

AGENDA

Ordinary Council Meeting

23 July 2013

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 July 2013 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
19 July 2013

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is, discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into six wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

www.southperth.wa.gov.au/Our-Council/

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES
(Attached to Agenda paper)

3.2 PUBLIC QUESTION TIME

3.3 AUDIO RECORDING OF COUNCIL MEETING

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations* as well as the City's Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.2 PUBLIC QUESTION TIME: 23 JULY 2013

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: 25 June 2013

Recommendation

That the Minutes of the Ordinary Council Meeting held 25 June 2013 be taken as read and confirmed as a true and correct record.

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 – June 2013 Ordinary Council Meeting – 18 June 2013

Officers of the City presented background information and answered questions on items identified from the June 2013 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Briefing – Draft Budget Presentation – 11 June 2013

The Director Financial and Information Services provided Council with an overview of the Draft Annual Budget 2013-2014. Notes from this Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Confidential Concept Briefing – Community Facilities – 10 June 2013

External Consultants provided Council with information on Community Facilities. Notes from this Concept Briefing are included as **Confidential Attachment 7.2.3**.

7.2.4 Concept Briefing – River Way and Salter Point – 18 June 2013

Officers provided Council with an overview of a possible amendment to the building height controls in the Town Planning Scheme No. 6 relating to properties in River Way and Salter Point. Notes from this Concept Briefing are included as **Attachment 7.2.4**.

Recommendation

That the attached notes under items 7.2.1, 7.2.2, 7.2.3 and 7.2.4 on Council Briefings be noted.

8. PRESENTATIONS

8.1 PETITIONS

A formal process where members of the community present a written request to Council.

Nil.

8.2 PRESENTATIONS

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

8.2.1 Certificate of Appreciation – Sri Chinmoy Oneness-Home Peace Run

A Certificate of Appreciation was presented to Mayor Doherty from the Sri Chinmoy Oneness-Home Peace Run. The Peace Run is a global torch relay that strives to spread goodwill among people of all nations. In Australia a team of runners from 16 nations will carry the torch over 15,000 km around the entire continent. The Mayor greeted runners at the Manning Primary School on 11 June 2013.

8.3 DEPUTATIONS

A formal process where members of the community many, with prior permission, address Council on Agenda items where they have a direct interest.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: PAMG Meeting – 6 June 2013

A report from Cr Hasleby, Cr Skinner and Cliff Frewing, Chief Executive Officer summarising their attendance at the Perth Airport Municipalities Group (PAMG) meeting held 6 June 2013 is at **Attachment 8.4.1.**

8.4.2 Council Delegate: Rivers Regional Council Meeting – 20 June 2013

A report from Cr Cala, Cr Trent and Stephen Bell, Director Infrastructure Services summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 20 June 2013 is at **Attachment 8.4.2.**

8.4.3 Council Delegate: WALGA South East Metropolitan Zone Ordinary Meeting 26 June 2013

A report from Cr Cala, and Cliff Frewing, Chief Executive Officer summarising their attendance at WALGA South East Metropolitan Zone Meeting held 26 June 2013 is at **Attachment 8.4.3.**

Recommendation

That the Council Delegates' Reports under items 8.4.1, 8.4.2 and 8.4.3 be received.

8.5 CONFERENCE DELEGATES REPORTS

8.5.1 Conference Delegate: National General Assembly for Local Government (16 June to 19 June)

A report from Mayor Doherty and Chief Executive Officer Cliff Frewing, summarising their attendance at the National General Assembly for Local Government held in Canberra 16 – 19 June 2013, is at **Attachment 8.5.1.**

Recommendation

That the Conference Delegates' Report under item 8.5.1 be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 39 to Town Planning Scheme No. 6 to increase residential density coding from R15 to R25 of land on southern side of Angelo Street between Addison and Lawler Streets, South Perth. Consideration of submissions and final adoption.

Location:	Lot 1 (Nos. 2 and 4) Addison Street, and Lots 2, 303, 304, 4, 306, 305, 307, 308, 1, 2, and 3 (Nos. 135 to 151) (inclusive) Angelo Street, South Perth
Applicant:	Dynamic Planning and Developments
Owners:	Various
Date:	1 July 2013
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

The purpose of Amendment No. 39 to Town Planning Scheme No. 6 (TPS6) is to increase the density coding of the Amendment lots from the existing R15 coding, to R25 coding. The proposal has been advertised for community comment and the submissions are discussed in this report and in related attachments.

It is recommended that the Council adopt the proposed Amendment No. 39 without modification, and that this recommendation be forwarded to the Minister for Planning for final approval.

Officer Recommendation

That

- (a) The Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submissions 1.1 and 1.2 generally be UPHELD;
 - (ii) Submissions 2.1 to 2.4, inclusive, generally be NOT UPHELD;
 - (iii) Amendment No. 39 to the City of South Perth Town Planning Scheme No. 6 proceed without modification;
- (b) in accordance with the *Town Planning Regulations 1967 (as amended)*, the Council hereby adopts Amendment No. 39 to Town Planning Scheme No. 6 for final approval, and authorises the affixing of the Common Seal of Council to three copies of the modified Amendment No. 39 document at **Attachment 10.0.1(a)**, as required by those Regulations;
- (c) this Report on Submissions containing the Council's recommendations, attachments to this report, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 39 by the Minister for Planning; and
- (d) the submitters be thanked for their participation in this process.

10.0.1 Proposed Amendment No. 39 to Town Planning Scheme No. 6 - Consideration of submissions and final adoption

Background

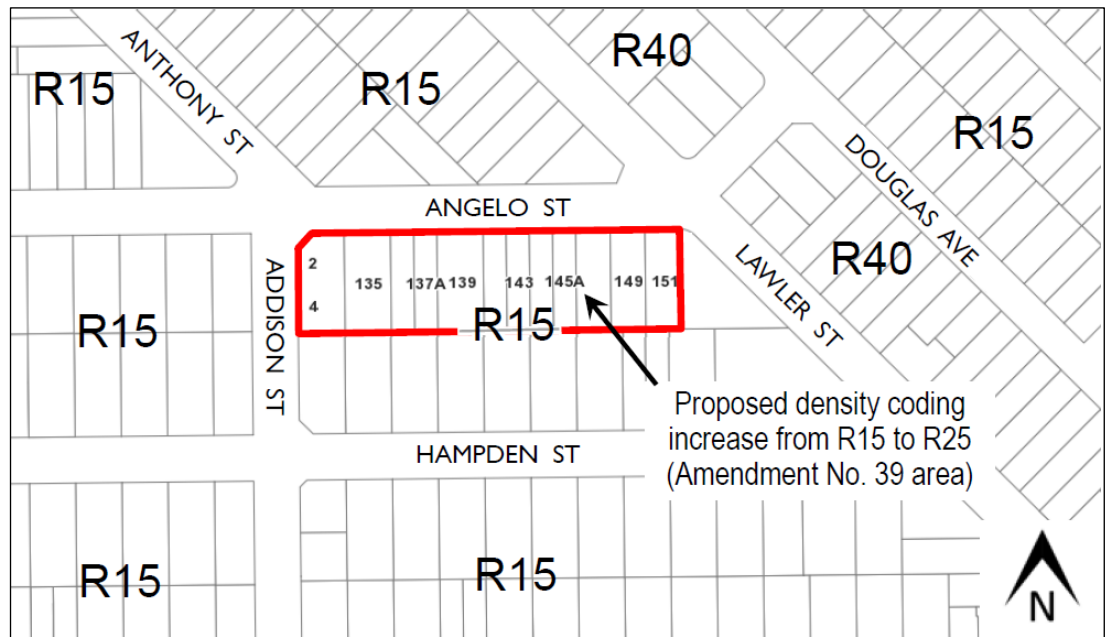
This report contains the following attachments:

Attachment 10.0.1(a): Amendment No. 39 Report and amending text for final adoption.

Attachment 10.0.1(b): Report on Submissions

Attachment 10.0.1(c): Schedule of Submissions

The location of the Amendment area is shown below:



Amendment No. 39 was initiated at the February 2013 Council Meeting (*Item 10.3.1 Ordinary Council Meeting 26 February 2013 refers*) for the purpose of increasing the density coding for residential lots on the southern side of Angelo Street between Addison and Lawler Streets, South Perth, from R15 to R25.

The Amendment fulfils the requirement of clause 9.8 'Amendments to the Scheme', which includes the following:

“(1) The Council shall keep the Scheme under constant review and where appropriate, carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.”

Comment

The subject land is currently coded R15. Under the previous Town Planning Scheme No. 5 (TPS5), this land formed part of a cell of four street blocks bounded by Angelo, Lawler, Elizabeth and Sandgate Streets, which had a density coding of R25. Under the R25 coding of TPS5, it was permissible for the subject lots to be subdivided into two lots or developed with two dwellings. Most of the owners within the Amendment area with land of sufficient size took advantage of this opportunity. With gazettal of TPS6 in April 2003, all of this land was down-coded to R15, which requires lots to have a minimum area of 1332 sq. metres in order to develop with two dwellings (or lots). None of the subject lots meet this requirement. The proposed Scheme Amendment will restore the previous development potential.

10.0.1 Proposed Amendment No. 39 to Town Planning Scheme No. 6 - Consideration of submissions and final adoption

Further detail is contained in the Amendment report (**Attachment 10.0.1(a)**) and in the Report on Submissions (**Attachment 10.0.1(b)**).

Consultation

(a) Applicant's consultation with landowners

The applicant, Dynamic Planning, represents the owners of one of the two larger lots within the Amendment area. The City advised the applicant that a 'spot rezoning' would not be supported for a single lot, and that a larger area should be selected for the Amendment. The City also asked the applicant to consult with the owners of all of the Amendment lots prior to submission of a formal Scheme Amendment request. This consultation resulted in the applicants receiving responses from only two of the owners of affected lots. Both respondents supported the proposal.

(b) City's clause 9.8(3) 'preliminary' consultation

Clause 9.8(3) of TPS6 states that "*in the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.*"

In the current case, the applicant's consultation was not conclusive, as comments were not received from every affected landowner. Consequently, the City has undertaken consultation independently, to the extent required by Council Planning Policy P301 'Consultation for Planning Proposals'. This involved a wider area than merely the Amendment lots: 45 letters inviting comment were mailed to the owners of land within 'Area 1' as defined in Policy P301, being the lots comprising, adjoining or opposite the Amendment land. The extent of the 'preliminary consultation' undertaken by the City is shown in the Report on Submissions (**Attachment 10.0.1(b)**).

The Council concluded from the 'clause 9.8(3) consultation' that the objections were not sufficiently strong as to preclude the Amendment proposal from being endorsed for wider community comment. Consequently, the Council initiated the statutory process to enable the proposed Scheme Amendment No. 39 to be advertised for public inspection and comment as required by the *Town Planning Regulations*.

(c) Environmental Protection Authority

The draft Amendment No. 39 proposals were forwarded to the Environmental Protection Authority (EPA) for assessment following endorsement by the Council for community advertising. The EPA responded, advising that there is no need for environmental assessment or advice, thereby enabling statutory community advertising to be undertaken.

(d) Consultation under Town Planning Regulations

The statutory community consultation process undertaken under the *Town Planning Regulations 1967* and the City's Planning Policy P301 'Consultation for Planning Proposals', is discussed in the attached Report on Submissions (**Attachment 10.0.1(b)**) and the Schedule of Submissions (**Attachment 10.0.1(c)**). The details of the consultation process, the submissions received and the officer's recommendations on each comment are contained in those documents.

10.0.1 Proposed Amendment No. 39 to Town Planning Scheme No. 6 - Consideration of submissions and final adoption

Policy and Legislative Implications

If finally approved, Amendment No. 39 would have the effect of increasing the density coding of the Amendment lots from R15 to R25. When finally approved by the Minister for Planning, this change will be incorporated into the Scheme Amendment Map. No change to the Scheme Text is proposed.

The Council has undertaken public advertising as required by the Regulations, TPS6 and Council Policy P301, and must now reconsider Amendment No. 39 in light of the submissions received. The Council must then recommend to the Minister for Planning whether to approve the Amendment with or without modifications, or not approve it. If approval is granted, the City will arrange for Notice of the Minister's approval to be published in the *Government Gazette* and in the *Southern Gazette*. The Amendment provisions would then become operative.

The statutory Scheme Amendment process is set out below, together with a date for each stage: The stages which have been completed, including the consideration at the forthcoming 23 July 2013 Council meeting, are shaded:

Stage of Amendment Process	Date
Council resolution to initiate Amendment No. 39 to TPS6	26 February 2013
Council adoption of draft Scheme Amendment No. 39 proposals for advertising purposes	26 February 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	18 March 2013
Public advertising period of 46 days	30 April – 14 June 2013
Council meeting for final adoption of Amendment No. 39	23 July 2013
Referral to the WAPC and Planning Minister for consideration of: <ul style="list-style-type: none">• Council's recommendation on the proposed Amendment No. 39;• Three signed and sealed copies of Amendment No. 39 documents for final approval	Within two weeks of the July 2013 Council meeting
Minister's final determination of Amendment No. 39 to TPS6 and publication in <i>Government Gazette</i>	Not yet known
Publication of the approved Amendment No. 39 notice in <i>Government Gazette</i>	Not yet known - following receipt of WAPC advice of Minister's final approval

The recommendation in this report is that the Council recommend to the Minister that Amendment No. 39 proceed without modifications. Following the July 2013 Council meeting, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the Western Australian Planning Commission with the Council's recommendation.

Financial Implications

Financial costs (administrative and advertising) incurred by the City during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which has been paid by the applicant in accordance with the Council's adopted fee schedule. In this case, an estimated Planning Fee of \$15,000 has been imposed. At the conclusion of the Amendment process, the estimated fee will be adjusted to reflect the total actual costs incurred by the City.

10.0.1 Proposed Amendment No. 39 to Town Planning Scheme No. 6 - Consideration of submissions and final adoption

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed Amendment No. 39 will provide for a slightly greater housing capacity for two of the Amendment lots and will better reflect the actual density of most of development on the lots within the Amendment area. This meets the State Government strategy of allowing higher densities in appropriate areas, to accommodate the growing population within the City.

Conclusion

The requested amendment to TPS6 is considered to be consistent with orderly and proper planning, having regard to the fact that it is very largely regularising the current built state, while enabling two additional sites to develop to the same density as the neighbouring lots. The existing 7.0 metre building height limit will not change, ensuring that any future replacement development will not be out of scale with adjoining residential properties.

The 'preliminary consultation' undertaken by the City indicated that there were no significant objections from the surrounding residents which would preclude the Amendment proposal from being endorsed for wider community comment. The subsequent statutory advertising resulted in objection from four neighbouring property owners which do not warrant refusal of this proposal.

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.

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

Location: Land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como, excluding Canning Highway properties and others coded R80

Applicants: Mr Mal Poole, Mr Richard Reading, Ms Szyka Stevens

Date: 1 July 2013

Author: Gina Fraser, Senior Strategic Planning Officer

Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

A joint request was received earlier this year from three landowners within the subject area, for an increase in residential density coding from R15 to R20 for all of the land currently coded R15 within the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como, excluding Canning Highway properties and others coded R80. Preliminary consultation on the proposal has been undertaken in accordance with clause 9.8(3) of Town Planning Scheme No. 6 (TPS6) and the submissions are discussed in this report.

Having regard to the assessment of submissions received in response to the ‘clause 9.8(3) consultation’, and for the reasons contained in the discussion of those submissions in this report, it is recommended that an Amendment to Town Planning Scheme No. 6 not be initiated.

Officer Recommendation

That

- (a) for the reasons explained in the discussion of the submissions resulting from preliminary consultation, as contained in the officer’s 1 July 2013 report, the Council is not prepared to initiate an Amendment to Town Planning Scheme No. 6 for the requested increase in density coding from R15 to R20 for the land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como; and
- (b) the submitters be thanked for their participation in this matter, be advised of the Council’s decision as set out in part (a) and that no further action will be taken regarding the requested Scheme Amendment.

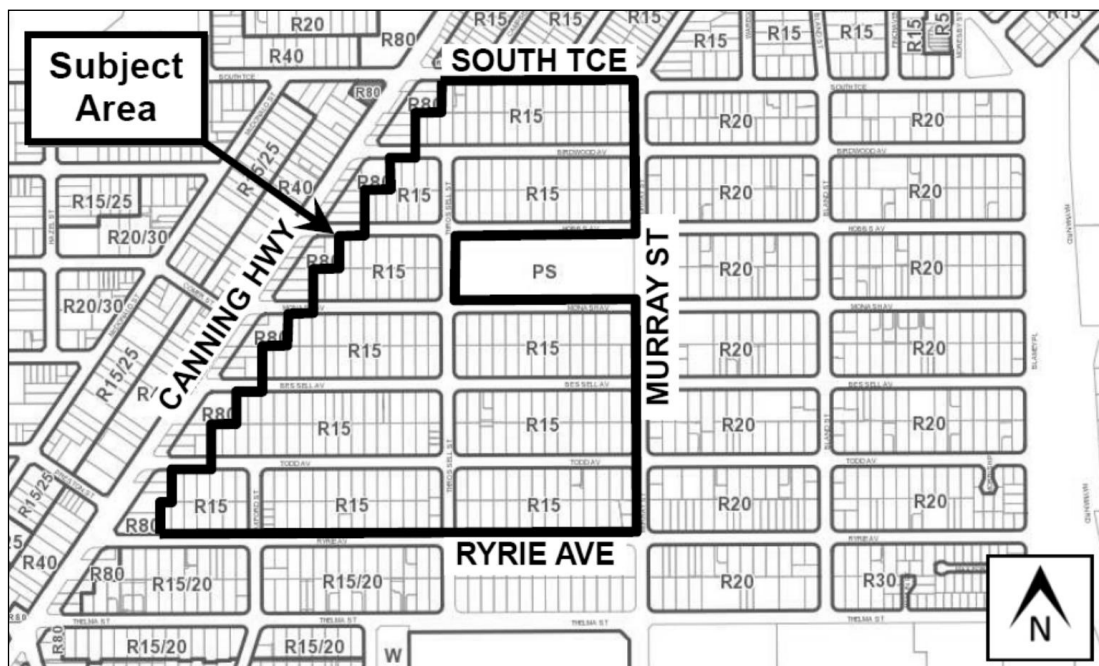
Background

In March 2013, a request was submitted by three landowners in support of a density increase for the R15 properties within the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como, excluding Canning Highway properties and others coded R80. The request was considered at the April 2013 Council meeting (*Item 10.3.2 Ordinary Council Meeting 23 April 2013 refers*), and the Council resolved to implement ‘preliminary’ consultation in accordance with clause 9.8(3) of TPS6.

Clause 9.8(3) requires the City to invite comment on any proposal relating to the zoning, density coding, building height limit or other site-specific provision, where not all of the owners of the affected land are a party to the Amendment request. The consultation undertaken in this case is discussed further in the ‘Consultation’ section of this report.

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

The location of the subject area is shown below, superimposed over the density codings currently allocated in TPS6 for the subject land and surrounding areas:



Comment

(a) History

This is not the first occasion on which the Council has seriously considered the density coding for the subject area. However, due to mixed opinion among landowners giving no clear direction as to the community's preferred outcome on those past occasions, the density coding was not changed.

Town Planning Scheme No. 2, operating between 1972 and 1986, zoned this area 'Single Residential SR3'. Under this zoning, 'duplex' development was permitted on lots of 900 sq. metres and a minimum frontage of 20 metres, generally equivalent to today's R20 coding.

Town Planning Scheme No. 5, operating between 1986 and 2003, allocated a density coding of R15 to the subject land for the first time. In 1981, this down-coding was explained in the TPS5 Scheme Report in the following way:

"The subject area is subdivided to conventional 1012 sq. metre lot standards. Single houses predominantly within the area were developed either privately or under the War Service Homes Group Housing Scheme in the 1950s. The latter housing is contained in the area bounded by Monash Avenue, Murray Street, Ryrie Avenue and Throssell Street. The proposed R15 coding will contain the use of individual lots to single house standards only, which in fact reduces the existing (TPS2) duplex housing density potential presently held by each lot. The application of this low density zoning could be regarded as a short term form of density control dependent on the performance of the R20 coding standard in the area east of Murray Street."

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

In 1986, TPS5 was gazetted with R15 coding for the subject land. A petition considered in September 1989 sought to have the ‘duplex’ potential for this area reinstated with an increase to R20 coding, but with 275 submissions fairly evenly divided in opinion, the proposal was deferred in August 1990, for consideration in the TPS5 review which was due to commence the following year.

Draft TPS6 was first advertised in 1998 with R15 coding for the subject area. Again, there was mixed opinion among submitters, but the landowners responded in such small numbers that the density coding was not increased.

Portions of draft TPS6 were readvertised in 2000. As part of this process, the Minister instructed that this area be advertised with a coding of R20, to test community opinion on this coding as the primary option. This time, a much larger number of local landowners responded, with 44 submitters favouring R20 and 148 supporting retention of R15 coding. With compelling arguments presented by each faction, when TPS6 was gazetted in 2003, R15 coding was retained for the subject area.

(b) Current proposal

The TPS5 ‘short term containment strategy’ for the land west of Murray Street introduced in 1986 in TPS5 has now been operating for some 27 years, through two Town Planning Schemes. In April 2013, the Council considered another strong case in favour of the density increase. A number of landowners within the subject area have indicated that they are keen to be granted a development potential equal to that of lots east of Murray Street. Other landowners are equally keen that the land should retain the current R15 density coding. The arguments in each case are discussed in the ‘Consultation’ section of this report.

(c) Developed state of the subject area

As a result of previous zoning and some subsequent subdivision approvals under R15, a number of lots within the subject area have been developed or subdivided at a density greater than R15. However, the area is predominantly characterised by 1,012 sq. metre Single House lots. The number of redeveloped lots amounts to just under 17% of the total number of original large lots.

The developed state of the subject area is summarised below:

Streets within subject area	Original number of 1,000+ sq.m R15 lots	No. of R15 lots developed or subdivided to more than R15 density
South Terrace Nos. 155 – 183 (south side)	15	2 (13%)
Birdwood Avenue Nos. 1 – 36	35	7 (20%)
Hobbs Avenue Nos. 1 – 44	27	3 (11%)
Monash Avenue Nos. 1 – 49	32	4 (12.5%)
Bessell Avenue Nos. 1 – 59	58	15 (26%)
Todd Avenue Nos. 1 – 68	65	9 (14%)
Ryrie Avenue (Nos. 1 – 76 (north side))	35	5 (14%)
TOTAL	267	45 (17%)

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Rynie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

(d) Local Planning Strategy (incorporating Local Housing Strategy)

A *Local Planning Strategy* is being prepared for the purpose of guiding the preparation of the City's next Town Planning Scheme. The Strategy will examine housing density in various locations and will build on the proposals in the Local Housing Strategy. The draft Local Housing Strategy has been advertised and submissions have been received. At present, the document is incomplete, requiring further investigations into housing densities and other aspects of future housing within the City. At this stage, no firm Council decision has been made regarding the density codings to be assigned in the final Strategy document or new Town Planning Scheme. The draft Local Housing Strategy includes several key new proposals for possible future implementation, but the subject area is one of many parts of the City which have **not** been identified for any change of density coding.

Consultation

(a) Applicants' petition (March 2013)

The three residents who lodged the initial request have advised that they have each spoken with other residents within the subject area and have received a strong indicative level of support within a limited survey area. A 'sample survey' petition submitted in March 2013 for three streets within the subject area, was signed by 62 residents.

(b) Consultation required by clause 9.8(3) of TPS6

Clause 9.8(3) of TPS6 states that "*in the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.*"

As required, clause 9.8(3), consultation has been undertaken to the extent required by Council Planning Policy P301 '*Consultation for Planning Proposals*'. This involved the following:

- **Extent of consultation:** 'Area 1' as defined in Policy P301, comprising lots adjoining or opposite the subject land.
- **Manner of consultation:** 481 letters were sent to 'Area 1' owners.
- **Duration of consultation:** Policy P301 prescribes a 21-day minimum consultation period for consultation undertaken under TPS6 clause 9.8(3). In this case, submissions were invited between Monday 6 and Friday 31 May, inclusive, a period of 26 days. Later submissions were also accepted.

