential	Permissible land uses, as listed in Table 1 of TPS6
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
Attachment 10.3.3(b) Applicant's supporting letter.

The location of the development site is shown below:



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

3. *The exercise of a discretionary power*

- (a) *Applications in areas situated within Precinct 13 "Salter Point" which:*
- (i) *have been assigned building height limits of 3.0 metres, 3.5 metres or 6.5 metres; and*
 - (ii) *will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2(2) of the Scheme.*

The recommended conditions of approval, which require revised drawings be provided to the City prior to issuing of a building licence, will address the officer's concerns with regard to the obstruction of significant views.

Comment

(a) Background

On 16 September 2011, the City received an application for a Single House on Lot 42 (No. 30) River Way, Salter Point (the “subject site”). On 18 October 2011, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. Following a meeting with the applicant on 20 October 2011, two emails were sent to the applicant clarifying the City’s requirements. On 7 December 2011, a revised set of drawings was provided by the applicant along with a written submission, referred to as **Attachment 10.3.3(b)**, however these drawings did not adequately address all the issues raised in the City’s initial correspondence. Further information was subsequently provided by the applicant on 18 January 2012 and 2 February 2012. Following receipt and assessment of the latest additional information, City officers began preparing this report. A final set of drawings, referred to as **Confidential Attachment 10.3.3(a)**, was provided to the City on 2 March 2012. This set of drawings has been assessed and forms the basis of this recommendation.

The subject site is currently vacant with the previous dwelling on the subject site having been demolished in September 2010. The subject site falls approximately 10.0 metres from the River Way frontage to the rear of the property. The fall is most pronounced for the rear 25.0 metres of the lot where the site falls by approximately 8.0 metres. The applicant has designed the dwelling to follow the natural contour of the land, resulting in a dwelling which is single-storey at the River Way frontage and two-storey at the rear.

(b) Description of the surrounding locality

The subject site has a frontage to River Way to the west. River Way is a narrow street with just an 8.0 metre carriage way. The streetscape is similar to that of a right-of-way characterised by parking structures and high walls. Residential development surrounds the subject site.

Figure 1 below provides an illustration of the locality:



(c) **Description of the proposal**

As indicated above, the proposal involves the construction of a Single House on the subject site, which is single-storey at the River Way frontage and two-storey at the rear, as depicted in the submitted plans as **Confidential Attachment 10.3.3(a)**. The applicant has proposed significant retaining walls towards the rear of the property in order to create level areas of garden.

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The proposed development generally complies with the *City of South Perth Town Planning Scheme No. 6* (TPS6) and Council policy requirements. The following matters, which will be discussed in detail within this report, are recommended for approval:

- (i) Primary street setback;
- (ii) Boundary wall (south); and
- (iii) Maximum ground and floor levels.

While the remaining matters will be addressed by way of conditions of approval:

- (iv) Side setbacks;
- (v) Street surveillance;
- (vi) Visual privacy;
- (vii) Additional visitors' bay;
- (viii) Building height; and
- (ix) Significant views.

(d) **Land use**

The proposed land use of "Single House" is classified as a "P" (Permitted) land use in Table 1 (Zoning - Land use) of TPS6.

In considering this use, Council shall have regard to the requirements *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) **Primary street setback**

The proposed development has a 5.2 metre average front setback in lieu of the 6.0 metre Acceptable Development standard contained in Clause 6.2.1 and Table 1 of the Residential Design Codes of Western Australia (R-Codes). Where a proposed development does not comply with the Acceptable Development standards, Council may use its discretion to approve the proposal, having regard to the performance criteria contained in the same clause.

The performance criteria contained in Clause 6.2.1 require "*buildings to be setback from street boundaries an appropriate distance to ensure they:*

- *Contribute to the desired streetscape;*
- *Provided adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors."*

River Way is a narrow street with an 8.0 metre carriage way. The streetscape is similar to that of a right-of-way in that it is characterised by parking structures and high walls. The proposed development will contribute positively to this streetscape, while allowing for privacy to the proposed dwelling. It will not impede on the provision of essential services.

As will be discussed below, the applicant is required to provide two (2) parking bays on site for visitors in accordance with Council Policy P306 "Development of Properties Abutting River Way". In order to achieve this requirement, the setback of the each garage door will be required to be increased to 5.5 metres. A condition has been recommended to require this modification to occur prior to the issue of a building licence.

The required setback increase will bring the average setback closer to the relevant Acceptable Development standard, will allow for two (2) visitors' vehicles to be parked on site, and allow the dwelling to contribute to the desired streetscape. The proposed setback is therefore supported, subject to the recommended condition being applied.

(f) Maximum ground and floor 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 levels of the building have been assessed and are considered compliant with the provisions of Subclause 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 a pool deck, terrace and lawn area, do not. The finished floor level of the pool deck is 12.66 AHD in lieu of 12.36, the lower floor terrace is 13.694 in lieu of 13.33, and the lawn area is 13.18 in lieu of 11.00.

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 terms of visual impact and overshadowing, it is considered the proposed levels can be supported, however modifications are required to ensure the visual privacy of adjoining landowners is not compromised.

The proposed outdoor areas are not visible from the street and are adjacent to sites which utilise extensive retaining, and is therefore not considered to have a visual impact. The proposal is compliant with the R-Codes in terms of the shadow cast on the adjoining dwelling, and is therefore also capable of support.

As indicated in the section above, the subject proposal does not comply with Clause 6.8.1 "Visual Privacy" of the R-Codes. In particular, portions of the proposed pool deck, lawn area and terrace are not setback 7.5 metres from the property boundary. These issues have been discussed in detail in the above section, and can be addressed through appropriate conditions [Standard Condition 210, and Specific Conditions (i)(E) and (i)(F)]. In the event the recommended conditions are applied, the proposed finished ground levels will not cause visual privacy issues, and as such are capable of support.

The subject site falls approximately 10.0 metres from the River Way frontage to the rear. The fall is most pronounced for the rear 25.0 metres of the lot where the site falls by approximately 8.0 metres. As such significant retaining is required to create areas of useable outdoor space for the future occupiers of the dwelling. The proposed ground levels will not cause a visual impact, do not impact on overshadowing, and through the application of appropriate conditions will not cause visual privacy issues for adjoining neighbours. The proposed levels are therefore considered consistent with the performance criteria outlined in Clause 6.10(3).

(g) Boundary wall - South

Under Council Policy P350.2, the permitted street setback for a boundary wall is 6.0 metres, and the proposed wall setback is 5.0 metres from the front boundary. Therefore, the proposed development does not comply with this element of Council policy.

Despite the above, the proposed wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of Council policy:

- *No effect on the existing streetscape character; the given wall will be abutting a boundary wall with a 3.0 metres front setback on 29 River Way;*
- *No impact on the outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;*
- *No impact on overshadowing of adjoining habitable room windows or outdoor living areas; or*
- *No impact of bulk on adjoining outdoor living areas.*

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

(h) Side setbacks - Southern wall (larder to balcony), southern wall (guest room) and front screen wall

The proposed wall setbacks generally comply with the Acceptable Development standards contained within Clause 6.3.1 of the R-Codes, with the exception of the walls outlined above. Each of these walls will be discussed below:

- (i) The southern wall extending from the “Larder to the Balcony” has a setback of 2.0 metres in lieu of 3.5 metres considered to meet the Acceptable Development standards contained in Clause 6.3.1 of the R-Codes. The applicant has provided written justification in support of the proposed variation, indicating the proposal will not have an impact on bulk or visual privacy between properties.

City officers do not support this justification, noting there are several major openings in this wall which cause visual privacy issues, having regard to the provisions of Clause 6.81 of the R-Codes. In addition, the outdoor living areas and kitchen of the neighbouring property are adjacent to this wall, and as such the proposed variation may impact negatively in terms of bulk. Finally, it is considered the proposed variation will have an impact on significant views from the properties to the rear and the south, and as such is not supported, having regard to the provisions of Clause 5(b) of Council Policy P350.9 “Significant Views”.

- (ii) The southern wall to the “Guest Bedroom” is setback 3.0 metres in lieu of the 3.3 metres considered to meet the Acceptable Development standards contained in Clause 6.3.1 of the R-Codes. As per the above variation, the applicant has chosen to provide written justification for the proposed variation. The applicant indicates there will be no impact on the adjoining neighbour in terms of bulk or visual privacy.

This justification is not supported by City officers for the reasons outlined above.

- (iii) The applicant proposes a 2.5 metres high front screen wall in front of the court adjacent to Bedroom 1 and the associated ensuite. The proposed wall is not considered to comply with the City's Policy P350.7 "Fencing and Retaining Walls", does not allow surveillance of the street to occur and has the potential to impact on views from the properties at the rear, contrary to the provisions of Council Policy P350.9 "Significant Views".

As such, the proposed screen wall is not supported and a condition has been recommended to require the submission of revised drawings, which reduce the height of the screen wall in front of Bedroom 1 to 1.2 metres, prior to issuing a building licence.

In order to address the concerns of City officers, it is recommended a condition be imposed on the approval requiring the submission of revised drawings, which demonstrates compliance with the Acceptable Development standards of the R-Codes, prior to issuing a building licence. This will assist in ensuring the development complies with the provisions of Council Policy P350.9 "Significant Views". The modification required through this condition can be achieved by the applicant, while maintaining generous indoor and outdoor living spaces, therefore not impacting on the amenity of future inhabitants of the dwelling.

(i) Street surveillance

The Acceptable Development standards contained in Clause 6.2.4 of the R-Codes requires at least one (1) habitable room window of the dwelling to have a clear view of the street and the approach to the dwelling. The proposed dwelling does not meet with this requirement.

The applicant has provided written justification in support of the proposed variation with a full copy attached, referred to as **Attachment 10.3.3(b)**. In relation to street surveillance, the applicant indicates the dwelling has been designed to take advantage of significant views to the east, and as such opportunities for passive surveillance of the street are limited. A courtyard has been provided adjacent to Bedroom 1 which the applicant indicates will be regularly used and will allow for passive surveillance of the street.

This justification is not supported by City officers as it is considered more likely the extensive balcony or living rooms with views will be utilised. In order to increase opportunities for passive surveillance as well as comply with Council Policy 350.9 "Significant Views", it is recommended a condition be applied requiring revised drawings, which reduce the height of the screen wall in front of Bedroom 1 to 1.2 metres, be provided to the City. This will allow for some surveillance of the street to occur from Bedroom 1 without major modification to the design.

