



## CITY OF VINCENT

---

*"Enhancing and celebrating our diverse community"*

---

# MINUTES

12 JULY 2011

---

*This document is available in the following alternative formats  
upon request for people with specific needs; large print, Braille  
and computer disk*

**INDEX  
(12 JULY 2011)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.1 DEVELOPMENT SERVICES</b>		
9.1.1	Exempted Billboard Signs in the City of Vincent – Progress Report (PLA0188; PRO2036; PRO1573; PRO0579; PRO5463; PRO0877; PRO0159; PRO5464)	9
9.1.2	Further Report – No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Sixteen (16) Single Bedroom Multiple Dwellings and Ten (10) Multiple Dwellings and Associated Basement Car Parking (PRO5299; 5.2011.107.2)	63
9.1.3	No. 34 (Lot 2; STR: 45840) Joel Terrace, East Perth - Proposed Three Storey Grouped Dwelling – Amendment to Planning Approval (PRO0268; 5.2010.613.3)	14
9.1.4	No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn - Proposed Store Room Addition to Existing Hotel/Tavern (Paddington Ale House) – Application for Retrospective Approval (PRO1137; 5.2009.555.2)	20
9.1.5	No. 199 (Lot 176; D/P: 1791) Scarborough Beach Road, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two Storey Dwelling with Loft (PRO5277; 5.2010.581.1)	24
9.1.6	No. 31 (Lot 98; D/P: 1106) Chatsworth Road, corner Cavendish Street, Highgate – Proposed Demolition of Existing Single House and Construction of Three-Storey Single House (PRO5440; 5.2011.220.1)	30
9.1.7	No. 7 (Lot 20; D/P: 953; Lot 649; D/P: 156041) Melrose Place, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Multiple Dwellings (PRO5406; 5.2011.153.2)	87
9.1.8	Prostitution Bill 2011 (ENS0060)	94
<b>9.2 TECHNICAL SERVICES</b>		
9.2.1	Proposed Obstruction of a Portion of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley, Progress Report No.3 (TES0429)	102
9.2.2	Proposed Reintroduction of Two Way Traffic on Beaufort and William Streets, Perth – Progress Report No. 5 (TES0473)	107
9.2.3	Provision of Energy and Water Audits for Residents in the City of Vincent – Progress Report No.4 (TES0578)	35
9.2.4	Proposed Continuation of the Name Florence Place, West Perth, along the Right of Way Bounded by Vincent Street, Florence Street, Hammond Street and Charles Street, until it Intersects with Oak Lane (TES0008)	39
9.2.5	Proposed Loading Zone in Scarborough Beach Road, North Perth (PKG0006)	41
9.2.6	Proposed 2011/2012 Footpath Upgrade Program (TES0174)	43
9.2.7	Electric Vehicles Charge Station – ‘Draft Communications Plan’ (TES0047)	45

### **9.3 CORPORATE SERVICES**

- 9.3.1 Oktoberfest 2011- Medibank Stadium (RES0071) – Item **WITHDRAWN** by the Chief Executive Officer – to further investigate the matter. 8
- 9.3.2 Men’s Shed- Progress Report No 1 (CMS0128) 56

### **9.4 CHIEF EXECUTIVE OFFICER**

- 9.4.1 Use of the Council's Common Seal (ADM0042) 48
- 9.4.2 Loftus Centre, 99 Loftus Street, Leederville – Management Committee (PRO3829) 50
- 9.4.3 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes (PRO3549) 52
- 9.4.4 Information Bulletin 54

### **10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- 10.1 Cr Dudley Maier – Town Planning Scheme Review – Bonus Plot Ratio 112
- 10.2 Cr Dudley Maier – Community Consultation Policy – Amendment of “Community Consultation Submission Form – Non Planning Matters” 113

### **11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)**

Nil. 114

### **12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil. 114

### **13. URGENT BUSINESS**

Nil. 114

### **14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)**

- 14.1 CONFIDENTIAL REPORT: Review of Neglected/Derelict Buildings in the City of Vincent (ENS0084) 115

### **15. CLOSURE** 116

---

Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 July 2011, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting open at 6.03pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

"We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future".

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil.

**(b) Present:**

Cr Sally Lake ( <i>Deputy Mayor</i> )	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.10pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.36pm)
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until approximately 8.15pm)
Kara Ball	Executive Secretary Corporate Services (Trainee Minutes Secretary) (until approximately 8.15pm)
<u>Employee of the Month Recipient</u>	
Audrie Scott	Building Support Officer (until approximately 7.06pm)
Lauren Peden	Journalist – "The Guardian Express" (until 7.42pm)

Approximately 13 Members of the Public

**(c) Members on Approved Leave of Absence:**

Mayor Nick Catania, JP due to personal commitments.

**3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

The following submissions were made by persons in the Public Gallery:

1. William Parker of 144 Scarborough Beach Road, Scarborough – Item 9.3.2. Stated the following:
  - He is on the Steering Committee for the development of the Shed and attends with other committee members to indicate their commandment to the project.
  - Until recently they have operated as an informal group and are about to formalise their structure by incorporating as a non profit association, which will allow them to setup a formal administration structure and establish banking arrangements as they have received pledges of 2 cash donations, one of which is for a sizeable sum of \$1,000 – which is very heartening.
  - As well as the 2 generous donations, they have just under 50 potential members on their mailing list which does not include the committee or City Staff.
  - The above indicates that the establishment of the Shed is both viable and desirable for the residents of Vincent.
  - Men Shed's are an Australian innovation with 500 or so existing around Australia which provide creativity, companionship and the benefits of an invention that they are now exporting to other countries i.e. Canada, Ireland and United Kingdom who are interested in establishing their own Shed's to help with fostering resilience and a sense of belonging with the Community.
  - They have decided to adopt the Fremantle Med Shed (one of the most successful Shed's) strategy which is an "organic one" i.e. making the Shed available to all and "cutting the cloth" to fit the members as their needs and desires become apparent as to what they want to do in the Shed.
  - They believe the Farmer Street location is quite ideal and will allow them to build from scratch so they can cater to a wider spectrum of members as possible i.e. include things for differently abled access etc.
  - They believe the facility will be multifunction and can be used for meetings as well as other activities i.e. jewellery making or stain glass work etc.
  - Using Farmer Street will allow this to be built from scratch.
  - Thanked Jacinta Anthony and Adele McCormick who have been a great help to them and their continuing efforts to help find the additional funding required to make the Shed a reality and resources within the City which they may be able to employ.
  
2. Bob Crowe of 9 Hyde Street, Mt Lawley – Item 9.3.2. Stated the following:
  - Since Cr Topelberg initiated a meeting in January 2011 at which about 50 people attended, the Steering Committee have been working hard to get things going i.e.:
    - a lot of paperwork has been completed;
    - they are almost ready to be incorporated;
    - they have investigated at sites and possible buildings;
    - funding options; and
    - activities that might be able to be undertaken.
  - Believed there is likely to be a good response within the Vincent area for people interested in attending and they have many ideas about possible activities.
  - They have got quite a few tools together and started on making a bench.
  - They are keen to start and do some "hands on stuff" and are hoping that will be early next year or possibly late this year.
  
3. Jason Lord of 210 Carr Place, Leederville – Item 9.1.2. Read out the following:

*"Firstly thank you to the Councillors for having concerns with the original proposal and subsequently not approving them.*

*Secondly, some quick housekeeping around the Minutes and Agenda. The last discussion was not fully documented in the Minutes. It's my recollection that a Councillor who I believe was Councillor Buckels stated that 5 levels may be ok for Vincent Street but from the overall perspective including that the of residents of Carr Place, this may be too high and a 5<sup>th</sup> level could potentially be removed without much effect on the density. It was at this point that the R-Codes were requested. This is not how this has been documented in this week's Agenda, it has been documented that 5 levels is ok and should be reduced at bulk at the back. Can the Council please*

*review the document statement against the actual discussion, identify what is different and specify what information was presented to the developer and the impact against the resubmitted proposal which is still 5 storey's.*

*Finally I would like to request that the Council reject the application based on height. I believe the additional height and therefore bulk is outside both the Masterplan and Dwelling Policy No. 3.4.8. The Policy 3.4.8 states 5 storey's can be considered by the Council, not that it is required or mandated. Therefore, even though I believe that the Masterplan should be the principle document, should the Multiple Dwellings Policy be consulted in any matter, a number of points also need to be taken into consideration such as:*

- *Taller buildings adjacent to low rise buildings may be appropriate provided care is taken with the design of elements such as the upper level street and setbacks. In the proposal there are no setbacks on the side.*
- *New taller buildings are to be designed to relate sensitivity to existing lower scale buildings. In the proposal it is 4 storey's high at the rear boundary with minimal setbacks from levels 1 to 3 and the 4<sup>th</sup> storey is setback. This is not relating sensitivity and this is validated by an independent report to the Council which I will cover later.*
- *To ensure multiple dwellings are developed positively, contribute and respond creatively to the existing context within the City of Vincent. There is nothing creative about building to the maximum height with no setbacks and adding to the bulk experience and current context of the residents of Carr Place. This is also the end of the transition zone which must be taken into context. I'd suggest the proposal is not considering the context of either.*

*It says the Councillors may consider a greater height to a maximum of 3 storey's adjacent to primary streets and up to 5 storey with sites. Therefore, taking all the criteria in Document 3.4.8 I'd say 5 storey's is not required and is not supported by the intent of the Dwelling Policy. I would also like to address this in context to the Masterplan. It is my understanding that this is the intent that this is the guiding document and this is reflected in the amount of ..."*

**The Presiding Member, Deputy Mayor Sally Lake advised Mr Lord that he had spoken for 3 minutes and asked Mr Lord to complete his statement.**