(c) 'Clause 9.8(3) submissions' received (May 2013)

During the 'clause 9.8(3) consultation' process undertaken by the City in May 2013, the following submissions were received representing properties within the proposed Amendment area:

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

	Supporting submissions	Opposing submissions
Individual submissions:	38 (+ 1 external)	38
Petition signatories:	14	79 (+14 external)
Total number of lots represented by: <ul style="list-style-type: none"> • individual submissions; and • petition signatories: 	43	61

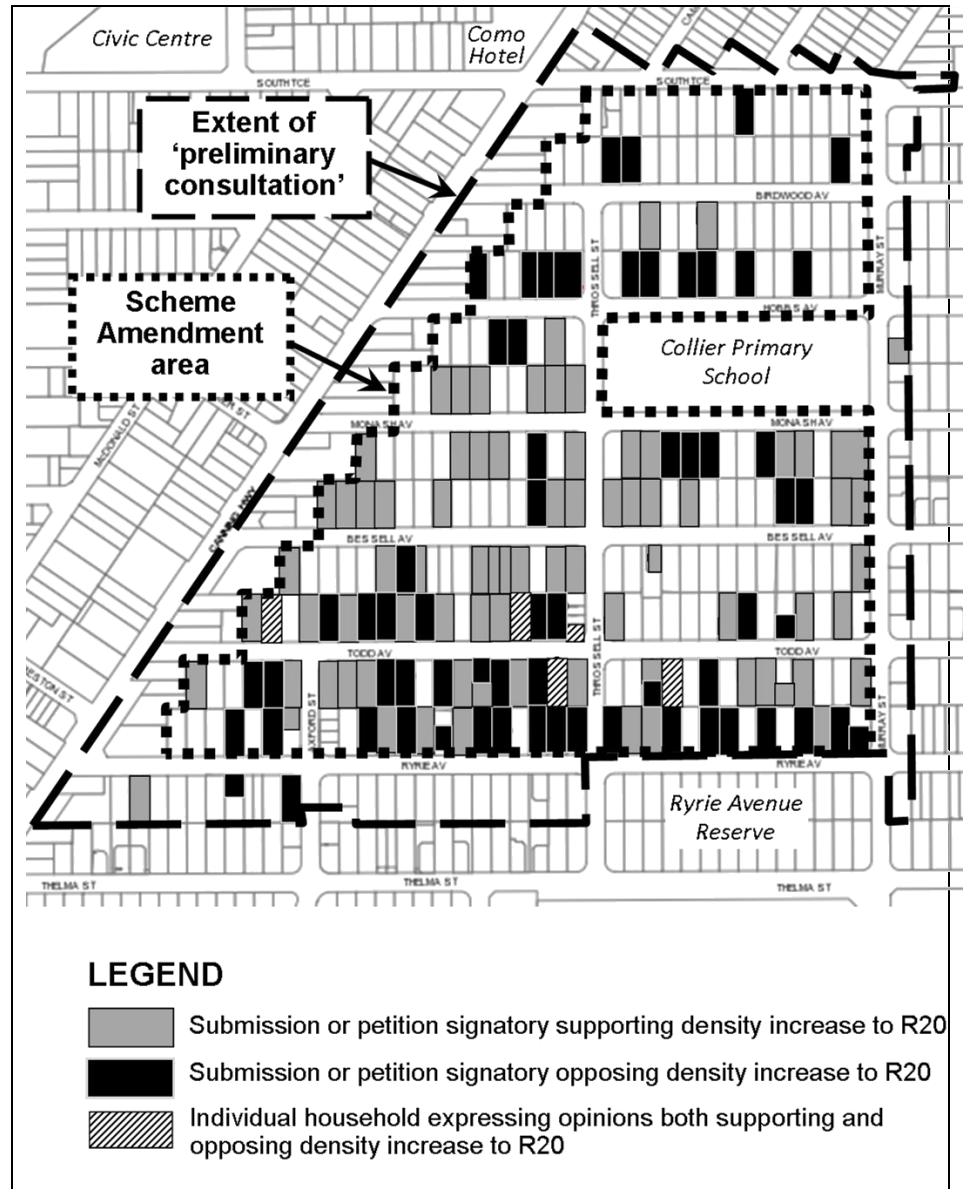
After adding the 62 signatories of the applicants' March petition, the total number of represented properties within the proposed Amendment area is as follows:

	Supporting submissions	Opposing submissions
Total number of lots within subject area represented by: <ul style="list-style-type: none"> • petitioners to the original request (March 2013); • individual 'clause 9.8(3)' submissions (May 2013); and • 'clause 9.8(3)' (May 2013) petitions: 	76	61

The plan below shows the location of submitters and petitioners from within the City's May 2013 consultation mail-out area. The plan includes, but does not differentiate between:

- petitioners at the time of the applicant's March 2013 petition; and
- submitters and petitioners during the City's May 2013 consultation.

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions



The following observations are made regarding the above plan and the submissions generally:

- (i) Five households are represented by both supporting **and** opposing opinion.
- (ii) Three submissions express support, but with the following conditional comments or reservations:
 - density increase should be accompanied by a dwelling to back yard ratio, to entice families to help populate the school;
 - any additional dwellings should be restricted to single-storey – no two storey;
 - front setback established by existing housing should be maintained;
 - if density is increased, would like to see the planned traffic calming implemented first;
 - future added value for heirs is the only reason for support – enjoyed the family space over the years – sadly, this will change. House on house: highly undesirable.

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrle Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

It is highly likely that the ‘conditions’ stipulated in these submissions would not be met as part of the Scheme Amendment to increase the density coding. Therefore, although these submitters say they support the requested density increase to R20, and have been counted as ‘supporting’ submissions in this report, in effect they are objecting to the proposal.

- (iii) Within the Amendment area, the 76 properties represented by **supporting** submissions and petitioners (55%) have a small majority over the 61 properties represented by **opposition** to the proposal (45%). These numbers do not include:
 - the 5 households with both supporting **and** opposing submissions;
 - those properties (2 supporting and 2 opposing) outside the Amendment area but within the City’s May 2013 consultation area;
 - non-landowner submitters and petitioners who reside outside the City’s May 2013 consultation area or outside the City of South Perth.
- (iv) The significance of counting the number of affected properties independently of the number of actual ‘votes’, is that this method eliminates any perceived bias where there are more than one (and up to five) submissions or signatures from the same household representing one lot. From this point of view, it is a more relevant method of examining the geographic spread of opinion.
- (v) The submissions have also been analysed according to the number of landowners as opposed to non-landowners. This exercise has not produced a definitive outcome, because, for a number of reasons, it is not always possible to identify this differentiation from the City’s records. However, the results are shown in the following tables:

Supporting May 2013 submissions

Landowners within the City’s May 2013 consultation area	Non-landowners within the City’s May 2013 consultation area	Submitters outside the City’s May 2013 consultation area	Submitters outside the City of South Perth
38	1	1	-

Opposing May 2013 submissions

Landowners within the City’s May 2013 consultation area	Non-landowners within the City’s May 2013 consultation area	Submitters outside the City’s May 2013 consultation area	Submitters outside City of South Perth
38	1	-	-

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

Supporting May 2013 petition

Landowners within the City's May 2013 consultation area	Non-landowners within the City's May 2013 consultation area	Petitioners outside the City's May 2013 consultation area	Petitioners outside City of South Perth
14	-	-	-

Opposing May 2013 petition

Landowners within the City's May 2013 consultation area	Non-landowners within the City's May 2013 consultation area	Submitters outside the City's May 2013 consultation area	Submitters outside City of South Perth
78 (plus 1 whose details are suppressed)	4	10	-

Original March 2013 petition requesting the density increase

Landowners within the City's May 2013 consultation area	Non-landowners within the City's May 2013 consultation area	Submitters outside the City's May 2013 consultation area	Submitters outside City of South Perth
62	-	-	-

A copy of each of the submissions and petitions, including the applicants' March 2013 submission and petition, has been placed in the Council Members' lounge for examination. Council members are urged to review these submissions, to obtain an impression of the intensity of opinion contained in the submissions.

It is sometimes held that petitions do not as accurately express personal opinions and are not as reliable a means of determining community attitude as individual submissions. In this case, the number of individual submissions is almost equal on both 'sides' (38); with the total number of March and May 2013 petitioners supporting being 76, compared with 93 petitioners opposing the increase to R20 density coding, while the number of 'supporting' properties represented by those submissions and petitions is greater.

The arguments contained in the March petition, the May 2013 individual submissions, and the May 2013 petitions are summarised and paraphrased below, together with the number of submitters who commented on each of the listed issues:

I. Submitters' comments supporting increase to R20 coding

Issues raised in submissions	Number of submitters raising the issue
Land efficiency – lots are large and land is not used to capacity.	14
Reducing sprawl – urban infill satisfies State objectives and accommodates a greater proportion of the growing population.	13
Location – increased density in Como would benefit more people – close to CBD, Curtin University, Aquinas College, Penrhos College, Wesley College; public transport.	13

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<p>Sustainable living – denser development will:</p> <ul style="list-style-type: none"> • aid efficiency of public transport, • reduce energy consumption and greenhouse gas emissions; • encourage smaller houses; • reduce car use and support use of public transport; • enhance liveability, sense of community; • reduce urban footprint; • accommodate two families in place of one; • reduce garden size and save water. 	12
<p>Precedent – the subject area already contains some lots with more than one dwelling.</p>	11
<p>Maintenance – smaller lots are less expensive and easier to maintain.</p>	10
<p>Stay on site –</p> <ul style="list-style-type: none"> • long term landowners can down-size without moving; • additional dwelling enables children to live on parents' site when they grow up – families can stay together. 	9
<p>Choice – provides the option for those who wish to develop to do so, while those who wish to retain the large site may also do so.</p>	9
<p>Large lots out-dated –</p> <ul style="list-style-type: none"> • the days of the quarter-acre block are over; • quarter-acre lots were designed for septic systems, vegie gardens, chook runs – not needed today; • a hangover from when Perth had a smaller population.. 	8
<p>Equity – this area should have the same development entitlements as the majority of land within the City of South Perth.</p>	7
<p>Demographics –</p> <ul style="list-style-type: none"> • opportunity for more young families with children; • will ensure Collier school continues to exist; • smaller family sizes. 	7
<p>Family investment –</p> <ul style="list-style-type: none"> • additional dwelling provides useful family investment • no discrimination in new Federal Budget to Senior Citizens' pensions if they down-size their property to increase wealth towards cost of living. 	6
<p>City income – more dwellings mean more rates, enabling the City to enhance infrastructure and community facilities to maintain vibrancy and liveability of Como.</p>	6
<p>Urban renewal –</p> <ul style="list-style-type: none"> • will encourage redevelopment and improved streetscape; • will result in high standards of living and increase land values. 	6
<p>Affordable housing and housing shortage – would provide for more affordable housing.</p>	6
<p>Higher density –</p> <ul style="list-style-type: none"> • would support R25 or R30; • R20 is still too low – need to create density hubs of up to 3 storey townhouses or apartments – subject area is close to Canning Highway, public transport, primary school and shops; • should increase densities along Canning Highway also; • the adjoining R15/20 coding should also be increased to R20 as part of this proposal. 	5

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

Proposal overdue – too long coming, should have happened years ago.	5
Economic stimulation – <ul style="list-style-type: none"> redevelopment of lots will help stimulate the building industry; higher density will benefit local businesses. 	4
Traffic – density increase to R20 will have minimal impact on traffic volume.	3
Support , no other comment	3
Built form – <ul style="list-style-type: none"> smaller lots encourage two-storey homes; R20 still retains a low density with back yards, with minimal impact on streetscape. 	2
Community leadership – the Council should demonstrate leadership in the community by removing this archaic low coding – move forward.	2
Effect on wildlife – clear-felling bushland in outlying areas reduces habitat for native birds (eg. Carnaby's black cockatoo).	1
Security – easy access over long secondary street fence has resulted in burglaries.	1
Existing redevelopment – several lots have already been redeveloped with two dwellings or new large homes such that the number of additional dwellings would be fewer than people think.	1
Ad hoc subdivision – some people have acquired portions of neighbouring lots and have been able to subdivide, despite R15 coding. The density increase would provide for greater uniformity of lots size and built outcome.	1
Emotive arguments not valid – there is no proof that R20 density will cause increased crime and traffic or loss of trees. Action can be taken to lessen these outcomes.	1
Support for density increase in the area generally, while seeking to expand commercial operations on own property – owners of existing commercial property explain their plans to expand commercial activities on the commercial site and on an adjoining residential site.	1

2. Submitters' comments conditionally supporting increase to R20

Issues raised in submissions	Number of submitters raising the issue
Built form and streetscape – agree in principle, but would like to see new houses limited to single storey, and maintain the front setbacks established by existing houses.	1
Family housing – agree in principle, but new houses should have a 'dwelling to back yard' ratio, to entice families back into the area – would hate to see Collier school close for lack of numbers.	1
Traffic calming – if density increased, would like to see the planned traffic calming implemented first.	1

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3. Submitters' comments opposing increase to R20

Issues raised in submissions	Number of submitters raising the issue
<p>Unique character and amenity –</p> <ul style="list-style-type: none"> • the Avenues' large lots provide a peaceful area with charming pre-1950s character homes – let's keep it that way before this heritage is lost forever, as a very desirable residential area rather than a developer's delight; • given that this area is surrounded by higher density, why does it need to change? • large back yards are used by many for activities such as pools, large sheds, chook runs, cricket net, etc – a unique opportunity for a family; • a block with a chook run or shed that has existed for many years at no bother to any neighbour and with no dwelling within 20 metres, could now find itself with five new dwellings less than 5 metres from its rear yard. <p><i>(NOTE: Under the R-Codes, windows to habitable rooms may be constructed within 1.5 metres of a boundary. Division 4 of the City's Local Health Laws re keeping of poultry requires a poultry enclosure to be located at least 9 metres from a dwelling, unless otherwise approved by the City. The City would examine any complaints received from neighbours regarding existing poultry enclosures and take appropriate action at that time.)</i></p>	30
<p>Increased traffic and parking in streets –</p> <ul style="list-style-type: none"> • few cars currently park on the street and verges – increased number of houses on half-sized blocks with less space will result in more cars parking on the streets and verges; • the City is already looking at traffic calming measures in the Avenues to cope with fast-moving through-traffic; • being close to Curtin University, it is likely that new dwellings would be occupied by students, with multiple cars per dwelling, resulting in cars parking on the verge; • all the Avenues are used as 'rat-runs' between Canning Highway and Murray Street – extra traffic and parking resulting from rezoning will exacerbate this; • With Canning Highway increasing from 4 to 6 lanes, more traffic will be using feeder streets – no infrastructure is in place yet to support congestion; • Birdwood Avenue is used as a short-cut for people avoiding Canning Highway; • Hobbs Avenue is currently congested with through-traffic and parked cars related to local businesses, the school; • In Monash Avenue traffic near the school is already a safety concern for children – many children walk to school; • Monash Avenue is a popular through-route, has overflow parking from the liquor store, is used as parking for people taking the bus to the CBD or Curtin University, is used by parents accessing Penrhos College, Staff of Bourke Real Estate park on the street, impact of future Canning Highway road widening; • Ryrie Avenue currently has traffic congestion on school days and is a 	29

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<p>route to the tip; is a popular through-route to Penrhos College and Curtin University;</p> <ul style="list-style-type: none"> • Ryrie, Todd, Murray, Thelma and Morrison are already in gridlock during pick-up and drop-off times at Penrhos College; • Todd Avenue is already used as a through-route between Canning Highway and Hayman Road – traffic will increase with more dwellings. 	
<p>R15 the reason for purchase –</p> <ul style="list-style-type: none"> • chose to purchase because of large lots in an area that could not be subdivided; • would not have purchased if it was known that the area would be rezoned; • chose to live here rather than South Perth or Kensington because of spacious lots; • most residents live here because they want a large block and large house, not because they want to subdivide. 	18
<p>Loss of mature trees, garden space and wildlife –</p> <ul style="list-style-type: none"> • older homes are being demolished and sites are clear-felled for redevelopment, including mature trees which were the appeal of this area and no room for replanting; • The adopted <i>Our Vision Ahead</i> promotes “... leaving space for greenery and trees between, around and atop buildings”. Subdivision will not lend itself to this City vision; • clear-felling development sites, including mature trees, reduces habitat for native birds (eg. Carnaby’s black cockatoo). 	17
<p>Loss of privacy –</p> <ul style="list-style-type: none"> • lots were not designed for subdivision, resulting in potentially 5 two-storey new houses adjacent to existing back yards – not orderly, loss of privacy, poor outlook; • a resident of a rear duplex describes the nature of living in close proximity to houses on all sides as a constant irritation for all concerned – children, dog, BBQ odours, driveway noise, intrusive security lighting. 	16
<p>Reduced property value –</p> <ul style="list-style-type: none"> • property values could decrease due to more neighbours and loss of privacy; • unfair strategy, with some owners gaining a financial windfall at the expense of others whose property is devalued; • retirees who have enjoyed the large family lots for many years should not sell out at the expense of incoming young families; • landowners who invest heavily in property maintenance are unlikely to have confidence to do so if rezoning is an option; • short term property value increases will diminish over time as character houses are lost and generous gardens and trees remove; • those who sell quickly will gain more, before the character of the area is changed. 	15
<p>Loss of community feel –</p> <ul style="list-style-type: none"> • this is an amazing place to live - increased density could lead to loss of community feel; • reduced visual appeal of new infill housing could result in loss of respect for the area and potentially unpleasant social issues; • units attract people who need a place to stay for a while, rather than making it their home; • Councils entrusted to safeguard our community should keep our 	13

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history alive, to avoid increasing sameness throughout the whole suburban area.	
<p>Financial gain –</p> <ul style="list-style-type: none"> • a short term money grab by developers and real estate agents with no long term view; • many owners will redevelop, then move on; • residents who have invested heavily in existing single house could be disadvantaged; • parts of Como have many higher-coded lots which are undeveloped, possibly because of limited financial return – this deflates property values and encourages social issues – a better option is to sell the large lot and buy a small modern unit nearby. 	8
<p>Choice – Como already has ample areas of R20 and higher density codings, providing choice for those who like such dwellings – we don't need to continually keep increasing density everywhere.</p>	8
<p>Service infrastructure – old services (eg. sewerage, power, water, internet, roads, footpaths, storm water) may not be able to cope with additional dwellings.</p>	7
<p>Retain diversity –</p> <ul style="list-style-type: none"> • existing R15 single housing creates diversity amidst areas with higher density; • diversity should be encouraged – greater choice; • Como already contains student housing, aged persons' housing, hostels, town houses, apartments, infill development and large undeveloped lots – this diversity is healthy and should be retained. 	7
<p>Previous polls –</p> <ul style="list-style-type: none"> • this issue has been canvassed in past years and the majority wanted to retain single housing; • landowners have purchased and developed their home with an understanding that their lifestyle would not be compromised by change to R20; • as in previous proposals, landowner strongly objects to current proposal; • surprised to receive this proposal after recent brochures advising of no change to this area (<i>draft Local Housing Strategy</i>); • resident has participated in several spirited defences of the status quo – R15 coding has always been overwhelmingly supported – why must we continually have to defend our lifestyle from those who purchase land at R15 then try to change it. 	6
<p>Space –</p> <ul style="list-style-type: none"> • large lots provide ample play space for children; • one of the most appealing aspects of Como; • a sanctuary of privacy, peace and freedom. 	6
<p>Streetscape –</p> <ul style="list-style-type: none"> • new developments should be required to be compatible and sympathetic with the existing older buildings which have charm; • height and bulk of new development will be unacceptable as people are forced to build two-storey houses in limited space. 	6
<p>Increased crime –</p> <ul style="list-style-type: none"> • crime is currently discouraged by the openness of the area and many family dogs; • press reports show that most crime occurs in areas with higher densities – dwellings behind houses screens criminal activity. 	5

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<p>Housing design –</p> <ul style="list-style-type: none"> • infill development is generally jumbled, characterless, higgledy-piggledy, of unattractive styles and shapes that detract from the visual appeal of the area; • rear dwellings are generally cheaper and designs compromised because they are hidden from view from the street; • a ¼ acre block encourages quality housing, while smaller odd-shaped (often hidden) blocks created by subdivision, with no street appeal, do not; • front/back design involves land wastage, with long driveways to the rear. 	4
<p>Schools –</p> <ul style="list-style-type: none"> • local school resources (recreation, technology) will be stretched with influx of more young families in a growing population; • funding for maintenance of sporting facilities should be planned; • Collier Primary School is already operating at capacity. 	3
<p>Demographics –</p> <ul style="list-style-type: none"> • more houses could result in fewer owner/occupiers and a stake in the future of the area; • former resident in an R20 area has seen second dwellings resulting in a high level of rental housing, with reduced maintenance, poorer quality housing, and high turnover of occupants; • this area should be encouraged as a family area to support the school. 	3
<p>Population growth –</p> <ul style="list-style-type: none"> • while the reason for density increase to accommodate growing population is a valid planning policy, the value of the Avenues in terms of mature trees and space should not be underestimated; • a better response to urban sprawl is decentralisation, not increasing densities. 	3
<p>Increased Council rates – Council rates will likely increase with rezoning, based on the greater development potential of the land.</p>	2
<p>Social fabric – with density increases, demographic changes are disruptive of the social fabric – family homes make way for dormitory tenancies and social isolation replaces community involvement – the corner shop goes and traffic increases.</p>	1
<p>Developed state – long-term residents are extremely disappointed with the extent of redevelopment in Como.</p>	1
<p>Tactics – we hear that the ‘pro-rezoners’ are targeting older owners and telling them, falsely, that the R20 coding will increase the value of their property – this disgusts us.</p>	1
<p>Sustainability and water use – it has been said by advocates of R20 that large lots use more water, but more water is wasted by household appliances and pools – submitter quotes 43kl excess water with garden, grass and veggie patch.</p>	1

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4. Petition supporting increase to R20

Issues raised in supporting petition	Number of petitioners
<p>Reasons given for supporting R20 are summarised as follows:</p> <ul style="list-style-type: none"> • R20 will reduce urban sprawl – housing now stretches from Mandurah to Yanchep; • R20 will aid housing shortage close to CBD; • R15 no longer appropriate so close to CBD with growing population; • R20 gives option for redevelopment if desired by owners; • higher density will add value to property; • subject area already has some lots which are subdivided or developed with 2 to 4 dwellings – R20 will formalise this process; • new areas are being created with lots under 500 sq.m – this is the norm; • R20 will not greatly alter the character of the area because not many lots will be subdivided, R20 is not a great increase and change will be gradual. 	14

5. Petition opposing increase to R20

Issues raised in submissions	Number of submitters raising the issue
<p>Reasons given for opposing R20 are summarised as follows:</p> <ul style="list-style-type: none"> • R20 would reduce values of existing properties; • lead to parking issues; • streets too narrow to allow double street parking plus two-way traffic; • increased traffic congestion, particularly during school drop-off and pick-up; • inability of schools to cope with increased demand; • insufficient local amenities to cater for increased population (eg parks and recreation space); • decreased privacy; • short term financial gain to the Council and developers, to the detriment of ratepayers in the area; • potential increase in crime; • threat to the popular tree-lined leafy character of the area; • reduced vision for people crossing streets due to increased street parking; • inability of existing roads to cope with increased traffic, leading to increased road noise and congestion throughout the suburb. 	93

No attempt has been made in this report to analyse or respond to any of the arguments put forward by the submitters. Each ‘side’ puts forward many valid reasons supporting their respective case, with equal vehemence and conviction.

In terms of numbers, there is no clear ‘winner’:

- the numbers of individual submissions on each side are **equal (38)**;

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- the number of signatories to the petition **against** the density increase (93), is greater than the two petitions requesting and supporting the density increase (76); however,
- geographically, the number of properties representing **supporting** opinion (76) is greater than those represented by opposing opinion (61); with
- five households expressing both **supporting and opposing** opinions.

The total number of **households** (as opposed to original quarter-acre lots) within the subject area is approximately 324.

(d) Recommended determination of clause 9.8(3) submissions

The request for a density coding increase from R15 to R20 for the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway (excluding Canning Highway properties and others coded R80), was originally considered by the Council in April 2013. At that time, City Officers were of the opinion that, while the proposal might have merit, the Scheme Amendment process was not appropriate because it would be in direct conflict with certain proposed changes previously supported by the Council in the draft Local Housing Strategy. Owing to this conflict, to proceed with the Scheme Amendment would not constitute orderly planning, that is, supporting an interim increase to R20 coding before revisiting the density coding for the same land in the relatively near future. The conflict with the Strategy arises in respect to land within about 100 metres of Canning Highway and possibly in other locations where density codings higher than R20 are being investigated.

In cases where not all landowners are party to a rezoning request (or similar), the purpose of clause 9.8(3) consultation is to provide an opportunity for owners of the affected land to voice their opinion before a statutory Scheme Amendment is considered by the Council. The clause 9.8 consultation is intended to assist the Council in deciding whether or not to initiate the Scheme Amendment process for the requested purpose. This consultation has now taken place, and the results are discussed in this report.

City Officers and Council Members now have the benefit of better understanding the opinions of landowners within the subject area. Based on those various opinions and the discussion in this report, City Officers are of the opinion that the requested density coding increase to R20, which has been designated as a possible Amendment No. 41 to Town Planning Scheme No. 6, should **not** be initiated and that, other than possibly as part of the Local Planning Strategy, no further action should be taken towards a higher density coding for the subject area. Reasons for this conclusion are as follows:

I. Weighting of submissions

The clause 9.8(3) consultation has failed to show overwhelming support for the requested density increase by landowners within the subject area, in terms of numbers or argument. As in past instances when this matter has been considered by the Council, the response has been relatively evenly balanced, providing no clear direction to the Council. In the present case, submissions supporting and opposing the density increase are similar in number, and in content and vehemence of argument. The supporting submitters' properties are also widely dispersed throughout the area, making it impossible

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to identify pockets for a possible increase in density coding by way of a more localised Scheme Amendment.

In terms of the validity of the arguments in favour of, and against an increase to R20 coding, each 'side' has presented compelling 'Planning' reasons and raised important points. However, on balance, City Officers have concluded that the objectors' arguments present a stronger case. The objectors wish to maintain the existing unique character of the locality which is conducive to their lifestyle, and many purchased their properties on this basis. If the supporters' arguments were to prevail, this would progressively lead to an irreversible change to the existing neighbourhood character which is highly valued by many. On the other hand, if the status quo is maintained at present, there will be further opportunities in later years to again test the prevailing community attitude to higher density coding.