(j) Building height

The building height limit for the site is 3.0 metres (17.25m AHD), and the proposed building height is 2.8 metres (17.05m AHD). Therefore, the proposed development complies with Clause 6.2(1) "Building Height Limit" of TPS6.

Despite the above compliance, Clause 6.2(2) of TPS6 requires the following additional information to be provided to the City for land in Precinct 13 “Salter Point” with a height limit of 3.0 metres, as per the subject site:

- (a) *Drawings are to be submitted showing to Council’s satisfaction:*
 - (i) *the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;*
 - (ii) *the finished floor level and the levels of the highest parts of those existing and proposed buildings; and*
 - (iii) *sightlines demonstrating that views of the Canning River from any of those exiting buildings will not be significantly obstructed;*
- (b) *Notice has been served upon the owners and occupiers of the lots potentially affected in relation to views of the Canning River, in accordance with Clause 7.3; and*
- (c) *Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.*

The applicant has been advised of the above requirement and has provided three drawings to the City to demonstrate compliance with the above clauses, referred to as **Confidential Attachment 10.3.3(a)**.

Line of Sight Drawing 1, clearly indicates the proposed dwelling will have an impact on the view of 29 River Way, while Line of Sight Drawing 2, indicates there will be no impact on the significant view of 31 River Way. Line of Sight Drawing 3 indicates there will be no impact on the significant view of the dwelling to the rear, however this drawing is based on an approximate finished floor level and approximate balcony location. As the third drawing is based on estimates, it is not considered to comply with Clause (a) above.

In order to ensure the proposed dwelling complies with the above clause and Council Policy P350.9 “Significant Views”, it is considered the application should be approved with conditions requiring the modification of the dwelling to comply with the Acceptable Development standards of the R-Codes in relation to side setbacks, as discussed above in Section (h).

(k) Visual privacy setback - Study and upper living area

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 table below provides a summary of the non-compliant aspects of the current proposal, the relevant Acceptable Development standard, the setback provided, and a brief officer comment:

Habitable Space	Acceptable Development Standard (metres)	Proposed Setback (metres)	Officer Comment
Study	4.5	3.0 - 3.2	Condition recommended which requires the applicant to modify the proposed east and west facing windows to comply with the Acceptable Development standards of the R-Codes.
Upper living	6.0	5.2	Condition recommended to modify the east facing window to comply with the Acceptable Development standards of the R-Codes.
Upper alfresco	7.5	4.5 - 6.0	Condition recommended to provide screening alongside the proposed stairwell and a portion of the alfresco area in order to comply with the Acceptable Development standards of the R-Codes.
Kitchen	6.0	2.1	Condition recommended to modify the south facing window to comply with the Acceptable Development standards of the R-Codes.
Larder & desk (adjacent to kitchen)	4.5	2.1	Condition recommended to modify the south facing window to comply with the Acceptable Development standards of the R-Codes.
Guest bedroom	4.5	3.0	Overlooking to non-sensitive area window is considered to comply with the performance criteria contained in Clause 6.8.1. No change required.
Portion of pool deck greater than 500mm above natural ground level	7.5	5.2	Condition recommended to require the provision of screening along the pool wall to comply with the Acceptable Development standards of the R-Codes.
Lawn area	7.5	4.5 - 7.5	Condition recommended to require an increased rear setback to comply with the Acceptable Development standards of the R-Codes.

Where the officer's comments above recommend the modification to comply with the Acceptable Development standards of the R-Codes, it is considered the applicant has not satisfied the visual privacy Performance Criteria 6.8.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- Direct overlooking of active habitable spaces such as bedrooms, kitchens, dining and outdoor living areas of adjoining dwellings, from major openings and outdoor active habitable spaces of the subject site is present; and
- Effective screening is not proposed.

The immediate locality is characterised by steep sites and dwellings which are oriented to take advantage of views to the Canning River. This results in some overlooking between existing properties. Despite this, it is considered important to ensure new development is compliant with the current development standards and does not cause direct overlooking to sensitive areas of adjoining properties. The applicant has not adequately demonstrated the proposed design meets the above performance criteria of the R-Codes, and therefore several conditions are recommended to resolve this matter.

Where the minimum setbacks are not achieved, visual privacy can be maintained through various means, such as the provision of screening to restrict the views from a major opening or the modification of the opening. Modification of the opening through methods such as an increased window sill height, the use of obscure glass, or a reduction in size to less than 1.0 sq. metre in aggregate will ensure it is no longer assessable under Clause 6.8.1. Modification in the manner outlined above can be achieved without major changes to the proposed building footprint, and will continue to allow the future residents of the dwelling access to views of Canning River, while ensuring the privacy of adjoining neighbours is not compromised.

In addition, further details are required to ensure that the visual privacy screens comply with Element 8 of the R-Codes, and protect the neighbour's visual privacy (standard condition).

(l) Car parking

Clause (a) of Council Policy P306 "Development of Properties Abutting River Way" requires the provision of two (2) visitor parking bays to be provided on site. The bays should comply with the minimum dimensions (5.5 metres × 2.5 metres) set out in Schedule 5 of TPS6.

While an area for visitors' parking has been set aside as a part of the current proposal, the dimensions of this area does not comply with the minimum dimensions required by TPS6. A condition is recommended to require revised drawings increasing the dimension of the visitors' parking bays to comply with Schedule 5.

(m) Significant views

Council Planning Policy P350.9 "Significant Views" at times requires the consideration for the loss of significant views from neighbouring properties. Clause 5(b) of this policy indicates Council should have regard to the impact of a setback variation on significant views before granting approval to this variation.

The neighbouring properties to the south and west of the site currently enjoy views of the Canning River. As indicated in Part (h) "Side Setback" section of this report, the applicant proposes side setback variations to the south and a solid screen wall in the front setback area. Line of Sight Drawing 1 clearly indicates the proposed side setback variations on the south will have a negative impact in terms of access to significant views. It is therefore recommended this side setback variation not be supported and a condition imposed requiring revised drawings, which depict the modification of the dwelling to comply with the Acceptable Development standards of the R-Codes in relation to side setbacks.

(n) 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;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls; and*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

Subject to the implementation of the recommended conditions of approval, the proposed development will be considered satisfactory in relation to all of these matters.

(o) 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;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *The topographic nature or geographic location of the land;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) *Any other planning considerations which Council considers relevant.*

Subject to the implementation of the recommended conditions of approval, the proposed development will be considered 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 standard consultation method, individual property owners, and occupiers at Nos. 42, 42A, 44, 44A and 46A Sulman Avenue, and 29 and 31 River Way were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of seven (7) consultation notices were sent and seven (7) submissions were received, each objecting to the proposal. The comments of the submitters, together with officer response are summarised below:

Submitters' Comments	Officer Response
Do not support variation to the height limit.	Under provisions of Clause 7.8 of TPS6, the City does not have discretion to vary the building height limit. The submitted plans contained in Confidential Attachment 10.3.3(a) comply with the building height limit assigned to the subject site The comment is NOT UPHELD .
The additional height will cause the street to feel claustrophobic and cause additional worries for drivers.	The proposal complies with the building height limit. The comment is NOT UPHELD .
Provisions of Policy P350.9 "Significant Views" should be complied with.	The subject of discussion in the body of the report - Subject to compliance with the recommended conditions of the approval, the proposal will be considered to comply with the policy provisions and support is recommended The comment is NOTED .
Desire to see amended plans showing the nearby dwellings and the impact of the proposal on views.	The subject of discussion in the body of the report - The proposal is considered to generally comply with the policy provisions and support is recommended. The comment is NOTED .
Ensure the roof pitch complies with building height limit.	The roof pitch is considered acceptable. The comment is NOTED .
Confusion as to where the height limit is calculated from and which datum point is being used.	The height limit is calculated in accordance with Clause 6.2 of TPS6. The proposed building height of 2.8 metres has been calculated from 17.2 metres Australian Height Datum. The current plans use the Australian Height Datum. The comment is NOTED .
Concern with regard to the impact of the wall and planter box on the left hand side of the development (proposed within the setback area, and spanning between the dwelling and the northern boundary), on view of Canning River.	A specific condition (b)(i)(C) requiring the submission of revised drawings depicting the lowering of this portion of wall to not more than 1.2 metres is recommended. The comment is UPHELD .
Request the provision of additional two (2) parking bays on site.	A condition requiring the submission of revised drawings to allow for two (2) additional bays is recommended. The comment is UPHELD .
Object to setback variation on right hand side, as it will impact on significant views.	A condition requiring the submission of revised drawings increasing the setback to comply with the Acceptable Development standards of Clause 6.3.1 of the R-Codes is recommended. The comment is UPHELD .

Submitters' Comments	Officer Response
Object to height of boundary wall, as it will impact on light and ventilation to property, be a visual obstruction, and out of character in the streetscape.	The majority of the proposed boundary wall abuts a similar wall on the adjacent property. The impact is considered acceptable, having regard to the amenity factors in the relevant Council policy and is considered acceptable in this context. The comment is NOT UPHELD .
Object to any variations from Acceptable Development standards, as these will adversely impact on the broader community.	All variations have been discussed in detail in this report. Conditions recommending revised drawings have been recommended where the variations are not considered acceptable. The comment is NOTED .
No variations to either side are supported, as it will significantly impact on amenity of the nearby land owners.	All variations have been discussed in detail in this report. Conditions recommending revised drawings have been recommended where the variations are not considered acceptable. The comment is NOTED .

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the 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

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles. The recommended conditions will ensure the proposal complies with Council Policy P350.9 "Significant Views" in line with the local community's expectations.

Conclusion

The subject site exhibits a significant fall from the River Way frontage towards the rear of the lot. The applicant has designed the dwelling to follow the natural contour of the land, however this has resulted in a need for significant retaining at the rear of the site and overlooking of adjoining properties. It is considered the proposal generally meets the relevant Scheme, R-Codes and / or Council policy objectives and provisions.