Mr Lord continued:

*"I would like to finish by saying the last time this was discussed, the Mayor suggested that Council should approve the proposal to increase developer confidence in Leederville. I believe it would have the opposite effect. Consistency of application guidelines and standard principles bring confidence. The Masterplan is a tool to develop confidence along with business and residents' confidence. This is something the Council should all get behind. If you start approving gross deviations nobody would know where they stand and what the future may bring. Please reject this proposal based on the vision of the Masterplan."*

**Cr Burns entered the meeting at 6.10pm.**

4. Alison Hass of 210 Carr Place, Leederville – Item 9.1.2. Stated the following:
  - Concurred with the previous speaker.
  - They could take some points raised in the independent review and apply them to the Multiple Dwelling Policy to give weight to what the words "context, respect and local character" mean and they talk about the "3 D's" – density, diversity and desirability. Would like to focus on desirability which is identified as giving a competitive edge.
  - In the Minutes, the Town Planner validates many of the violations of the proposal with the argument saying "it will not have an undue impact" in terms of the bulk. However, from a resident's perspective, she would disagree with that because it relates primarily to the desirability in context of transition zones with existing residential properties and it is validated by an independent report which says "*there is a commonly acknowledged view that the border community has a comfort threshold at 3 storey's*" a scale of building comfortable for many people.
  - The Town of Cottesloe has made great issue of its 3 storey height limits. There is another commonly recognised threshold at 5 storey's above which the border community starts to feel very overwhelmed by their surroundings. This is the reason coastal policies have 5 storey as an absolute maximum.

- The heights and setbacks in the documents are not congruent with best practice planning principles. Given the context of the Dwelling Policy, the height violation from the Masterplan and the independent recognition that the heights are best practice, the location in the transitional zone and the proximity to single and 2 storey residences that will not be redeveloped anytime soon – 2 storey townhouses being 6 to a lot already.
  - Urged the Council to look at something less than 5 storey's as it is going to be based in a commercial zone not a transitional zone.
5. Jan Lepere of 210 Carr Place, Leederville – Item 9.1.2. Stated the following:
- Her backyard is going to be impacted by the proposed development.
  - Endorses the previous speakers on the matter.

There being no further speakers, Public Question Time closed at approx. 6.15pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Steed Farrell requested leave of absence on 9 and 10 August 2011, due to work commitments.

**Moved Cr Topelberg, Seconded Cr Buckels**

**That Cr Steed Farrell's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- 6.1 Minutes of the Ordinary Meeting of Council held on 28 June 2011.

**Moved Cr Maier, Seconded Cr Burns**

**That the Minutes of the Ordinary Meeting of Council held 28 June 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

- 6.2 Minutes of the Special Meeting of Council held on 5 July 2011.

**Moved Cr Topelberg, Seconded Cr Burns**

**That the Minutes of the Special Meeting of Council held 5 July 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

### 7.1 Employee of the Month Award for the City of Vincent for July 2011

As members of the public will know, the City recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City of Vincent. The recipients receive a \$120 voucher, kindly donated by the North Perth Community Bank, and a framed Certificate. They also automatically become eligible for the City's Annual Employee of the Year Award.

For JULY 2011, the award is presented jointly to Lauren McKenzie, Building Surveyor and Audrie Scott, Building Support Officer in the Planning, Building and Heritage Services Section.

Lauren was nominated by the Manager Planning, Building and Heritage Services, Helen Smith, for her total commitment and professionalism in her role as Building Surveyor. Lauren consistently produces a high quality of work and has adopted efficient working practices to meet the high work demands of her position.

Audrie was nominated as a result of an email received from Scott Brotherhood, Project Manager/Contracts Administrator for Foundation Housing Ltd of Northbridge, as a result of the excellent and professional service provided to him in his dealings with the City of Vincent.

Mr Brotherhood further stated that Audrie *"represents the City of Vincent in a way which [it] should be very proud..."*.

The City's Building Section has been short-staffed due to the resignation of both the Co-ordinator and Senior Building Surveyor - this has placed additional work and responsibility on both Lauren and Audrie and also the City's temporary Building Surveyors.

These comments were endorsed by the Chief Executive Officer, John Giorgi and Director Development Services, Rob Boardman, who advised that the Award was richly deserved and a credit to both Lauren and Audrie, as well as a mark of their dedication, professionalism and commitment to excel in customer service.

Lauren and Audrie's services are highly valued and most appreciated by the City.

Congratulations to Lauren and Audrie - well done!!

### **Received with Acclamation!**

### 7.2 Withdrawal of Item 9.3.1

It is announced that Item 9.3.1 relating to the Oktoberfest 2011 has been WITHDRAWN from tonight's Agenda at the request of the Chief Executive Officer - who has advised that a written allegation has been received by the City of Vincent, which requires further investigation by the City's Administration prior to the matter being considered by the Council.

### 7.3 Appeal to the State Administrative Tribunal (SAT) – Holcim Australia Pty Ltd

It is advised that Minter Ellison Solicitors, acting on behalf of Holcim Australia Pty Ltd, advised the City of Vincent on 8 July 2011 that they have applied to the State Administrative Tribunal (SAT) concerning Holcim's Development Application (DA) dated 4 April 2011 and received on 6 April 2011, as the DA was "Deemed Refused", as it was not determined within the 60 day period.

A Directions Hearing has been set down for 11am on 22 July 2011 in the SAT.

The City's Officers will attend the SAT and further details will be provided, once this has been received.



## 8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.4.4 – Information Bulletin, particularly IB13 – Minutes of the Tamala Park Regional Council Meeting held on 23 June 2011. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.2 Cr Topelberg declared an Impartiality interest in Item 9.2.2 – Proposed Reintroduction of Two Way Traffic on Beaufort and William Streets, Perth – Progress Report No. 5. The extent of his interest being that his family own a property on William Street that is located within the proposed area for the introduction of 2 way traffic.

Both Councillors stated that as a consequence, there may be a perception that their impartiality on the matter may be affected. They declared that they would consider the matter on its merits and vote accordingly.

## 9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

## 10. REPORTS

The Presiding Member, Deputy Mayor Sally Lake, requested that the Chief Executive Officer advise the meeting of:

### 10.1 **Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 9.3.2 and 9.1.2.

### 10.2 **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment and the following was advised:**

Item 10.2.

### 10.3 **Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Nil.

Presiding Member, Deputy Mayor Sally Lake, requested Council Members to indicate:

### 10.4 **Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:**

Cr Farrell	Nil.
Cr Topelberg	Item 9.2.2.
Cr Buckels	Nil.
Cr McGrath	Items 9.1.8 and 9.2.1.
Cr Burns	Nil.
Cr Maier	Item 9.1.7.
Cr Lake	Nil.

The Presiding Member, Deputy Mayor Sally Lake, requested that the Chief Executive Officer to advise the meeting of:

**10.5 Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.1, 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.1, 9.4.2, 9.4.3 and 9.4.4.

**10.6 Confidential Reports which will be considered behind closed doors and the following was advised:**

Item 14.1.

**New Order of Business:**

The Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.1, 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.1, 9.4.2, 9.4.3 and 9.4.4.

**(b) Those being the subject of a question and/or comment by members of the public during "Question Time";**

Items 9.3.2 and 9.1.2.

**(c) Those items identified for discussion by Council Members;**

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

**ITEMS APPROVED "EN BLOC":**

The following Items were approved unopposed and without discussion "*En Bloc*", as recommended:

**Moved Cr Buckels, Seconded Cr Maier**

**That the following unopposed items be approved "En Bloc", as recommended;**

**Items 9.1.1, 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.1, 9.4.2, 9.4.3 and 9.4.4.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

**Item 9.3.1 WITHDRAWN by the Chief Executive Officer – to further investigate the matter.**

<b>9.3.1 Oktoberfest 2011 - Medibank Stadium</b>
--

**9.1.1 Exempted Billboard Signs in the City of Vincent – Progress Report**

<b>Ward:</b>	Both	<b>Date:</b>	4 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0188; PRO2036; PRO1573; PRO0579; PRO5463; PRO0877; PRO0159; PRO5464
<b>Attachments:</b>	<a href="#">001</a> – Photographs of Billboards		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES**;

1. Pursuant to clause 28 of the City of Vincent Town Planning Scheme No. 1 (TPS), of the billboard signs listed below to be an “exempted advertisement”, as their Owner has provided suitable documentary evidence to the City confirming that the billboard sign was in place and fully displayed, prior to the commencement of the TPS No. 1 on 4 December 1998:
2. Pursuant to clause 30(b) of the City of Vincent Town Planning Scheme No. 1, of the Billboard Signs listed below to continue to be displayed:
  - 2.1 No. 324 Charles Street, North Perth;
  - 2.2 Nos. 217-225 Fitzgerald Street, West Perth;
  - 2.3 Nos. 452-458 Newcastle Street, West Perth;
  - 2.4 Nos. 468-470 Newcastle Street, West Perth;
  - 2.5 No. 237 Scarborough Beach Road, Mount Hawthorn;
  - 2.6 Nos. 452-460 William Street, Perth; and
  - 2.7 No. 591 William Street, Mount Lawley.

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this Report is to inform the Council of the outcome of the City of Vincent’s correspondence to the owners of the seven (7) alleged unauthorised billboard signs identified as part of the review of the City’s Policy No. 3.5.2, relating to Signs and Advertising, requesting the removal of the subject signs, or the provision of suitable documentary evidence that the signs were in place prior to 4 December 1998. Refer to Attachment 001 for a photograph of the Billboard signs.