2. Further consultation for Scheme Amendment not beneficial

Wider community consultation would be required by the *Town Planning Regulations* if Amendment No. 41 is initiated by the Council. Mail-out consultation as part of this process would again cover the whole of the subject area, plus additional properties generally within 150 metres of the area. Because this wider consultation would occur such a short time after the clause 9.8(3) consultation, it is unlikely that the outcome would be much different. Furthermore, it is possible that landowners could be angered or confused by seemingly constant probing by the City into the same issue. Rather, any further consultation should be left until a later time, as part of a holistic review of density codings throughout the City.

3. Future opportunities

The current proposal is to increase the density coding from R15 to R20. However, draft Local Planning Strategy proposals are currently being investigated with a view to possible higher codings than R20 for portions of the same area. Therefore, the current proposal could pre-empt or jeopardise investigations into alternative future density codings for this area, and would not be an orderly approach to the Planning of the City. Retaining the current R15 coding for the area will enable a future Council to consider other options at an appropriate time.

Having regard to all of the above discussion, and in particular the closeness of argument and the minimal difference in the numbers of submitters for each case, there appears to be no clear mandate from the community for the Council to implement this proposal by initiating the requested Amendment.

(e) Consultation under Town Planning Regulations

At this preliminary stage, the wider community has not been consulted under the *Town Planning Regulations*. Such consultation would be required later, if the Council were to formally initiate the Scheme Amendment process.

If the Council initiates the Scheme Amendment, the proposal would be forwarded to the Environmental Protection Authority (EPA) for assessment. The statutory community consultation would commence after the EPA has provided environmental clearance. The requirements for community

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

consultation are contained in the Regulations and in the City's Planning Policy P301 'Consultation for Planning Proposals'. The community consultation would involve a minimum 42-day advertising period during which a detailed amendment report would be displayed on the City's web site, and in the City's Libraries and Civic Centre, and notices would also be published in two issues of the *Southern Gazette* newspaper. Letters would normally be sent to landowners within 'Area 2' as defined in Policy P301. However, in this case, the mail-out could be considerable wider. In view of this and the extent of preliminary consultation already undertaken, site notices would not be placed within the Amendment area.

Submissions received during this second official advertising period would be referred to a later Council meeting for consideration before the Council decides whether or not to recommend to the Minister that the requested Amendment be finally approved, with or without modification.

Alternatively, if, after considering the City's May 2013 'clause 9.8(3) submissions', the Council decides that there is insufficient strength of numbers of those supporting the density increase, or that the supporters' arguments do not decisively outweigh the opponents' arguments, then no further action will be taken.

Policy and Legislative Implications

If the requested Scheme Amendment for the Como 'Avenues' were to be supported by the Council and eventually approved by the Minister for Planning, it would have the effect of increasing the density coding within the subject area from R15 to R20. Portions of the subject area would also be re-examined in the Local Planning Strategy (Housing) process, which has indicated that higher densities could be considered for areas within 100 metres or thereabouts, of Canning Highway, and also within other parts of the City.

The statutory Town Planning Scheme and Scheme Amendment processes are set out in the *Town Planning Regulations 1967*.

In terms of the Scheme Amendment process, the *Planning and Development Act 2005* was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme, in justified cases. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which "ought to be adopted", the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

Financial Implications

There are no financial implications in this instance.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). If the requested Scheme Amendment for a density increase is ultimately approved, this would provide for a greater housing capacity for many of the lots within the subject area and would better reflect the actual density of several of the lots within the area. Conversely, if the requested Scheme Amendment is not initiated and *status quo* prevails, this will retain an

10.0.2 Request for increased density coding from R15 to R20 for land generally bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como (TPS6 Amendment No. 41) – consideration of TPS6 clause 9.8(3) submissions

existing area characterised by large single house lots which are greatly valued by many in the local community, and retain a diversity of housing options within the City. Under the existing R15 density coding, more of the mature trees will also be preserved than under R20 coding.

Conclusion

Having regard to all of the discussion contained in this report, it is recommended that no further action be taken to increase the density coding for the land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway (excluding Canning Highway properties and others with R80 coding), by way of an amendment to Town Planning Scheme No. 6.

10.0.3 Proposed Council Policy P351.12 “9 Bradshaw & 8 Conochie Design Guidelines” - Final adoption

Location: City of South Perth
Applicant: City of South Perth
Date: 14 June 2013
Author: Emmet Blackwell, Senior Strategic Projects Planner,
Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

Policy P351.12 will guide all development within the two three dimensional building envelopes over the respective sites, which are being introduced into the City's Town Planning Scheme No.6 under Amendment 36. The policy features a number of land use and built form provisions which will ensure future development on the two sites activates and enhances the Manning Community Hub locality.

Policy P351.12 has been advertised for public submissions, though no submissions were received. The Council now needs to resolve whether the policy should be finally adopted, with or without modification, or should not proceed. The recommendation is for the policy to be finally adopted by the Council.

Officer Recommendation

That

- (a) Under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6, Policy P351.12 “9 Bradshaw & 8 Conochie Design Guidelines” at **Attachment 10.0.3** be adopted.

Background

This report includes the following attachment:

Attachment 10.0.3 Policy P351.12 for final adoption

Draft Policy P351.12 was adopted for advertising at the April 2013 Council meeting (*Item 10.3.6 Ordinary Council Meeting 23 April 2013 refers*). Subsequently, comments were sought from the community during the required 21-day advertising period.

At its Ordinary Meeting on 26 March 2013, Council finally approved Amendment 36 to the City of South Perth Town Planning Scheme No. 6 (TPS6). Amendment 36 introduces two three dimensional building envelopes for 9 Bradshaw Crescent and 8 Conochie Crescent, Manning. Amendment 36 replaces the current Town Planning Scheme provisions for plot ratio, residential density and setback relating to the subject lots.

Comment

The objectives of the policy are:

- Create a distinct place with exceptional quality urban environment;
- Integrate with existing developments and the Manning Community Facility;
- Activation through engaging built outcomes and shared spaces;
- Creation of a pedestrian dominant and walkable place;
- Contribute to the security of the public realm through carefully designed built edges, activation of building frontages and passive surveillance opportunities;
and
- Create a benchmark in environmentally sustainable design and ongoing use of developments.

The provisions of the policy have been formulated to ensure that these objectives are achieved. The policy incorporates provisions relating to the following:

- **Land uses**
Land uses permitted in future development will be consistent with the Neighbourhood Centre Commercial zoning and the requirements of TPS6. Emphasis is placed on the location of various land uses, in order to achieve activation of, and interest to the public areas, as well as casual surveillance of the locality.
- **Building facades**
Provisions have been developed to ensure active street frontages are provided to the pedestrian street, as well as Bradshaw and Conochie Crescents. Active street frontages will contribute to pedestrian activity and interest, reduce building bulk, provide tangible connections with the land uses contained within buildings, and assist in designing out crime.
- **Awnings or canopies**
Allowances are made for awnings and canopies to protrude beyond the three dimensional building envelopes subject of Scheme Amendment 36, in order to provide weather protection to the pedestrian areas on the north and south elevations of the buildings. A maximum two metre awning/canopy width provides a sufficient sheltered area for pedestrians, effectively shades ground floor tenancies from the sun, and maintains solar access to the central pedestrian street.
- **Openings**
The draft policy ensures that residential elements of buildings contribute to activation and interest, as well as casual surveillance, in requiring balconies and major openings to certain elevations. Casual surveillance of the Right of Way is also maintained after normal business hours.
- **Parking**
As with the future Manning Community Facility, parking for the two sites will be contained in an undercroft configuration, which will link to the Manning Community Facility undercroft car park. This arrangement makes the best use of space within the area for car parking, and removes all vehicular movements and parking from street level, with the exception of the Right of Way and service areas accessed off it. This will ensure that the Manning Community Hub locality is wholly pedestrianised.
- **Pedestrian access**
By requiring primary pedestrian access to building lobbies from the pedestrian street, the draft policy ensures that the pedestrian street is maintained as the primary movement route through the Community Hub, between Welwyn Avenue and James Miller Oval. Building access is still permitted from Bradshaw and Conochie Crescents, however it is intended that pedestrian traffic along these frontages will be less significant.
- **Sustainability**
It is important that environmental sustainability is encouraged in every new development throughout the City, and the draft policy seeks to ensure sustainable outcomes are achieved in the future developments. Vegetated

10.0.3 Proposed Council Policy P351.12 “9 Bradshaw & 8 Conochie Design Guidelines” - Final adoption

walls and roofs, and the availability of public access to these areas, is strongly encouraged.

- **Treatments**
The draft policy ensures facade treatments for future development will complement the adjoining Manning Community Facility, as well as provide interest to areas of blank walls and service areas.
- **Servicing, plant and equipment**
The draft policy ensures that plant and equipment is screened from public view, or located within service rear of buildings.
- **Noise**
In accordance with normal planning practice for mixed use localities, A Notification under Section 70A of the Transfer of Land Act will be placed on the Certificates of Title for the sites, advising prospective purchasers of factors to expect in a typical vibrant, mixed use precinct. The Section 70A Notification will be placed on Titles through the subdivision process.

Consultation

The statutory advertising required by clause 9.6(2) of TPS6 and Council Policy P301 has been undertaken. The draft Policy was advertised for comment, as follows:

- Southern Gazette newspaper notice in two issues - 14 and 21 May 2013; 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 21 days.

During the advertising period, no submissions were received.

An indicative timeframe for the policy to be finalised is set out in the following table.

Stages of Advertising and Adoption	Estimated Timeframe
Council resolution to adopt Draft Policy P351.12 for advertising	23 April 2013
Public advertising period of not less than 21 days	Commencing early May 2013
Council review of Draft Policy P351.12, and resolution to formally adopt the policy with/without modification, or not to proceed with the policy	Council meeting July 2013
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council’s resolution	Early August 2013

Policy and Legislative Implications

A planning policy is adopted under Clause 9.6 of TPS6. Under Clause 1.5, planning policies are documents that support the Scheme.

A planning policy is not part of TPS6 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve, before making its determination.

Planning policies are guidelines used to assist Council in decision making under TPS6. Although planning policies are not part of TPS6, they must be consistent with, and cannot vary, the intent of TPS6 provisions, including the *Residential Design Codes*.

In accordance with Clause 7.5 of TPS6, in considering an application for planning approval the Council must have due regard to relevant planning policies.

Financial Implications

The City will be responsible for the costs associated with adoption of the Policy.

Strategic Implications

This report is consistent with the City’s [Strategic Plan 2013–2023](#), Direction 4 – Places “*Develop, plan and facilitate vibrant and sustainable community and commercial places*”.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#).

The policy will facilitate the ability for built form and land uses, which serve as an extension of the Welwyn Avenue shopping centre and influence the commercial and recreational choice of the Manning community, to be developed in a cohesive and appropriate manner.

The policy complements Scheme Amendment 36 in providing the mechanism for the development potential of 9 Bradshaw Crescent, and 8 Conochie Crescent, to be increased. In turn, the development which occurs on these sites will provide increased commercial and leisure opportunities for the Manning and wider community, along with further employment opportunities in the locality, and broader housing choice.

The mechanisms in the policy serve to ensure these outcomes are achieved in an imaginative and flexible manner.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Community Development Funding Assistance – Round One

Location: City of South Perth
Applicant: Council
Date: 5 July 2013
Author: Margaret King, Projects Coordinator
Reporting Officer: Sandra Watson, Manager Community Culture & Recreation

Summary

This report relates to applications in the Community Development category of the Funding Assistance Program - Round One - 2013/2014.

Officer Recommendation

That \$5,000.00 be distributed to one organisation from City funds for Round One of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.1.1**.

Background

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

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

Community Partnerships - with identified organisations that provide a major benefit to the City of South Perth community.

Community Development Funding

- Community Development Category - Project funding for incorporated not for profit groups which are considered by council in two rounds annually.
- Individual Development Category - Financial assistance for individuals attending interstate or international sporting, cultural or academic activities or events.

Community Grants - Smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development category.

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

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City);
2. The proposed benefits for the participants involved as well as for the wider City of South Perth community;
3. The expected number of participants who are residents of the City of South Perth;
4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored;

10.1.1 Community Development Funding Assistance – Round One

5. The level of cash or in kind support committed to the project;
6. The sustainability of the project and / or the organisation;
7. The level of exposure given to the City in the promotion of the project (Recipients are required to promote the City's support of the project).

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

Comment

One application was received in this round requesting a total of \$5,000.00. Details of this application are included in the submission summary attached to this report. **Attachment 10.1.1** refers. The application complies with the requirements of the program. The application covers a range of community services and projects and was submitted by:

- The Esther Foundation

This report recommends that the submission is fully supported. The total recommended funding amount is \$5,000.00

Consultation

This funding round was advertised on the City's website and in the Southern Gazette. In addition, the City's Community Projects Coordinator distributed information when liaising with community groups and schools. In addition, the Projects Coordinator is proactive in discussing projects with applicants and assisting in the development of submissions.

Policy and Legislative Implications

This report refers to the Funding Assistance Policy P202.

Financial Implications

The recommendation of this report is within the 2013/2014 DRAFT budget parameters.

Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#), Direction 1 – Community “*Create opportunities for an inclusive, connected, active and safe community*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

Location: Lot 18 (No. 82) Hensman Street, South Perth
 Applicant: Webb & Brown-Neaves Homes
 Lodgment Date: 31 January 2013
 Date: 27 June 2013
 Author: Siven Naidu, Senior Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Use Not Listed on Lot 18 (No. 82) Hensman Street, South Perth. The applicant is proposing a two storey display home with a studio detached from the main building, which is located towards the rear of the property. 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
Car parking provision	TPS6 clause 7.8(1)

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

Officer Recommendation

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 (Two-Storey Display Home and Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth be **approved** subject to the following conditions:

(a) Standard Conditions / Reasons

340A	parapet walls- finish from street	455	dividing fences - standards
340B	parapet walls- finish from neigh.	456	dividing fences- timing
415	street tree- fee yet to be paid \$850.50	457	fencing
427	colours & materials- details	470	retaining walls- if required
510	private tree – tree on-site	471	retaining walls- timing
210	screening - permanent	625	sightlines for drivers
390	crossover - standards	445	stormwater infrastructure
393	verge and kerbing works	660	expiry of approval
507	street tree- protect & retain	416	street trees- not to be removed

(b) Specific Conditions

- (i) Revised drawings shall be submitted to the satisfaction of the City as part of a Building Permit, and such drawings shall incorporate the following:
- (A) The window located on the northern facing wall of the studio overlooking the ROW is to remain unobscured, to provides passive surveillance over the street, in accordance with clauses 6.2.4 'Surveillance of the Street' of the R-Codes.

Recommendation continued

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

- (ii) The “Display Home” shall only operate between the hours of 2:00pm and 5:00pm on Mondays and Thursdays, and between 1:00pm and 5:00pm on Saturdays, Sundays and public holidays.
- (iii) The “Display Home” use shall expire three (3) years from the date of this approval, being no later than 22 July 2016. 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.

(c) Standard Advice Notes

700A	building licence required	708	boundary wall - surface finish process
705	revised drawings required	709	masonry fences require building permit
706	applicant to resolve issues	790	minor variations- seek approval
720	strata note- comply with that Act	725	fences note- comply with that Act
795B	appeal rights- council decision		

(d) Specific Advice Notes

- (i) The applicant is advised of the need to submit a development application in the event that a sign is proposed to be erected in the future.

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

Background

The development site details are as follows:

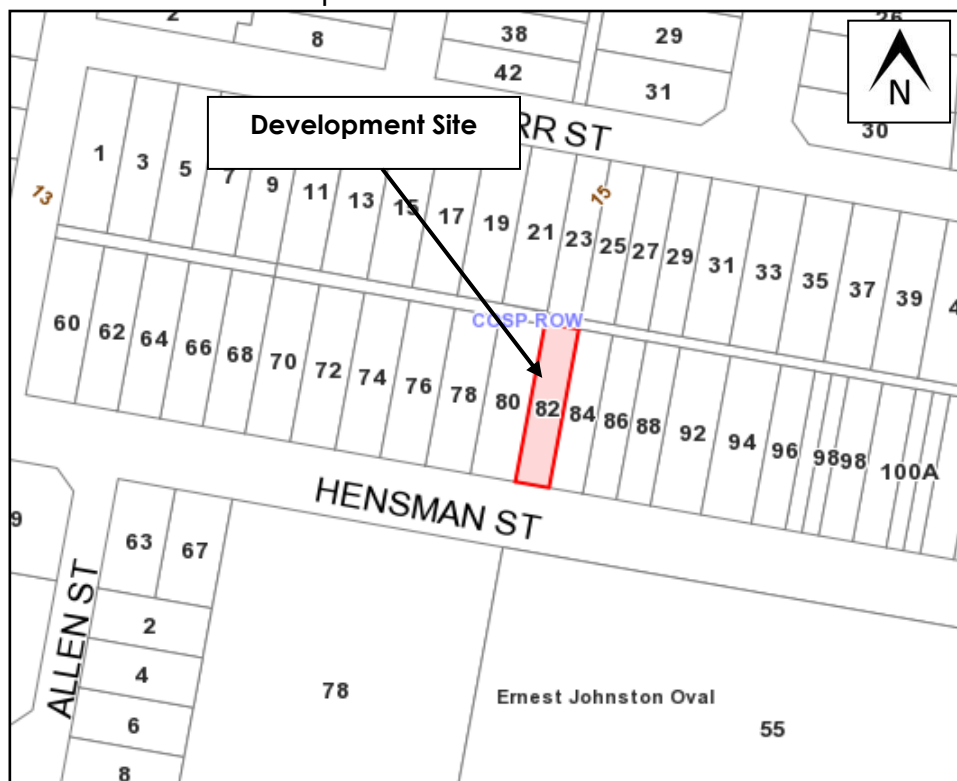
Zoning	Residential
Density coding	R15
Lot area	491 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable

This report includes the following attachments:

- 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

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

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:

I. Specified uses

- (h) *Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme;*

Comment

(a) Background

In January 2013, the City received an application for a Display Home in a two-storey building and a studio detached from the main building on Lot 18 (No. 82) Hensman Street, South Perth (the **Site**).

(b) Description of the Surrounding Locality

The site has a frontage to Hensman Street to the south, located adjacent to single houses to the east and west, and opposite the Ernest Johnston Oval to the north, as seen in **Figure 1** below:

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth



(c) Description of the Proposal

The proposal involves the construction of a two-storey display home with a studio detached from the main building. The studio is located towards the rear of the property with its frontage to an existing R.O.W, and is positioned above a carport structure on the Site, as depicted in the submitted plans at **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 following components of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6), the *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements:

- Minimum floor and ground levels (TPS6 Clause 6.9);
- Maximum floor and ground levels (TPS6 Clause 6.10);
- Boundary walls (City Policy P350.2);
- Buildings setback from the boundary and street (R-Codes Table 1, 2a & 2b);
- Open space (R-Codes 6.4.1);
- Building height limit (TPS6 Clause 6.2);
- Visual privacy (R-Codes 6.8.1); and
- Solar access to adjoining site (R-Codes 6.9.1).

The following component of the proposed development, which will be discussed within this report, is recommended for approval:

- Onsite car parking provision (TPS6 Clause 6.3).

The proposal complies with the Scheme, the R-Codes and relevant Council policies, with the exception of the remaining aspects which require the exercise of discretion by Council, along with other significant matters, all 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

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

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 further in the report.

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.

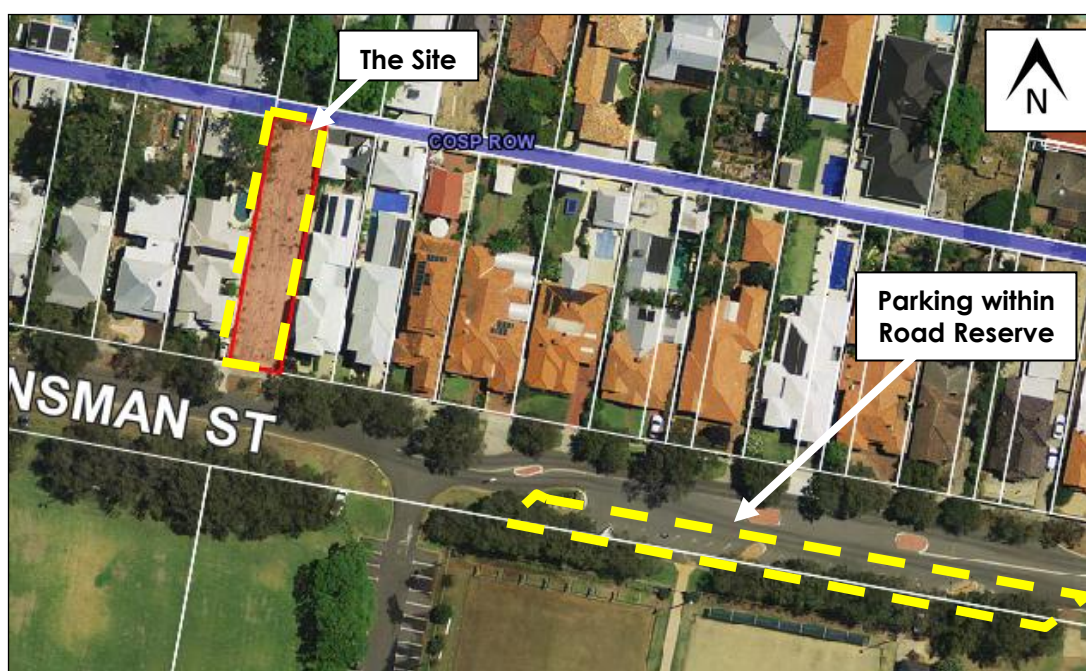
As a response to the parking requirements for potential visitors to the site, the applicant submits the following comments in support of their submission, referred to as **Attachment 10.3.1(c)**:

“Five on-site parking bays can be achieved, utilising the approved double garage, the 6.0m long driveway and the rear carport. One of the bays will be used by staff. A further twenty-seven parking bays are located in the road reserve opposite the subject site, totalling 31 available bays.”

These bays provide adequate parking for visitors to the property. It is estimated that approximately three vehicles will visit the site at one time, but it is more commonly restricted to one or two vehicles per time.

Approximately 15 vehicles will attend the site over a weekend, however these arrive at various intervals over the opening times. This is considered to be similar to a standard residential situation, where residents access a site a number of times per day and entertaining occurs with a number of visitors.”

The reference to twenty-seven additional parking bays within the road reserve can be seen in **Figure 2** below:



10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

In this instance, it is considered that the proposed parking provision is adequate, and complies with the discretionary clause and is therefore supported by the City officers.

(f) Operating hours

In the supporting letter provided by the applicant it is indicated that the proposed Display Home is intended to open for four (4) days a week; Mondays and Wednesdays from 2pm to 5pm, Saturdays, Sundays and public holidays from 1pm to 5pm. The Display Home will be closed on a Tuesdays, Thursdays and Fridays. The operating hours will ensure an acceptable amenity impact on the surrounding residential area.

The proposed operating hours are supported by City officers, and accordingly a condition is included as part of the recommendation.

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

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

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

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

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act.*
 - (i) *The preservation of the amenity of the locality.*
 - (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
 - (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;*

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

- (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.*
- (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.*

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 March 2011. The proposal was favourably received by the Consultants. The comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
<p>The Design Advisory Architects viewed the portfolio prepared by the applicant Webb & Brown-Neaves, demonstrating how the applicant considers that the proposed development will enhance the streetscape character and generally fit in with the existing diverse architectural styles of building within the City of South Perth. The Architects observed that the proposed display home will be located in a street with a mix of traditional and recently constructed dwellings that face Ernest Johnson Oval (parks and recreation reserve). The Architects also observed that the existing streetscape comprises pitched roof dwellings.</p>	<p>No comment.</p>	<p>The comment is NOTED.</p>

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

<p>The design proposes a double garage off Hensman Street (the primary street) and a single carport off the right-of-way. Noting the location of the subject 10.0 metre wide lot in relation to the existing streetscape, the Architects recommended that a single carport off Hensman Street and a double garage off the right-of-way will result in a more compatible built outcome.</p>	<p>No comment.</p>	<p>The proposal meets the requirements of the R-Codes. The existing streetscape has a mixture of double garages and carports within the front portion of the properties. Recent developments on adjoining lots, 84 and 86 Hensman Street have a double garage at the front with a 1st floor above. The comment is NOTED.</p>
<p>While the Architects observed that the flat roof design will contribute positively to the streetscape character, they observed that the proposed development only reveals a double garage door and a window to the street. The development was observed to lack in the fine grain detail that is visible in the existing dwellings. A single carport off Hensman Street coupled with positioning a habitable room facing the street will facilitate an additional habitable room window at the ground floor level, and provide better articulation of the street elevation.</p>	<p>No comment</p>	<p>The proposal meets the requirements of the R-Codes. As indicated in officers comments above, similar examples are prevalent within the existing streetscape character. The comment is NOTED</p>

(b) Neighbour Consultation

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

During the advertising period, a total of 8 consultation notices were sent. No responses were received in relation to the proposed development.