With the recommended conditions of approval the modified drawings will ensure the amenity impacts of the proposal are addressed, and 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* and the *Metropolitan Region Scheme*, this application for planning approval for a two-storey Single House on Lot 42 (No. 30) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions

210	Screening - Permanent	471	Retaining walls - Timing
340A	Parapet walls - Finish from street	455	Dividing fences - Standards
510	Private tree	456	Dividing fences - Timing
390	Crossover - Standards	550	Plumbing hidden
393	Verge and kerbing works	445	Stormwater infrastructure
625	Sightlines for drivers	660	Expiry of approval
470	Retaining walls - If required		

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The setback to the guest bedroom wall shall be increased in order to comply with the Acceptable Development standards of Clause 6.3.1 of the Residential Design Codes of Western Australia (R-Codes);
 - (B) The setback to the southern wall (larder to alfresco) shall be increased in order to comply with the Acceptable Development standards of Clause 6.3.1;
 - (C) The wall within the setback area, spanning between the dwelling and the northern boundary shall be reduced in height to not more than 1.2 metres in order to comply with Council Policy P3507 "Fencing and Retaining Walls";
 - (D) The setback of the proposed garage shall be increased in order to accommodate two (2) parking bays, with dimensions which comply with Schedule 5 of TPS6, in accordance with Council Policy P306 "Development of Properties Abutting River Way";
 - (E) The major openings to the study (east and west facing), upper living area (east facing), kitchen (south facing), and larder & desk (south facing) being modified to prevent overlooking of the adjoining property in accordance with Clause 6.8.1 of the R-Codes; and
 - (F) Screening being provided to the unenclosed outdoor habitable spaces (swimming pool deck, upper floor alfresco and lawn area) in order to prevent overlooking of the adjoining property in accordance with Clause 6.8.1 of the R-Codes. Alternatively the setback of the unenclosed outdoor habitable spaces may be increased to demonstrate compliance with this clause.
- (ii) Demonstrate through the provision of a detailed section, the obscure glass awning windows shown on the approved plans prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of Western Australia (R-Codes).

(c) Standard Advice Notes

700A	Building licence required	709	Masonry fences require BA
705	Revised drawings required	790	Minor variations - Seek approval
706	Applicant to resolve issues	795B	Appeal rights - Council decision
725	Fences note - Comply with that Act		

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

Cr Cala Moved the officer recommendation, Sec Cr Hasleby

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- take on board concerns of neighbours
- following expanded Policy acknowledge there has been a wider consultation process
- unfortunately once consulted there is not necessarily an automatic follow up
- concern raised in relation to difference in levels / request Council exercise discretion
- in doing this we have to ask is the discretion being detrimental to adjoining neighbour - neighbour will not be affected because they are at a higher level - in this case the concession requested is possible - while it may not necessarily affect views it may have some impact on privacy
- issue of structure is not considered at 'planning application stage' but at the Building Licence stage - construction issues have to meet requirements
- issue of privacy has to be handled by screening
- believe privacy aspect will be addressed with screening
- support officer recommendation

Mayor Doherty requested an officer comment on the points raised in the Deputation. The Director Development and Community Services confirmed that notification of the proposed development had been sent to Mrs Sanders. She said that the retaining walls are proposed to be set back 1.5m which will comply and the privacy issue will be addressed by screening. Ms Lummer then referred Elected Members to Attachment 10.3.3 "Line of Sight" drawings.

Cr Hasleby for the Motion

- respect Cr Cala's eye in matters of 'planning' / endorse his comments in eloquently summarising the case in support of the officer recommendation
- heard Deputation / comments raised
- suggest conditions imposed in officer recommendation address concerns expressed
- urge Councillors to support officer recommendation

Cr Hawkins-Zeeb Against the Motion

- refer emails that there was not a proper consultation process - misleading
- viewed site - it is a massive piece of land with a massive development proposed
- believe proposed development should be reduced
- screening on top of fences will prevent significant views - acknowledge cannot buy views
- consultation process lacking - some neighbours were not invited to comment

Mayor Doherty requested an officer comment on the consultation process. The Director Development and Community Services said that in the consultation policy there is 'notification' and 'consultation' and referred Members to page 54 of the Agenda which states:

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, individual property owners, and occupiers at Nos. 42, 42A, 44, 44A and 46A Sulman Avenue, and 29 and 31 River Way were invited to inspect the plans and to submit comments during a minimum 14-day period.

Cr Grayden point of clarification - if the Motion was refused for a non-compliant application - what is the process - would they have to then change the application? Director Development and Community Services said that if the Motion is Lost then the application is not approved. It will require change in terms of the privacy, setbacks etc when the plans are submitted for a Building Licence.

Mayor Doherty point of clarification - so the proposal will then comply? Director Development and Community Services said that it will comply except in relation to finished ground level of the pool and outdoor living area.

Cr Howat point of clarification - it seems that the main issue is overlooking to neighbours property - is it possible to work with neighbours and developers to reach agreement in this area? Director Development and Community Services replied that the applicant will be required to provide screening for the swimming pool area which is covered by a 'Specific Condition' however in relation to the materials used, it may be possible for the applicant to liaise with neighbours as to how this will look.

AMENDMENT

Moved Cr Cala, Sec Ca Hasleby

That the following additional 'Specific Condition' (b)(iii) be included:

(b)(iii) That the applicant be requested to liaise with the adjoining owner with respect to the type and dimensions of the screening of the pool deck.

The Mayor Put the Amendment.

CARRIED (9/1)

COUNCIL DECISION ITEM 10.3.3

The Mayor Put the Amended Motion

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a two-storey Single House on Lot 42 (No. 30) River Way, Salter Point **be approved** subject to:

(a) **Standard Conditions**

210	Screening - Permanent	471	Retaining walls - Timing
340A	Parapet walls - Finish from street	455	Dividing fences - Standards
510	Private tree	456	Dividing fences - Timing
390	Crossover - Standards	550	Plumbing hidden
393	Verge and kerbing works	445	Stormwater infrastructure
625	Sightlines for drivers	660	Expiry of approval
470	Retaining walls - If required		

(b) **Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The setback to the guest bedroom wall shall be increased in order to comply with the Acceptable Development standards of Clause 6.3.1 of the Residential Design Codes of Western Australia (R-Codes);
 - (B) The setback to the southern wall (larder to alfresco) shall be increased in order to comply with the Acceptable Development standards of Clause 6.3.1;

Resolution Item 10.3.3 cont'd

- (C) The wall within the setback area, spanning between the dwelling and the northern boundary shall be reduced in height to not more than 1.2 metres in order to comply with Council Policy P3507 "Fencing and Retaining Walls";
 - (D) The setback of the proposed garage shall be increased in order to accommodate two (2) parking bays, with dimensions which comply with Schedule 5 of TPS6, in accordance with Council Policy P306 "Development of Properties Abutting River Way";
 - (E) The major openings to the study (east and west facing), upper living area (east facing), kitchen (south facing), and larder & desk (south facing) being modified to prevent overlooking of the adjoining property in accordance with Clause 6.8.1 of the R-Codes; and
 - (F) Screening being provided to the unenclosed outdoor habitable spaces (swimming pool deck, upper floor alfresco and lawn area) in order to prevent overlooking of the adjoining property in accordance with Clause 6.8.1 of the R-Codes. Alternatively the setback of the unenclosed outdoor habitable spaces may be increased to demonstrate compliance with this clause.
- (ii) Demonstrate through the provision of a detailed section, the obscure glass awning windows shown on the approved plans prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of Western Australia (R-Codes).
- (iii) That the applicant be requested to liaise with the adjoining owner with respect to the type and dimensions of the screening of the pool deck.

(c) Standard Advice Notes

700A	Building licence required	709	Masonry fences require BA
705	Revised drawings required	790	Minor variations - Seek approval
706	Applicant to resolve issues	795B	Appeal rights - Council decision
725	Fences note - Comply with that Act		

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

CARRIED (9/1)

Reason for Change

Condition (b)(iii) calling for applicant to liaise with neighbour included to address overlooking concerns..

<p>10.3.4 Proposed Additional Use of “Child Day Care Centre” - Lot 4 (No. 111) Robert Street, Como.</p>
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Location:	Lot 4 (No. 111) Robert Street, Como
Applicant:	Como Baptist Church
Lodgement Date:	20 October 2011
File Ref:	11.2011.466.1 RO1/111
Date:	1 March 2012
Author:	Mark Scarfone, Senior Planning Officer, Planning Services
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for an Additional Use of “Child Day Care Centre” on Lot 4 (No. 111) Robert Street, Como. 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 Clause 3.4
Location of use	TPS6 Table 4
Number of children	TPS6 Table 4

It is recommended that the proposal be approved subject to conditions.

Background

The development site details are as follows:

Zoning	Primary Regional Road, Residential and Public Assembly
Density coding	R20/30
Lot area	2811 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table 1 of TPS6
Plot ratio limit	Not applicable

This report includes the following attachments:

Confidential Attachment 10.3.4(a)	Plans of the proposal.
Attachment 10.3.4(b)	Applicant’s supporting submissions dated 12 October 2011 and 28 February 2012.
Attachment 10.3.4(c)	Environmental Noise Report.
Attachment 10.3.4(d)	Traffic Statement.
Attachment 10.3.4(e)	Infrastructure Services comment.

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

This power of delegation does not extend to determining applications for planning approval relating to the following uses:

- (a) “Child Day Care Centres”.

Comment

(a) Background

In 2010 the applicant attended a child development forum held by the City of South Perth. This meeting identified the lack of child care facilities in the City, leading the applicant to explore the idea of utilising existing church buildings for a “Child Day Care Centre” during the week.

On 20 October 2011, the City received an application for an Additional Use of “Child Day Care Centre” on Lot 4 (No. 111) Robert Street, Como (the subject site). The Additional Use will allow the applicant to operate a “Child Day Care Centre” during the week and continue to use the building for Sunday school, meetings, and other gatherings when needed.

(b) Existing development on the subject site

Two buildings currently exist on the subject site. The northern most building is currently being utilised as a “Place of Worship” and offices, and is not proposed to be modified as a part of the current application. The southern buildings are being used for Sunday school, and youth meetings on Friday nights. The site also features a car park which is currently leased out to the Public Transport Authority. This lease will be terminated to allow the site to operate as a “Child Day Care Centre”.

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

The site has a frontage to Robert Street to the east, Canning Highway to the south-east, Cassey Street to the south and Right-of-Way 109 to the west. The Pastor's dwelling and a single house abut the subject site to the north. The subject site is generally surrounded by residential development, with the closest non-residential development being at the corner of Henley Street and Canning Highway where there are various offices, shops and food outlets. To the south-west of the site lies the Canning Bridge bus and train interchange.

Figure 1 below, provides an illustration of the locality:



(d) **Description of the proposal**

The proposal involves the modification of the southern building on the subject site to allow its use as a “Child Day Care Centre”, as depicted in the submitted plans at **Confidential Attachment 10.3.4(a)**. The proposed use will operate as follows:

- (i) Maximum of ten (10) staff employed on site;
- (ii) Maximum of 47 children on site comprised of up to 11 babies (< 24 months), 10 toddlers (24 to 36 months) and 26 kindergarten age children (36 months and up);
- (iii) The building will be configured to allow for separate indoor and outdoor play areas for each group of children;
- (iv) Opening hours 7:00am to 6:00pm - Monday to Friday; and
- (v) 16 parking bays provided on site for staff and parents.