**BACKGROUND:**

14 September 2010 At its Ordinary Meeting, the Council refused an application for proposed signage (billboard) at Nos. 67-69 (Lot 35; D/P: 67625) Scarborough Beach Road, North Perth (Item 9.1.7). At this meeting, a subsequent motion was carried as follows:

*"That the Town's Administration advise the Council with a suggested scope for a review of its Policy No. 3.5.2 to Signs and Advertising, based on discussions (this evening)."*

In particular, the following matters were raised by the Council Members for investigation during debate:

- the suitability of billboards in the City;
- the possibility of incorporating site selection criteria in the City's Policy No. 3.5.2, relating to Signs and Advertising, for where billboards are considered appropriate; and
- the incorporation of new Policy provisions relating to introducing a fee for billboards, similar to that outlined in the City's Policy No. 3.5.13, relating to Percentage for Public Art.

25 May 2011 Whilst undertaking a review of the City's Policy No. 3.5.2, relating to Signs and Advertising, the City's Officers identified a number of existing billboards in the City of Vincent. An investigation into these signs was undertaken by the Officers, in terms of the circumstances of their approval/installation. Although some of the billboards within the City's boundaries were either permitted under special circumstances, or prior to the formation of the City of Vincent and the subsequent gazettal of the City's TPS No. 1, seven (7) alleged unauthorised billboard signs were identified.

The City's Officers wrote letters to the property owners of the seven (7) alleged unauthorised billboards (as presented to the Council at its Ordinary Meeting held on 28 June 2011), giving them the opportunity to either remove the subject signage, or to demonstrate that the signage was existent prior to the gazettal of the City's TPS No. 1.

28 June 2011 The Council considered a report regarding the review of the City's Policy No. 3.5.2, relating to Signs and Advertising, whereby the City's Officers recommended to not amend the subject Policy to incorporate provisions relating to billboards.

**DETAILS:**

In addition to corresponding with the property owners of the seven (7) alleged unauthorised billboards, the City's Officers undertook an Archive Search for each of the seven (7) properties, in order to retrieve any relevant information regarding the history of the alleged unauthorised billboard signs. This yielded no relevant information.

The seven (7) subject properties are as follows:

- Nos. 452-460 William Street, Perth;
- No. 324 Charles Street, North Perth;
- Nos. 217-225 Fitzgerald Street, West Perth;
- Nos. 468-470 Newcastle Street, West Perth;
- Nos. 452-458 Newcastle Street, West Perth;
- No. 591 William Street, Mount Lawley; and
- No. 237 Scarborough Beach Road, Mount Hawthorn.

The City has received correspondence from all seven (7) of the billboard owners. The City's Officers have investigated all of the correspondence received, in order to ascertain whether it satisfies the requirement to provide suitable documentary evidence that the alleged unauthorised billboards existed prior to 4 December 1998. The findings of this investigation are outlined below:

**1. Nos. 452-460 William Street, Perth**

In correspondence dated 9 June 2011, the City received documentary evidence from the owners of the billboard sign at Nos. 452-460 William Street, Perth, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Site Lease Agreement between the then advertising company, Nettlefold Advertising and the owners of the subject property, dated 13 June 1991, which appears to satisfy the requirements to provide suitable documentary evidence that the sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**2. No. 324 Charles Street, North Perth**

In correspondence dated 26 May 2011, the City of Vincent received documentary evidence from the owners of the billboard sign at No. 324 Charles Street, North Perth, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included a copy of the original sign licence issued by the City of Perth to Nettlefold Advertising on behalf of Tiles Expo, along with the City of Perth's handwritten notation stipulating that the licence was issued without any conditions of approval, dated 24 July 1991, as well as a copy of the engineer's certification for the roof structure, dated 28 June 1990. These documents appear to satisfy the requirements to provide suitable documentary evidence that the sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**3. Nos. 217-225 Fitzgerald Street, West Perth**

In correspondence dated 9 June 2011, the City received documentary evidence from the owners of the billboard sign at Nos. 217-225 Fitzgerald Street, West Perth, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Site Lease Agreement between the then advertising company, Nettlefold Advertising and the owners of the subject property, dated 9 March 1995, which appears to satisfy the requirements to provide suitable documentary evidence that the two signs existed prior to 4 December 1998.

In light of the above, it is considered that the subject signs comply with the requirements to be considered as "exempted advertisement", in accordance with the City's TPS No. 1.

**4. Nos. 468-470 Newcastle Street, West Perth**

In correspondence dated 21 June 2011, the City received documentary evidence from the owners of the billboard sign at Nos. 468-470 Newcastle Street, West Perth, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Site Lease Agreement between Australian Posters and the owner of the subject property, dated 22 May 1986, which appears to satisfy the requirements to provide suitable documentary evidence that the sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**5. Nos. 452-458 Newcastle Street, West Perth**

In correspondence dated 15 June 2011, the City received documentary evidence from the owners of the billboard sign at Nos. 452-458 Newcastle Street, West Perth, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Site Lease Agreement between Australian Posters and the owner of the subject property, dated 18 July 1980, which appears to satisfy the requirements to provide suitable documentary evidence that the sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**6. No. 591 William Street, Mount Lawley**

In correspondence dated 16 June 2011, the City received documentary evidence from the owners of the billboard sign at No. 591 William Street, Mount Lawley, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Advertising Agreement and attached Schedule, dated 26 August 1992 and 31 July 1995 respectively, between Australian Posters and the owners of the subject property, which appear to satisfy the requirements to provide suitable documentary evidence that sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**7. No. 237 Scarborough Beach Road, Mount Hawthorn**

In correspondence dated 9 June 2011, the City received documentary evidence from the owners of the billboard sign at No. 237 Scarborough Beach Road, Mount Hawthorn, in relation to the subject sign being existent prior to the gazettal of the City's TPS No. 1.

The correspondence included the Site Lease Agreement between the advertising company, Australian Posters and the owners of the subject property, dated 25 March 1981, which appears to satisfy the requirements to provide suitable documentary evidence that the sign existed prior to 4 December 1998.

In light of the above, it is considered that the subject sign complies with the requirements to be considered as an "exempted advertisement", in accordance with the City's TPS No. 1.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, clauses 28, 29 and 30 as stated below:

***"Division 3 – Control of Advertisements***

**28. Definitions**

*For the purposes of this Division –*

*"advertiser" means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an advertisement;*

*“display” in relation to an advertisement, includes the erection and placing of the advertisement; and*

*“exempted advertisement” means an advertisement that is –*

- (a) fully displayed before the commencement of this Scheme; or*
- (b) displayed under a licence or other approval granted by the Council before the commencement of this Scheme.*

**29. Need for Planning Approval**

*A person shall not begin or continue to display an advertisement, other than an existing or exempted advertisement, without having first applied for and having obtained planning approval under Part 4.*

**30. Existing and Exempted Advertisements**

*Unless it is subject to a notice under Clause 31 –*

- (a) an exempted advertisement may be displayed; and*
- (b) an existing advertisement may continue to be displayed in accordance with the licence or approval, if any, granted by the Council.”*

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the City’s *Strategic Plan 2011-2016* – Objective 1.1 states:

*“Improve and Maintain the Natural and Built Environment and Infrastructure:*

*1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

*1.1.2 Enhance and maintain the character and heritage of the City”.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

In light of the above justification, it is recommended that the Council consider the billboard signs for the seven (7) properties and the associated documentary evidence provided by the subject sign/property owners to the City, as “exempted advertisement”, under clause 28 and allows them to continue to be displayed, pursuant to clause 30 of the City’s TPS No. 1.



**9.1.3 No. 34 (Lot 2; STR: 45840) Joel Terrace, East Perth - Proposed Three Storey Grouped Dwelling – Amendment to Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	29 June 2011
<b>Precinct:</b>	Banks Precinct; P15	<b>File Ref:</b>	PRO0268; 5.2010.613.3
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Applicant's submission and associated documentation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Cadds Architectural Drafting on behalf of the owner C M Hobbs for Proposed Three Storey Grouped Dwelling – Amendment to Planning Approval, at No. 34 (Lot 2; STR: 45840) Joel Terrace, East Perth, and as shown on plans stamp-dated 1 and 13 June 2011, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Joel Terrace;
2. Any new street/front wall, fence and gate within the Joel Terrace setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. First obtaining the consent of the owners of Nos. 28 and 36 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 28 and 36 Joel Terrace in a good and clean condition;
4. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
5. The development shall be connected to the reticulated sewerage system prior to occupation;
6. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the City of Vincent, on advice from the Swan River Trust;
7. No fill, building materials, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or allowed to enter the river as a result of the development; and
8. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**8.1 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

**8.2 Screening – Ground Floor Balcony**

The ground floor balcony on the eastern elevation within the 7.5 metre cone of vision to the northern boundary shall be of a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the balcony being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 36 Joel Terrace, East Perth, stating no objection to the respective proposed privacy encroachment.

All screens provided shall comply with the definition of the Residential Design Codes 2010.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies; and

**8.3 Retaining Wall and Fencing Plan**

A retaining wall and fencing plan for the east property boundary shall be submitted to, and approved by, the General Manager, Swan River Trust.

---

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

<b>Landowner:</b>	C M Hobbs
<b>Applicant:</b>	Cadds Architectural Drafting
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	285 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the City's Officers do not have delegation to consider minor variations for an amended Planning Approval for the proposed construction of a three (3) storey grouped dwelling.

**BACKGROUND:**

- 11 August 2009      The Council at its Ordinary Meeting resolved to approve an application for the proposed Construction of One, Three-Storey Grouped Dwelling.
- 10 August 2004      The Council at its Ordinary Meeting resolved to approve an application for proposed retaining walls to a vacant residential lot (Strata Lot 1). The retaining enabled the common property area (the driveway) to be constructed, as required by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004.
- 22 January 2004      The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, two of the lots fronting the recreational reserve. The subject lot was a product of this subdivision.