Policy and Legislative Implications

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

10.3.1 Use Not Listed (Two-Storey Display Home and a Studio detached from the main residence) - Lot 18 (No. 82) Hensman Street, South Perth

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses “Accommodate the needs of a diverse and growing population”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Noting the north-south orientation of the 10.06 metre wide lot with limited access to sunlight, officers observed that the proposed outdoor and indoor living areas have been designed to maximise access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

Location: Lot 930 (No. 24) River Way, Salter Point
 Applicant: Adam Harry and Transform Drafting
 Lodgement Date: 5 April 2013
 Date: 1 July 2013
 Author: Mark Scarfone, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a 'Single House' (Two Storey) on Lot 930 (No. 24) 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
Building height	TPS6 clause 6.2(1) and 6.2(3)
Driveway gradient	TPS6 Clause 6.10(2)
Maximum ground / floor levels	TPS6 clause 6.10
Building setbacks	R-Code Performance Criteria 6.3.1 PI
Visual privacy	R-Codes element 6.8.1 PI

The main issue to be considered by Council relates to the proposed building height. The applicant considers that the proposed height will protect the views of the Canning River from adjoining properties, and at the same time maintain the desired streetscape character and allow for safe access and egress from the site. City officers support this argument.

The remaining variations proposed by the applicant are considered to meet with the relevant provisions contained in Town Planning Scheme No. 6 and the performance criteria of Residential Design Codes of Western Australia or are supported subject to specific conditions.

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

Officer Recommendation

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 Single House (Two Storey) on Lot 930 (No. 24) River Way, Salter Point **be approved** subject to:

(b) Standard Conditions / Reasons

510	private tree	470	retaining walls- if required
358	driveway gradient	471	retaining walls- timing
427	colours & materials- details	455A	dividing fences- standards
210	screening- permanent	456	dividing fences- timing
390	crossover- standards	550	plumbing hidden
393	verge & kerbing works	445	stormwater infrastructure
625	sightlines for drivers		

Recommendation continued

(b) Specific Conditions / Reasons

(i) Revised drawings shall be submitted, and such drawings shall incorporate fencing or appropriate screening, with a minimum height of 1.6 metres, being provided in the area marked in red on the approved drawings. The fence/screen shall prevent overlooking of the adjacent property in accordance with Clause 6.8.1 'Visual Privacy' of the R-Codes.

(ii) Revised drawings shall be submitted incorporating measures designed to prevent overlooking of the adjoining property from the balcony adjacent to the open living area accordance with Clause 6.8.1 'Visual Privacy' of the R-Codes. Options in this respect include:

- Increasing the setback of the balcony to the rear boundary to 7.5 metres;
- The incorporation of the proposed balcony into the open living area;
- The use of effective screening.

(c) Standard Advice Notes

700A	building licence required	709	masonry fences require BA
705	revised drawings required	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.

Background

The development site details are as follows:

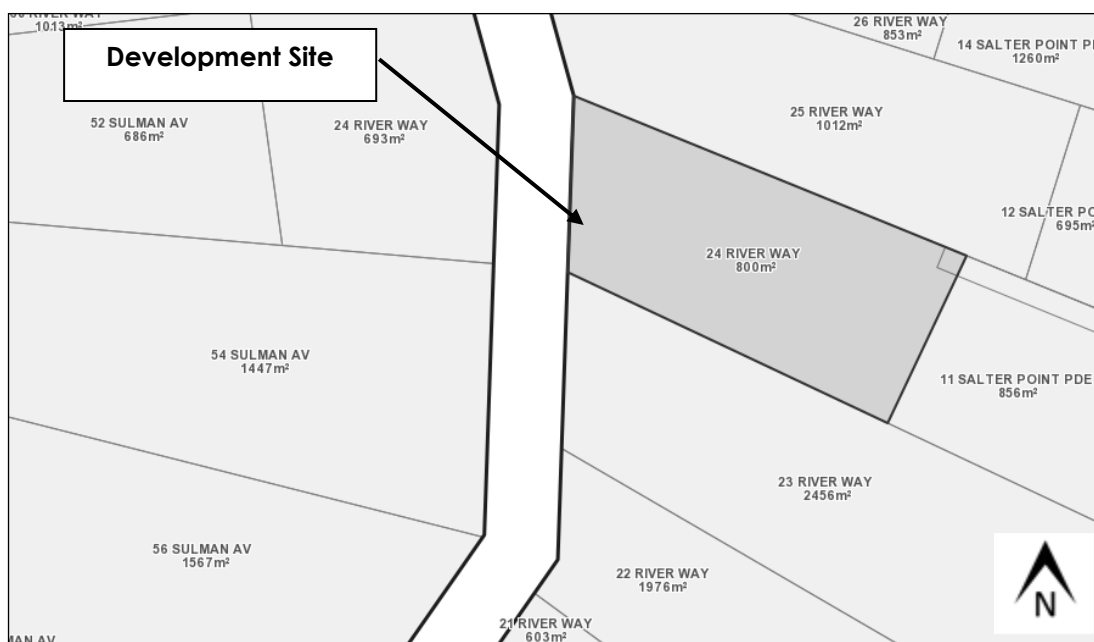
Zoning	Residential
Density coding	20
Lot area	800 sq. metres
Building height limit	3.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal
Attachment 10.3.2(b) Site photographs
Attachment 10.3.2(c) Applicant's supporting correspondence 27 May 2013 and 21 June 2013
Attachment 10.3.2(d) Memo from Engineering Infrastructure

The location of the development site is shown below:

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point



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 9 April 2013, the City received an application for a Single House in a two storey building on a vacant parcel of land at Lot 930 (No. 24) River Way, Salter Point (the 'Subject Site'). On 15 May 2013, the assessing officer and applicant met to discuss the proposed development and a further information request was sent to the applicant via email on 16 May 2013. Revised drawings and a justification letter were received from the applicant on 7 June 2013.

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

The subject site has a frontage to River Way, south of Howard Parade. This section of the street is characterised by single houses. **Figure 1** below depicts the subject site and surrounds:

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point



(c) Description of the proposal

The proposal involves the construction of a 'Single House' (Two-Storey) on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**.

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

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

- Land use – "Single House" is a "P" or "Permitted" land use on the subject site zoned "Residential" (Table I of TPS6).
- Setback of buildings generally and setback of garage (R-Codes Clause 6.3.1 and 6.3.3, Clause 7.5(n) of TPS6)
- Surveillance of street (Clause 6.2.4 of R-Codes);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 "Fencing and Retaining Walls").
- Dimensions of car parking bays and access ways (TPS6 Clause 6.3(8) and Schedule 5).
- Open space (R-Codes Clause 6.4.1).
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Visitor's parking bays (Policy P306 Development of Properties Abutting River Way).
- Significant views (Council Policy P350.9 "Significant Views").

The following planning matters, which are considered acceptable, but require further discussion, are discussed below:

- Building height limit (TPS6 Clause 6.2).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 "Car Parking Access, Siting and Design").
- Maximum ground and floor levels (TPS6 Clause 6.10) – *Please note a minor variation is sought by the applicant and supported in their letter of justification dated 27 May, included in **Attachment 10.3.2(c)**. The variation is considered to meet relevant performance criteria and is supported by the officer.*

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Visual privacy (R-Codes Clause 6.8.1) – *A specific condition requiring details of alfresco screening is recommended to ensure compliance with Clause 6.8.1.*

(d) **Building Height Clause 6.2.1**

Under the provisions of TPS No. 6, the subject site has a building height limit (BHL) of 3.0 metres. Clause 6.2.1(b)(i) of TPS No. 6 provides detailed information as to how the BHL for individual sites should be calculated. Using this calculation method the point at which BHL shall be measured has been determined by City officers to be 14.1RL giving a total height limit of 17.1 metres RL. The proposed development has a top of wall height of 17.66 RL and as such is 0.56 metres above the prescribed building height limit.

The applicant has been made aware of the above issue, however has proceeded with the current proposal as they contend the proposed building height has been chosen with the intention to protect the significant views of adjoining properties while ensuring the proposed development sits comfortably within the streetscape and can be accessed safely. It is the applicant's view that requiring a reduced finished floor and therefore a reduced building height will cause the proposed building to be sunk too far into a hole, negatively impacting on the streetscape. In addition the reduced height would make access and egress difficult.

Clause 6.2(1)(b)(ii) provides an alternative method for measuring building height and states as follows:

Notwithstanding the provisions of subparagraph (i), in cases where the topography would, in the opinion of the Council, cause the height of a building to be in conflict with the objectives of any planning policy relating to the design of residential buildings as referred to in clause 4.5, the Council shall determine the point at ground level from which height shall be measured.

Given the topography of this site and the applicant's justification provided below in relation to streetscape and driveway gradient, City officers have adopted this alternative method, nominating an RL of 14.7 as the point to measure the building height limit. Given the building height limit of 3.0 metres, the top of wall height should not exceed 17.7 metres RL. The proposed building height of 17.66 RL complies with the building height limit when measured from the nominated point at ground level. Officers recommend the Council to endorse this approach.

City officers consider there are three main issues which need to be taken into account by Council when making a determination, these being;

- i) roof form;
- ii) streetscape compatibility; and
- iii) driveway gradient.

These issues are discussed in detail in the following paragraphs.

i) **Roof Form**

The proposed single house incorporates a flat roof in accordance with owner/applicants expressed desire to minimise the impact of the proposal on the views of the surrounding residents. The

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

proposed flat roof is observed as being consistent with the River Way streetscape, as a number of other dwellings within close proximity have a similar roof form.

In accordance with Clause 6.2(1)(b)(iv), height is measured to the top of the external wall of the building. In the case of the proposed development the roof sits on top of the external wall and is excluded from the building height calculation. The top of the wall height is therefore calculated as being 17.66 [RL18.01 (top of roof height) minus 350 mm (width of roof)].

ii) Streetscape and Driveway Gradient

The applicant has indicated that reducing the overall building height will have a negative impact on the streetscape and cause access and egress issues. Given the applicant's submission it is considered appropriate to take into account the alternative method of calculating the building height as prescribed under Clause 6.2(1)(b)(ii), as referred to above.

In this instance the planning policies which are to be taken into account in the assessment of the proposal against the above clause, are Council Policy P302 'General Design Guidelines for Residential Development' and P350.3 'Car Parking Access, Siting and Design'. The following paragraphs will provide commentary with respect to the building height having regard to the provisions of these policies.

a) Streetscape - Council Policy P302 'General Design Guidelines for Residential Development'

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

Council Policy P302 'General Design Guidelines for Residential Development' provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City's expectations for new developments across the City. The definition of three of the key terms contained in this policy is provided below for convenience.

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

Streetscape character means the dominant visual characteristics of a residential street environment formed by the interrelationship between the principal elements within the street

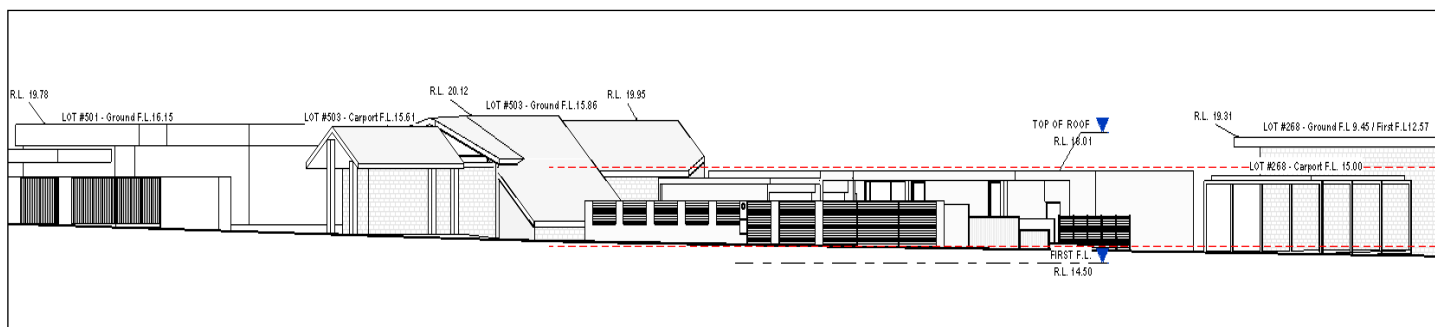
10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

reserve and the adjacent residential properties. Principal elements contributing to streetscape character include street trees (species, size and spacing), fencing visible from the street, site landscaping in front of buildings (extent and characteristics), vehicle pavement visible from the street, building setbacks, and design compatibility between neighbouring buildings within the focus area. Building design compatibility is generally the most critical element in preserving or enhancing desired streetscape character.

Rhythm means the maintenance of a consistent relationship and interdependence between regularly repeated design elements. The term “rhythm” applies equally to the regular recurrence of design elements within one building, and to the maintenance of an attractive relationship between the principal design elements of consecutive buildings on adjoining lots. It is also applicable in relation to the widths of lots, as lot widths affect the widths and proportions of neighbouring buildings in the same street.

The existence of a “regular rhythm” is a primary factor contributing to design compatibility between neighbouring buildings. A “regular rhythm” is achieved where consecutive developments display a regularity of shapes and widths. Critical design elements which need to demonstrate a pleasing regular rhythm include: lot widths; building widths and heights; roof shapes; and window shapes and spacing.

A composite streetscape drawing, has been provided by the applicant and is contained in **Confidential Attachment 10.3.2(a)** (Drawing No. 7 – current proposal) (copy provided below).



As depicted in this drawing, the current proposal has a roof height which is at least 1.3 metres below the adjacent dwellings despite it being 900mm over the building height calculated using Clause 6.2.1(b)(i) of TPS No. 6. The applicant has indicated that reducing the height further would result in only the front fence and roof being visible from the street, resulting in a building which has no street appeal and is completely out of character with the remaining buildings along the street.

Under the provisions of Clause 3 of P302 residential development should be designed in a way which preserves or enhances streetscape character. In addition the building should allow views to be shared.

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

The scale of development, its primary and secondary design characteristics and rhythm of the street are all considered important elements in maintaining streetscape character. The proposed development is considered to be consistent with the streetscape character in terms of its setbacks to the street, scale, overall form, and colours. As can be seen in the definitions above, the height of a building is integral to maintaining an appropriate scale and bulk as well as an appropriate rhythm along the street. A reduction in the building height, to comply with the Clause 6.2.1(b)(i) of TPS No. 6 would result in a building which has a bulk and scale which is out of character with the street. The rhythm of the street would be interrupted, with the site causing a gap in the streetscape.

The black and white line drawing, provided by the applicant in **Confidential Attachment 10.3.2(a)** (Drawing No. 7 – Current Proposal) shows that the proposed building sits low in the streetscape, allowing views over the top of the dwelling from the properties at the rear. The proposed development will not impact views of the Canning River from 23 River Way, as this building is located forward (eastward of the subject dwelling). Views from 25 River Way towards the south east may be impacted upon by the proposal however due to the orientation of this dwelling its primary views are towards the north east. The proposed development is considered to allow views to be shared and as such is consistent with P302.

To request a reduction in overall building height is seen by City Officers as being contrary to the objectives and provisions of P302 and as such is not supported by Officers. In this instance, it is considered appropriate to take into account an alternative method of calculating the building height limit as prescribed by Sub - Clause 6.2(1)(b)(ii).

As discussed above, Officers recommend that Council measure building height from 14.7 RL. On this basis, the proposed building height complies with the Scheme provisions and the building will be compatible with the streetscape.

- (b) Driveway Gradient – Council Policy P350.3 'Car Parking Access, Siting and Design'

Clause 6.10(2) of TPS No.6 states that the floor level of car parking structures shall be 'calculated to achieve a driveway gradient generally not exceeding 1:12 within 3.6 metres of the street alignment and 1:8 for the remainder of the driveway.

The proposed drawings show that the single house has a driveway gradient of between 1:7 and 1:18. Under the provisions of Clause 7 of Clause P350.3 'Car Parking Access, Siting and Design' the portion of driveway with a gradient of

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

1:7 can be supported by the City subject to the owner providing a letter acknowledging any difficulties which may arise. Standard condition 358 has been applied to require this correspondence prior to the issue of a Building Permit.

While the proposed drawings show a driveway gradient between the above figures, City officers have calculated the applicant could reduce finished level of the garage by 300mm and still achieve a gradient, for portions of the driveway, which complies with the requirements of Clause 6.10(2). This would have the impact of reducing the overall building height by 300 mm and therefore the proposed building would be 250 mm above the BHL calculated under Clause 6.2(1)(b)(i) of the TPS No.6. This option was provided to the applicant via email on 21 June 2013, refer to **Attachment 10.3.2(c)**. In response to this email the applicant provided the following comment:

'In a straight line 14.11 is easily achievable, due to our garage entrance being 90°, the inner turning circle is smaller than the outer. The attached drawing's inner wheel gradient will be too steep & cause issues with cars bottoming out. Furthermore 2 additional stairs will need to be added & the elevation will be detrimental to the surrounding residences & streetscape due to lowering the house & exposing a concrete roof'

The proposed development does comply with the provisions of P350.3 'Car Parking Access, Siting and Design' in its current form, subject to the recommended standard condition. Dropping the finished level of the garage by 300mm is likely to result in some areas of the driveway having a gradient which is inconsistent with the policy, causing access and egress issues for the future owner. This is not seen by City officers as being a desirable outcome. In addition reducing the overall height by 300mm is not seen by City officers or the applicant as being desirable due to the impact on the overall streetscape.

The proposed driveway gradient is supported subject to standard condition 358.

(e) **Building Height Clause 6.2(2)**

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 existing buildings will not be significantly obstructed;

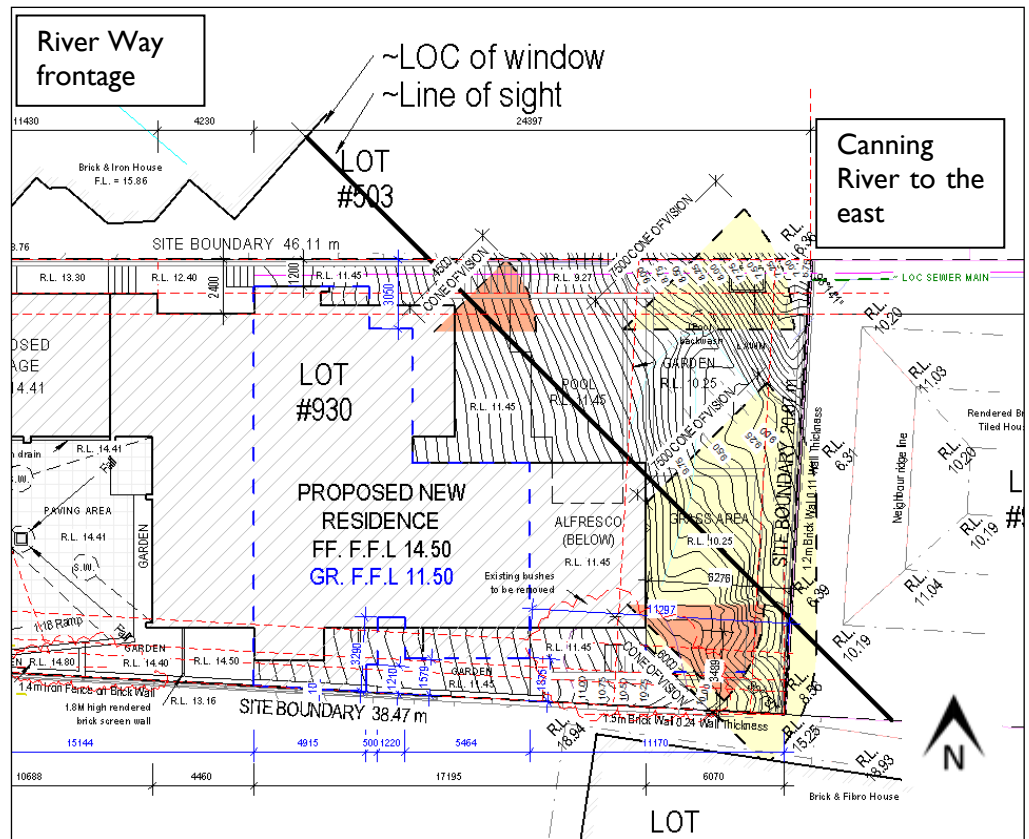
10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

- (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 two drawings to the City to demonstrate compliance with the above clauses. These drawings are contained in **Confidential Attachment 10.3.2(a)** (Refer sheet no. 7).

These drawings indicate that the property at 24A River Way which is on the western side of River Way across from the subject site, will continue to enjoy views of the Canning River from the upper levels, however there will be some loss of views from the ground floor.

With regard to 25 River Way, this dwelling is oriented in a manner which allows it to take advantage of views to the north east and these views will not be impacted upon by the proposed development. The dwelling at 25 River Way does have windows facing the south east, giving the property views across the subject site. While the owners of this property will experience some reduction in views in this direction, the design of the proposed building, which incorporates large setbacks in the north eastern corner minimises this loss. The applicant has provided the figure below to depict the extent of view which will continue to be available across the subject site. The applicant indicates that any view from 25 River Way across the site is a borrowed view and should not be considered under this clause of TPS No. 6.



The applicant has not provided sightline drawings, for the properties at 54 Sulman Avenue, or 25 River Way. As indicated in the aerial photograph

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

provided in **Figure 2** above, and the site photographs contained in **Attachment 10.3.2(b)** the dwelling on 23 River Way is situated forward (east) of the proposed development and will not have its views impacted upon. As seen in the site photographs contained in **Attachment 10.3.2(b)**, the dwelling at 54 Sulman Avenue is significantly higher than the subject site, and the primary outdoor living areas are also raised. It is considered the proposed development will have a minimal impact on the views from this property.

The proposed single house is considered by City officers to be consistent with the provisions of Clause 6.2(2) of TPS 6 and as such is supported.

(f) **Finished Ground Levels surrounding the building**

Clause 6.10(3) of TPS No.6 indicates ground levels outside the dwelling should generally achieve equal cut and fill. Equal cut and fill for the Alfresco and surrounding outdoor area has been calculated as 10.6 in lieu of 11.45 proposed. For the lower grassed area equal cut and fill is 9.9 in lieu of 10.25 proposed. See proposed drawings contained in **Confidential Attachment 10.3.2(a)**.

In its supporting letter dated 27 May 2013, refer **Attachment 10.3.2(c)**, the applicant indicates these levels will not have a negative impact on the adjoining neighbours in terms of visual bulk, visual privacy or overshadowing.

In considering the proposed levels, City officers note the applicant has terraced the rear areas of the site, taking into account significant fall at the rear of the property. On the southern side the proposed retaining will be adjacent to an extensive driveway and as such is considered acceptable in terms of bulk and overshadow. On the northern side, the proposed retaining walls will be located at the rear 15metres of the lot and as such away from the main living and entertaining areas of the adjacent dwelling. The bulk impact is therefore considered acceptable.

Officers consider the proposed finished ground levels meet with the performance criteria contained in Clause 6.10(3) and therefore are supported.

(g) **Setback of building from the boundary**

The following side setbacks do not comply with the Acceptable Development standards contained in Clause 6.3.1 of the R-Codes.

- Upper floor (north facing) – overall bulk – Setback 2.4 metres in lieu of 3.3 metres; and
- Upper floor (south facing) – overall bulk – Setback 2.3 metres in lieu of 3.1 metres.

In its supporting letter dated 27 May 2013, refer **Attachment 10.3.2(c)** the Applicant provides support for the proposed setbacks against the Performance Criteria 6.3.1 P1 of the R-Codes. The applicant considers the stepping of the proposed building on the northern side assists in reducing its overall bulk. On the southern side the lot tapers and as such the side setback increases from a minimum of 2.3 metres to 3.5 metres at the rear. This is also considered by the applicant to reduce bulk.

City officers have assessed the proposed variations and consider the relevant performance criteria have been met. On the southern side the proposed setback variation abuts a large expanse of driveway and as such will not have a bulk impact on the habitable rooms or outdoor living areas of the adjacent

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

dwelling. To the north, the proposed variation sits adjacent to non-habitable rooms ...

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

(h) **Visual Privacy Setback**

The proposed drawings generally comply with either the Acceptable Development standards contained in Clause 6.8.1 'Visual Privacy' of the R-Codes. Where the Acceptable Development standards are not met the applicant has provided detailed drawings to show the setbacks comply with the relevant performance criteria in the same clause.

While the proposed Single House is generally considered to comply with Clause 6.8.1, specific condition (b)(i) and b(ii) is recommended to ensure the privacy of the dwelling to the north and east is not impacted on. Portions of the outdoor entertaining area on the northern side of the lot have a finished level which is greater than 0.5metres above natural ground level and as such this area should be setback from the property boundary or screened appropriately in order to demonstrate compliance with the Acceptable Development standards of the R-Codes. If this area is not screened the variation would cause direct overlooking of the adjacent pool and as such the variation does not meet the relevant Performance Criteria.

A balcony is proposed adjacent to the open living area on the upper floor. This balcony is setback 6.27 metres from the rear boundary in lieu of 7.5 metres considered acceptable by Clause 6.8.1 of the R-Codes. To assess the impact of this variation City officers prepared a simple section utilising the current proposed drawings and the approved plans for 11 Salter Point Parade. This section shows setback reduction may cause overlooking of the private courtyard of the dwelling at 11 Salter Point Parade and as such the variation does not meet the relevant performance criteria.

As indicated above, the proposed development is generally considered to comply with either the Acceptable Development standards or Performance Criteria contained in Clause 6.8.1 'Visual Privacy' of the R-Codes. Specific Condition (b)(i) and b(ii) will ensure that overlooking from the outdoor living area towards the north is minimised.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the 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;*
- (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;*

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning 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;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (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 the Council considers relevant.*

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

Consultation

(a) **Design Advisory Consultants' Comments**

The proposed development has not been referred to the Design Advisory Consultants for comments as the overall built form is observed as being consistent with the locality.