The applicant's letter, the supporting Environmental Noise Report and Traffic Statement, referred to as **Attachments 10.3.4(b - d respectively)**; describe the proposal in more detail.

The proposed development complies with the *City of South Perth Town Planning Scheme No. 6* (TPS6) and Council policy requirements, with the exception of the following matters, which will be discussed in detail within this report:

- (i) The number of children accommodated on site; and
- (ii) The location of premises on a cul-de-sac street (Cassey Street).

(e) Land use

The proposed “Child Day Care Centre” is classified as a “DC” (Discretionary with Consultation) use by TPS6. In accordance with Clause 3.3(3) of TPS6, a Discretionary use with consultation may only be permitted approved following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provisions and City policy. This aspect will be discussed in detail below.

In considering this use, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 7.5. The proposal is considered to be in compliance with these clauses, and will be discussed in further detail below.

(f) Town Planning Scheme No. 6 - Table 4

Table 4 “Development Requirements for Non-Residential Use in the Residential Zone” of TPS6 provides a number of specific requirements for “Child Day Care Centres”. Column 1 of the table below contains an extract of these requirements, while the officer’s brief response is contained in Column 2:

Town Planning Scheme No. 6 Requirements	Officer Response
Minimum lot area - 900 sq. metres and a regular shape	Complies.
Minimum lot frontage - 20.0 metres.	Complies - Approximately 1200 sq. metres of the subject site to be used for “Child Day Care Centre” and associated parking.
Maximum number of children - 30, unless otherwise approved by Council.	Does not comply - A maximum of 47 children are proposed to be accommodated on the subject site. Despite this, the portion of the subject site being utilised for the Additional Use is approximately 300 sq. metres or 33% greater than the minimum prescribed above. This allows the applicant to provide sufficient car parking on site for staff and parents, as well as sufficient indoor and outdoor play areas. In addition, it has been demonstrated the local road network can accommodate the increase in traffic. For these reasons the additional numbers are supported.
Image and external appearance - To be in keeping with the existing residential character of the street.	Complies - Minor changes to the exterior of the existing building proposed.
Car parking - Refer to Clause 6.3 and Table 6.	Complies.
Location - Sites adjoining schools, public open space or other non-residential uses are preferred. Sites with sole access from a cul-de-sac street, right-of-way, laneway or battleaxe access leg will not be approved by Council. In all other instances the suitability of a proposed site will be considered, having regard to Council’s planning policy on “Child Day Care Centres”.	Does not comply - The proposed “Child Day Care Centre” is located on Cassey Street which terminates in a cul-de-sac. Despite this aspect, the applicant has provided a Traffic Statement which indicates the road network can cope with the total peak hour trips generated by the proposal. The Traffic Statement has been reviewed by the City’s Infrastructure Services and is considered satisfactory. The site has pedestrian access from Canning Highway, and Robert and Cassey Streets, ensuring local parents can walk their children to the “Child Day Care Centre”.

Town Planning Scheme No. 6 Requirements	Officer Response
Corner sites - The "Child Day Care Centre" shall be designed to address the primary street. When considering any application involving a corner site, Council's assessment will place strong emphasis on the effect of the increased traffic and parking.	Complies - The proposal addresses both the primary street, Robert Street, by maintaining the existing entrance while the rear entrance allows for safe and convenient access for those dropping off their children from the Cassey Street car park.
Canning Highway - "Child Day Care Centres" will generally not be permitted on sites having frontage to Canning Highway unless: (i) the proposed development is situated on a corner site; (ii) vehicular access is confined to a street other than Canning Highway; and (iii) the intersection is not controlled by traffic lights.	Complies.
Suitable premises - Converted single house or purpose built building.	Complies - Modification to the existing building.
Minimum indoor and outdoor playing space - As per the regulations made under the <i>Child Care Services Act 2007</i> .	Complies.
Signs - No sign advertising a "Child Day Care Centre" is permitted other than one sign not more than 700mm wide and 500mm high attached to the front screen wall of the centre may be permitted. Signs for a "Child Day Care Centre" located on a corner site will only be permitted on the frontage which faces the designated road.	Signage not proposed as part of the current application - Signage condition to be applied.

As demonstrated above, the proposal generally complies with the requirements for "Child Day Care Centres" set out in Table 4 of TPS6 with the exception of the total number of children to be accommodated on site, and location. The applicant's email of 28 February 2012 provides further justification for the total number of children to be accommodated on site. A full copy of the submission is attached, referred to as **Attachment 10.3.4(b)**.

The points raised in this submission are summarised as follows:

- The Traffic Statement provided concludes the proposal will have "minimal impact on the road network";
- Sufficient parking is provided on site and additional parking is located behind the "Place of Worship" which can act as an overflow area for Church staff and members;
- Ten (10) staff employed at the "Child Day Care Centre" and operating hours between 7:00am and 6:00pm - Monday to Friday;
- Use of an existing building, which lies empty during the week, will assist the organisation to serve and assist the community and make better use of a valuable asset;
- Indoor and outdoor play areas are provided for 47 children in accordance with the *Child Care Service Regulations of 2006*; and
- Given the severe lack of child day care places in the City, it is important to use the site to its maximum.

As demonstrated, the proposed “Child Day Care Centre” generally complies with the provisions of Table 4 of TPS6 and justification has been provided for the total number of children accommodated and the proposed location. It is considered the proposal will not have a negative impact on the amenity of the area, and as such warrants support by Council.

(g) City Policy P307 “Family Day Care and Child Day Care Centres”

City Policy P307 “Family Day Care and Child Day Care Centres” (P307) provides further guidance for the assessment of the above in the City of South Perth. The policy covers matters such as the maximum number, location and design requirements; inclusive of car parking, traffic and noise impacts, size and layout of internal and outdoor play spaces, and fencing.

The proposal is considered to be generally consistent with the provisions of this policy with the exception of the maximum number of children to be accommodated on site, and as such is able to be supported.

With regard to the maximum number of children to be accommodated on site, the officer’s response has been provided in the table above and will not be repeated in this section.

As identified previously in this report, the proposed location for the “Child Day Care Centre” does not comply with the requirements set out in Table 4 of TPS6. P307 expands on the location requirements of Table 4, identifying a number of factors which influence the impact of a “Child Day Care Centre” on the surrounding area. These factors are listed below with a brief comment:

Policy Requirements	Officer Response
Within 400 metres of an appropriate commercial, recreation or community node or education facilities.	Located approximately 250 metres from the closest local commercial centre at the corner of Henley Street and Canning Highway
Located in areas where adjoining uses are compatible with a “Child Day Care Centre”.	A “Child Day Care Centre” is a “DC” use in the residential zone meaning it may be compatible with the surrounding uses, subject to the City being satisfied the amenity of surrounding residents will not be impacted.
Serviced by public transport.	Subject site located approximately 225 metres from the Canning Bridge interchange and serviced by regular buses along Canning Highway.
Considered suitable from a traffic engineering / safety point of view.	Traffic Statement provided by applicant and supported by the City’s Infrastructure Services.

As demonstrated above, the location of the proposed “Child Day Care Centre” is considered consistent with the provisions of P307 in relation to location, and as such merits support by Council.

(h) Car parking

The required number of car bays is 15 and the proposed number of car bays is 16, a surplus of one (1) bay. Therefore, the proposed development complies with the car parking requirement in Table 6 of TPS6. The dimensions of the existing bays on site will be increased to meet the minimum standard contained in TPS6 resulting in safer vehicle movement on site.

While the car parking complies with the requirements of TPS6, the loss of the Public Transport Authority car park has been identified as a concern during the neighbour consultation period. The applicant has provided a Traffic Statement which considers the impact of commuters parking elsewhere within the locality. The report considers the locality can withstand this change with minimal impact on the road network, a conclusion which is supported by the City's Infrastructure Services.

(i) 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;*
- (g) Protect residential areas from the encroachment of inappropriate uses; and*
- (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

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

(j) 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;*
- (m) The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (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; and
- (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) 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 2” consultation method, individual property owners, occupiers and / or strata bodies at nearby properties on Robert, Leonora and Cassey Streets were invited to inspect the plans and to submit comments during a minimum 14-day period. In addition, two (2) signs were placed on the subject site inviting comment from any other interested person.

During the advertising period, a total of 71 consultation notices were sent and two (2) submissions were received, both objecting to the proposal. The summarised comments from the submitters, together with responses from the applicant and City officers are summarised below:

Submitters' Comments	Applicant's Response	Officer Response
Increased traffic and parking issues.	The Traffic Statement provided concludes the proposal will have “minimal impact on the road network”.	The Traffic Statement provided by the applicant has been reviewed by the City's Infrastructure Services and is supported. NOTED
Local area not suitable from commercial use.	Response not provided.	“DC” use in the residential zone may be supported, subject to not having an adverse impact on the locality. NOTED
No information regarding number of staff and opening hours.	Ten (10) staff employed at the “Child Day Care Centre” and operating hours between 7:00am and 6:00pm - Monday to Friday.	Information now provided by the applicant. NOTED

The concerns raised during the neighbour consultation process have been addressed by the applicant through the provision of additional information to the City.

(b) Internal administration

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

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic generated from the proposal and to review the Traffic Statement provided by the applicant, referred to as **Attachment 10.3.4(d)**. Following a review of the Traffic Statement, Infrastructure Services consider the proposal may be supported from a traffic, parking and transport perspective. The full response is contained in **Attachment 10.3.4(e)**.

The Environmental Health section provided comments with respect to the Environmental Noise Report, referred to as **Attachment 10.3.4(c)**, provided by the applicant. This section supports the proposal, subject to compliance with the report's recommendations.

Given support from the City's Environmental Health and Infrastructure Services, it is considered this application may be supported by Council.

(c) External agencies

Comments were invited from the Department of Transport (DoT), given the subject site is partly reserved by a regional road reservation. The Department of Transport has observed the proposal does not create a new crossover to Canning Highway, consistent with Development Control Policy 5.1 "Regional Roads, Vehicular Access". The agency requires local government to ensure sufficient parking is provided on site, and there is not undue impact on the intersection of Henley Street and Canning Highway as a result of the proposal. The Department of Transport raises no objections, as long as the above comments are taken into account.

As identified previously the proposed development complies with the car parking standards contained in Table 6 of TPS6. The Traffic Statement provided by the applicant is supported by the City's Infrastructure services and the proposal is not considered likely to impact upon the above intersection.