**DETAILS:**

The proposal involves minor amendments to the plans that were approved by the Council at its Ordinary Meeting held on 11 August 2009. It is noted that a similar three-storey single residential dwelling on the adjacent property at No. 36 Joel Terrace, was also considered and approved at the same Ordinary Meeting of Council held on 11 August 2009.

The applicants have provided a submission in support of this application, regarding the variations proposed, which is attached as a tabled item.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Setbacks:</b>		
<i>Basement</i>		
North	1 metre	Nil. As part of the original application, a nil setback was also proposed.
South	1 metre	Nil to 2.2 metres. As part of the original application, the proposed setback was from 0.082 to 1.5 metres.
<i>Ground Floor</i>		
North	2.5 metres	Nil. As part of the original application, a nil setback was also proposed.
South	2.5 metres	Nil to 2.2 metres. As part of the original application, the proposed setback was from 0.082 to 1.5 metres.
<i>First Floor</i>		
West	Upper floor to be setback a minimum of 2 metres behind ground floor.	Level with ground floor. As part of original application, upper floor was also level with ground floor.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
North	1.4 metres	Nil. As part of the original application, a nil setback was also proposed.
South	1.4 metres	1 to 2.2 metres. As part of the original application, a setback of 1.511 metres to 2.072 metres was proposed.
<b>Officer Comments:</b>		
<p><b>Supported</b> – The northern setback variations are not considered to create an undue amenity impact on the adjoining property, and no objection has been received from the adjacent affected neighbour.</p> <p>In respect of the southern setbacks, the site adjoins land used for Western Power purposes along the southern boundary and the setback variations are not considered to cause an undue amenity impact on the adjoining property; no objection was received.</p> <p>In respect of the western first floor setback, the proposed dwelling is not within the front setback to Joel Terrace as it is located behind Nos. 30 and 32 Joel Terrace, therefore, will not have an undue impact on the amenity of the Joel Terrace streetscape.</p>		
<b>Boundary Walls:</b>	<p>Maximum Height = 3.5 metres</p> <p>Average height = 3 metres</p>	<p><i>North</i></p> <p>Maximum Height = 8.8 metres. As part of the original application, maximum height was 8.7 metres.</p> <p>Average Height = 7.4 metres. As part of the original application, the average height was 6.8 metres.</p> <p><i>South</i></p> <p>Maximum Height = 5.8 metres. As part of the original application, the maximum height was 6.6 metres.</p> <p>Average Height = 5.35 metres. As part of the original application, the average height was 5.5 metres.</p>
<b>Officer Comments:</b>		
<p><b>Supported</b> – In terms of the northern boundary, no objection has been received from the directly affected neighbour and the proposed Building on Boundary component is similar to the application approved by the Council on 11 August 2009 for the adjoining property at No. 36 Joel Terrace, which adjoins the subject dwelling.</p> <p>While in regards to the southern boundary, the site adjoins land used for Western Power on the southern boundary and the setback and height variation is not considered to create an adverse amenity impact to the adjoining property.</p> <p>In addition, the proposed residence, in addition with the other adjoining developments, contributes to an emerging River Reserve setting.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Garage:</b>	Garage to be setback 0.5 metre behind the main building	Garage is in front of the main building. This was also proposed as part of the initial application.
<b>Officer Comments:</b>		
<b>Supported</b> – Proposed garage is not within the Joel Terrace streetscape as it is located behind Nos. 30 and 32 Joel Terrace and, therefore, does not result in the garage visually dominating the site or streetscape.		
<b>Number of Storeys and Height:</b>	Two storeys External Wall Height = 6 metres  Roof Pitch Height = 9 metres	Three storeys External Wall height = 8.8 metres maximum. The original application proposed a maximum external wall height of 9 metres. Roof Pitch Height = 9.5 metres maximum. The original application proposed a maximum roof pitch height of 10.3 metres.
<b>Officer Comments:</b>		
<b>Supported</b> – See “Comments” section.		
<b>Visual Privacy:</b>	Balcony = 7.5 metres setback to boundary	<i>Ground Floor</i> Balcony on eastern elevation is 2 metres to southern boundary. This was the same setback in the original application. Balcony on eastern elevation is 0.5 metre to northern boundary. In the original application, a setback of 0.7 metre was proposed.
<b>Officer Comments:</b>		
Supported in Part – With the balcony on the eastern elevation towards the southern boundary, no objection was received from adjoining neighbour, Western Power, and overlooks a vacant block, so no visual privacy condition has been imposed. While towards the northern boundary, an objection was received from the directly affected neighbour and the proposed overlooking has the potential to impact on the amenity of adjoining property at No. 36 Joel Terrace. Therefore, a condition has been placed for the balcony to comply with the visual privacy requirements of the R-Codes.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (0)	Nil.	Noted.
Objections (1)	Objection to overlooking yard area from balcony.	Supported – Condition placed that the balcony on the eastern elevation, within the cone of vision to the northern boundary at No. 36 Joel Terrace, comply with the visual privacy requirements of the R-Codes.
<i>Western Power</i>	Have no objections with the proposal; however, advise that the associated construction works may infringe upon the 6 metre WorkSafe WA ‘danger zone’ associated with overhead lines of this voltage.	Noted.
<i>Swan River Trust</i>	The Trust has no objections to the proposal, subject to specific conditions and advice notes.	Noted. Conditions and advice notes have been included in the Officer Recommendation.

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states:  <i>“Natural and Built Environment</i>  1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Redevelopment- Swan River Trust**

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 18 April 2011, the Swan River Trust stated that they did not have any objection to the plans, subject to appropriate conditions to address reticulation, drainage, fill and vehicle access.

**Building Height**

The subject site varies significantly from top to bottom, totalling approximately 5.3 metres from the front to the rear boundary of the lot. Given the constraining topography of the site, it is difficult to design a compliant dwelling, particularly in terms of wall and pitched roof heights.

The Residential Design Elements Policy clearly states that variations to the maximum building wall and external wall heights may be considered due to topographical or other environmental considerations, provided the streetscape and amenity of the affected adjacent properties is protected, particularly:

*“The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street.”*

The proposal does not have a frontage to Joel Terrace; rather access from this road is gained via a communal driveway. When viewed from the communal accessway and the reserve however, the house is viewed as a two-storey dwelling. When viewed on plan, the dwelling appears to be a three storey development; however, it is important to acknowledge that the third storey element, the deck on the first floor, is setback approximately 17 metres from the rear building line towards the Parks and Recreation Reserve.

Given the topographical site constraints and the heights proposed are similar to those approved as part of the original application considered at the Ordinary Meeting of Council held on 11 August 2009, it is considered that the application meets the above-mentioned criteria and the variation to height requirements proposed can be supported.

**Summary**

The proposed amendments as part of this application, in comparison to the initial planning approval 5.2008.524.1, are supported by the City's Officers as they are not considered to result in any further impacts on the existing streetscape and neighbouring properties than those variations approved in the original application.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.

**9.1.4 No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn - Proposed Store Room Addition to Existing Hotel/Tavern (Paddington Ale House) – Application for Retrospective Approval**

<b>Ward:</b>	North	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	Mount Hawthorn Centre: P02	<b>File Ref:</b>	PRO1137; 5.2009.555.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Whelans (WA) Pty Ltd on behalf of the owner AJ, AP, LM, AR, & AB Swanson for proposed Store Room Addition to Existing Hotel/Tavern (Paddington Ale House) – Application for Retrospective Approval, at No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on plans stamped 28 April 2011, subject to the following conditions:

1. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Fairfield Street;
3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
4. The proposed store room shall not be used for industrial, commercial or habitable purposes; and
5. WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the following shall be submitted to and approved by the City:

**5.1 Building Approval Certificate Application**

A Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (store room), shall be submitted to and approved by the City of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989;

**5.2 Cash-In-Lieu of Car Parking**

The owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

- 5.2.1 pay a cash-in-lieu contribution of \$2,310 for the equivalent value of 0.77 car parking spaces, based on the cost of \$3,000 per bay as set out in the City's 2010/2011 Budget; OR

**5.2.2 lodge an appropriate assurance bond/bank guarantee of a value of \$2,310 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**

- (a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or**
- (b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
- (c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and

**5.3 Car Park**

The rear car park shall be sealed, drained and line-marked in accordance with the approved plan dated 28 April 2011.

---

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

<b>Landowner:</b>	A J, A P, L M, A R, & A B Swanson
<b>Applicant:</b>	Whelans (WA) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Hotel/Tavern
<b>Use Class:</b>	Hotel/Tavern
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1266 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the application is for retrospective approval, the use is "SA", and two objections have been received.



**BACKGROUND:**

The subject property is located on the south-western corner of Scarborough Beach Road and Fairfield Street and is occupied by the Paddington Alehouse. The original hotel was built circa 1920.

27 April 1999                      The Council at its Ordinary Meeting conditionally approved an application for proposed alterations and additions to the existing hotel.

7 December 2004                The Council at its Ordinary Meeting approved an application to increase the number of patrons from 400 to 600 persons subject to several conditions, including the following:

*“(v)(a) a CONDITIONAL INCREASE of seventy (70) additional patrons to the existing 400 to a maximum of 470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after six months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact;”*

The applicant lodged an appeal against the above condition to increase patron numbers to 600 persons; however, this appeal was dismissed by the State Administrative Tribunal on 29 June 2005 (DR 317 of 2005). Therefore, the approved number of patrons for the hotel/tavern is 470 persons.