(b) **Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Standard' consultation method, individual property owners and occupiers at No's 23, 24A, and 25 River Way, and 54 Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period. In addition, 'Information Only' notices were sent to the owners of 11 Salter Point Parade.

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

During the advertising period, a total of four consultation notices were sent and three submissions were received. One submission provides comment with regard to the calculation of building height and the other two submissions objected to the proposal. It is noted one objection was received from a landowner who received an 'Information Only' notice. The comments of the submitters, together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
<p>In order to determine the BHL for the proposed dwelling City officers should use the 'flat' portion of the site, rather than a 'raised level' between River Way and the flat portion.</p>	<p>The 'flat' portion of the site has a RL of between 13.1 and 13.2. This level is 0.9 – 1 metre lower than the permitted ground level under Clause 6.2 of TPS No. 6. The lower floor level will exacerbate the issues discussed in part d of this report, namely an increased driveway gradient and a loss of street appeal.</p> <p>The comment is not supported by City Officers.</p>
<p>The above method will result in a 'middle ground' which will not negatively impact on the development potential of the lot or on the views of the surrounding dwellings.</p>	<p>The method is seen as being detrimental to the development as indicated above.</p> <p>The comment is not supported by City Officers.</p>
<p>The proposed development will overlook our private outdoor area.</p>	<p>As discussed in section (f) of the report, the proposal is considered compliant with the R-Codes in terms of Visual Privacy, subject to specific condition (b)(i).</p> <p>The comment is not supported by City Officers.</p>
<p>The proposed development will significantly impact upon views from the adjoining property to the north and does not meet the building height limit.</p>	<p>The proposed building complies with the building height limit when measured in the manner prescribed by Clause 6.2(1)(b)(ii) of TPS No. 6.</p> <p>As indicated in the report under section (e) "Comments", the views from the main living areas of the adjoin residence will be maintained.</p>
<p>The proposed setbacks do not comply with the side setback regulations and should do so.</p>	<p>As discussed in section (g) of the report the proposed setbacks are considered to meet with the provisions of Clause 6.3.1 'Setback of Buildings from the boundary' and are supported.</p> <p>The comment is not supported by City Officers.</p>

10.3.2 Proposed 'Single House' (Two Storey) – Lot 930 (No. 24) River Way, Salter Point

<p>The proposal will unreasonably overshadow our property, resulting in a dark and useless garden area and impacting on solar panels.</p>	<p>In accordance with the provisions of Clause 6.9.1 of the R-Codes, overshadowing is calculated on a north south alignment. The proposed development overshadows the property to the south by approximately 6% and as such meets the Acceptable Development standards of the R-Codes.</p> <p>The comment is not supported by City Officers.</p>
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(c) Internal Administration

Comments were invited from Engineering Infrastructure of the City's administration.

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating stormwater and driveway gradient. A copy of the memo from Engineering Infrastructure is included in in **Attachment 10.3.2(d)**.

Engineering Infrastructure is generally supportive of the proposal subject to the applicant satisfactorily addressing issues relating to driveway gradient. This matter is discussed in detail above.

Standard planning conditions have been recommended to address the comments from Engineering Infrastructure

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 report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

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.

Conclusion

While Council's discretion is being sought with regard to the matters outlined in the body of the report, it is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape.

10.3.3 Proposed Single House (Single-Storeys) - Lot 272 (No. 9) Beenan Close, Karawara

Location: Lot 272 (No. 9) Beenan Close, Karawara
Applicant: Kyoko Oakley
Lodgement Date: 13 March 2013
Date: 18 June 2013
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 a Single-Storey Single House on Lot 272 (No. 9) Beenan Close, Karawara. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Open space	R-Code Performance Criteria 6.4.1 P1
Rear setback	TPS6 Clause 4.3 (e)(ii)

The proposed development is not considered to be consistent with Residential Design Codes - Clause 6.4.1 (Open Space provisions), City of South Perth Town Planning Scheme No.6 provisions and objectives. In addition, the proposal is considered inconsistent with Clause 4.3 of City of South Perth Town Planning Scheme No.6 - Special Application of Residential Design Codes - Variations, and as such it is recommended the application be refused.

Officer Recommendation

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Single-Storey Single House at Lot 272 (No. 9) Beenan Close, Karawara, **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed development does not meet the acceptable development or the performance criteria provisions of clause 6.4.1 "Open Space" of the R-Codes. Specifically, the provision of open space is 43.9 percent (310m²) in lieu of 50 percent (353m²).
- (ii) The proposed development conflicts with Clauses 4.3 of City of South Perth Town Planning Scheme No. 6".
- (iii) The proposed development does not comply with Scheme objectives identified in Clause 1.6(2) of the *City of South Perth Town Planning Scheme No. 6* (TPS6), specifically Objective (f).
- (iv) The proposal conflicts with "Matters to be considered by Council" identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically Matters (a), (c) (i) and (n).

(b) Standard Advice Notes

795B	Appeal rights - Council decision
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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.

Background

On 13 March 2013, the City received an application for a Single-Storey Single House on Lot 272 (No. 9) Beenan Close, Karawara (the “subject site”). On 15 April 2013, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. Since this time, the applicant has provided amended drawings, dated 4 June 2013 and to request the application be presented to the next available Council meeting for determination.

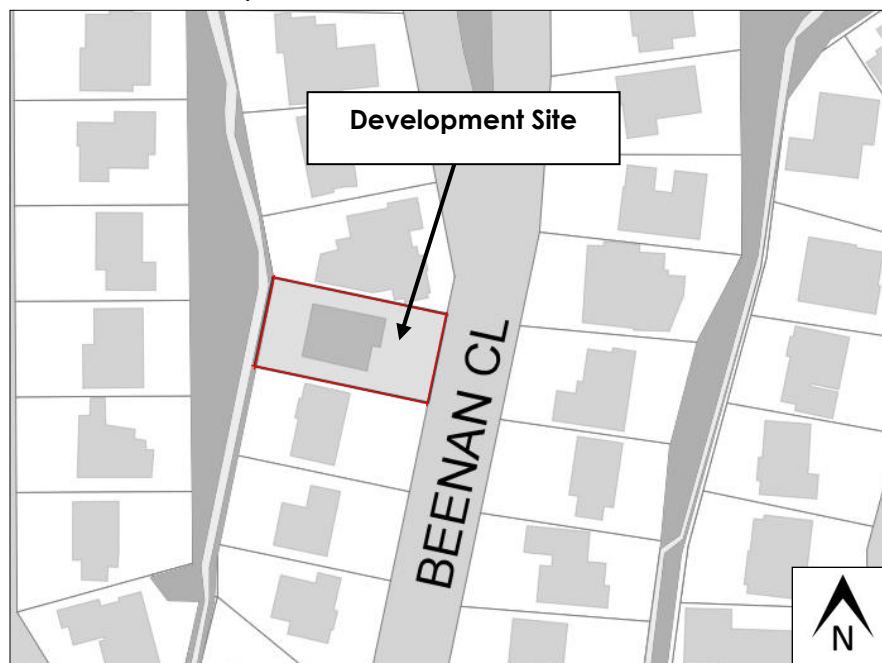
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	707 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

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 dated 11 March 2013.

The location of the development site is shown below:



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

- 3. Developments involving the exercise of discretionary power**
This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:
 - (c) Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.

Comment

(a) Description of the surrounding locality

The subject site is located within Karawara which was developed in the early 1970s using 'Radburn' design principles. It has a frontage to Beenan Close, with public open space reserves located at the rear of the dwelling. This section of the street is characterised by single houses. **Figure I** below depicts the subject site and surrounds:



(b) Description of the proposal

The proposal involves the construction of a Single-Storey Single House on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.3(a)**.

The substantial site coverage of the proposed Single-Storey Single House contains a section of the house which has a flexibility to convert into a separate self-contained accommodation in the future. This application is related to the Single-Storey Single House and the applicant is advised to consult with the City of South Perth for future conversion of a section of the Single House into an Ancillary Accommodation.

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

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

- Land use – “Single House” is a “P” or “Permitted” land use on the subject site zoned “Residential” (Table 1 of TPS6).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”).
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5).

10.3.3 Proposed Single House (Single-Storeys) - Lot 272 (No. 9) Beenan Close, Karawara

- Side setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Maximum ground and floor levels (TPS6 Clause 6.10).
- Building height limit (TPS6 Clause 6.2).
- Boundary wall setback (Council Policy P350.2 “Residential Boundary Wall”).

(c) **Boundary wall setback (Council Policy P350.2 “Residential Boundary Wall”)**

In assessing an application which proposes boundary walls, the City is to have regard to the provisions of Policy 350.2 “Residential Boundary Walls” (herein referred to as P350.2). Specifically, the City should have regard to the amenity factors contained in Clause 5, and the setback requirements of Clause 7 of P350.2.

To summarise these clauses, Clause 5 indicates that a boundary wall with a street setback of less than 6.0 metres could be approved where the City considers it will not adversely affect the amenity of an adjoining property nor have an adverse impact on the streetscape, while Clause 7 indicates all boundary walls should be setback 6.0 metres from the street.

In this instance, the proposed Boundary wall set back of 5.82m from the front boundary is located within an existing Karawara streetscape where majority of the existing dwellings have an outbuilding appurtenant to a dwelling within the front setback area.

Hence, the proposed minor setback variation will have no adverse impact on the amenity of an adjoining property and existing streetscape and therefore can be supported.

(d) **Residential Design Codes - Clause 6.4.1 (Open Space provisions)**

Acceptable Development standards 6.4.1 (Open Space Provision) of the R-Codes require 50% open space requirement for a R20 site. The Performance Criteria of R-Codes provisions seems to be broad and difficult to implement.

The applicant is seeking variation of 43m² (6.1%) of covered area above the permitted acceptable development requirement. The minimum open space required for the subject site is 50 percent of the site (353 sq. metres); whereas the proposed open space is 43.9 percent (310 sq. metres).

The applicant should consider having some of the proposed rooms on upper level which will assist in complying with Open Space requirement and meeting with the family needs and requirements.

In supporting correspondence provided by the applicant, contained in **Attachment 10.3.3(b)**, written justification is provided in support of the Open Space variation as follows:

Applicant’s Response	Officer Response
The Acceptable Development provisions refer to Table 1. In the case of R20 sites, Table 1 specifies an open space requirement of 50%. However, in the case of grouped dwellings the open space can be achieved from both exclusive use	For consistency in residential development with an appropriate design throughout Western Australia as well as City of South Perth, this application is assessed under state planning policy, Residential Design Codes (R-Codes)

10.3.3 Proposed Single House (Single-Storeys) - Lot 272 (No. 9) Beenan Close, Karawara

<p>space and a proportionate share of common property.</p>	<p>as well as local planning scheme and policies.</p> <p>The City has allowed up to 2m² to ensure consistent development control throughout the City of South Perth. Additionally, the City does not have any planning policy that permits the extent of variation to open space.</p> <p>The comment is NOT UPHELD.</p>
<p>Whilst the Lot is not a Grouped Dwelling, it still abuts open space (the POS) and is able to enjoy the amenity of that open space in the same way that a Grouped Dwelling might enjoy the amenity of common property.</p> <p>The only relevant difference relating to the Acceptable Development provisions is that Lot 272 is not actually a lot in a Grouped Dwelling and the communal open space the Lot enjoys is not actually common property. It is acknowledged that Lot 272 does not fall within the statutory defined meaning of those terms.</p> <p>However, it is further submitted that the object or intent of the Acceptable Development provisions have been met.</p>	<p>The 'Open Space' defines under R-Codes as area of a Lot not occupied by any building. The adjoining POS which is not part of the subject Lot cannot be taken into account for open space calculation.</p> <p>The proposed Single House on a green title lot is assessed under Single Dwelling provisions of the R-Codes.</p> <p>The comment is NOT UPHELD.</p>
<p>If a proportionate share of the POS that directly abuts the rear boundary of the Lot is taken into account (as if it were a Grouped Dwelling) then the footprint of the building is more like $396/850 = 46\%$...which consequently results in or about 54% of open space. Further, and in any event it is the Council's stated objective to close the POS in question and have the open space amalgamated into the adjoining lots. In this event the open space requirement would be exceeded with exclusive open space.</p>	<p>It is noted that City of South Perth is considering the closure of selected portions of Public Open Space (POS) Reserves and Pedestrian Access Way's (PAW's) within Karawara. The City is currently developing a procedural policy specific to PAW/POS reserve closures in Karawara to guide officers in the implementation of closures and this policy be adopted by Council before pursuing closures.</p> <p>However, if the full extent of the closures were to be implemented, closure of these reserves and redistribution of the land into adjoining properties could take many years. Therefore, at this point of time, the proportionate share of the POS that directly abuts the rear boundary of the Lot cannot be taken</p>

	<p>into account for open space calculation.</p> <p>The comment is NOT UPHELD.</p>
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Given the above, the proposed open space is not considered to comply with Acceptable Development standards 6.4.1 (Open Space Provision) of the R-Codes and as such it is recommended the application be refused.

(e) Clause 4.3 of City of South Perth Town Planning Scheme No.6 - Special Application of Residential Design Codes - Variations

In considering the application, City is to have regard to the provision of City of South Perth Town Planning Scheme No.6 - Special Application of Residential Design Codes – Variations.

Subclause (1) (e) (ii) of Clause 4.3 (e) indicates that In Precinct 11 - Karawara, other than within the Karawara Redevelopment Area identified in Schedule 4, the following provisions shall apply:

A Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres.

In this instance, the proposed building is set back an average of 3.5 metres and minimum setback of 1.0 metres from boundary of an open space reserve. Officers also observed that existing adjoining dwellings that back onto the same open reserve have minimum 6.0 metres set back from the rear boundary.

Therefore, the proposed building reduced setback from the boundary of an open space reserve, is considered to be inconsistent with Clause 4.3 (e) of City of South Perth Town Planning Scheme No.6 - Special Application of Residential Design Codes - Variations and as such is not supported.

(f) 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:

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

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

(g) 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:

10.3.3 Proposed Single House (Single-Storeys) - Lot 272 (No. 9) Beenan Close, Karawara

- (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*
- (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.*

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

Neighbour Consultation

Neighbour consultation has been undertaken for this proposal specifically with regards to the proposed boundary wall required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, two adjoining property owners were invited to inspect the plans and to submit comments during a minimum 14-day period. One submission was received from landowner at 7 Beenan citing no objection to the proposed boundary wall. One Information Notice was sent to 11 Beenan Close and no comment received.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

The proposed dwelling has been designed having regard to solar passive design principles with majority of the internal and external living areas located on the northern side of the lot.

Conclusion

The proposed development is not considered to be consistent with Residential Design Codes - Clause 6.4.1 (Open Space provisions), City of South Perth Town Planning Scheme No.6 provisions and objectives. In addition, the proposal is considered inconsistent with Clause 4.3 of City of South Perth Town Planning Scheme No.6 - Special Application of Residential Design Codes - Variations, and as such it is recommended the application be refused.

10.3.4 Proposed Single House (Two Storeys) – Lot 442 (No. 9) Vista Street, Kensington

Location: Lot 442 (No. 9) Vista Street, Kensington
 Applicant: Paluch Homes Pty Ltd
 Lodgement Date: 18 February 2013
 Date: 25 June 2013
 Author: Mark Scarfone, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Single House (Two Storey) on Lot 442 (No. 9) Vista Street, Kensington. Council is being asked to exercise discretion in relation to the following:

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

It is recommended that the proposal be refused.

Officer Recommendation

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a “Single House”(Two-Storeys) at 9 Vista Street, Kensington, **be refused** for the following reasons:

(a) Specific Reasons

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

(b) Standard Advice Notes

795B	Appeal rights - Council decision
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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.

Background

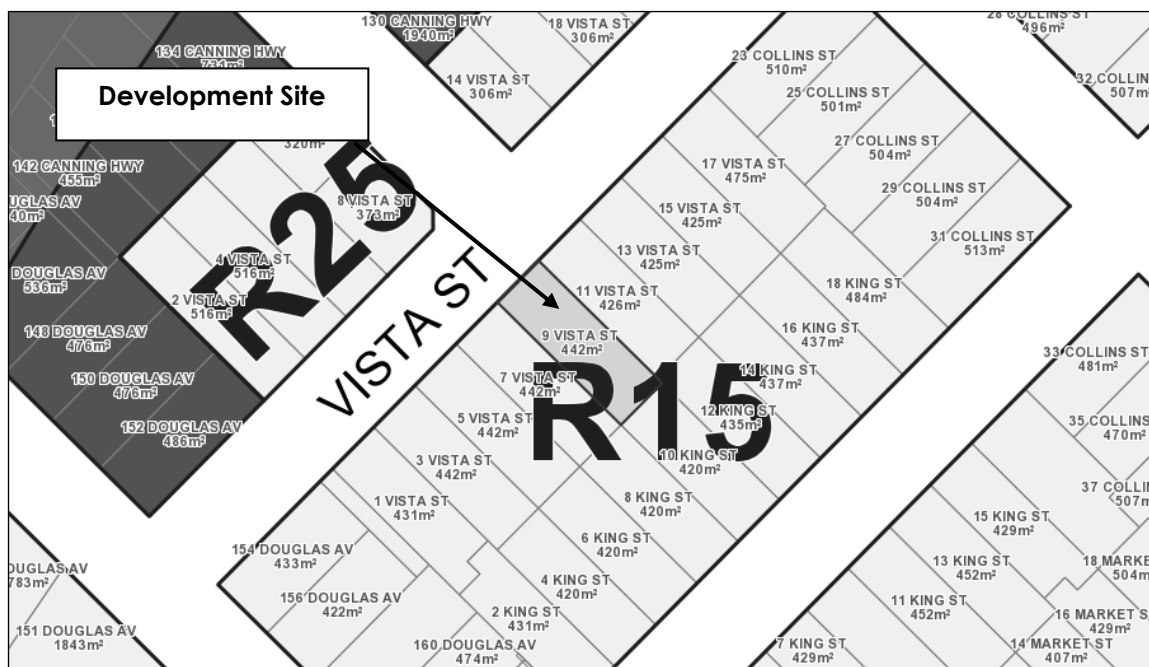
The development site details are as follows:

Zoning	Residential
Density coding	I5
Lot area	442 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

- **Confidential Attachment 10.3.4(a)** Plans of the proposal
- **Attachment 10.3.4(b)** Site photographs
- **Attachment 10.3.4(c)** 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

- (c) 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 18 February 2013, the City received an application for a Single House in a two-storey building on Lot 442 (No. 9) Vista Street, Kensington (herein referred to as the 'Subject Site').

On 8 March and 8 April 2013, the City sent the applicant requests for further information via email. At a meeting held 5 June, the applicant provided revised

10.3.4 Proposed Single House (Two Storeys) – Lot 442 (No. 9) Vista Street, Kensington.

drawings to deal with majority of matters raised in the City's previous correspondence, including:

- Increased the boundary wall setback to 6.0 metres;
- Amended drawings to comply with the visual privacy requirements of the R-Codes;
- Amended drawings to comply with Clause 3 – Roof Forms and Eaves of Council Policy P351.5 'Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington'.

While the majority of modifications have been made as requested, the upper floor bulk and scale, of the proposed development is considered to be inconsistent with the existing streetscape and the provisions of Council Policy P351.5 'Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington'.

During the meeting of 5 June, City officers informed the applicant that the proposed upper floor setback is not supported. It was suggested revised drawings be provided which increase the upper floor setback by 2.5 to 3 metres in order to demonstrate increased streetscape compatibility. The applicant indicated this setback would have a detrimental impact on the design in terms of the size of rooms and the presentation to the street. The applicant therefore requested the proposal be presented to Council for determination.

(b) Description of the surrounding locality

The subject site has a frontage to Vista Street, Kensington, between Douglas Avenue and Collins Street. This portion of the street is characterised by single houses. **Figure 1** below depicts the subject site and surrounds. This figure also depicts the wider assessment area, as defined by Policy P351.5 (Streetscape Compatibility – Precinct 5 "Arlington" and Precinct 6 "Kensington"):



(c) Description of the Proposal

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

10.3.4(b), show the relationship of the site with the surrounding built environment.

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

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

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

The following planning matter which is considered unacceptable is discussed further below:

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
 - (i) Clause 2 – Building bulk and scale (Storey above ground storey);

(d) Streetscape Compatibility (Council Policy P351.5 - ‘Streetscape Compatibility – Precinct 5 (Arlington) and Precinct 6 (Kensington)’

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

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

10.3.4 Proposed Single House (Two Storeys) – Lot 442 (No. 9) Vista Street, Kensington.

- (i) Clause 2 – Building bulk and scale (Storey above ground storey)
Objective 1 of P351.5 is, “To preserve or enhance desired streetscape character by ensuring that new residential development has bulk and scale that is compatible with the streetscape within which it is located.”

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

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

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



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

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

- (A) Articulation of the street façade.
- (B) Stepping back upper storeys of the building.

10.3.4 Proposed Single House (Two Storeys) – Lot 442 (No. 9) Vista Street, Kensington.

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

The applicant has provided written justification for the proposed upper floor setback, in their letter dated 18 June 2013 (refer **Attachment 10.3.4(c)**). The following point summarise this submission:

- *The upper floor has been articulated by providing various street setbacks to bedroom 2, the ensuite and the activity room;*
- *The average upper floor setback is 1.68 metres;*
- *The activity room will not be visible from the street, reducing upper floor bulk;*
- *Major openings and balconies have been incorporated into the design;*
- *The dwelling will have a lesser bulk impact than the adjacent dwellings which have carports in the front setback area with a minimal street setbacks;*
- *New home development at 30 – 38 Vista Street demonstrate the changing nature of the area, these dwellings exhibit a minimal setback to the upper floor; and*
- *Council has recently approved two dwellings with minimal upper floor setback at 32 Vista Street and 9 Market Street, again demonstrating the changing character of the wider assessment area.*

With regard to the applicant's justification, City officers acknowledge the use of a range of techniques suggested by P351.5 to minimise building bulk. These include providing some articulation to the street façade, and the inclusion of one major opening and a balcony in the front elevation. The width of the upper floor visible from the street is also less than the ground floor.

Despite the use of the techniques described in the above paragraph, City officers consider that the overall bulk of the building has not been ameliorated through the use of these techniques. The upper floor width is 9.2 metres and of this the majority, 6.8 metres, is set forward of or in line with the ground floor of the dwelling. As indicated above, the two-storey dwellings within the wider assessment area are generally characterised by large balconies on the upper floor facing the street and upper floors setbacks, which are greater than the ground floor, having the effect of reducing their perceived bulk. The proposed dwelling, with the majority of its upper floor located in front of or in line with the ground level, is therefore considered to be out of character with the focus area and is not supported by City officers.

In its letter of justification, the applicant has asked Council to take into account dwellings outside of the focus area when considering the appropriateness of the proposed design. This approach is not supported by P351.5 which identifies the WAA and IAA as being the appropriate areas to take into consideration when determining streetscape compatibility.

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

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

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

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

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

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

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

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

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

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the standard consultation method, the property owners and occupiers at 7 Vista Street were invited to inspect the plans and to submit comments during a minimum 14-day period. No submission was received during this time.

Information notices were sent to landowners and occupiers at 11 Vista Street and 8, 10 and 12 King Street in accordance with Council Policy P360 “Informing the Neighbours of Certain Development Applications”.

Policy and Legislative Implications

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

10.3.4 Proposed Single House (Two Storeys) – Lot 442 (No. 9) Vista Street, Kensington.

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

City officers observe that the applicant has located the proposed family room and outdoor living area on the north eastern side of the lot giving some access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

Location: Lot 206 (No. 426) Canning Highway, Como
Applicant: David Cavanagh
Owner: David Cavanagh
Date: 1 July 2013
Author: Les Croxford, Manager Engineering Infrastructure
Gina Fraser, Senior Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The owner of the heritage-listed house at No. 426 Canning Highway, known as 'Blue Waters', has asked the Council to approach the WA Department of Transport and Department of Planning on his behalf to request a minor reduction in the extent of the future widening of Canning Highway across the front of this property. The currently proposed road widening of 17.5 metres would probably result in the demolition of the house at the time of future road widening. The house has a Category B classification in the City's Heritage List and cannot be demolished. The owner also wishes to retain the house.

It is recommended that the Council ask the WA Department of Transport and Department of Planning to approve a 1.5 metre reduction in the width of road widening across the front of this property, from 17.5 metres to 16.0 metres.

Officer Recommendation

That

- (a) in order to conserve and protect the integrity of the heritage-listed house, 'Blue Waters', on Lot 206 (No. 426) Canning Highway, Como, the Council supports a reduction in the width of the proposed road widening across the site from 17.5 metres to 16.0 metres;
- (b) the WA Department of Transport be requested to reduce the planned road widening for this lot, as referred to in part (a) above;
- (c) if the Department of Transport agrees to reduce the road widening from 17.5 metres to 16.0 metres in this location, the Department of Planning be requested to implement a corresponding amendment to the Metropolitan Region Scheme; and
- (d) Mr David Cavanagh, owner of the heritage-listed house, 'Blue Waters', at Lot 206 (No. 426) Canning Highway, Como, be advised of the above resolution.