The proposal is therefore considered consistent with the advice of the Department of Transport and may be supported.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the 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 use, it is considered that the development enhances sustainability by providing local businesses and employment opportunities. In addition, the proposal results in the use of a building which otherwise lies dormant during the week, therefore increasing land use efficiency.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions and will not have a detrimental impact on adjoining residential neighbours and streetscape, provided the recommendations of the Environmental Noise Report and conditions are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.4**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for an Additional Use of “Child Day Care Centre” on Lot 4 (No. 111) Robert Street, Como **be approved** subject to:

(a) Standard Conditions

507	Street tree Protect and retain	550	Plumbing hidden
390	Crossover - Standards	445	Stormwater infrastructure
625	Sightlines for drivers	660	Expiry of approval
352	Car bays - Marked and visible	661	Validity of approval
354	Car bays - Maintained		

(b) Specific Conditions

- (i) The proposed 1.8 metre high solid fences to play Areas 2 and 3b shall be installed prior to occupation of the approved use.
- (ii) The number of children accommodated within the premises shall not exceed 47.
- (iii) The number of staff employed on site shall not exceed ten (10).
- (iv) The hours of operation are limited to Monday to Friday - 7:00am to 6:00pm.

(c) Standard Advice Notes

700A	Building licence required	709	Masonry fences require BA
725	Fences note - Comply with that Act	790	Minor variations - Seek approval
766	Landscaping - General standards	795B	Appeal rights - Council decision

(d) Specific Advice Notes

The applicant is advised that it is the applicant’s responsibility to liaise with the City’s Environmental Health section to ensure satisfaction of all of the relevant requirements.

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

CARRIED EN BLOC RESOLUTION

10.3.5 Proposed Use Not Listed “Display Home” - Lot 808 (No. 26) Mount Henry Road, Salter Point.

Location: Lot 808 (No. 26) Mount Henry Road, Salter Point
 Applicant: Artique Building Pty Ltd
 Lodgement Date: 23 December 2011
 File Ref: 11.2011.580.1 MO5/26
 Date: 1 March 2012
 Author: Mark Scarfone, Senior Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for a Use Not Listed “Display Home” on Lot 808 (No. 26) Mount Henry Road, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use (Use Not Listed)	TPS6 Clause 3.3, Subclause 7

It is recommended that the proposal be approved subject to conditions.

Background

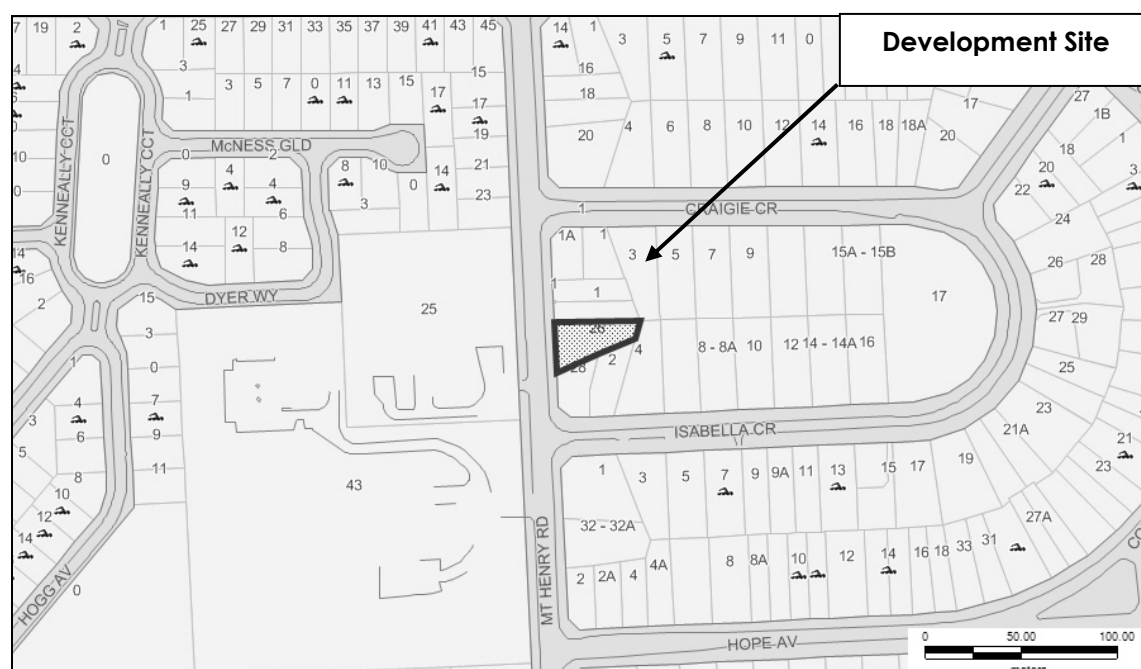
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	766 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table 1 of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

Confidential Attachment 10.3.5(a)	Plans of the proposal.
Attachment 10.3.5(b)	Applicant's supporting letters dated 19 December 2011 and 21 February 2012.

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

This power of delegation does not extend to determining applications for planning approval relating to the following uses:

- (h) *Uses Not Listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.*

Comment

(a) Background

On 2 September 2010, the City's Planning Department issued conditional planning approval for a two-storey "Single House" on Lot 808 (No. 26) Mount Henry Road, Salter Point (the subject site). Subsequent to this approval being granted, the City issued a building licence, and the dwelling is currently under construction. The dwelling is expected to be completed by the end of April 2012.

On 21 December 2011, the City received an application for a Change of Use from "Single House" to Use Not Listed "Display Home" (herein referred to as "Display Home"). The submitted plans closely reflect those approved as a part of the building licence, with the exception of a pergola at the rear of the property and additional paved area in front of the third garage. The pergola is less than 3.5 metres in height, has an area of less than 30.0 sq. metres, and as such does not require planning approval under Clause 7.1 of TPS6. The proposed paved area is intended to allow for an additional parking bay on site in front of the approved garage.

(b) Description of the surrounding locality

The subject site has a frontage to Mount Henry Road and is located adjacent to single houses to the east and south. A vacant lot lies between the subject site and the closest single house to the north. The City issued a planning approval for a "Single House" on this lot in November 2007. Located on the opposite side of the road is a facility being operated by the Salvation Army. **Figure 1** below depicts the subject site and surrounds:



(c) Description of the proposal

The proposal involves the use of the approved "Single House" as a "Display Home". The proposed "Display Home" would be open four (4) days a week; Saturday, Sunday, Monday and Wednesday between 1:00pm and 5:00pm, or by private appointment outside these hours. Parking for the sales consultant will be located within the garage, while clients will park on the approved driveway. A sign located within the property will also be installed. The applicant has indicated the "Display Home" will operate for a maximum of two (2) years.

Plans of the proposal which depict the site plan of the approved dwelling, location of car parking, and signage are contained within **Confidential Attachment 10.3.5(a)**. The applicant's letter dated 19 December 2011, referred to as **Attachment 10.3.5(b)**, describes the proposal in more detail.

The proposal complies with the Scheme and relevant Council policies, as discussed below.

(d) Land use

The proposed "Display Home" is a Use Not Listed in Table 1 of the City of South Perth Town Planning Scheme No. 6 (TPS6). In accordance with Clause 3.3(7) of TPS6, a Use Not Listed may only be permitted to be approved following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provisions and City policy. This aspect will be discussed in detail below.

In considering this use, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 7.5. The proposal is considered to be in compliance with these clauses and will be discussed in further detail below.

(e) Car parking

In accordance with Clause 6.3 of TPS6 where a car parking standard is not stated in Table 6, car parking requirements shall be determined on a case by case basis, having regard to the likely demand.

The applicant provides details with regard to likely car parking demand in their original submission dated 19 December 2011 and subsequent letter dated 21 February 2012, referred to as **Attachment 10.3.5(b)**. These documents state that parking for the sales consultant will be provided within the garage of the approved dwelling, while clients visiting the site will be expected to park on site in front of the garage doors. The plans provided by the applicant indicate there will be three bays on site available for clients. There is no on street parking available in the near vicinity of the subject site.

Given the applicant expects no more than two to three couples to be in attendance at the home open at any one time, the on site parking provision is considered to be adequate, and as such is supported by City officers.

(f) Signage

Clause 6.12 of TPS6 and City Policy P308 "Signs" provide guidance for the assessment of signs within the City of South Perth. While Policy P308 provides guidance for non-residential signs in the residential zone, it is considered the policy provisions relate to permanent signage only rather than signs of a temporary nature, like the one proposed as a part of this application. It is therefore considered that the assessment of the proposed sign against the provisions of Clause 6.12 of TPS6 is appropriate.

Clause 6.12.6 states:

"When determining an application for planning approval for a sign, Council shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance within the locality".

As depicted in the plans, referred to as **Confidential Attachment 10.3.5(a)**, the proposed sign has a height of 2.4 metres and a width of 1.0 metre. The sign is located within the property boundary, approximately 1.0 metre from the northern boundary and 0.3 metres from the street boundary. The size of the proposed sign is considered typical for a use of this nature, and given the temporary nature of the proposal, is considered acceptable.

While the site to the north is currently vacant, it is considered important to ensure future access and egress from this site is not impeded by the presence of the proposed sign. It is also considered important to ensure an appropriate distance between the sign and the footpath adjacent to the property. As such, a condition is recommended which requires the sign to be no closer than 1.5 metres to the northern property boundary.

(g) Operating hours

In the supporting letter provided by the applicant it is indicated the proposed “Display Home” will be open between the hours of 1:00pm and 5:00pm on Saturday, Sunday, Monday and Wednesday, or by private appointment. In order to ensure the amenity of adjoining neighbours is not impacted upon by private appointments, it is proposed to approve the proposal on the condition that the “Display Home” operates between the hours of 1:00pm and 5:00pm. This will allow the applicant to open the dwelling in the hours stated in its original submission, while giving the flexibility to organise private viewings on the other days.

(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:

- (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; and*
- (g) Protect residential areas from the encroachment of inappropriate uses.*

As indicated in the description of the proposal above, the applicant has indicated the proposed “Display Home” will be open between the hours of 1:00pm and 5:00pm, four (4) days a week, and will be visited by a maximum of three clients at any one time. A cleaner and gardener will visit the dwelling on occasions to tend to the property. Outside of these times, the “Display Home” will remain empty.

The two (2) year approval sought by the applicant is not considered to be contrary to the objectives outlined above. Given the dwelling will be utilised in the afternoon only, there will be no impact on the residential character and amenity of the area. The scale of the development has been previously approved by the City and is in harmony with its surrounds. Finally, the two (2) year time limit ensures a “commercial use” does not permanently encroach on this residential area.