**DETAILS:**

The proposal involves retrospective approval of a store room in the rear car park. The previous application approved by the Council on 7 December 2004, illustrates that 13 car bays can be provided on-site. In order to compensate for the loss of car bays due to the construction of the store room, the applicant has provided a re-design of the rear car park to include a total of 12 car bays.

**COMPLIANCE:**

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil	Noted.
Objections (2)	<ul style="list-style-type: none"> <li>There is currently a parking problem on Fairfield Street and the local area. The tavern should not be able to reduce the number of car bays on-site.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The City’s Officers note that there is a parking problem in the local area; however, the applicant proposed to re-design the rear car park to include a total of 12 car bays; one bay less than the previous approval.</li> </ul>
Advertising	Advertising for a period of 14 days was carried out as per the City’s Policy No. 4.1.5 – relating to Community Consultation.	

**Car Parking**

The Car Parking requirement for a Hotel/Tavern is one space per bedroom or one space per 3 beds provided, whichever is the greater and one space per 3.8 square metres of public floor area or 1 space per 4.5 persons approved for the site, whichever is the greater.

The number of bedrooms and beds is 24 beds; therefore the number of bedrooms calculation will be used.

In relation to the public floor area or approved persons calculation, the public floor area is 574 square metres, which would require a total of 151 car bays and the approved number of persons is 470 which would require a total of 104 car bays. However, the Minutes from the Ordinary Meeting of Council held on 7 December 2004 indicate that the number of person's calculation was used, as for that particular application; the public floor area was not increasing; however, the number of persons were. Based on that calculation, a shortfall of 10.08 car parking bays was approved and a cash-in-lieu payment of \$25,200 was paid to the then City of Vincent.

The proposed retrospective application for the store room reduces the number of car bays on site from 13 bays to 12. It is considered that the same calculation should be used for this application in order to keep a consistent approach to the car parking for the site.

<b>Car Parking</b>	
Car parking requirement (nearest whole number) 1 car bay per bedroom Number of Bedrooms = 24 Bedrooms ( <b>requires 24 car bays</b> ) 1 bay per 4.5 persons approved for the site Number of Persons Approved = 470 persons ( <b>requires 104.44 car bays</b> ) <b>Total car bays required = 128.44 car bays</b>	= 128 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	(0.65025)  = 83.23 car bays
Minus the car parking provided on-site	12 car bays
Minus the approved on-site car parking shortfall. <ul style="list-style-type: none"> <li>• *Prior to 7 December 2004, the hotel/tavern existed with a car parking shortfall of 60.38 car bays.</li> <li>• 7 December 2004 – the Council at its Ordinary Meeting approved a further shortfall of 10.08 car bays.</li> </ul>	70.46 car bays*
<b>Resultant shortfall</b>	<b>0.77 car bay</b>

<b>Bicycle Parking</b>
The bicycle parking requirements for a hotel/tavern are based on the public floor area of the venue. There are no changes to the public floor area; therefore, there are no additional requirements for bicycle bays.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states:  <i>“Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The proposal involves the retrospective approval of a store room in the rear car park. The proposal demonstrates the loss of one car bay from previous approval, as the applicant has proposed a re-design of the car park.

It is not considered that the reduction of one car bay will cause a significant impact on the amenity of the area, as this car park is generally used by the staff of the hotel. Furthermore, the addition of a car bay for the disabled is a positive outcome for the site, as there currently is no bay for the disabled on-site.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.5 No. 199 (Lot 176; D/P: 1791) Scarborough Beach Road, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two Storey Dwelling with Loft**

<b>Ward:</b>	North	<b>Date:</b>	27 June 2011
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO5277; 5.2010.581.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L Del Borrello for proposed Demolition of Existing Single House and Construction of Two (2) Storey Dwelling with Loft, at No. 199 (Lot 176 D/P: 1791) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 23 May 2011, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Kalgoorlie Street;
2. Any new street/front wall, fence and gate within the Scarborough Beach Road and Kalgoorlie Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;
4. First obtaining the consent of the owners of No. 201 Scarborough Beach Road, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 201 Scarborough Beach Road, in a good and clean condition; and
5. PRIOR TO THE ISSUE OF A BUILDING LICENCE, revised plans shall be submitted and approved demonstrating the following;

**1.1 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

**1.2 Screening – Balcony above Garage**

The balcony opening above the garage on the southern elevation shall be non-openable to a minimum height of 1.6 metres above the finished first floor level OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the balcony being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 199 Scarborough Beach Road, Mount Hawthorn, stating no objection to the respective proposed privacy encroachment.

All screens provided shall comply with the definition of the Residential Design Codes 2010; and

**1.3 Landscaping and Reticulation Plan**

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 1.3.1 The location and type of existing and proposed trees and plants;
- 1.3.2 All vegetation including lawns;
- 1.3.3 Areas to be irrigated or reticulated and such method;
- 1.3.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 1.3.5 Separate soft and hard landscaping plants (indicating details of materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

---

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

<b>Landowner:</b>	Mr L Del Borrello
<b>Applicant:</b>	Mr L Del Borrello
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	541 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the City's Officers do not have delegation to consider more than five (5) objections received, under delegated authority.

**BACKGROUND:**

None.

**DETAILS:**

The proposal involves the construction of a two storey residential dwelling with loft and the demolition of the existing dwelling. The dwelling includes a garage with balcony above to the rear of the property with a bridge which attaches to the dwelling.

The subject property is on the north-west corner of Scarborough Beach Road and Kalgoorlie Street.

**ASSESSMENT:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Front Setbacks:</b>		
Lower	4.5 metres	2.9 – 6.8 metres
Upper	4.5 metres plus 1.0 metre for Balcony and 2.0 metres for Upper Storey	3.4 – 3.6 metres
<b>Officer Comments:</b>		
Supported. The lots along Scarborough Beach Road between Kalgoorlie and Buxton Street are truncated along the Scarborough Beach Road frontage; the proposed setbacks are considered appropriate and are consistent with the existing two adjoining properties to the west. It is considered the upper storey is well articulated and features windows and interest along the façade. It is also considered that given the unusual nature of the street frontage, the required upper storey setback is supported.		
<b>Side Setbacks:</b>		
<i>Lower</i>		
Southern (Garage to Store)	1.0 metre	Nil
<i>Upper</i>		
Western (Balance)	2.0 metres	2.4 metres

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Eastern (Retreat)	Minimum 1.5 metres plus 0.5 metre behind lower floor (2.2 metres)	1.7 metres
(Void)	Minimum 1.5 metres plus 0.5 metre behind lower floor (3.3 metres)	2.8 metres
(Balcony 1)	Minimum 1.5 metres plus 0.5 metre behind lower floor (3.5 -5.5 metres)	3.0 – 5.0 metres
(Balcony 2)	Minimum 1.5 metres plus 0.5 metre behind lower floor (5.46 metres)	4.96 metres
<b>Officer Comments:</b>		
Supported. The proposed southern parapet wall abuts the driveway area of the adjoining property to the south and, therefore, it is considered that the wall will not detrimentally affect the adjoining property. The proposed western upper storey contains a section of wall which has no major openings and given that the entire length of the western upper floor is well articulated and limits bulk, whilst still allowing for adequate ventilation to the adjoining property, the variation is supported. In terms of the upper eastern portion of wall along the secondary street frontage, the applicant has proposed a rounded type of upper storey construction, which reduces the impact of the upper storey on the street. Furthermore, above the entrance to the dwelling there is some degree of articulation which, is considered to appropriately address Kalgoorlie Street.		
<b>Buildings on the Boundary:</b>		
Western Boundary (Garage)	Average Building Height – 3.0 metres	3.1 metres
<b>Officer Comments:</b>		
Supported. The proposed western boundary parapet wall (garage) proposes a minor height variation to the average height requirements of the Residential Design Codes. It is considered that the variation is minimal and will not be detrimental to the adjoining property.		
<b>Building Height:</b>		
Top of External Wall	6.0 metres	6.1 metres
Top of Pitched Roof	9.0 metres	9.7 metres
<b>Officer Comments:</b>		
Noted. The proposed external wall height provides for a minimal height variation of 0.1 metre, which will not have a detrimental impact to the adjoining properties. The maximum height proposed to the pitch, provides for a 0.7 metre variation. This is mainly generated by the proposed loft area of the dwelling which has been designed to ensure the area is enclosed within the proposed roof space.		
It is considered that along Scarborough Beach Road, whilst the majority of properties which front the street are setback behind solid fences and are single storey, the potential intrusion of any new two-storey dwelling along the streetscape is not considered unreasonable. Furthermore, the subject property is adjacent to Kalgoorlie Street, Braithwaite Park, abuts a driveway, and a Church, which ameliorates the potential impact of height.		
<b>Site Works:</b>		
Retaining	0.5 metre	1.3 metres
<b>Officer Comments:</b>		
Supported. The proposed retaining wall will provide adequate underpinning of the subject property and the adjoining property given the level difference between the two properties.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