Background

The City has been approached by the owner of the heritage-listed property known as 'Blue Waters' on Lot 206 (No. 426) Canning Highway, Como. The owner is requesting the Council's support in requesting the relevant government departments to approve a reduction in the width of the future road widening across the front of the property. The currently proposed road widening slices through a small protruding portion of the building. The new street reserve boundary will be generally located on the front curved glass window of the house, which is one of its most outstanding heritage features.

The owner has expended significant resources in restoring the house to an exceptional condition and is keen to prevent its demolition. The best way to ensure the preservation of the building is to reduce the extent of the currently proposed road widening across the front of the subject lot. The currently proposed road widening would almost certainly require demolition of the house. While this is not

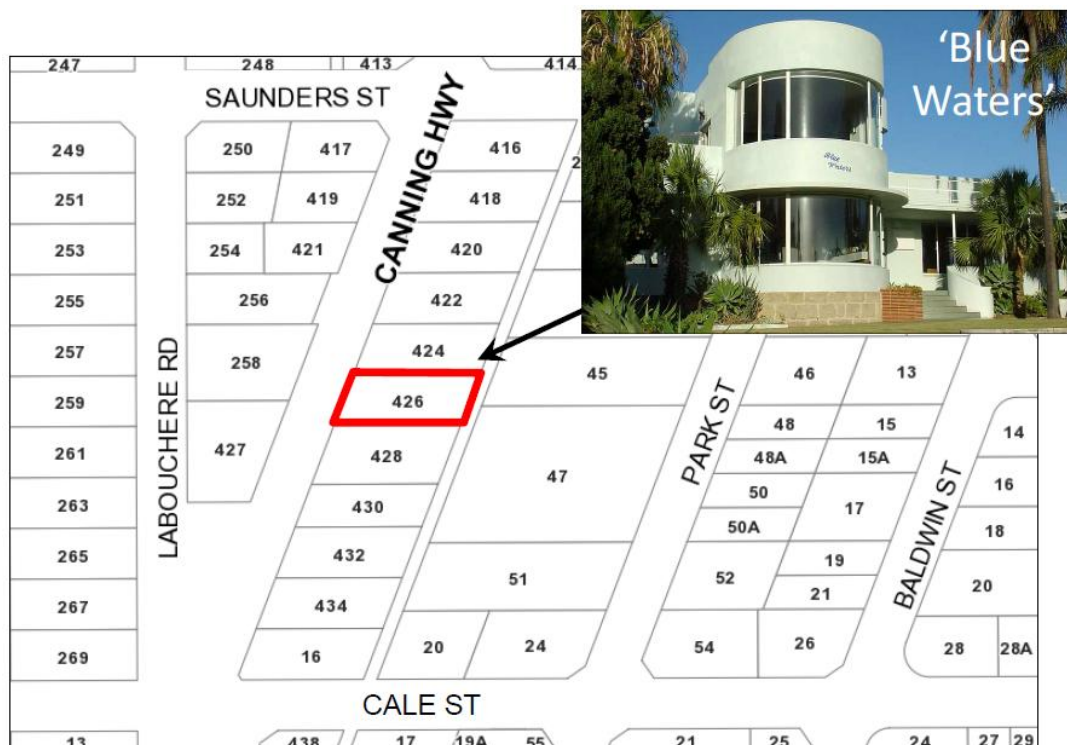
10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

an immediate threat, the necessary legislative processes to achieve the owner's (and the Council's) goal are lengthy and uncertain. Therefore, these processes need to be commenced as soon as possible.

This report contains the following attachments:

- Attachment 10.3.5(a):** Extract from Municipal Heritage Inventory.
- Attachment 10.3.5(b):** Proposed widening of Canning Highway – Plan and section
- Attachment 10.3.5(c):** Survey plan – Suggested road widening realignment

The location of 'Blue Waters' is shown below:



Comment

(a) Heritage listing

The property known as 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como, has been contained in the City's Municipal Heritage Inventory since 1994, and is now included on the City's 'interim' Heritage List. The place has Management Category 'B' status.

The MHI describes the place in the following terms:

"The Residence: 426 Canning Highway - 'Blue Waters' is situated on Canning Highway set back some distance from the road. It has a dominant curved (almost circular) two storey section with a one storey wing. The single garage is situated under the house. The mature palm trees that are the main feature of the landscaping in the front yard appear to fit with the almost nautical feel of the house.

This Residence: 426 Canning Highway - 'Blue Waters' has many features that place it in the Functionalist/Art Deco design style category. These include

10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

asymmetrical massing, simple geometric shapes, long horizontal balcony (similarities to a ship), roof concealed behind parapet, rounded corner and windows with curved glass and aluminium frames.

The house, though built in 1951, has the classic lines of a style of architecture first introduced in the 1920s and 1930s, which emphasised functionalism, clean lines and a complete disassociation from the past."

The Statement of Significance given in the MHI for 'Blue Waters' is as follows:

"Residence: 426 Canning Highway - 'Blue Waters' has aesthetic, representative and rarity cultural heritage significance. It has been recognised by a number of heritage and architectural professionals for its unusual design style. It has high streetscape value and is a fine representative of functionalist architecture. Residences of this design style with such high integrity and few changes to the original external plan are rare in the City of South Perth."

An extract from the Municipal Heritage Inventory relating to the Residence: 426 Canning Highway - 'Blue Waters' is provided as **Attachment 10.3.5(a)**.

Clause 6.11 (6)(d) of TPS6 and Council Planning Policy P313 'Local Heritage Listing' state that any place on the Heritage List classified as Category A or B may not be demolished.

The place is not registered by the Heritage Council of Western Australia. However, since the demolition of the 'Art Deco' house at 27 South Perth Esplanade, 'Blue Waters' remains one of the City's best remaining residential examples of the Art Deco architectural style.

In addition to information contained in the City's Municipal Heritage Inventory, two other web sites provide extensive and interesting history and descriptions of 'Blue Waters':

- http://en.wikipedia.org/wiki/Blue_Waters,_Perth and
- www.bluewatersperth.com.au

(b) Proposed Canning Highway road widening

Background

In the Metropolitan Region Scheme (MRS), for many years Canning Highway has been the subject of a 'Primary Regional Roads' reservation providing for road widening. The proposal is to double the width of the road from 20 metres to 40 metres by excising 2.5 metres from properties along the western side and 17.5 metres along the eastern side of Canning Highway. The 20 metre widening to the Highway is designed to accommodate future growth and changing transportation forms. 'Blue Waters' is situated on the eastern side of Canning Highway and under the current requirements, would lose land across the front of the lot to a depth of 17.5 metres.

The Canning Highway Road Reservation Review recently concluded by Consultants, Worley Parsons for the WA Department of Transport, retains the current MRS 'Primary Regional Roads' reservation width of 40 metres for most of the length of the Highway, but identifies the need for additional land at certain intersections.

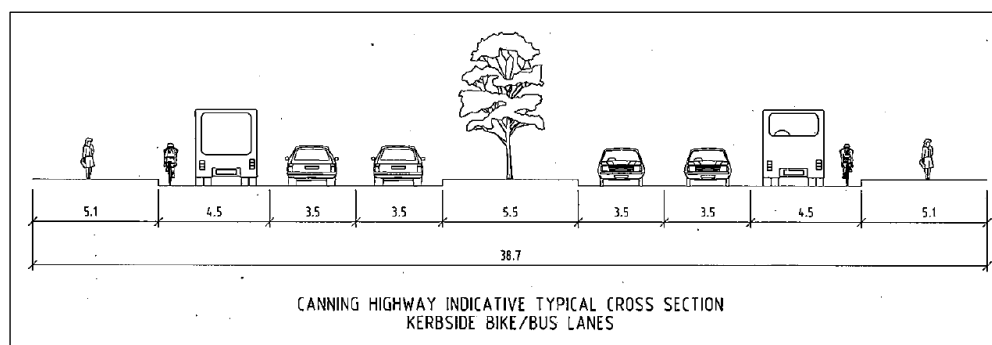
10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

The residence at No. 426 Canning Highway is listed in the City's Municipal Heritage Inventory for its significance reflecting its 'Art Deco' design. The building was constructed some 17.5 metres from the boundary of Canning Highway, probably to utilise the natural slope of the property to maximise the outlook to the Swan River. Being situated on the south-eastern side of Canning Highway, the location of the building coincides with the proposed road widening line prescribed in the MRS and retained in the Worley Parsons Study.

Proposed Highway layout

To meet the current and future transportation needs, the 40 metre road reserve is planned to accommodate two 3.5 metre wide general traffic lanes and a combined cycle and bus lane (of not less than 4.5 metres width) in each direction, with a central median of minimum width of 5.5 metres. The above configuration provides for verges of at least 5.1 metres in width to enable street infrastructure such as street light poles, bus shelters, footpaths and other above-ground power and telecommunication boxes to be installed, as well as support the general alignments set aside for below-ground services.

The following profile of the preferred 'widened' road design, prepared by consultant Worley Parsons, illustrates the configuration of the various components of the future 40 metre road reserve:



A plan showing the proposed widening of Canning Highway, taken from the recent study by Worley Parsons, is provided in **Attachment 10.3.5(b)**.

Comment on the request

The proposed layout of Canning Highway with a 17.5 metre deep excision of road widening land from the front of Lot 206 (No. 426) Canning Highway would result in part of the heritage-listed building encroaching into the proposed road reserve by about 600mm. In effect, the existing front of the building would be situated on the edge of the future new footpath, with the combined bus and cycle lane some 5.1 metres from the curved window that dominates the façade of the residence. While the close proximity of the traffic lane to the building will have some impact on the residents' amenity, it would not make untenable its use as a residence. Examples abound within the metropolitan area where, by necessity, the street verge has been narrowed through the widening of the road pavement. In these instances the properties have been retained on, or very close to, the front property boundary, albeit that in most cases, these properties have non-residential uses at ground level.

It should be noted that the level of Canning Highway at No. 426 Canning Highway would be about AHD 17.0 metres, with the level of the residence

10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

being at least AHD 19.0 metres. This would result in the passing traffic being at a lower level. The required retaining wall structure and fencing would afford some sound attenuation for the residence.

To preserve the heritage-listed 'Blue Waters', a reduction in width of the proposed road widening needs to be secured. It is considered that the width of the road widening across Lot 206 Canning Highway could be reduced to 16 metres without significantly impacting on the ability of the verge to contain all necessary facilities and services. Elsewhere along Canning Highway, the widening would remain at the prescribed 17.5 metres (or more at key intersections).

It would be reasonable to expect that with the road reserve set at the prescribed width, all new or relocated services would be laid in relation to that new alignment. Typically, power lines are laid in the corridor zero to 500mm from the property boundary, with the corridor from 500mm to 1300mm assigned to telecommunications. The alignment of gas and water services within the road reserve is agreed at 1.5 metres and 2.2 metres respectively, although circumstances will enable some variability to the alignments. All major trunk services, stormwater and sewerage mains are beyond the 4 metre alignment.

Accordingly, a reduced road widening across Lot 206 of only 16 metres rather than 17.5 metres will have minimal impact on the location of any service to be laid within the road widening area. If all services in Canning Highway are laid on their assigned alignment in relation to the 17.5 metre setback, only power, telecommunications and the gas alignments will be affected by the reduction across Lot 206.

The 1500mm reduction in the road widening across Lot 206 will enable the construction of a retaining wall, probably in excess of 2 metres in height and provide a minimal buffer for the building façade. Once the road widening land, in whatever form, has been taken, all future vehicular access to the property will not be possible via Canning Highway; all future vehicular access must be from Daisy Lane at the rear of the property.

(c) Effect of road widening on 'Blue Waters'

The owner of 'Blue Waters' has engaged a land surveyor to determine the precise effect of the proposed Canning Highway widening on the house. The surveyor's survey plan, overlaid with the City's suggested realignment of the road widening across the front of the property, is provided in **Attachment 10.3.5(c)**.

The survey plan shows that the current 17.5 metres widening will remove a 0.6 metres-deep portion of the concrete flange that projects around the top of the curved window, leaving the wall of the house clear by just 2 centimetres. This would probably not provide a sufficient setback to enable the house to remain intact. There are also six mature trees across the front of the house, all of which would be lost.

The owner has requested that the City assists in finding a solution and enabling the house to be preserved. The City's Manager, Engineering Infrastructure suggests that it would be possible to slightly reduce the extent of road widening across the front of this site only, without affecting any other site and without causing disruption to the layout of any of the services in the road reserve. A reduction of 1.5 metres, from 17.5 to 16.0 metres,

10.3.5 Effect of road widening on heritage-listed dwelling, 'Blue Waters', Lot 206 (No. 426) Canning Highway, Como (CA6/426)

could be supported by the City. This would almost certainly enable the house to be preserved, and could also save most of the mature trees.

(d) Required actions

If the Council supports the suggested reduction in road widening across the front of 'Blue Waters', the City would need to make a submission to the Department of Transport to request their approval of the variation. If that Department approves the lesser road widening of 16.0 metres, the City would then need to request the Department of Planning to amend the MRS to show the reduced extent of the 'Primary Regional Roads' reservation across Lot 206.

Consultation

No community consultation is required to be undertaken by the City in relation to this matter.

Policy and Legislative Implications

If supported by the Council, the City would formally request the Department of Transport to amend its road widening requirements for Canning Highway insofar as the widening affects Lot 206 (No. 426) Canning Highway. The Department of Planning would also be requested to implement an amendment to the MRS to reflect the reduced width of the 'Primary Regional Road' reserve across Lot 206 Canning Highway. This would ultimately also need to be reflected in the City's TPS6 zoning map.

Financial Implications

There are no financial implications to the City.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population."

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposal will enable the retention of one of the City's iconic heritage buildings.

Conclusion

There is no Engineering justification for opposing the reduction of the width of the proposed road widening across Lot 206 (No. 426) Canning Highway. A verge width of nominally 3.5 to 4.0 metres can provide all of the pedestrian facilities needed so long as no bus shelter is required at the location. Any impact on utility services that may be affected by the change in the road widening width, and hence the reserve boundary relative to all other properties in the street, is minimal and in consultation with the respective utilities, could be accommodated by a minor deviation.

10.3.6 Proposed Two Single Houses (Two Storeys) Lot 353 (No. 50) Edgumbe Street, Como

Location: Lot 353 (No. 50) Edgumbe Street, Como
 Applicant: Robert Biagioni Constructions
 Lodgement Date: 7 March 2013
 Date: 27 June 2013
 Author: Mark Scarfone, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for Two Single Houses (Two Storey) on Lot 353 (No. 50) Edgumbe Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape Compatibility	TPS6 clause 7.5(n)

The proposed development complies with all relevant provisions of the Residential Design Codes of Western Australia, City of South Perth Town Planning Scheme No.6 and Council policies. While the City's Design Advisory Consultants are not supportive of the proposed roof form, City officers consider the proposal to be acceptable, having regard to the provisions of Council Policy P302 'General Design Guidelines for Residential Development' and as such it is recommended that the proposal be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for two Single Houses (Two Storey) on Lot 353 (No. 50) Edgumbe Street, Como **be approved** subject to:

(a) Standard Conditions

427	colours & materials- details	470	retaining walls- if required
510	private tree	471	retaining walls- timing
417	crossover 3.0 m from street tree	455	dividing fences- standards
210	screening- permanent	456	dividing fences- timing
416	street tree- not to be removed	340A	parapet walls- finish from street
507	street tree- protect & retain	550	plumbing hidden
390	crossover- standards	445	stormwater infrastructure
393	verge & kerbing works	660	expiry of approval
625	sightlines for drivers		

(b) Specific Conditions

- (i) Prior to the issue of a building permit, revised drawings shall be submitted for the proposed Single House on lot 510, which increase the pitch of the hipped portions of roof to 26.5 degrees.
- (ii) Prior to the issue of a building permit, revised drawings shall be submitted to the City which depicts a skillion roof to the entire upper floor of the Single House on proposed lot 511.

Recommendation continued

10.3.6 Proposed Two Single Houses (Two Storeys) Lot 353 (No. 50) Edgecumbe Street, Como

(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		

(d) Specific Advice Notes
 (i) Specific conditions b(i) and b(ii) have been recommended to address the Design Advisory Consultants concerns with regard to the proposed roof forms and their compatibility with the streetscape.

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

Background

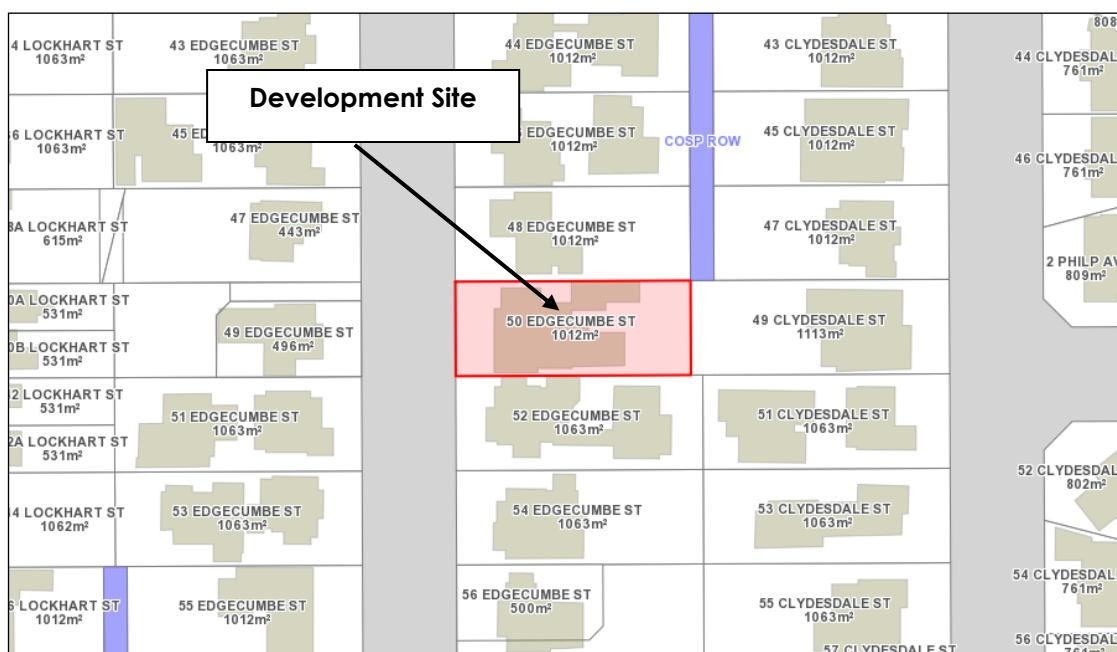
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1012 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

- **Confidential Attachment 10.3.6(a)** Plans of the proposal
- **Attachment 10.3.6(b)** Site photographs
- **Attachment 10.3.6(c)** 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

(d) 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

In 7 March 2013, the City received an application for Two Single Houses (Two Storey) on Lot 353 (No. 50) Edgecumbe Street, Como (the subject site).

In accordance with Council Policy 303 'Design Advisory Consultants' the application was referred to the May meeting of the City's Design Advisory Consultants (DAC) for comment. The DAC comments were sought under sub-clause 3(a)(i)(E) of P303, regarding the impact of the proposal on the existing streetscape, giving the 'unusual' roof forms proposed.

The DAC were not supportive of the proposed roof design for various reasons, which are outlined in the consultation section of this report. The applicant prepared revised drawings and requested these be presented to the June meeting of the DAC. Following a review of the revised drawings the DAC is still not supportive of the proposed design.

The applicant/owner has expressed a desire to proceed with the proposed drawings in their current form, noting there are a number of similar roof designs in the local area.

City officers have considered the proposal having regard to Clause 7.5(n) of TPS No. 6 and Council Policy P302 'General Design Guidelines for Residential Development' and recommend approval subject to conditions.

(b) Description of the Surrounding Locality

The Site has a frontage to Edgecumbe Street between Davilak and Wooltana Streets. This section of the street contains a mix of Single Houses and Grouped Dwellings. **Figure I** below depicts the subject site and surrounds:



(c) **Description of the Proposal**

The proposal involves the construction of a 'Single House' (Two-Storey) on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**.

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

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

- Land use – "Single House" is a "P" or "Permitted" land use on the subject site zoned "Residential" (Table 1 of TPS6).
- Setback of buildings generally and setback of garage (R-Codes Clause 6.3.1 and 6.3.3, Clause 7.5(n) of TPS6)
- Side and rear setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Open space (R-Codes Clause 6.4.1).
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 "Fencing and Retaining Walls").
- Dimensions of car parking bays and access ways (TPS6 Clause 6.3(8) and Schedule 5).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 "Car Parking Access, Siting and Design").
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Significant views (Council Policy P350.9 "Significant Views").
- Building height limit (TPS6 Clause 6.2).
- Maximum ground and floor levels (TPS6 Clause 6.10).
- Visual privacy (R-Codes Clause 6.8.1).

The following planning matter, which is considered acceptable, but requires further discussion, is listed below:

- Building design and streetscape - Council Policy P302 'General Design Guidelines for Residential Development'

(d) **Building design and streetscape - Council Policy P302 'General Design Guidelines for Residential Development'**

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

Council Policy P302 'General Design Guidelines for Residential Development' provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City's expectations for new developments across the City. The definition of two of the key terms contained in this policy is provided below for convenience.

Design compatibility means the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area. **Primary** elements contributing to

10.3.6 Proposed Two Single Houses (Two Storeys) Lot 353 (No. 50) Edgecumbe Street, Como

design compatibility are generally scale; colour; form or shape; and rhythm. **Secondary** elements include construction materials; setbacks from the street and side boundaries; the extent and nature of site landscaping visible from the street; and architectural details.

Streetscape character means the dominant visual characteristics of a residential street environment formed by the interrelationship between the principal elements within the street reserve and the adjacent residential properties. Principal elements contributing to streetscape character include street trees (species, size and spacing), fencing visible from the street, site landscaping in front of buildings (extent and characteristics), vehicle pavement visible from the street, building setbacks, and design compatibility between neighbouring buildings within the focus area. Building design compatibility is generally the most critical element in preserving or enhancing desired streetscape character.

Under the provisions of Clause 3 of P302 residential development should be designed in a way which will 'preserve or enhances streetscape character'. In assessing the design compatibility of a development Officers should have regard to the primary and secondary elements provided in the definition above.

As indicated in section a) and c) of this report the proposed development generally complies with the requirements of the R-Codes, TPS No. 6 and relevant Council policies. The proposed development demonstrates compatibility with the existing streetscape in terms of its colours and materials (standard condition 427 is recommended to require the submission of a schedule of colours and materials prior to the issue of a building permit), setbacks from the street and side boundaries. The development is also considered to be consistent with the streetscape having regard to its scale, rhythm, however further discussion of these matters is required. With regard to the form and shape of the development, these proposed buildings are considered to represent a departure from the policy but are supported by City officers.

i) Scale

With regard to the proposed scale of the development, it is noted that the focus area contains a range of dwelling types, including single houses and grouped dwellings, with a range of ages. As illustrated in the site photographs contained in **Attachment 10.3.6(b)**, there are several two storey dwellings within the focus area. The building height limit for the subject site, permits dwellings to be constructed with a wall height of 7.0 metres, while the subject proposal exhibit a wall height of 6.0 and 6.1 metres respectively. Given this situation it is considered the proposed scale of the dwellings is compatible with the street and may be supported.

ii) Street Rhythm

With regard to the street rhythm, the focus area generally contains single house or grouped dwellings in a 'battle-axe' style and therefore the lot widths generally range between 17 and 21 metres compared to the 10 metres proposed as part of this development. In February 2012, the Western Australian Planning Commission (WAPC) issued approval for the subject site to be subdivided into two 10 metre

wide lots and this approval remains valid. While the lots widths are not consistent with the existing streetscape, there is an expectation these lots may be developed in a manner approved by the WAPC.

iii) Form or shape

The 'focus area' to be taken into account when assessing the streetscape compatibility of the proposed design is the portion of Edgumbe Street between the intersections of Davilak and Wooltana Streets. As indicated above, this street contains a mix of single houses and grouped dwellings of various styles and constructed in various eras. The dwellings within the focus area have a traditional, hipped or gable roof form.

As depicted in the proposed drawings contained in **Confidential Attachment 10.3.6(a)**, the proposed Single Houses, exhibit a contemporary style, different to the remainder of the street. The proposed dwelling on Lot 510 presents a flat roof design to the front elevation. This flat roof design is utilised for the front 9 metres of the dwelling. The proposed dwelling on Lot 511 presents a 'single pitch' or 'skillion' roof design and once again this design element is utilised for the first 9.0 metres of the dwelling.

Where an application proposes an unusual or unconventional roof form this is generally referred to the DAC for comment. Where the DAC supports the proposal the application is then determined under delegated authority available to City officers. In this instance, in accordance with Council Policy 303 'Design Advisory Consultants' the application was referred to the May meeting of the City's Design Advisory Consultants (DAC) for comment. The DAC comments were sought under sub-clause 3(a)(i)(E) of P303, regarding the impact of the proposal on the existing streetscape, giving the 'unusual' roof forms proposed. The DAC were not supportive of the proposed roof design for various reasons, which are provided in the Consultation section of this report below and as such the applicant revised the drawings and requested these be presented to the June meeting of the DAC. Following a review of the revised drawings the DAC is still not supportive of the proposed design.