The proposed development is considered satisfactory in relation to all of these 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;*
- (i) The preservation of the amenity of the locality; and*
- (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.*

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

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 and occupiers at Nos. 1, 3 and 5 Craigie Crescent, Nos. 2, 4 and 6 Isabella Crescent, and Nos. 22 to 25, 28 and 43 Mount Henry Road were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 24 consultation notices were sent and one (1) submission was received. This submission is against the proposal. The comments from the submitter, together with the applicant's and officer responses are summarised below:

Submitters' Comments	Applicant's Response	Officer Response
No parking available on site causing interference with adjoining properties.	Parking available for a consultant and three visitors. Being a stand alone "Display Home" and at the higher end of the price bracket, experience over many years indicates no more than two to three clients will ever be present on site.	On site parking is considered adequate. The comment is NOT UPHELD .
Negative impact on traffic at peak times.	The "Display Home" operates during off peak times.	The proposed "Display Home" opens during off peak times and the likely vehicle numbers is not sufficient to have an impact on the road network. The comment is NOT UPHELD .
Potential to impact on development of nearby properties.	The house is to be used as a "Display Home" and will not be used for any other purpose. Visitors generally view only the interior of the building and rarely venture into the backyard.	The development of nearby properties is assessed independently to this approval. No impacts are likely. The comment is NOTED .
Potential to damage verge, footpaths and other property.	Parking to occur on the driveway and unlikely to cause damage.	Vehicles parked on site will be no different to those using a "Single House". The comment is NOTED .
Potential loss or damage during construction and finishing stage.	The home will be completed and no other works required which will affect the verge, footpaths or other properties.	Those using the "Display Home" are not considered likely to damage adjoining properties. The comment is NOTED .

The submitters concerns are considered to have been adequately addressed by the applicant in the initial planning application and subsequent response. The proposed "Display Home" is not considered likely to have a negative impact on surrounding neighbours, and as such is supported.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the 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 owners of the property have decided not to move into the dwelling. The current proposal allows for the use of this approved dwelling rather than it sitting vacant.

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 no impact on streetscape. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Use Not Listed “Display Home” on Lot 808 (No. 26) Mount Henry Road Salter Point, **be approved** subject to:

(a) Specific Conditions

- (i) The approved sign shall be installed no closer than 1.5 metres from the northern side boundary and 0.5 metres from the western street boundary of the lot.
- (ii) The “Display Home” shall only operate between the hours of 1:00pm and 5:00pm daily.
- (iii) The “Display Home” use shall expire two (2) years from the date of this approval, being no later than 31 March 2014. At the end of this period, the use of the building will revert to “Single House”. All signage shall be removed from the “Display Home” prior to the expiry of this approval.

(b) Standard Advice Notes

795B	Appeal rights - Council decision	700A	Building licence
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Footnote A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - February 2012

Location: City of South Perth
 Applicant: Council
 File Ref: FM/301
 Date: 10 March 2012
 Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

The attachments to this financial performance report are part of a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Background

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

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

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

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

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

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

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

Comment

The major components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6) (A) and 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 29 February 2012 is \$39.43 M which represents 100% of the \$39.40M year to date budget. Revenue performance is very close to budget expectations overall - although there are some individual line item differences. Meter parking is within 2% of budget but infringement revenue is around 15% behind budget expectations after a very modest result on Australia Day (smaller crowds and better parking behaviour). Reserve interest revenues are close to budget expectations to date but municipal interest revenue is some 9% behind budget expectations. Interim rates revenue is now aligned with the revised budget figures after a substantial (\$100K) upwards revision to the revenue budget in the Q2 Budget Review.

Planning revenues are now 4% below budget – after a significant downwards adjustment to the revenue budget - but this is compensated by using lesser levels of staff resource in the area. Building Services revenues remain 4% behind the revised target (adjusted down in the Budget Review) but they are relatively resilient in the current economic climate. Collier Park Village revenue is in line with budget expectations whilst the Collier Park Hostel revenue is now 3% ahead of target following another retrospective to adjustment to commonwealth subsidies.

Golf Course revenue remains some 6% below budget targets even after a significant downwards budget adjustment.

Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are now ahead of budget after recognising additional revenues from transfer station entries and from billing a higher number of services than was anticipated when budget modelling was done.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 29 February 2012 is 32.11M which represents 99% of the year to date budget. Operating Expenditure is 2% under budget in the Administration area, 1% under budget for the golf course and on budget in the Infrastructure Services area.

Cash operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers.

Most infrastructure maintenance activities are reflected as broadly in line with budget expectations or slightly favourable whilst building maintenance activities are currently quite favourable due to contractor availability.

Waste management costs are slightly under budget expectations. Golf Course expenditure is currently favourable to budget - but will need to be closely monitored for the remainder of the year given the weaker revenue performance from this area.

Overheads in both the City Environment & Engineering Infrastructure areas are higher than expected due to less than anticipated overhead recoveries - but as noted above, some corrective action occurred in February. However, this issue is likely to require further remedial action before year end.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 1.8% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. The factors impacting this include vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$7.78M at 29 February against a year to date budget of \$7.56M. All items are close to budget expectations at present other than UGP service charges which may be subject to contest on some charges that have been levied. Details of capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 29 February 2012 is \$12.95M representing 86% of the year to date budget of \$15.10M. At this stage, almost 50% of the expenditure relates to the CPGC work and the UGP project. A special review of the capital program was undertaken in January and was reflected in the Budget Review Report presented to Council in February.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards.

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	260,000	230,076	88%	690,000
Financial & Information Services	505,000	436,443	86%	1,355,000
Development & Community Services	690,000	615,300	89%	825,000
Infrastructure Services	5,404,273	3,793,197	70%	8,349,924
Waste Management	195,360	205,599	91%	245,360
Golf Course	5,451,460	5,068,406	93%	5,548,760
UGP	2,600,000	2,603,411	100%	4,766,000
Total	15,106,093	12,952,432	86%	21,780,044

Consultation

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

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

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

Strategic Implications

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

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Schedule of Movements between the Adopted & Amended Budget **Attachment 10.6.1(6)(A) and 10.6.1(6)(B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 29 February 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 March 2012
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

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

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$46.62M (\$48.28M last month) compare to \$42.86M at the equivalent stage of last year. Reserve funds are \$1.2M higher overall than the level they were at the same time last year - reflecting \$2.4M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The UGP Reserve is \$1.0M lower. The Sustainability and CPH Capital Reserves are each \$0.3M higher whilst the Technology Reserve and Railway Station Reserve are each \$0.2M higher (quarantined funds for the new corporate document management system). The Future Building Works Reserve is \$0.5M higher when compared to last year. The CPGC Reserve is also \$1.1M lower as funds were applied to the Island Nine project. Various other reserves are modestly lower.

Municipal funds are \$2.4M higher than last year at present as a consequence of the timing of outflows on capital projects. Collections from rates so far are only slightly behind last year's excellent result after the third instalment date. This suggests that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses) have again had a positive effect on our cash inflows.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$13.24M (compared to \$15.15M last month). It was \$10.71M at the equivalent time in 2010/2011. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$45.60M compared to \$41.67M at the same time last year. This is due to the higher holdings of Reserve & Municipal Funds as investments due to deferred cash outflows on capital projects.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 99% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

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

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Total interest revenues (received and accrued) for the year to date total \$1.63M - compared to \$1.60M at the same time last year. Whilst the City now has higher levels of cash invested at this time, the prevailing interest rates have been slightly lower.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 5.78% with the anticipated weighted average yield on investments yet to mature now sitting at 5.67% (compared with 5.72% last month). At-call cash deposits used to balance daily operational cash needs provide a very modest return of only 4.00% following the December 2011 Reserve Bank decision on interest rates.

(c) **Major Debtor Classifications**

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of February 2012 (after the due date for the third instalment) represent 90.8% of rates levied compared to 91.0% at the equivalent stage of the previous year.

This again provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 Annual Budget and the range of appropriate, convenient and user friendly payment methods offered by the City. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these have provided strong encouragement for ratepayers - as evidenced by the collections to date.

This collection result has been supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$2.29M at month end (\$1.64M last year) (\$1.24M last month). Most balances including GST receivable and Pension Rebate Claims are very close to the balances for the equivalent time last year. Balance Date Debtors is some \$0.6M higher - but this simply reflects the accrual entry in the City's accounts for the \$575K proceeds of the Kensington CHC land that is to settle in March.

This continuing good result is particularly important with respect to effectively maintaining our cash liquidity in the light of the less than anticipated budget opening position for 2011/2012.

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

(iii) Underground Power

Of the \$6.74M billed for UGP Stage 3 project, (allowing for adjustments), some \$6.40M was collected by 29 February with approximately 84.5% of those in the affected area having now paid in full and a further 14.8 % opting to pay by instalments. The remaining properties were disputed billing amounts. Final notices were issued and these amounts have now been pursued by external debt collection agencies as they had not been satisfactorily addressed in a timely manner. Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

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

Initial billing for the Stage 5 UGP Project occurred at the end of February - but the first due date had not arrived at the time of preparing this report.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 29 February 2012 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 March 2012
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 February 2012 and 29 February 2012 is presented to Council for information.

Background

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

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

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

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

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

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

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

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3
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That the Listing of Payments for the month of February 2012 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Capital Projects Review to 29 February 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 March 2012
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 29 February 2012. Officer comment is provided only on the significant identified variances as at the reporting date.

Background

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

Comment

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also effected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the Capital Program represents 86% of the year to date target - and 59.5% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

- contractor and staff resource shortages
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore closely monitors and reviews the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility. The City also uses the 'Deliverable' & 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

Comments on the broad capital expenditure categories are provided in Attachment 10.6.1(5) of this agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.4 (1)** and **Attachment 10.6.4 (2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

Consultation

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

Policy and Legislative Implications

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

Strategic Implications

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

Sustainability Implications

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4
--

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 29 February 2012, as per **Attachments 10.6.4(1) and 10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

10.6.5	Applications for Planning Approval Determined Under Delegated Authority
---------------	--

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	1 March 2012
Author:	Rajiv Kapur, Manager, Development Services
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of February 2012.

Background

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

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

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

Comment

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

Consultation

During the month of February 2012, twenty-eight (28) development applications were determined under delegated authority at **Attachment 10.6.5**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5
--

That the report and **Attachment 10.6.5** relating to delegated determination of applications for planning approval during the months of February 2012, be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	9 March 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

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

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:

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

Comment

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

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

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

Delegation DC346 “Authority to Affix the City’s Common Seal” authorises the Chief Executive Officer or a delegated employee to affix the common seal to various categories of documents.