**Consultation Submissions**

Item	Comments Received	Officer Comments
Support (Nil)	Nil	Noted.
Objections (8)	<ul style="list-style-type: none"> <li data-bbox="432 259 863 324">• Concern of loss of morning light from development.</li>   <li data-bbox="432 719 863 808">• Concern from Balcony and windows overlooking adjoining properties.</li>   <li data-bbox="432 904 863 969">• Object to overshadowing of adjoining properties.</li>   <li data-bbox="432 1059 863 1211">• Concern about the lack of retaining walls along western boundary and impact on existing retaining on adjoining properties.</li>   <li data-bbox="432 1234 863 1299">• Object to height variations at listed.</li> </ul>	<p data-bbox="868 259 1348 651">Noted. It is considered the adjoining properties to the west sit approximately 1.6 metres lower than the subject lot, which along with the height of a standard dividing fence, will create loss of morning sun from the east. However, given the blocks orientation (north/south), and given the calculation of overshadowing as per the Residential Design Codes, the proposal complies with the overshadowing requirements as per the Residential Design Codes.</p> <p data-bbox="868 719 1348 869">Not supported. The applicant has amended the western elevation of the proposed plans to comply with the privacy requirements of the Residential Design Codes.</p> <p data-bbox="868 904 1348 1021">Noted. As above, the proposal complies with the overshadowing requirements of the Residential Design Codes at the winter solstice.</p> <p data-bbox="868 1059 1348 1207">Noted. The applicant has amended the plans to show proposed retaining walls along the western boundary. The proposed retaining walls are required to be engineered accordingly.</p> <p data-bbox="868 1234 1348 1563">Noted. The proposed external wall height provides for a minimal height variation of 0.1 metre, which will not provide a detrimental impact to the adjoining properties. The maximum height proposed to the pitch, provides for a 0.7 metre variation. This is generated by the proposed loft area of the dwelling, which has been designed to ensure the area is contained within the proposed roof space.</p> <p data-bbox="868 1585 1348 1944">It is considered that along Scarborough Beach Road, the majority of properties are barely visible behind solid fencing, whereby the potential intrusion of any new dwelling along the streetscape is therefore increased. Furthermore, along the Kalgoorlie Street frontage, the presence of a park to the east of the subject site along with a driveway and Church to the south ameliorates the potential impact of height.</p>
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes).
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Technical Services**

The City's Technical Services have advised that the existing street tree located along the Kalgoorlie Street frontage is to remain and the proposed driveway is to be constructed to ensure appropriate access is provided.

It is considered the proposed development presents an extensive two storey dwelling to the existing site and will be highly visible along the Scarborough Beach Road frontage. It is noted however, that given the unique nature of the subject property, located along a secondary street and bounded by Scarborough Beach Road to the north, a public park to the east along with a church to the south, any significant development of the site is warranted. Whilst it is noted the proposed maximum ridge height is a 0.7 metre variation to the City's Policies, the location of the property along a District Distributor (A) road will partly ameliorate it. In addition, it is considered the proposed front and side setbacks and the articulated design of the dwelling allow for minimum impact to the front and secondary street frontages. In light of the above, it is considered that the proposed two-storey with loft dwelling, be supported, subject to the conditions recommended above.



**9.1.6 No. 31 (Lot 98; D/P: 1106) Chatsworth Road, corner Cavendish Street, Highgate – Proposed Demolition of Existing Single House and Construction of Three-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO5440; 5.2011.220.1
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans <a href="#">002</a> – Heritage Impact Assessment		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Chindarsi Architects on behalf of the owner M Baccala & H Bell for proposed Demolition of Existing Single House and Construction of Three-Storey Single House, at No. 31 (Lot 98; D/P: 1106) Chatsworth Road, corner Cavendish Street, Highgate, and as shown on plans stamp-dated 4 April 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Chatsworth Road and Cavendish Street;
3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
4. First obtaining the consent of the owners of No. 29 Chatsworth Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 29 Chatsworth Road in a good and clean condition;
5. The proposed spa does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the City;
6. No new development shall occur within 1.5 metres of the south-western boundary of No. 31 Chatsworth Road, to facilitate future right of way widening; and
7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**7.1 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

**7.2 Motorcycle Bay and Canopy**

The proposed 'Motorcycle Bay' with canopy over, does not form part of this approval and shall be deleted from the plans; and

**7.3 Street Walls and Fences**

The proposed street/front wall, fence and gate (not including the clear glass portion) within the Chatsworth Road and Cavendish Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences, including the proposed wall containing the meter box shall be perpendicular to the street to a maximum depth of 1 metre and maximum width of 355 millimetres.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

---

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

<b>Landowner:</b>	M Baccala & H Bell
<b>Applicant:</b>	Chindarsi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	344 square metres
<b>Access to Right of Way</b>	South-west side, 3 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The application is being referred to the Council due to the height and scale of the dwelling proposed.

**BACKGROUND:**

No specific background relates to this proposal.

**DETAILS:**

The subject property is on the south-east corner of Chatsworth Road and Cavendish Street and is also abutting a 3 metre wide right of way to the rear.

The proposal involves the demolition of the existing single house and the construction of a three-storey single house.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Minor Incursions into the Street Setback Area:</b>	A porch, verandah, chimney or the equivalent may not project more than 1 metre into the street setback area.	Proposed motorcycle carport located within the street setback area.
<b>Officer Comments:</b>		
<b>Not supported</b> – Parking for vehicles, including motorcycles is not supported from Chatsworth Road as the property has rights to use a 3 metre wide right of way that is located at the rear of the site. In light of this, a condition has been applied to remove the colorbond canopy that is proposed within the street setback area.		
<b>Side and Rear Setbacks:</b>	First Floor -East Ensuite 1 metre  Stair 1, Dining Room and Outdoor Area 1.7 metres	Nil      1.1 metres
<b>Officer Comments:</b>		
<b>Supported</b> – The proposed variations to side setbacks are not considered to have an undue impact on the eastern neighbouring property, as the ensuite boundary wall is compliant with the boundary wall requirements of the R-Codes and a significant amount of building articulation has been incorporated into the eastern wall to reduce the overall bulk and impact of the eastern wall.		
<b>Street Walls and Fences:</b>	Street walls and fences within the primary street setback area, including along the side boundaries are to be as follows: <ul style="list-style-type: none"> <li>• Maximum height of 1.8 metres above footpath level; and</li> <li>• Posts and piers are to have a maximum width 355 millimetres.</li> </ul>	<ul style="list-style-type: none"> <li>• The pier containing the meter box is 920 millimetres wide and is parallel to the Chatsworth Road boundary; and</li> <li>• A portion of the secondary street fence has a solid render wall which is 1.071 metres to 1.753 metres, with 1 metre of clear glass above the wall.</li> </ul>
<b>Officer Comments:</b>		
<b>Supported in part</b> – Clear glass is proposed above a solid render wall on the Cavendish Street boundary to act as a balustrade for the footpath to the front door. Given the glass is clear, it is not considered to have an undue impact on the amenity of the streetscape. Furthermore, a condition has been applied for the pier containing the meter box to be perpendicular to the street.		
<b>Building Height:</b>	The maximum height of a dwelling is to be 2 storeys.  The overall height of the building (concealed roof section) is to be a maximum of 7 metres above the natural ground level.	3 storeys proposed.  The maximum height of the building at the concealed roof section of the dwelling is 8.9 metres.
<b>Officer Comments:</b>		
<b>Supported</b> – A small portion of the proposed loft, being the open balcony, presents as a third storey on the Cavendish Street elevation, therefore, considering the proposal as a three-storey building. It is noted that from Chatsworth Road, the development presents as a single storey with loft building, as the loft is entirely within the roof space at this point. Whilst the loft space for the dwelling is considered a third level, it is noted that the maximum height of a two-storey dwelling with a pitched roof can be a height of 9 metres; 8.9 metres is proposed at the three-storey portion. It is also noted the proposed loft complies with all the side setback requirements of the R-Codes and given the overshadowing proposed complies with the requirements, it is considered the loft/third storey will not be detrimental to the adjoining property owners nor to the amenity of the local area. It is on this basis that the variation is supported.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Retaining Walls and Fill:</b>	Maximum of 500 millimetres above the natural ground level.	The maximum amount of fill is 1.72 metres on the western (Cavendish Street) boundary.
<b>Officer Comments:</b>		
<p><b>Supported</b> – The site slopes approximately 2.8 metres from its highest point at the front eastern corner, down to the opposite corner (the corner of Cavendish Street and the right of way). Due to the slope of the land, the proposal illustrates a significant amount of cutting into the land, but also some filling. It is noted that the highest amount of fill is on the Cavendish Street boundary, where the maximum amount is 1.72 metres. This is not considered to have an undue impact on the amenity of the streetscape, as this retaining wall is designed to fit in with the remainder of the boundary fence, thus giving the illusion of a side fence, as opposed to a retaining wall.</p>		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (0)	Nil	Noted.
Objections (3)	<ul style="list-style-type: none"> <li>• The proposed building will result in a reduction of northern light to the southern neighbouring properties.</li> <li>• The proposed building height exceeds the requirements of the R-Codes.</li> <li>• The proposed fill adds to the overall bulk and scale of the building and impact on the streetscape.</li> <li>• The proposed motorcycle carport from Chatsworth Road.</li> <li>• The height of the fence on Cavendish Street.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – The proposed overshadowing onto the southern neighbouring properties is compliant with the requirements of the R-Codes.</li> <li>• Not supported – refer to previous comments.</li> <li>• Not supported – refer to previous comments.</li> <li>• Supported – A condition has been applied to delete the canopy and motorcycle bay from the front setback area.</li> <li>• Not supported – refer to previous comments.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	<p>The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>“Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i>  <i>1.1.2 Enhance and maintain the character and heritage of the City.”</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Demolition**

The subject brick and iron dwelling at No. 31 Chatsworth Road, Highgate is an example of the Interwar Bungalow style of architecture constructed circa 1921.

The WA Post Office Directories first listed the subject place in 1922 and the occupiers that lived at the subject dwelling over the years included M Macartney (1922-1925), C Derby (1925-1930), Harry Allpike (1930-1935) and Richard Augustine (1935-1949). Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 31 Chatsworth Road which concludes that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

**Redevelopment**

The proposed three-storey single house is of a quality contemporary design, and incorporates building articulation across the Primary Street elevation in an effort to retain the visual character and scale of the existing streetscape. On the adjacent Secondary Street façade, the articulation transitions away from the primary street with more expressive, sculpted building elements and surface patterned textures.