The applicant/owner has expressed a desire to proceed with the proposed drawings in their current form, noting there are a number of similar roof designs in the local area. In the supporting letter dated 20 May 2013, (refer **Attachment 10.3.6(c)**), the applicant indicates that P302 sets out general design requirements rather than prohibiting certain styles of development. The applicant also states the styles have been chosen to provide an '*up to date feel*' and '*architectural uniqueness*'.

While the applicant has provided examples of development which are not contained within the focus area to justify their design, City officers agree that these examples demonstrate that contemporary buildings may sit comfortably within an existing streetscape. Specific conditions b(i) and b(ii) have been recommended in order to remove the perceived conflict between roof styles identified by the DAC, while allowing the applicant to pursue a contemporary design.

Policy P302 provides a number of issues to be considered when assessing a proposal rather than stating each new development show the same elements as all other existing development within the streetscape. The policy does not prohibit varying roof forms; rather it indicates this is one part of the built form which should be taken into account as part of the assessment process.

While the proposed development does not exhibit the same form as surrounding buildings, it is considered the proposal is compatible in respect of all other elements which are to be taken into account when assessing a proposal against the provisions of P302. As demonstrated above, the proposed development is considered to be compatible with the streetscape in terms of scale, colour, rhythm, materials, and setbacks from the street and side boundaries. While the form of the development is contemporary this is not considered to have a negative impact on the amenity of neighbouring dwellings or the streetscape and as such the proposed development is considered consistent with the objectives of P302 and is capable of support.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the 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;*
- (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;*

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning 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;*

10.3.6 Proposed Two Single Houses (Two Storeys) Lot 353 (No. 50) Edgecumbe Street, Como

- (f) any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;
- (i) the preservation of the amenity of the locality;
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;
- (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 the Council considers relevant.

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May and June 2013. The proposal was not favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
May meeting		
The Design Advisory Architects considered the proposed development and observed that the proposed hip roof and skillion roof within the same dwelling on Lot 511 did not blend well with each other. The Architects recommended that the street facing skillion roof should be replaced with a hip roof or a similar gable ended roof.	There are several examples of skillion and flat roofs within close proximity of the development. Revised drawings have been provided to ensure the conflict between roof styles is not visible from the street.	Revised drawings have been provided to increase the depth of the skillion roof to remove the perceived conflict between roof styles. The comment is UPHELD .
Similarly for the other dwelling, noting the conflict between the street facing feature wall and the insignificant portions of roof eaves visible immediately behind it, the Architects recommended that the height of the feature be lowered to stay under the	As above	Revised drawings have been provided to increase the depth of the feature walls to remove the perceived conflict between roof styles. The comment is NOTED .

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roof eaves. This will result in an unobstructed view of the roof and a better street facing elevation.		
Additionally, the Architects recommended that the roof pitches for both dwellings be raised from the proposed 16 degrees (approximate) to 26.5 degrees.	None	The focus area contains a wide variety of roof pitches some similar to that proposed as part of this development. The comment is NOTED.
The Architects noted that the 7.8 metre street setback for the garages could be reduced to allow for larger outdoor living areas towards the rear of the dwellings.	None	The proposed setback is considered to be consistent with the remainder of the street and meets the requirements of the R-Codes. The comment is NOT UPHELD.
June meeting		
The Design Advisory Architects considered the amended roof forms in view of the previously considered drawings and the DAC comments from last month. They observed that the proposed skillion roof extended for a greater depth did not address their concerns previously expressed as dot point no. 1. The Architects had previously recommended that the street facing skillion roof should be replaced with a hip roof or a similar gable ended roof.	Wish to pursue the current roof form given the existing examples in the locality.	Specific Condition b(i) is recommended to require skillion roof to the whole upper floor on proposed lot 511. This will allow the applicant to pursue the current roof form while removing the perceived conflict. The comment is UPHELD.
The Architects also noted that while the street facing feature walls have been extended along the sides, thus removing conflict between the street facing feature wall and the insignificant portions of roof eaves visible immediately behind it; the roof pitches for both dwellings were low and needed to be raised to demonstrate visual compatibility with the existing roofs in close proximity.	Wish to pursue the current roof form given the existing examples in the locality.	Specific Condition b(ii) is recommended to require the pitch of the hipped roof to the upper floor on proposed lot 510 to be increased to 26.5 degrees. This will allow the applicant to pursue the current roof form while removing the perceived conflict. UPHELD.

In conclusion, specific planning conditions B(i) and B(ii) are recommended to deal with issues raised by the Design Advisory Consultants.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, at No's 48 and 52, Edgecumbe Street, were invited to inspect the plans and to submit comments during a minimum 14-day period. In addition, three 'Information Only' notices were sent to the adjoining owners in accordance with Council Policy p360 'Informing the neighbours of certain development applications.

During the advertising period, a total of five consultation notices were sent and one submission was received. The submission provided comment with regard to the preferred finish of the proposed boundary wall and its location. The applicant has since amended the drawings to revise boundary wall location as requested and Standard Condition P340A will ensure the finish is as per the City's standard.

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 report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). 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.

Conclusion

While Council's discretion is being sought with regard to the matters outlined in the body of the report, it is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape.

10.3.7 Amendment to Delegation DC370, DC371, DC372, DC373 and DC375 – Building Services

Location: City of South Perth
Applicant: Council
Date: 2 July 2013
Author: Vicki Lummer, Director Development and Community
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

In July 2012 Council resolved to approve delegation for additional City officers in regards to building permits for the City, as the employees of the building department that had delegation had resigned.

In July 2013 the City employed a qualified building surveyor to undertake duties relating to the Building Act 2011 amongst other duties. The title of the new employee is Senior Building Surveyor, a change from previous building services employees. As a consequence, the delegations DC370, DC371, DC372, DC373 and DC375 are required to be amended again to include the title. To cover the requirement for an additional Building Surveyor in the Building Services in the future, to maintain service delivery, this position is being added to DC375. This position is already covered in the remaining delegations.

Officer Recommendation

That:

Council adopts amendments to the following delegations made under Section 127 of the Building Act 2011, to include additional Officers:

DC 370	Grant or refuse to grant a building Permit
DC 371	Grant or Refuse to grant a Demolition Permit
DC 372	Grant or refuse to grant Occupancy Permits or Building Approval Certificates
DC 373	Approve or refuse an extension of the duration for Occupancy Permits or Building Approval Certificates
DC 375	Issue or Revoke Building Orders

Background

The *Building Act 2011* became effective on 2 April 2012 and has brought 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 has established 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 the Elected Members giving a summary of the background to the Act and the possible implications to the City.

This report includes the following attachments:

Attachment 10.3.7 Amended Delegations from Council to Authorised Officers (DC 370, DC 371, DC 372, DC 373 and DC 375)

Comments

The introduction of the new *Building Act 2011* has resulted in difficulties for many Local Government Authorities as they have struggled to cope with new processes and procedures, an exodus of building surveyors from local government to private practice and legislated timeframes and requirements that they have not been able to meet.

In July 2012, Council assigned new delegations to the CEO, Director Development and Community Services, Manager Development Services and Manager Governance and Administration after the resignation of the Team leader Building Services and the Building Surveyor in order to undertake private building surveying work.

Recently, the Coordinator Building Services has resigned and the City has successfully recruited a new technical officer in the building department, with the title of Senior Building Surveyor.

Permits

The City is responsible for issuing all relevant permits under the Act, including:

1. Building Permits;
2. Demolition Permits;
3. Occupancy Permits; and
4. Building Approval Certificates.

The amended delegations for issuing these permits are at **Attachment 10.3.7**. The delegations have been amended by adding the Senior Building Surveyor position to all delegations listed previously in this report; and the Building Surveyor position to DC375.

Delegation of Powers

Local Government can under section 127 of the *Building Act 2011* delegate any of its powers or duties as a Permit Authority to an employee of the Special Permit Authority or a local government (under the *Local Government Act 1995* - section 5.36). The power and the duties of the Permit Authority in relation to both the approval or enforcement roles cannot be delegated to the private sector. The delegation is to be in writing, executed by, or on behalf of, the Special Permit Authority or local government. The person that has the delegated power cannot on delegate those powers to someone else.

Policy and Legislative Implications

Delegation under Section 127 of the *Building Act 2011*.

Financial Implications

There are no financial implications as a result of this report.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

There are no sustainability implications as a result of this report.

Conclusion

In order to maintain the provision of adequate customer service in building, the City has employed a new Senior Building Surveyor. The new title is required to be added to the relevant delegations and this report recommends that course of action.

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Proposed Amendment No. 43 to Town Planning Scheme No. 6: Gross Floor Area definition

Location: City of South Perth
Applicant: City of South Perth
Date: 1 July 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

Amendment No. 43 to Town Planning Scheme No. 6 (TPS6) proposes to modify the existing definition of 'gross floor area' to resolve an unintended outcome whereby car parking areas within a building are included when calculating the required number of car and bicycle parking bays, resulting in more on-site parking bays being required than are actually necessary. A detailed explanation of the proposal is contained in the Amendment Report provided as **Attachment 10.4.1**.

It is recommended that the proposed Amendment No. 43 to Town Planning Scheme No. 6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for community comment.

Officer Recommendation

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by amending the definition of 'gross floor area' contained in Schedule 1.
- (b) the Report on Amendment No. 43 to the City of South Perth Town Planning Scheme No. 6, containing the draft Amendment, comprising **Attachment 10.4.1** be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 43 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;
- (d) Amendment No. 43 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 43 be implemented in accordance with the *Town Planning Regulations* and Council Policy P301 *Consultation for Planning Proposals*;
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 43:
FOOTNOTE: *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*
- (g) pending final adoption of Amendment No. 43, for the purpose of calculating the required number of car and bicycle parking bays for a non-residential development, the definition of 'gross floor area' in Schedule 1 of Town Planning Scheme No. 6 is deemed to exclude any area within the building used for parking of vehicles, for vehicular access or for end-of-trip facilities for cyclists.

Background

Through experience in dealing with non-residential development applications, City officers have identified a need to modify the manner in which the required minimum numbers of car and bicycle parking bays are calculated. Recent proposals have included car parking facilities located within the building. For land uses that are required to provide a minimum number of bays based upon the gross floor area of the building, the portions of the building occupied by car parking facilities are required to be included in the car parking and bicycle parking calculations. In essence, these developments are required to provide additional parking bays to service areas used for car parking.

To overcome this unintended and undesirable outcome, in most instances, City officers and the Council have been able to exercise discretion using clause 7.8(1) of TPS6, to exclude car parking areas from the car parking and bicycle parking calculations. However that discretionary power is not available for developments in the area covered by Amendment No. 25 to the Scheme. Amendment No. 25 came into effect on 18 January 2013 and introduced new provisions for 'comprehensive new development' in Special Control Area SCAI South Perth Station Precinct. Clause 7.8(2)(d), which forms part of Amendment No. 25, prevents the Council from exercising discretion for 'comprehensive new developments' within the South Perth Station Precinct (SCAI).

Within SCAI, for non-residential land uses, on-site car parking bays are required to be provided at a ratio of 1 bay per 50 square metres of gross floor area. Development applications received within SCAI have proposed to locate the car parking bays for non-residential uses within the building. As a result, these car parking bays and the associated vehicle access-ways contribute to the gross floor area of the building and therefore TPS6 requires additional car parking to be provided. The provision of additional car parking bays to service a car park is not logical or beneficial, however the Council has no ability to exercise discretion to exclude the car park from the car parking calculation.

The same dilemma occurs in relation to required bicycle parking bays and associated end-of-trip facilities (clothes lockers and showers).

To overcome the problem referred to above, a Scheme Amendment has been prepared. This is contained within the Amendment Report comprising **Attachment 10.4.1** to this report.

Comment

The Scheme Amendment will modify the definition of 'gross floor area' to exclude from car parking and bicycle parking calculations areas within a building used for parking of cars and bicycles, for vehicular access or for end-of-trip facilities (clothes lockers and showers) for cyclists.

No changes to the existing car and bicycle parking ratios are proposed.

Consultation

Neighbour and community consultation requirements are contained in the *Town Planning Regulations* and in Council Policy P301 *Consultation for Planning Proposals*. Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the *Southern Gazette* newspaper, in the Civic Centre, in the City's Libraries and on the City's web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 43 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment	23 July 2013
Council adoption of draft Amendment proposals for advertising purposes	23 July 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	24 July 2013
Public advertising period of not less than 42 days	Late August - October 2013
Council consideration of Report on Submissions	22 October 2013
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment • Three signed and sealed copies of Amendment documents for final approval 	Early November 2013
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne by the City.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 4 - Places "Develop, plan and facilitate vibrant and sustainable community and commercial places".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed Amendment No. 43 will improve the Scheme Text, resulting in a more rational method of determining the required number of car and bicycle bays for non-residential development and more effective development assessments. The Amendment will assist applicants, City officers and Council Members when dealing with development applications for non-residential land uses.

Conclusion

Amendment No. 43 is of an administrative nature only. It will rectify an unforeseen technical problem relating to the method of assessing parking requirements for non-residential development. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 43 to be advertised for public inspection and comment.

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - June 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 11 July 2013
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.

Officer Recommendation

That the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2013 be presented to the first meeting of Council after their completion in order to allow the final year end position to be accurately and completely disclosed.

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 reflects the structure of the budget information provided to Council and published in the Annual Management 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 - reflecting the City's actual financial performance against budget targets.

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 adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide 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.

10.6.1 Monthly Financial Management Accounts – June 2013

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 capital 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 2012/2013 Adopted Budget and the 2012/2013 Amended Budget including the introduction of the capital expenditure items carried forward from 2011/2012.

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

Whilst acknowledging the very important need for Council and the community to be provided with a 'final' year-end accounting of the City's operating performance and financial position; the 2013/2014 year end financial accounts for the City are yet to be completed - in either a statutory or management account format. This is because the City is still awaiting supplier's invoices and other year end accounting adjustments before finalising its annual accounts ready for statutory audit. It is considered imprudent to provide a set of 30 June Management Accounts at this time when it is known that the financial position disclosed therein would not be final - and would be subject to significant change before the accounts are closed off for the year.

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts as at year end would be presented to Council at the first available meeting of Council after their completion - ideally the August or September 2013 meetings if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

Consultation

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

Policy and Legislative Implications

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

When the year-end attachments are provided, they will compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Financial reports address the ‘financial’ dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising proactive 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.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 11 July 2013
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.

Officer Recommendation

That Council receives the 30 June 2013 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)**

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 \$41.45M (\$43.79M last month) compare favourably to \$39.84M at the equivalent stage of last year. Reserve funds are \$2.8M higher overall than the level they were at the same time last year - reflecting \$1.0M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.6M higher - representing sale proceeds from the Vista St property. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Insurance Risk Reserve is \$0.1M higher. The River Wall Reserve and Future Building Reserve are \$0.2M and \$0.6M higher respectively. The Collier Park Hostel Reserve is \$0.4M lower after reimbursing its operational deficit for the year. The CPGC Reserve is also \$0.2M lower. The Future Transport Reserves is \$0.1M lower whilst various other reserves are modestly lower.

Municipal funds are \$1.2M lower than at this time due to the timing of cash-flows relating to collection of GST refundable to the City (\$0.8M) and the timing of cash outflows on capital projects which represents the balance of the difference.

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 \$4.9M (compared to \$6.7M last month). It was \$5.9M at the equivalent time in the previous year. **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$40.16M compared to \$38.38M at the same time last year. This is due to higher cash investments as a consequence of good collections - but a lesser balance of cash held in the Municipal bank account.

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 all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no City funds 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 Department 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.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2013

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 \$2.14M. This compares to \$2.52M at the same time last year. Prevailing interest rates have been significantly lower for much of the year - and appear likely to remain low for some time.

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

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

The weighted average rate of return on financial instruments for the year to date is 4.59% with the anticipated weighted average yield on investments yet to mature now sitting at 4.08% (compared with 4.12% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.75% since the December 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 June 2013 (after the due date for the final instalment) represent 98.0% of rates levied compared to 97.7% at the equivalent stage of the previous year.

However when the rates collections are calculated using only 'collectible' rates - that is, removing amounts legitimately 'deferred' by pensioners and seniors, collections for the year are 99.2%.

This result not only reflects good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods but, more importantly, reflects the proactive collection efforts of the City's Rates Officer. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies have provided strong encouragement for ratepayers - as evidenced by the collections for the year.

Collection efforts currently underway have been very successful (as reflected in the improvement over last year's collection record). The City's Senior

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 June 2013

Rates Officer has achieved an outstanding result in relation to debt collection efforts for the year to date and is to be commended on his efforts.

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) currently stand at \$2.37M at month end (\$1.88M last year). GST Receivable is \$0.8M higher than the balance at the same time last year but Sundry Debtors are slightly higher than last year due to outstanding contributions for building and road works whilst Pension Rebate Claims and Balance Date Debtors are significantly lower. There may be some minor further adjustments to year end debtor balances if further invoicing is required prior to the accounts are finalised.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, 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 \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.36M was collected by 30 June with approximately 98.7% of those in the affected area having now paid in full and a further 1.3% opting to pay by instalments. The remaining few properties were disputed billing amounts which have been pursued by external debt collection agencies as they were not satisfactorily addressed in a timely manner. All but one of these is on a collection payment arrangement and the final one is the subject of legal action. Collections now represent 99.5% of the billed amount including interest and charges.

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).

Since the initial \$4.54M billing for the Stage 5 UGP Project, some \$3.86M has already been collected with 74.6% of property owners opting to settle in full and a further 24.2% paying by instalments so far. The remainder (1.2%) have yet to make a satisfactory payment arrangement and collection actions are currently underway.

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

The cash management initiatives which are the subject of this report are 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 collectability of debts.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). 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.

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 July 2013
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 June 2013 and 30 June 2013 is presented to Council for information.

Officer Recommendation

That the Listing of Payments for the month of Jun 2013 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

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 cannot be individually debated or withdrawn.

The report format reflects contemporary practice in that it 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

10.6.3 Listing of Payments

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. These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

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

This report presents details of payment of authorised amounts within existing budget provisions.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

10.6.4 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
Date: 1 July 2013
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of June 2013.

Officer Recommendation

That the report and **Attachments 10.6.4** relating to delegated determination of applications for planning approval during the month of June 2013, be received.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:
“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

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

Comment

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

Consultation

During the month of June 2013, forty-two (42) development applications were determined under delegated authority at **Attachment 10.6.4**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This report is consistent with the City’s [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management *“Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”*.

Sustainability Implications

Reporting of applications for planning approval determined under delegated authority contributes to the City’s sustainability by promoting effective communication.

10.6.5 Amendment to the October 2013 Council Meeting Schedule

Location: City of South Perth
Applicant: Council
Date: 5 July 2013
Author: Amanda Albrecht, Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report seeks Council agreement to bring forward the October 2013 Agenda Briefing and Ordinary Council Meeting by one week in order to accommodate the October 2013 Local Government Elections.

Officer Recommendation

That Council agree to

1. Amend the Council Meeting Schedule for 2013 to bring forward the October 2013 Agenda Briefing and Ordinary Council Meeting by one week to the following dates:
 - Agenda Briefing to be held 5.30pm, Tuesday 8 October 2013
 - Ordinary Council Meeting to be held 7.00pm, Tuesday 15 October 2013
2. Advertise these changes in the Southern Gazette, on the City's website and on the Noticeboards in the Libraries and outside the Civic Centre Administration Offices.

Background

In November 2012 Council adopted the following Council Meeting Schedule for 2013:

Council Agenda Briefings 2013		Ordinary Council Meetings 2013	
January	Recess	January	Recess
February	19.02.2013	February	26.02.2013
March	19.03.2013	March	26.03.2013
April	16.04.2013	April	23.04.2013
May	21.05.2013	May	28.05.2013
June	18.06.2013	June	25.06.2013
July	16.07.2013	July	23.07.2013
August	20.08.2013	August	27.08.2013
September	17.09.2013	September	24.09.2013
October	15.10.2013	October	22.10.2013
November	19.11.2013	November	26.11.2013
December	03.12.2013	December	10.12.2013

This schedule was advertised in the Southern Gazette, and on the City's website.

The 2013 Local Government Elections are to be held on the third Saturday of October, 19 October 2013. The current Council Meeting Schedule for 2013 would see the Agenda Briefing taking place in the week prior to the Election and the Ordinary Council Meeting taking place following the Election. This would result in a change of Council 'mid' consideration of Agenda Items.

10.6.5 Amendment to the October 2013 Council Meeting Schedule

Comment

It is proposed that, for the purposes of efficiency, continuity and effective decision-making, that the Agenda Briefing and Ordinary Council Meeting for October 2013 be brought forward by one week, so that they do not overlap with the Local Government Elections. The revised meeting dates would be as follows:

- Agenda Briefing to be held 5.30pm, Tuesday 8 October 2013
- Ordinary Council Meeting to be held 7.00pm, Tuesday 15 October 2013

The changes proposed for the October meetings are consistent with past arrangements and should have minimal public impact.

A Special Swearing-In Ceremony will need to be held in the week following the Election. If the Council agree to the proposal above, a meeting date of Tuesday 22 October will be tentatively set aside for this purpose.

A further advantage of moving the October Council meeting dates forward is that it will allow more time for the induction of any new Councillors prior to the first meeting of the new Council in November 2013.

Consultation

It is proposed to advertise the revised Agenda Briefing and Ordinary Council Meeting dates for October 2013 in the Southern Gazette newspaper, on the City's website, and on the Noticeboards in the Libraries and outside the Civic Centre Administration Offices.

Policy and Legislative Implications

The recommendations in this report are consistent with the Local Government Regulations which require public notice to be given of Council Meetings.

Financial Implications

Nil

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#), as it contributes to the City's sustainability by promoting effective communication.

10.6.6 Determination of Elected Members Fees and Allowances

Location: City of South Perth
Applicant: Council
Date: 2 July 2013
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Information on suggested entitlements for Council Members is presented for consideration by Council following a review of fees, allowances and expenses by the Salaries and Allowances Tribunal.

Officer Recommendation

That

- (a) The Mayoral allowance be set at \$54,000 for the 2013/2014 financial year
- (b) The Deputy Mayoral allowance be set at \$13,500 from the 2013/2014 financial year (this is 25 percent of the Mayor's allowance)
- (c) All Elected Members be paid the maximum meeting allowance (\$29,500 pa for the Mayor and \$22,000 pa for all other Elected Members)
- (d) All Elected Members (including the Mayor) be paid the maximum technology and communication allowance of \$3,500 pa
- (e) Policy P667 – Member Entitlements be amended as shown in **Attachment 10.6.6.**

Background

The Salaries and Allowances Tribunal has completed its review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia. This is the first independent determination of fees, allowances and expenses which were set in 1996 and last adjusted in 2005. It aims to bring levels of remuneration for elected council members into line with other States and also with the fees paid to Government Board and Committee members in Western Australia.

The new scale of payments came into effect on 1 July 2013.

Comment

Current fees, allowances and expenses

The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 provide for a range of allowances to be paid to elected members. The principal provisions in place (prior to the Salaries and Allowances Tribunal review) were:

	Current maximum allowance (pa)	Currently paid at the City of South Perth (pa)
Mayoral (or President) allowance	\$60,000	\$51,500*
Deputy Mayoral (or President) allowance	\$15,000	\$12,875
Meeting allowance (Mayor)	\$14,000	\$14,000
Meeting allowance (Councillors)	\$7,000	\$7,000
Technology & Communications allowance	\$3,400	\$3,400

*Excluding reimbursement of private mileage costs which have typically average at \$4,500 pa.

10.6.6 Determination of Elected Members Fees and Allowances

As noted above, these allowances have not been reviewed to any great extent since the Act came into effect in 1996. The only changes have been minor, i.e. the Elected Members allowance was increased from \$6,000 pa to \$7,000 pa in 2005, and minor changes have been made to the technology and communications allowance.

New provisions for fees, allowances and expenses

For the first time, the Salaries and Allowances Tribunal has been given the responsibility of making determinations with respect to elected member's allowances. In late June 2013, the Tribunal handed down its decision relating to Local government elected members allowances. In doing so, the Tribunal created "bands" and allocated the City of South Perth within Band 2 and also created a range within which the allowances can be paid as follows:

	New range \$ (pa)
Mayoral (or President) allowance	\$15,000 (min) to \$60,000 (max)
Deputy Mayoral (or President) allowance	\$3,750 (min) to \$15,000 (max)
Meeting allowance (Mayor)	\$14,500 (min) to \$29,500 (max)
Meeting allowance (Councillors)	\$14,500 (min) to \$22,000 (max)
Technology & Communications allowance	\$500 (min) to \$3,500 (max)

The Childcare allowance has been increased from \$20 to \$25 per hour.

As far as can be determined, the City of South Perth is the largest local government outside of Band 1.

The new allowances are effective from 1 July and are to be paid on a pro-rata basis.

At the current time the Mayor and Councillors are paid the following total allowances which could be increased to the new maximum as indicated:

	Current (pa)	New Maximum (pa)	% increase
Mayor	\$68,900	\$93,000	35%
Deputy Mayor	\$23,275	\$40,500	74%
Elected Members	\$10,400	\$25,500	145%

Note: These figures exclude child minding and mileage allowances.

Mayoral Allowance

The Council has typically paid all allowances at the maximum level, apart from the allowance to the position of Mayor. At the present time the actual allowance paid to the Mayor is \$51,500 and a further amount is paid for reimbursement of private mileage costs paid by the Mayor in relation to private use of the City supplied vehicle. The maximum Mayoral allowance payable under the old and the new regime is \$60,000 pa.