Register

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

February 2012

Nature of Document	Parties	Date Seal Affixed
Short-term (1 yr) lease for Unit 9, 2 Bruce Street COMO x3	CoSP & Eileen Miriam Crittenden	6 February 2012
Residential Agreement for Low Care (Hostel) Residents x3	CoSP & Loretta Delavere	7 February 2012
Residential Agreement for Low Care (Hostel) Residents x3	CoSP & Mary Rosetta Tearne	20 February 2012
Rivers Regional Council Deed of Agreement - Amendment re Deputies	CoSP & Rivers Regional Council	22 February 2012
Residential Agreement for Low Care (Hostel) Residents x3	CoSP and Arthur George Downing	27 February 2012
Certificate of Duty - Transfer (residential rate) following the sale of Collins St	CoSP and David John & Maria Preedy	29 February 2012

Consultation

Not applicable.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6
--

That the report on the use of the Common Seal for the months of February 2012 be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Committees of Council

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	8 March 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to formally receive a nomination from Cr Hawkins-Zeeb for membership to the Audit and Governance Committee.

Background

After each election, the Council must review the membership of each of its Committees. The City currently has two committees of Council. These are the Audit and Governance Committee which oversees the City's audit process and deals with a range of governance issues and the CEO Evaluation Committee which oversees quarterly reviews of the CEO's performance and conducts annual performance reviews for the CEO.

Comment

At the Special Swearing-In Council Meeting held on 18 October 2011, following the 2011 Council Elections, nominations were received from Council Members to sit on its internal Committees. Cr Hawkins-Zeeb did not register an interest in standing on the Audit and Governance Committee at that point in time, however she is now seeking appointment to that Committee.

The current members of the Audit and Governance Committee appointed at the Special Council Meeting held 18 October 2011 are:

Committee Members

Mayor Doherty, Cr Grayden, Cr Howat, Cr Lawrance, Cr Trent (Chair) and Cr Skinner.

Consultation

Nil

Policy and Legislative Implications

Establishment of Committees is in accordance with section 5.11 of the *Local Government Act 1995* which provides that the tenure of a committee member ceases at each ordinary election day.

Financial Implications

Nil

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7
--

That Council appoints Councillor Hawkins-Zeeb as a member of the Audit and Governance Committee.

CARRIED EN BLOC RESOLUTION

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

DECLARATION OF INTEREST : CEO : ITEM 10.7.1(B)

Note: The Mayor read aloud the Declaration of Interest received from the CEO in relation to Item 10.7.1(B) when Item 10.7.1 adopted en bloc at Item 9.0

10.7.1 Audit and Governance Committee Recommendations from Committee Meetings held 6 March and 13 March 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	14 March 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meetings held 6 and 13 March 2012 respectively.

Background

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve the City’s corporate governance framework. As the Committee does not have delegated authority it may only make recommendations to Council.

The Minutes of the Committee meetings held on 6 and 13 March 2012 are at **Attachments 10.7.1(a) and 10.7.1(b)**. The background to the Committee’s recommendations, which incorporate the officer reports, are set out in the Minutes.

The following items were considered by the Committee at its meetings held on 6 and 13 March 2012 respectively:

- (a) Financial Management Review Report 2011
- (b) Appointment of Auditors
- (c) Management of City Property
- (d) Policy P675 "Legal Representation"
- (e) Review of Health Local Law 2001
- (f) Public Places and Local Government Property Amendment Local Law 2012
- (g) Parking Amendment Local Law 2012
- (h) Dog Amendment Local Law 2012
- (i) Review of Council Policies
- (j) Proposed Amendment to 'Public Places and Local Government Property Local Law' - Amenity Value of Street Trees
- (k) Review of Council Delegations
- (l) Compliance Audit Return 2011
- (m) Legal Advice - Former Councillor

Comment

- (a) **Financial Management Review 2011** (*Item 6.1 A & G Committee 6.3.12*)
At the Committee meeting representatives from Macri Partners provided a brief overview of the review process carried out and responded to questions raised by Elected Members. The Committee endorsed the Financial Management Review 2011 Report and the officer recommendation.
- (b) **Appointment of Auditors** (*Item 6.2 Audit & Governance Committee 6.3.12*)
The Committee supported the evaluation of the weighted criteria including both price and other qualitative factors of the ranking and endorsed the officer recommendation.
- (c) **Management of City Properties** (*Item 6.3 Audit & Governance Committee 6.3.12*)
Following discussion Members were of the view that the criteria used for the leasing and sale of City property and the subsequent amendments proposed to Policy P609 "Management of City Buildings" and Delegation DC609 "Leases and Licenses" should be the subject of a Council Member Workshop and as such the item was deferred.
- (d) **Policy P675 Legal Representation** (*Item 6.4 A & G Committee 6.3.12*)
Following discussion the Committee agreed to defer consideration of this matter to a special meeting of the Audit and Governance Committee scheduled for 13 March 2012.
- (e) **Review of Health Local Law 2002** (*Item 6.5 A & G Committee 6.3.12*)
In accordance with Section 3.16 of the *Local Government Act 1995* (which requires that a periodic review is undertaken of each local law within an eighth year period) the Health Local Law 2002 is due for review. At the Council Meeting on 22 November 2011 Council resolved to review the Health Local Law 2002. Following the November 2011 Council Meeting the City gave state-wide public notice of the intention to review the Health Local Law 2002.

There were no submissions received during the public consultation period. As the State Government is currently developing a new *Public Health Act* it is proposed that there be no amendments to the Health Local Law during this statutory review process.

Following discussion, the Committee were of the view that the recommendation needed to be amended to include that a further review of the CoSP Health Local Law 2002 be carried out as soon as the Public Health Act is in place. The amended officer recommendation was endorsed.

(f) Public Places and Local Government Property Amendment Local Law 2012
(Item 6.6 Audit & Governance Committee 6.3.12)

The Department of Local Government provided suggested amendments which have been incorporated into the Public Places and Local Government Property Amendment Local Law 2012. The City gave state-wide public notice of the intention to make the Public Places and Local Government Property Amendment Local Law 2012 inviting public submissions. Notices were also placed on the City's website and the City's public notice boards.

There were no submissions received from the public during the public consultation period.

The Committee endorsed, the proposed Amendment to the Public Places and Local Government Property Local Law as suggested by the Department of Local Government and the officer recommendation.

(g) Parking Amendment Local Law 2012 *(Item 6.7 A & G Committee 6.3.12)*

The Department of Local Government provided suggested amendments which have been incorporated into the Parking Amendment Local Law 2012. The City gave state-wide public notice of the intention to make the Parking Amendment Local Law 2012, inviting public submissions. Notices were also placed on the City's website and the City's public notice boards.

There were no submissions received during the public consultation period.

The Committee endorsed the proposed Amendment to the Parking Local Law 2012 as suggested by the Department of Local Government and the officer recommendation.

(h) Dog Amendment Local Law 2012 *(Item 6.8 A & G Committee 6.3.12)*

The Department of Local Government provided suggested amendments which have been incorporated into the Dog Amendment Local Law 2012. The City gave state-wide public notice of the intention to make the Dog Amendment Local Law 2012, inviting public submissions. Notices were also placed on the City's website and the City's public notice boards.

There were no submissions received during the public consultation period.

The Committee endorsed the proposed Amendment to the Dog Local Law 2012 as suggested by the Department of Local Government and the officer recommendation.

(i) Review of Council Policies 2012 *(Item 6.9 Audit & Governance Committee 6.3.12)*

The Committee having reviewed the revised policies, recommends that Council adopt the Policies. A copy of the policies referred to in the recommendation is attached to the Agenda.

- (j) **Proposed Amendment to Public Places and Local Government Property Local Law 2011 - Amenity of Street Trees** (*Item 6.12 A & G Committee 6.3.12*)
The Committee having reviewed the proposed Amendment recommends that clause 8.5(1) of the Property Local Law be endorsed and the Local Law advertised for public comment.
- Following discussion Elected Members were of the view that Policy P350.5 be also advertised for public comment at the same time as the local law and that part (b) of the Recommendation be amended accordingly.
- (k) **Review of Council Delegations 2012** (*Item 6.10 A & G Committee 6.3.12*)
The Committee having reviewed the revised delegations, recommends that Council adopt the Delegations. A copy of the delegations is attached to the Agenda.
- (l) **Compliance Audit Return 2011** (*Item 6.11 A & G Committee 6.3.12*)
The Committee having reviewed the Compliance Audit recommends that Council adopt the 2011 Audit Return.
- (m) **Legal Advice - Former Councillor** (*Item 3.1 A & G Committee 13.3.12 deferred from item 6.4 of A & G Committee meeting held 6.3.2012*)
This matter was deferred from the Audit and Governance Committee Meeting held 6 March 2012. Following further discussion the Committee at its meeting held 13 March 2012, endorsed the recommendation as presented in the *Confidential* report.

Consultation

N/A

Policy and Legislative Implications

The report accurately records the policy and legislative implications of the matters contained therein.

Financial Implications

Nil

Strategic Implications

This matter relates to Strategic Direction 6.1 identified within Council's Strategic Plan 2010-2015, which is expressed in the following terms: ***Implement management frameworks, performance management and reporting systems to drive and improve organisational performance.***

Sustainability Implications

Nil

Committee Recommendations that require Council determination are presented hereunder:

COMMITTEE RECOMMENDATION AND COUNCIL DECISION ITEM 10.7.1
--

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meetings held 6 and 13 March 2012:

(A) Financial Management Review 2011

That

- (a) the Financial Management Review 2011 Report as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants (at *Confidential* Attachment 6.1 of the Audit & Governance Agenda), be received; and
- (b) the proposed actions in response to the matters noted in the Report be noted and endorsed.

CARRIED EN BLOC RESOLUTION

(B) Appointment of Auditors

That...

- (a) Council appoints Macri Partners for the provision of statutory audit services for the audit of the City's 2011/2012 to 2013/2014 annual financial statements inclusive with a further option for the 2014/2015 to 2015/2016 period exercisable at the discretion of the City; and
- (b) the audit contract is to be prepared in accordance with the Department of Local Government Standard Audit Contract conditions.

CARRIED EN BLOC RESOLUTION

(C) Review of Health Local Law 2002

That....