The proposed loft/third storey is primarily tucked under the pitched roof and, therefore, presents as a single storey development from the street and a two-storey development from the neighbouring property (No. 29 Chatsworth Road). It is noted that the only reason the loft is considered a third storey, is due to the open balcony on the Cavendish Street elevation. This balcony allows for the loft space to be a usable living and entertaining area and provides uninterrupted views to the city. As this balcony is located on the western side of the dwelling and faces Cavendish Street, there are no issues with overlooking onto neighbouring properties, and the balcony provides passive surveillance to the street.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.2.3 Provision of Energy and Water Audits for Residents in the City of Vincent – Progress Report No. 4**

<b>Ward:</b>	Both	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0578
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C. Chaudhry, Project Officer – Environment		
<b>Responsible Officer:</b>	R. Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that the;**
  - 1.1 **Energy and Water Audits for Residents Program was successfully completed;**
  - 1.2 **Office of Energy has ceased funding this program and will no longer be supporting them in the future; and**
2. **RECEIVES a further report on the “Switch Your Thinking Program” and the “Living Smart Program”, which will be replacing Energy and Water Audits Program.**

---

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council regarding the recently completed the State Energy Development Office (SEDO) Community Energy Grant.

**BACKGROUND:**

In 2010, the City received a grant from the Office of Energy to conduct home audits for one hundred and fifty (150) households to encourage the residents to embrace behavioural change and increase knowledge on becoming more sustainable in their living.

The residents were encouraged to assess their energy use and make changes to reduce greenhouse gas (GHG) emissions through behaviour change, guidance from an auditor and implementation from sponsored resources. The project was also designed to reach non English-speaking community groups.

A progress report on the matter was presented at its Ordinary Meeting held on 25 August 2009 where the following decision was made.

*“That the Council;*

- (i) *RECEIVES the progress report No 3 – for the provision of Energy and Water Audits for residents in the Town;*

(ii) *NOTES;*

- (a) *that the City was successful in receiving the Sustainable Energy Development Office (SEDO) grant for \$25,000 for energy and water auditing of the Town's residents;*
- (b) *that \$25,000 has been allocated in the 2009/2010 Budget as the Town's contribution to energy and water auditing; and*
- (c) *the progress to date on the actions previously requested as outlined in the report;*

(iii) *RECEIVES a further report on the above matters as the audit program and associated actions are further progressed."*

**DETAILS:**

The project was split into five (5) Milestones which were carried by a suitably qualified consultant

**Milestones:**

Milestone 1: Comprised working with the auditors and linguistics to set dates for workshops, commenced advertising at events and seeking expressions of interest from the community for participations.

Milestone 2: Comprised the running of Two (2) workshops, on energy and water saving for the community, two (2) with interpreters (refer attached Photo 1 and 2). A total of 35 people attended the first workshop with 25 persons attending the second workshop.

Milestone 3: Comprised undertaking home audits (150) for registered participants and retrofit programmed items for energy and water saving. The audits conducted by the consultant were difficult to achieve due to the lack of interest from residents and resulted in a delay of payment from SEDO.

Milestone 4: This comprised promotion of the overall project, community education about greenhouse gas (GHG) and energy efficiency through the provision of info packs, globes and timers and booklets.

Residents were provided with of over 150 CFL, 150 LED Lights and 150 timers. In addition 22 Eco Power Boards were provided to the residents, all at no cost to the residents, as an in-kind agreement component of the grant. Information packs were also provided to audited residents and promotion was carried through the website and through some community services events.

Milestone 5: This comprised evaluation and monitoring of residents who went through the audit program. It was agreed by the consultant and the Office of Energy to audit only 12 of the 150 resident.

**Evaluation of Project:**

A random telephone survey of twelve (12) participants was conducted by the consultant with the following outcomes:

- The home audits were useful in reducing the residents overall energy, water and fuel consumption from a behavioural stance in the personal opinions of the residents.
- The retrofitting of free sustainable products provided by the City was an incentive to buy more of them to continue the change.

- The higher income earners felt that the program was not beneficial to them as they had already transitioned to the more sustainable technologies.
- The workshops were useful for the elderly but they felt they needed more follow up support.
- The multi linguistically workshops carried out were useful for non English speaking people and was appreciated by the community.

**Carbon Emissions Offsets:**

The estimated total carbon offset based on the random residents selected was estimated to be 210 tonnes which was a great outcome. The original aim was to offset approximately 217 tonnes of Green House Gases as per the grant application.

**Replacement Programs for the Provision of Energy and Water Audits for Residents:**

Funds for the following programs have been allocated in the 2011/2012 budget:

Switch Your Thinking (Syt) Program:

The Syt Program is designed to promote sustainability through the provision of a multitude of workshops, discount incentives, demonstration homes and information sessions.

Living Smart Program:

Living Smart in a multi-week course provides participants with the practical knowledge and skills to take action in their own homes and around the community to reduce their carbon foot print and to live more sustainably. It emphasis is to strengthen community relationships through common interest groups on sustainable behaviour change.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.3: Take action to reduce the Cities environmental impacts and provide leadership on environmental matters.*

**SUSTAINABILITY IMPLICATIONS:**

The program achieved community sustainable behaviour change, community carbon emission reductions and waste reduction.

**FINANCIAL/BUDGET IMPLICATIONS:**

Replacement programs have been budgeted for in the 2011/2012 financial year.



**COMMENTS:**

The Community Energy Audit Project whilst a great driver for sustainable behavioural change was difficult to complete on time due to the general lack of interest in the project from the community and the elderly demographic resistance to change. This lack of interest and attitude may have been adverted by better advertising for the project in the beginning and assessing the demographical need and interest\*.

Note\*: There were staff changes and some delay in the recruitment of staff during the establishment of the program

It is considered that the proposed programs including Syt and Living Smart will be better suited to promoting sustainable behavioural change across the community than the grant project method used in the Community Energy Audit. Also these two (2) programs are less invasive and are better suited to dealing with a more elderly demographic.

**9.2.4 Proposed Continuation of the Name Florence Place, West Perth, along the Right of Way Bounded by Vincent Street, Florence Street, Hammond Street and Charles Street, until it Intersects with Oak Lane.**

<b>Ward:</b>	South	<b>Date:</b>	1 July 20011
<b>Precinct:</b>	Cleaver Precinct (5)	<b>File Ref:</b>	TES0008
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2825-CP-01		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	G Bellinger, Technical Officer – Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the application for the continuation of the name Florence Place to the Right of Way (ROW) bounded by Vincent Street, Florence Street, Hammond Street and Charles Street, West Perth, as illustrated by the attached Plan No. 2825-CP-01; and
2. **REQUESTS** approval from Geographic names committee for the use of the name “Florence Place” to be continued in the right of way extending to Oak Lane.

---

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Buckels, Seconded Cr Maier**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval of the application of the continuation of “Florence Place” to the ROW extending from the existing “Florence Place” to Oak Lane.

**BACKGROUND:**

The City has, through its naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROW is facilitated upon the request of a residents, provided the cost of installing name plates is borne by the applicant and the name is approved by both the Council and Landgate’s Geographic Names Committee.

Naming the ROW has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary and to the public in general.

**DETAILS:**

The City has received a request from a resident for the continuation of the name Florence Place to Oak Lane. The applicant is a resident in a three (3) unit development which has primary main access off the unnamed section of the ROW previously thought to be Florence Place. The applicant recently discovered that the adjacent ROW was in fact not part of "Florence Place" when contacting Australia Post to get their mail delivered to the ROW. Extending the name "Florence Place" is a logical outcome, which will assist with addressing for these properties. The Geographic Naming Committee has indicated their support for the continuation of Florence Place to Oak Lane.

**CONSULTATION/ADVERTISING:**

Public consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

**LEGAL/POLICY:**

There are no legal implications in naming the ROW.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment"*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to erect one pole and sign in the ROW will cost approximately \$175.00 (incl. GST). The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

**COMMENTS:**

The naming of this section of the ROW "Florence Place" will rectify a perception that the ROW had been previously named and allow the residence to have their mail delivered.

**9.2.5 Proposed Loading Zone in Scarborough Beach Road, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	Charles Centre (7)	<b>File Ref:</b>	PKG0006
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2839-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Ostle, Technical Officer – Assets & Fleet		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the introduction of the Loading Zone Loading Zone outside Nos. 7 to 9 Scarborough Beach Road, North Perth as illustrated on the attached Plan No. 2839-PP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the introduction of a Loading Zone outside Nos. 7 to 9 Scarborough Beach Road.

**BACKGROUND:**

The initial planning approval for the subject property was for shop/office use. Subsequently several applications have been approved for change of use to eatery/restaurant.

**DETAILS:**

A request was recently received for the City to consider introducing a Loading Zone Loading Zone outside Nos 7 to 9 Scarborough Beach Road.

The original planning approval for Nos 7 to 9 Scarborough Beach Road was for shop/office and therefore it was not deemed necessary to have an onsite loading zone sufficient to accommodate frequent deliveries.

Several of the strata lots were subsequently granted a change of use to Eating House, which now require regular deliveries of fresh produce.

**Officers Comments:**

*It is considered that a Loading Zone is warranted adjacent to Nos. 7 to 9. It is also considered that the proposed Loading Zone be in place during office hours only i.e. from 8AM to 5.30PM Monday to Friday, and be available for customer parking outside these times.*

**CONSULTATION/ADVERTISING:**

As the Loading Zone will be adjacent to the applicant's property only, no further consultation is considered necessary.

**LEGAL/POLICY:**

The City's Rangers will enforce the restrictions following a two (2) week moratorium.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of installing two (2) poles and signs with associated line marking is in the order of \$300.00.