This previous mileage reimbursement arrangement is in accordance with Council Policy P649 Mayoral Vehicle. A full years 'reimbursement of private vehicle allowance' is in the order of \$4,500 and will vary dependent upon the extent of private mileage travelled and claimed during the year. For the purpose of this exercise the current Mayoral allowance for the 2012/13 financial year has been notionally recorded as \$56,000 (Mayoral allowance \$51,500 and vehicle allowance \$4,500).

It has been the practice of Council to review the base amount of the Mayors allowance every year (since this is the only allowance not paid at the maximum level)

10.6.6 Determination of Elected Members Fees and Allowances

and it is suggested that this practice continue for this year. If the existing arrangements are to remain in place regarding recoup of private mileage accosts, it is suggested that the base allowance for the 2013/14 financial year be increased to a minimum of \$54,000 which allows for a modest increase over the past year and still provides an amount of \$6,000 to be paid in relation to reimbursement of private mileage costs paid by the Mayor before the maximum allowance is reached.

Deputy Mayoral Allowance

This allowance has remained set at a maximum of 25 percent of the Mayoral Allowance. If the proposal to increase the Mayoral Allowance to \$54,000 is accepted, it is proposed that the Deputy Mayoral Allowance also increase to \$13,500 per annum (25 percent of the revised Mayoral Allowance).

Meeting Allowance

Council also has to determine the level of meeting allowances to be paid to all Elected Members for the 2013/14 financial year.

It is proposed that, in recognition of the substantial time Elected Members are required to put into effectively fulfilling their duties, the maximum allowance be adopted for all members. This is \$29,500 for the Mayor and \$22,000 for all other Elected Members. As noted above, the City of South Perth is one of the largest Councils in Band 2. If the City of South Perth had been included in Band 1, the minimum fee would have been \$24,000.

Technology and Communication Allowance

The upper limit of this allowance has been increased from \$3,400 pa to \$3,500 pa. It is proposed that the maximum allowance be paid to all Elected Members.

Summary of proposed Allowances

	Current (pa)	Proposed (pa)	% increase
Mayor	\$68,900	\$87,000	26%
Deputy Mayor	\$23,275	\$39,000	68%
Elected Members	\$10,400	\$25,500	145%

Additional costs as a result of the increase determined by the Salaries and Allowances Tribunal over a full financial year are estimated at \$139,525 (approximately \$158,000 for 2013/14). It should be noted that the increase in costs are lower than what would have occurred because the Council will be reducing its numbers from 13 to 9 Elected Members with effect from mid October 2013.

Consultation

In establishing the new fees, allowances and expenses framework, the Salaries and Allowances Tribunal carried out extensive consultation. This included advertising for public submissions, gathering information on fees, allowances and expenses currently paid to Elected Members; collecting data on the role and time commitments of Elected Members, and interviewing Mayors, Presidents, Councillors, Chief Executive Officers and representatives of the Western Australian Local Government Association.

Policy and Legislative Implications

In accordance with section 5.63 of the Local Government Act 1995, Councillors are not required to disclose an interest in a matter relating to a fee, reimbursement of an expense or an allowance as described above.

10.6.6 Determination of Elected Members Fees and Allowances

The determination of the Salaries and Allowances Tribunal has been implemented through Section 7B of the Salaries and Allowances Act 1975 (the SA Act). Sections 5.98 to 5.100 of the Local Government Act 1995 were amended, as were the Local Government (Administration) Regulations 1996, with effect from 1 July 2013, to complement the changes to the SA Act. The recommendations in this report are consistent with these changes.

Policy P667 – Member Entitlements needs to be updated to reflect the legislative amendments described above. The revised policy is attached for Council approval (**Attachment 10.6.6**).

Financial Implications

If the recommendations are adopted, provision will need to be made in the 2013/2014 Annual Budget for Council Member Entitlements.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The recommendations in this report promote accountability of resource, whilst also recognising the time Council Members are required to put into effectively fulfilling their duties and providing some form of financial compensation.

10.6.7 Annual Tender 12/2013 – Annual Kerbside Bulk Rubbish Collection

Location:	City of South Perth
Applicant:	Council
Date:	3 July 2013
Author:	Craig Barker, Fleet and Waste Coordinator Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 12/2013 for the 'Provision of a One year Bulk Kerbside Refuse Collection service', with a 12 month extension option at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation

That

- a) The tender bid of Steann Pty Ltd for the City's bulk kerbside hard waste collection commencing 14 August be accepted for the unit rate of \$194,250 as outlined in Table C; and
- b) No tender be accepted for the City's bulk kerbside green waste collection at this time, and that a further review of green waste collection be conducted.

Background

The annual kerbside bulk refuse collection is essential to facilitate the completion of the 2013/2014 City's refuse collection program. This tender forms part of the City's annual supply of tenders and is for the period from August 2013 through to the end of June 2014.

The contract will deliver two dedicated bulk kerbside collections (August / September 2013 and February / March / April 2014). An extension of 12 months may be offered by the City on satisfactory completion of the first 12 months of service. The extension will not be automatic and will be at the sole discretion of the City.

To progress each kerbside collection, the City is divided into 6 areas and each area will take approximately 1 week to complete. Each kerbside collection (6 areas) will be completed within 36 working days.

The contractor is required to dispose of:

- Untaminated green waste at the City of Armadale green waste site or a comparable green waste facility;
- Metal products (including white goods and household appliances of a recyclable nature) at Auscon Metals Armadale or comparable scrap metal merchant;
- General waste at the WA Landfill Services Transfer Station Kewdale or any other site as nominated by the City;
- E Waste at the City of Armadale; and
- Mattresses at the Eastern Metropolitan Regional Council (EMRC) facility in Hazelmere.

One of the most important reasons for having the dedicated collection service is to ensure the collection is done within the scheduled week thus minimising the

10.6.7 Annual Tender 12/2013 – Annual Kerbside Bulk Rubbish Collection

unsightliness of the street verges during this time. By providing two dedicated collection services rather than two combined services, it is envisaged that the collection services would be cheaper and quicker. In previous contracts the Contractor was required to collect all waste put out during the verge collection times. The resident was required to separate the waste on the verge into green waste, metals and white goods, general waste and e-waste. The contractor was then required to collect the separated bundles from the street. Effectively, this required the contractor to have sufficient vehicles to collect all the separated waste, or revisit the areas a number of times to effect the service.

Notwithstanding the responsibility being placed on the property owner to separate the waste, a significant and increasing percentage of owners are not carrying out “at source separation”. The co-mingling of waste is exacerbated by the number of “professional scavengers” who sort through the deposited waste to remove anything of value leaving the balance haphazardly strewn across the verge.

Comment

A Request for Tender was called for the ‘Provision of a One year Bulk Kerbside Refuse Collection service’ and advertised in the West Australian on Saturday 1 June 2013.

Tenders were invited on the basis of providing two collection services in the next 12 month period with an option subject to satisfactory performance for a further 12 months. The first collection service is scheduled for “spring” and the second collection in “autumn”. The spring collection 2013 (mid-August through to October) will be for hard waste only and will include all white goods and other metals, wood products, household furniture and electronic waste in all its forms. The autumn collection in 2014 (late February through to April) will be for green waste only.

It is envisaged that the first dedicated hard waste service will be the most difficult and will be at a higher rate than the green waste collection some 6 months later. The challenge for the City in awarding the contract for the hard waste collection is ensuring the contractor has sufficient collection vehicles, and support resources. This is to ensure they can effectively collect all of the waste streams (at least 4) and then dispose the separated waste at the remote sites all within the allotted one week time frame for each collection area.

The green waste collection will require fewer resources to complete the task within the allotted time due to the single stream and 1 drop off point. As a result, there is an expectation that the collection cost for green waste will be less than hard waste.

At the close of the Tender advertising period, 3 submissions from 2 registered companies had been received. In addition to their compliant tender, WA Recycling Services submitted an Alternative Tender based on a schedule of rates for each category of waste collected and disposed. The companies who submitted tenders are tabled below.

	Company
1	Steann Pty Ltd
2	WA Recycling Services

The Tenders were reviewed by an Evaluation Panel (Panel) and assessed according to the qualitative criteria outlined in the Request for Tender. The alternative tender does not appear to provide any advantage over the compliant tender, but more likely

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an increase in the staff time allocated in administering and supervising the contract. The alternative tender was not assessed or considered further. For ease, the qualitative criteria are noted in Table A below:

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
Referees	40%
Price	60%

The weighted score and total contract value of each tender received is noted in Table B below. This includes 2 total pickups over a 12 month period.

TABLE B - Weighted Score and Tender Prices for a 1 year period

Tenderer	Estimated Tender Price (GST Exclusive)	Weighted Score
Steann Pty Ltd	\$351,500	7.7
WA Recycling	\$260,000	8.2

The schedule of tendered prices based on 2 collections (Hard waste and Green Waste) over a 1 year period is listed at Table C below.

TABLE C - Tender Prices for 2 collections over a 1 year period

Collections		Steann P/L	Weighted Score	WA Recycling	Weighted Score
First collection	Hard waste	\$194,250	9.4	\$183,500	8.2
Second collection	Green waste	\$157,250	3.5	\$76,500	8.2
Total Costs over 1 year period		\$351,500	7.7	\$260,000	8.2

The Schedule of Rates received is generally consistent with the expectation of reduced service cost. The combined service cost for the previous financial year (2012/2013) exceeds the value of the highest tender received. This reflects the expectation that the total volume collected across the 2 dedicated services will be less than that collected from the 2 combined services. It will enable the City to meet its objective of having the service completed within 6 weeks (maximum 36 working days).

The schedule of rates tender received from Steann Pty Ltd exceeds the expected variance between the two services perhaps inferring a misunderstanding of the task at hand. The green waste bid from WA Recycling Services is considerably cheaper. At this stage, the Panel considered splitting the contract between the 2 companies, with Steann Pty Ltd taking hard waste and WA Recycling Services green waste. There is provision in the General Conditions of Contract to enable this. Further analysis of WA Recycling's green waste bid, however, showed it to be, in the Panel's opinion, significantly under resourced and is highly likely to result in the service not being delivered within the 5 day (6 days if necessary) timeframe for each collection area. This is a major concern for the City.

The tender submitted by Steann Pty Ltd was not the lowest priced of the 2 tenders received, nor did it record the highest rated score, due solely to the very large

10.6.7 Annual Tender 12/2013 – Annual Kerbside Bulk Rubbish Collection

discrepancy in the green waste bid. Steann Pty Ltd did however receive exceptional responses from the nominated referees. By contrast, the referee responses for WA Recycling Services were not as encouraging. Steann Pty Ltd has previously held the contract for Bulk Kerbside Collections with the City and their past performance under adverse circumstances has exceeded the agreed specifications.

The City has scheduled a hard waste collection commencing in August and a decision to award to a tenderer is required. The Panel contents that the Steann Pty Ltd tendered rate for bulk vergeside hard waste collection is the tender that will deliver the expected outcome. However, considering the concerns the Panel has with the vergeside bulk green waste collection tendered rate of WA Recycling there is the opportunity to not accept that part of the tender for the green waste collection and to reassess the requirements and to re-invite tenders at a later date. The green waste collection is not scheduled until February 2014 and sufficient time exists for the review and advertising.

Accordingly the Panel recommends that:

1. The tender bid of Steann Pty Ltd for the City's bulk kerbside hard waste collection component commencing 14 August be accepted for the unit rate of \$194,250 as outlined in Table C; and
2. No tender be accepted for the City's bulk kerbside green waste collection (scheduled for commencement in late February 2014) at this time, and that a further review of green waste collection be conducted.

Consultation

Tender 12/2013 'Provision of a One year Bulkside Refuses Collection service', was advertised in the West Australian Newspaper on Saturday 1 June 2013. Two compliant tenders and 1 alternate tender from 2 companies were received.

Policy and Legislative Implications

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

The following Council Policies also apply:

- *Policy P605 - Purchasing and Invoice Approval*
- *Policy P607 -Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Inclusive).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The full cost of the works is reflected in the draft 2013/14 operating budget and will be taken into account during formulation of the 2014/2015 operating budget.

10.6.7 Annual Tender 12/2013 – Annual Kerbside Bulk Rubbish Collection

If the second year option is taken up, the price escalation will be determined by CPI based on the previous 12 months.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This tender will ensure that the City is provided with the best available service to complete a waste service to maximise on the recycling potential of the verge side pickup. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services.

10.6.8 Application to attend the Australian Airports Association National Conference 2013 – Councillor Hasleby

Location: City of South Perth
Applicant: Councillor Hasleby
Date: 10 July 2013
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

In accordance with the City of South Perth Policy P669 Travel, Councillor Hasleby seeks Council approval to attend the Australian Airports Association National Conference in Darwin from 16-19 September 2013.

Officer Recommendation

That Council approves Councillor Hasleby's application to attend the Australian Airports Association National Conference in Darwin from 16-19 September 2013.

Background

Councillor Hasleby seeks Council approval to attend the Australian Airports Association National Conference being held in Darwin from 16-19 September 2013.

In accordance with the City of South Perth Policy P669 Travel, Councillor Hasleby is required to obtain Council approval as the conference, and associated travel, will be within four months of Councillor Hasleby's expiry of term of office.

Comment

Councillor Hasleby has represented the City on the Perth Airports Municipalities Group (PAMG) since November 2007. His term of office expires in October 2013 along with all other Councillors. However, Councillor Hasleby has confirmed that it is his intention to stand for Council again.

A copy of the programme for the Australian Airports Association National Conference is at **Attachment 10.6.8**. The Conference theme is 'Navigating the Future'. The contents of the programme are relevant to the PAMG and therefore the City of South Perth.

Comment from Councillor Hasleby

"As Deputy Chairman of the Perth Airports Municipalities Group (PAMG) and member of the Aircraft Noise Management Consultative Committee (ANMCC), I wish to attend the Australian Airports Association (AAA) National Conference 2013, in Darwin from 16-18 September.

PAMG is an active member of the AAA, representing more than 250 airports across Australia and the National Conference is the pre-eminent aviation forum to network and learn the latest airport trends in the Asia Pacific region.

As a representative also on the ANMCC, I will report back to the PAMG and the City of South Perth on aircraft noise management initiatives, latest airspace efficiency, resources and FIFO trends and new security technologies.

PAMG consists of 11 local government members including the City of South Perth and considers issues raised by operators of Perth and Jandakot Airports, major airlines, Air Services Australia and Department of Transport that either directly or indirectly affect our local community.

10.6.8 Application to attend the Australian Association National Conference 2013 – Councillor Hasleby

The Australian Airports Association is the leading advocate for national policy relating to airport activities and ensuring passengers, freight and community accomplish the full benefits of a progressive and sustainable airport industry.”

As the attendance at the Australian Airports Association National Conference is related to a Councillor who has specifically been allocated the responsibility of representing the City on an external group, rather than attendance at a conference because of a particular interest, it is recommended that Councillor Hasleby’s application be approved.

Consultation

Not required.

Policy and Legislative Implications

The City of South Perth Policy P669 Travel, states that travel, without specific Council approval, is not permitted within 4 months of an Elected Members expiry of term of office.

Financial Implications

The conference registration, accommodation and travel costs are estimated to be \$4800 (\$2300, \$1500, and \$1000, respectively). The conference spans over four full days and, given the location, 5 nights accommodation will be required. This cost can be accommodated in the 2013/2014 Budget.

Strategic Implications

This report is consistent with the City’s [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#).

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR SKINNER

I hereby apply for Leave of Absence from all Council Meetings for the period 27 July to 12 August 2013, inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 RIVER WAY STREETScape - COUNCILLOR HAWKINS ZEEB

MOTION

That

- (a) for properties with a boundary to River Way, Salter Point, preliminary consultation be implemented regarding possible amendments to Council Policy P306 'Development of Properties Abutting River Way', with the following objectives:
 - (i) To preserve or enhance desired River Way streetscape character by controlling building bulk and scale.
 - (ii) To enhance design compatibility between dwellings.
- (b) as part of the preliminary consultation, the respondents' views be sought on:
 - (i) the desired minimum building setback from the River Way property boundary;
 - (ii) whether the existing fencing requirements in Policy P306 should be modified, and if so, in what manner; and
 - (iii) any other relevant streetscape elements.
- (c) the preliminary consultation referred to in parts (a) and (b) be run concurrently with the preliminary consultation for the possible Scheme Amendment regarding changes to permitted building height for River Way and Salter Point Parade properties; and
- (d) following receipt of submissions resulting from the preliminary consultation referred to in parts (a) and (b), a report be presented to the next available Council meeting containing a recommendation as to whether or not draft amendments to Policy P306 should be prepared for further community comment.

COMMENT

Over the last few years, residents in the Salter Point area have expressed concerns that the current Town Planning Scheme is not offering the protection of streetscape character and amenity in the Salter Point foreshore area as was afforded under the previous Town Planning Scheme.

Further, it is not uncommon that when planning approvals are presented to Council, the council decision is viewed as controversial, and is often decided by a slim margin of votes. This indicates that Councillors are unclear of how to approach the approvals. While individually councillors make their own decisions, the collective decision of Council risks being seen as inconsistent and/or unpredictable.

Other areas of the City identified a desire to clarify design guidelines and to impose additional controls /clarity on the housing development in their area. This is not a motion about building design or innovative architecture. Instead it seeks clarification as to what residents value and seek to protect in the Salter Point foreshore area.

CEO'S COMMENT

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Chief Executive Officer's comment as follows:

In April 2013, the City received a petition expressing concern about recently approved developments in River Way and Salter Point Parade, Salter Point. In relation to River Way, the petition referred to streetscape character, but did not clearly explain the nature of the petitioners' concern. As a result, in the report to the June Council meeting, the Planning Officers did not support the preparation of a River Way streetscape policy. However, through subsequent communication and correspondence between the petitioners, City officers and Council Members, it has now been clarified that the concern regarding River Way relates primarily to the bulk and scale of some recently constructed residences, rather than to architectural style.

The proposed Motion does not commit the Council to preparation of a streetscape policy for River Way, but only to consult affected landowners to find out whether or not they would favour such a policy and if so, to indicate what the policy should cover. The Motion is considered suitable for adoption if supported by the Council.

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.1.1 Question from Councillor McMullen

At the 25 June 2013 Ordinary Council Meeting, a question from Councillor McMullen was taken on notice. In a letter dated 10 July 2013 the Chief Executive Officer provided a response to Councillor McMullen's question as follows:

Question 1

With regard to the Streetscape Policy for Kensington, and given the decision that has been made tonight, should the Council review this policy?

Response

Policy P351.5: "Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington'" was adopted a little over a year ago - on 22 May 2012. Since then, approximately 60 development applications, affected by the policy in the Kensington area, have been approved by City officers under delegated authority.

Four applications have been referred to Council meetings due to non-compliance with certain provisions of Policy P351.5. The Planning Officers' reports on those applications have either recommended refusal or imposition of a special condition to achieve compliance with the Policy. In one instance, the Council has adopted the officer recommendation. The other three applications were approved at Council meetings despite not complying with particular Policy provisions.

The Policy provisions which have not been 'enforced' by Council Members are listed below. The numbers in brackets denote the number of applications which have been approved despite not complying with the identified provision:

Clause 2 – Building bulk and scale – Storeys above ground storey (2)

Clause 4(a) – Averaging of the primary street setback (2)

Clause 6(a) – Garages to be setback in line with the ground storey façade of the dwelling or further **(3)**

After giving due consideration to the data presented above, Councillor McMullen’s question needs to be answered by the Council Members. If the majority of Council Members consider that Policy P351.5 should be modified in some manner, a Council resolution needs to be adopted identifying the desired changes to, or deletion of, particular clauses. When the Council has endorsed the desired modifications in draft form, those modifications would be advertised for community comment before the matter is referred back to a later Council meeting for a final decision.

13.1.2 Question from Councillor Trent

At the 25 June 2013 Ordinary Council Meeting, a question from Councillor Trent was taken on notice. In a letter dated 10 July 2013 the Chief Executive Officer provided a response to Councillor Trent’s question as follows:

Question 1

When will other Streetscape policies be reviewed, to ensure consistency across the whole City?

Response

In terms of Precinct-based streetscape policies, in addition to Policy P351.5 (Arlington and Kensington), Council has adopted Policy P351.14 “Cygnia Cove Residential Design Guidelines”. Streetscape policies have not been adopted for the other 11 precincts.

As Council has been advised on previous occasions, Planning Officers have identified two other precincts which might possibly warrant adoption of streetscape policies, being Precinct 2: South Perth Central and Precinct 3: South Perth Civic. These precincts contain the bulk of the older “character” houses. However, no landowners in either of those precincts have expressed a desire for streetscape policies to be implemented and, in light of the experience since Policy P351.5 (Arlington and Kensington) was adopted, it would not seem to be prudent to embark upon streetscape policies for Precincts 2 and 3.

There is clearly no case for adoption of a streetscape policy for Precinct 1: Mill Point due to the existing high density development and diverse character of the streetscapes.

In the remaining precincts, being Precincts 4 (Hurlingham), 7(Collier), 8(Como Beach), 9(Como), 10(McDougall Park), 11(Karawara), 12(Manning) and 13(Salter Point), no landowners have expressed a desire for streetscape policies other than by way of the recent petition focussing on River Way.

Having regard to the circumstances outlined above, if the Council still considers that certain precincts would benefit from streetscape policies, the Council would need to adopt a resolution directing officers to initiate related action. In doing so, the Council would need to be mindful of the enormous financial and staff resources involved; the need to engage consultants at high cost and the possibility of an adverse impact on community relations.

13.2 QUESTIONS FROM MEMBERS

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

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

17. RECORD OF VOTING

ITEM 3.1 REFERS

Mayor's Activity Report – June 2013

June 2013	Activity
Wednesday, 26 June – Wednesday 24 July	Leave of Absence
Tuesday, 25 June	Council meeting
	Meeting with City of Canning CEO + Commissioner
	Mayor/CEO weekly meeting
Monday, 24 June	WALGA Inner Metro Focus Group
Friday, 21 June	Joint Taskforce Meeting/Lunch - ToVP and CoSP
Thursday, 20 June	Mayor Sue Doherty + CEO, Trevor Vaughan and President Pickard (WALGA) Meeting
	Phillip Pental 'Young Heritage' Award & Opening of the SPHS 'Heritage Exhibition'
16 – 19 June	National General Assembly of Local Government, Canberra + CEO
Friday, 14 June	Edventures Art Auction
	Telephone Interview with TAFE Student
Thursday, 14 June	Millennium Kids Meeting
Wednesday, 12 June	Safety and Crime Prevention meeting
	Tuart Place 1 st Anniversary
	ABC Interview
	Joint Taskforce Meeting - ToVP and CoSP
Tuesday, 11 June	Briefing – Draft Budget Presentation
	Manning Primary School for Peacerun
	CEDA: Shaping WA:2030 + CEO
Monday, 10 June	Collier Park Hostel Exit Strategy Workshop
	Mayor/CEO weekly meeting
	Aboriginal Reference Group
	Meeting with Dean Nalder + CEO
Friday, 7 June	<i>Born Yesterday @ Old Mill Theatre</i>
	Mayor meet the community

	WALGA: Meet the Minister for Local Government Breakfast + CEO + Deputy Mayor, Cr Kevin Trent + Crs Fiona Reid + Ian Hasleby
Thursday, 6 June	Meeting with Alyssa Hayden + CEO
	Meeting with Glenys Godfrey + CEO
Wednesday, 5 June	Whiteman Park visit to see South Perth tram B15 restoration + CEO + Crs Betty Skinner, Peter Howat, Fiona Reid & Ian Hasleby
Tuesday, 4 June	Mayor/CEO weekly meeting

Council Representatives' Activity Report – June 2013

June 2013	Activity
Thursday, 27 June	Perth in Focus: Local Government – amalgamation vs. integration – Cr Ian Hasleby, Cr Fiona Reid and Deputy Mayor, Cr Kevin Trent
Wednesday, 26 June	WALGA: South East Zone meeting + Cr Colin Cala
	Pioneer and Elders Luncheon – Deputy Mayor, Cr Kevin Trent
Friday, 21 June	Joint Taskforce Meeting/Lunch - ToVP and CoSP – Cr Hasleby and Cr Reid
Thursday, 20 June	Rivers Regional Council meeting – Deputy Mayor, Cr Kevin Trent & Cr Colin Cala
	Phillip Pental 'Young Heritage' Award & Opening of the SPHS 'Heritage Exhibition' – Cr Skinner and Cr Howat
17 – 19 June	6 th Making Cities Liveable Conference – Cr Fiona Reid
Tuesday, 18 June	Acting CEO/Deputy Mayor meeting – Cr Kevin Trent
Wednesday, 12 June	WALGA: Sustainable Asset Management – Cr Sharron Hawkins-Zeeb
	Joint Taskforce Meeting - ToVP and CoSP - Cr Hasleby and Cr Reid
	IIAFS Seminar on Climate Change Adaptation and Risk Assessments – Cr Ian Hasleby
	WALGA Meet the Minister Breakfast – Cr Trent
Thursday, 6 June	PAMG meeting – Crs Ian Hasleby and Betty Skinner
Thursday, 6 June	Perth in Focus: Build it and they will come – Crs Fiona Reid and Sharron Hawkins-Zeeb
Wednesday, 5 June	Whiteman Park visit to see South Perth tram B15 restoration - Crs Betty Skinner, Peter Howat, Fiona Reid & Ian Hasleby