- (a) the review of the City of South Perth Health Local Law 2002 under section 3.16 of the *Local Government Act 1995* be received; and
- (b) the City of South Perth Health Local Law 2002 be further reviewed when the new Public Health Act is proclaimed.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

(D) Public Places and Local Government Property Amendment Local Law 2012
That....

- (a) in accordance with section 3.12(4) of the *Local Government Act 1995*, the City of South Perth Public Places and Local Government Property Amendment Local Law 2012 be adopted;
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the local law be published in the *Government Gazette* and a copy sent to the Minister for Local Government;
- (c) after Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, local public notice be given:
 - (i) stating the title of the local law;
 - (ii) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazettal, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 12 November 2010, a copy of the Local Law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

(E) Parking Amendment Local Law 2012
That....

- (a) in accordance with section 3.12(4) of the *Local Government Act 1995*, the City of South Perth Parking Amendment Local Law 2012 be adopted;
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the local law be published in the *Government Gazette* and a copy sent to the Minister for Local Government;
- (c) after Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, local public notice be given:
 - (i) stating the title of the local law;
 - (ii) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazettal, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 12 November 2010, a copy of the Local Law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

(F) Dog Amendment Local Law 2012

That....

- (a) in accordance with section 3.12(4) of the *Local Government Act 1995*, the Dog Amendment Local Law 2012 be adopted;
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the local law be published in the *Government Gazette* and a copy sent to the Minister for Local Government;
- (c) after Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, local public notice be given:
 - (i) stating the title of the local law;
 - (ii) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazettal, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 12 November 2010, a copy of the Local Law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED EN BLOC RESOLUTION

And By Required Absolute Majority

(G) Review of Council Policies 2012

That

- (a) the officer report detailing the review of the Council Policies be noted;
- (b) the following policies having been reviewed with 'no change' to content be adopted:
 - P101 Public Art
 - P102 Community Funding Program
 - P103 Communication and Consultation
 - P104 Community Awards
 - P105 Cultural Services and Activities
 - P106 Use of City Reserves and Facilities
 - P107 Disability Access
 - P108 Honorary Freeman of the City
 - P110 Support of Community and Sporting Groups
 - P111 Commemoration
 - P112 Community Advisory Groups
 - P201 Sustainable Procurement
 - P202 Energy Conservation
 - P204 Chemical Use
 - P205 Tree Preservation Orders
 - P207 Natural Areas
 - P208 Ecologically Sustainable Building Design
 - P209 Shade Structures
 - P210 Street Verges
 - P301 Consultation for Planning Proposals
 - P303 Design Advisory Consultants
 - P304 Narrow Lot Design Guidelines
 - P305 Land Reserves for Road Widening
 - P306 Development of Properties Abutting River Way

- P307 Family Day Care Centre and Child Day Care Centres
- P308 Signs
- P309 Satellite Dishes
- P310 Telecommunications Infrastructure
- P311 Subdivision Approval - Early release from conditions
- P350 Residential Design Policy Manual (P350.1 - P351)
- P350.1 Sustainable Design
- P350.2 Residential Boundary Walls
- P350.3 Car Parking Access, Siting and Design
- P350.4 Additions to Existing Dwellings
- P350.5 Trees on Development Sites and Street Verges
- P350.6 Safety and Security
- P350.7 Fencing and Retaining Walls
- P350.8 Visual Privacy
- P350.9 Significant Views
- P350.10 Ancillary Accommodation
- P350.11 Aged or Dependent Persons' Dwelling
- P350.12 Single Bedroom Dwellings
- P350.13 Strata Titling of Dwellings Constructed prior to TPS 6
- P350.14 Use or Closure of Rights-of-Way
- P350.15 Bed and Breakfast Accommodation
- P352 Final Clearance Requirement for Completed Buildings
- P356 Electricity Substations
- P358 House Numbers on Kerbs
- P360 Informing Neighbours of Certain Development Applications
- P401 Graffiti Management
- P402 Alfresco Dining
- P502 Cycling Infrastructure
- P602 Authority to make payments from Municipal & Trust Funds
- P605 Purchasing & Invoice Approval
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P608 Dividend Policy – Collier Park Golf Course
- P610 Collier Park Village – Financial Arrangements
- P611 Collier Park Hostel – Financial Arrangements
- P612 Disposal of Surplus Property
- P613 Capitalisation of Fixed Assets
- P649 Mayor Vehicle
- P661 Complaints
- P662 Advertising on Banner Poles
- P665 Use of Council Facilities
- P666 Local Government Resource Sharing
- P667 Member Entitlements
- P668 Mayoral Portraits
- P669 Travel
- P670 Delegates from Council
- P671 Governance
- P672 Briefings, Forums and Workshop
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P675 Legal Representation

- P677 State Administrative Tribunal
 - P687 Development of Council Owned Land
 - P688 Asset Management
 - P689 Applications for Planning Approval: Applicants Responsibilities
 - P691 Business Excellence Framework
 - P692 Sustainability Policy
 - P693 Retiring Elected Members
- (c) the following policies, having been reviewed and the content revised at **Attachment 10.7.1(G)** be adopted;
- P203 Groundwater Management
 - P206 Street Trees
 - P302 General Design Guidelines for Residential Development
 - P357 Right of Way Maintenance & Development
 - P501 Paths - Provision & Construction
 - P503 Crossovers
 - P509 Stormwater Drainage Requirements for proposed Buildings
 - P510 Traffic management Warrants
 - P601 Strategic Financial Plan & Annual Budget Preparation
 - P603 Investment of Surplus Funds
 - P604 Use of Debt as a Funding Option
 - P632 Equal Employment opportunity
 - P633 Elimination of Harassment in the Workplace
 - P636 Occupational Safety and Health
 - P648 Motor Vehicles
- (d) the following policies having been reviewed at **Attachment 10.7.1(G)** be deleted;
- P113 Parking for People with Disabilities
 - P359 Toilets on Building Sites
 - P504 Street Verges
 - P506 Road Rehabilitation Prioritisation
 - P507 Path Replacement
 - P508 Bus Shelter Provision and Replacement

CARRIED EN BLOC RESOLUTION

(H) Proposed Amendment to Public Places and Local Government Property Local Law 2011 - Amenity of Street Trees

That....

- (a) in accordance with s3.12(3)(a)(b) and (3a) of the *Local Government Act 1995*, Council gives Statewide and local public notice stating that:
 - (i) it proposes to make a *Public Places and City Property Amendment Local Law No 2 2012*, and a summary of its purpose and effect;
 - (ii) copies of the proposed local law may be inspected at the City's offices;
 - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
 - (iv) in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
 - (v) in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
 - (vi) the results be presented to Council for consideration of any submissions received.
- (b) Policy P350.5 "Trees on Development Sites and Street Verges" be advertised for public comment at the same time as clause 8.6 of the *City of South Perth Public Places and Local Government Property Local Law 2011* is advertised for public comment.

CARRIED EN BLOC RESOLUTION

(I) Review of Council Delegations 2012

That the Delegations at **Attachment 10.7.1(I)** listed hereunder having been reviewed with 'no change' to content be adopted:

DC511	Partial Closure of Thoroughfare for Repair or Maintenance
DC601	Strategic Financial Plan & Annual Budget Preparation
DC602	Authority to Make Payments from Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders to a prescribed limit
DC612	Disposal of Surplus Property
DC616	Write off Debts
DC642	Appointment of Acting CEO
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Laws
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions
DC690	Town Planning Scheme 6

CARRIED EN BLOC RESOLUTION

(J) Compliance Audit Return 2011

That the Audit and Governance Committee recommends that Council:

- (a) adopt the 2011 Compliance Audit Return for the period 1 January 2011 to 31 December 2011 as detailed in **Attachment 10.7.1 (J)**;
- (b) authorise the Mayor and Chief Executive Officer to jointly certify the 2011 Compliance Audit Return; and
- (c) submit the 2011 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

CARRIED EN BLOC RESOLUTION

(K) Legal Advice - Former Councillor (*Confidential Report*)

That Council adopts the Audit and Governance Committee Recommendation as contained in *Confidential Report* Item 3.1 of the Committee Meeting held 13 March 2012.

CARRIED EN BLOC RESOLUTION

Note: The Council Resolution for Item 10.7.1(K) was read aloud when it was adopted as part of the en bloc decision at Item 9.0.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr McMullen

I hereby apply for Leave of Absence from all Council Meetings for the period from 24 March until 3 April 2012.

11.2 Request for Leave of Absence - Cr Howat

I hereby apply for Leave of Absence from all Council Meetings for the period from 14 to 31 May 2012 inclusive.

11.3 Request for Leave of Absence - Cr Skinner

I hereby apply for Leave of Absence from the Council Meeting scheduled for 27 March 2012.

11.4 Request for Leave of Absence - Cr Trent

I hereby apply for Leave of Absence from all Council Meetings for the period of 29 and 30 March 2012.

COUNCIL DECISION ITEM 11.1 TO 11.4

Moved Cr Lawrance, Sec Cr Hawkins-Zeeb

That leave of absence from all Council Meetings be granted to:

- Cr McMullen for the period 24 March to 3 April 2012;
- Cr Howat for the period 14 to 31 May 2012 inclusive;
- Cr Skinner for 27 March 2012; and
- Cr Trent for the period 29 and 30 March 2012.

CARRIED (10/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8.45pm

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 24 April 2012

Signed_____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

27/03/2012 7:09:27 PM

Item 7.1.1 - 7.1.3 Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:11:18 PM

Item 7.2. to 7.2.3 Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:12:15 PM

Item 8.1.1 Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:24:16 PM

Item 8.3.2(1) - Deputation Request Approved - Motion Passed 9/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Peter Howat, Cr Colin Cala
No: Cr Rob Grayden
Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:39:58 PM

Item 8.3.2(2) Deputation Request Declined - Motion Passed 9/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Cr Sharron Hawkins Zeeb
Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:40:45 PM

Item 8.4.1 Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 7:44:52 PM

Item 9.0 En Bloc Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 8:16:30 PM

Item 10.1.1 Amendment - Motion Passed 9/1

Yes: Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Mayor Sue Doherty
Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 8:17:32 PM

Item 10.1.1 Amendment to Amendment Motion Passed 9/1

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Cr Veronica Lawrance
Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 8:18:40 PM

Item 10.1.1 Amended Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 8:35:34 PM

Item 10.3.3 Amendment /Amended- Motion Passed 9/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Cr Fiona Reid
Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote

27/03/2012 8:37:06 PM

Item 11.1 - 11.4 - Motion Passed 10/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala
No: Absent: Cr Bill Gleeson, Cr Chris McMullen, Cr Betty Skinner, Casting Vote