**COMMENTS:**

As there is insufficient space for a loading zone within the property, it is considered that a loading zone on Scarborough Beach Road, as recommended, should be supported.

**9.2.6 Proposed 2011/2012 Footpath Upgrade Program**

<b>Ward:</b>	Both	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a> – 2011-2012 Footpath Replacement Program		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Economo, Manager Engineering Operations		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the first year, 2011/2012, of the three (3) year Footpath Upgrade Program as outlined in Attachment one (1); and
2. **NOTES** that the remaining two (2) years (2012/2013 to 2013/2014) of the program is “preliminary only” and may be subject to change.

---

**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for the allocation of funds allowed for in the 2011/2012 budget to specific projects in the 2011/2012 Footpath Upgrade Program.

**BACKGROUND:**

The Council, in 1996, resolved to adopt a long term Program to ensure the City’s footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program was dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of the program be adopted by the Council annually.

**DETAILS:**

The first year of the program, as outlined in this report, relates to the 2011/2012 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the City and by prioritising paths to be upgraded accordingly.

The program is continually revised and updated, based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The three (3) Year Footpath Replacement Program is outlined in attachment one (1).

**CONSULTATION/ADVERTISING:**

Residents are advised by means of an 'information bulletin' prior to works proceeding in their street.

**LEGAL/POLICY**

The City is responsible for the care, control and management of approximately 300 kilometres of footpaths.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** It is important to maintain the footpath infrastructure to a high level of service and safety.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Since 1997 the Council has expended just under \$5.0 million on the footpath program.

The 2011/2012 budget includes \$460,000 for footpaths.

Note: A new footpath estimated to cost \$60,000 for the south side of Green Street between Matlock and Scarborough beach Road has been separately listed in the 2011/2012 Capital Works budget.

The 2011/2012 Capital Works Budget includes funds of \$460,000 for year 15 of the program. At the current contract price with an allocation of \$485,000 per annum (for the next two years), it is estimated the program should be fully completed in 2013/2014 all going well.

Note: The only exclusions are the 400mm x 400mm slabs in the Old City of Perth areas. The only 600mm x 600 mm slab path not included in this program is Newcastle Street (Loftus St to Carr Place).

**COMMENTS:**

The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2011/2012 budget to specific projects in the 2011/2012 Footpath Replacement Program. It is requested that the officer recommendation be adopted.

**9.2.7 Trial for Vehicle Charge Station for Electric Vehicles – Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	3 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0047
<b>Attachments:</b>	<a href="#">001</a> – Communications Plan <a href="#">002</a> – Information Brochure		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Chaudhry, Project Officer Environment; R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

- 1. APPROVES** the ‘Draft’ Electric Vehicle Charge Point Trial Communications Plans as shown at Appendix 9.2.7; and
- 2. RECEIVES** a further progress report on the trial in February 2012.

**COUNCIL DECISION ITEM 9.2.7**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide information pertaining to the establishment of Trial Charge Station (Points) for Electric Vehicles within the Town.

**BACKGROUND:**

**Ordinary Meeting of Council – 24 May 2011**

The Council considered a report on the establishment of Trial Charge Station (Points) for Electric Vehicles where the following decision was made (in part):

*“That the Council;*

- ...(ii) APPROVES the installation of two (2) vehicle ‘charge stations’ (one from each of the two suppliers) for a 12 month trial period commencing in July/August 2011 at the following locations;*
- Barlee Street carpark; and*
  - The Avenue carpark or Frame Court carpark;...*
- ...(iv) PREPARES a Communications Plan as previously requested by the Council at its Ordinary Meeting held on 8 February 2011; and*



- (v) *RECEIVES a further report in June 2011, following further discussions with the two suppliers, which will outline the following;*
- (a) *the draft 'Communications Plan';*
  - (b) *the proposed charge station locations within each respective carpark as outlined in clause (ii); and*
  - (c) *the proposed logistics of how users will be able to access/use the charge stations during the trial period."*

**DETAILS:**

In accordance with clause (v) of the Council decision the following information is provided.

**Draft Communications Plan:**

A communications plan has been prepared and is attached (refer appendix 9.2.7A).

- Introduction
- Background
- Public and stakeholders
- Key messages
- Communication channels
- Locations
- Timeline
- Budget
- Evaluation

As outlined in the plan the channels of communication to make stakeholders aware of the Charge points Trial will be as follows:

- The Vincent Webpage/newsletter.
- Newspaper article placed in the local media and/or West Australian newspaper.
- Newspaper advertisement placed in the local media and/or West Australian newspaper.
- Leaflet sent to surrounding business to display in shop front windows.
- Leaflet that can be collected from the Town of Vincent Administration and Civic Centre and the Library and History Centre.
- Letters/leaflet sent out to Electric Vehicle Societies, Tertiary institutions, Sustainability groups and surrounding LG's.
- Appropriate signage at the designated car parks.

**Proposed charge station locations:**

The Council approved setting up the trial at the following locations, the Barlee Street and The Avenue or Frame Court car parks and after discussing with the suppliers and investigating all sites the following locations are considered to be the most appropriate:

Location 1: (refer below)

The Avenue Carpark on the south side of the existing ablution facility for the following reasons:

- Close to a power source.
- Suitable lighting.
- Suitable parking layout and adequate room.

Note: The existing disabled parking bay will be relocated within the carpark

Location 2: (refer below)

The Barlee Carpark on the east side of the carpark for the following reasons:

- Close to a power source.
- Suitable parking layout and adequate room.



Location 1: The Avenue Carpark



Location 2: Barlee Street Carpark

**Proposed logistics of how users will be able to access/use the charge stations during the trial period:**

Electricity will be provided for free during the trial period and Chargepoints will only be accessible by RIFD cards available for collection from the Administration and Civic Centre 'at no charge' to Vincent residents. Only electric vehicles will be permitted to park in the designated Chargepoint parking bays and parking in the Chargepoint bay/s will be in accordance with the parking time restrictions and will attract the required carparking fees if applicable (refer communications plan).

**CONSULTING/ADVERTISING:**

To be advertised as per the communications plan.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As previously reported the risks are considered to be low however a risk assessment will be conducted of the proposed locations.

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Community Plan 2011 – 2016 states:

*"Natural and Built Environment*

*Objective 1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe sustainable and functional environment."*

**SUSTAINABILITY IMPLICATIONS:**

Promote more sustainable transport.

**FINANCIAL/BUDGET IMPLICATIONS:**

As previously reported to the Council, the cost in the first year would be \$1,000 per station to cover cost of installation to be funded from the 2011/2012 Sustainable Environment Plan Implementation budget.

**COMMENTS:**

It is recommended that the Council adopts the draft communications Plans as attached.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of June 2011.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Buckels, Seconded Cr Maier**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
2/06/2011	Notification under Section 70A	3	Town of Vincent and J P Shannon of 24A Brisbane Street, Perth 6000 re: No. 24 (Lots 2 & 3; D/P 75) Brisbane Street, Perth - Proposed Change of Use from Office and Warehouse to Office and One (1) Multiple Dwelling and Associated Alterations and Additions - Application for Retrospective Approval - <i>To satisfy Clause (iii) of Conditional Approval of the Ordinary Meeting of Council held on 9 November 2010</i>
2/06/2011	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and McManus Entertainment Pty Ltd ATF McManus Entertainment Trust of 460 Brunswick Street, Fitzroy, VIC 3065 re: Concert* on 15 October 2011 (Stadium) <i>*Commercial-in-Confidence until released to the Public</i>

Date	Document	No of copies	Details
8/06/2011	Transfer of Land	1	Town of Vincent and Perpetual Trustees Victoria Ltd, as executor of the Will of Mr B F Cragen deceased of Level 11, 123 Pitt Street, Sydney NSW 2011 re: Transfer of Three Rights of Way from Perpetual Trustees to the Town - Lot 50 (Private Road) on Diagram 1409, Lot 66 (ROW) on Diagram 1410, Lot 150 (Private Road) on Diagram 1968
10/06/2011	Deed of Easement	3	Town of Vincent and J P Brooker and C E L Brooker of 6 Sydney Street, North Perth WA 6006 re: Expressed Right of Access application from the above owners who currently do not have legal access into a Town owned private ROW at the rear of their property
20/06/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Fortescue Metals Group Function on 21 June 2011 (Gareth Naven Room)
23/06/2011	Agreement	2	Town of Vincent and The Fire and Emergency Services Authority of Western Australia, a body corporate established by the Fire and Emergency Services Authority of Western Australia Act 1998 of 480 Hay Street, Perth (FESA) re: Emergency Services Levy Administration
23/06/2011	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo, NSW 2011 re: Concert* on 22 October 2011 (Stadium) *Commercial-in-Confidence until released to the Public
27/06/2011	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and McManus Entertainment Pty Ltd of 460 Brunswick Street, Fitzroy, Victoria 3065 re: Concert* on 26 November 2011 (Stadium) *Commercial-in-Confidence until released to the Public
27/06/2011	Deed of Extension of Licence	3	Town of Vincent and Swim Sport International Pty Ltd (previously known on Licence as Global Aquatics) of PO Box 443, Scarborough WA 6922 re: Swimming Lanes at Beatty Park Leisure Centre - Commencement Date: 1/04/11, Expiration Date: 31/03/16
27/06/2011	Lease Documents	3	Town of Vincent and Floreat Athena Soccer Club re: Britannia Road Clubhouse, 41 Britannia Road, Mount Hawthorn - Commencement Date: 1/07/10, Expiration Date: 30/06/15, with Further Term from 01/07/15 to 30/06/20
27/06/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Town of Vincent Public Meeting on 29 June 2011 (Gareth Naven Room)

**9.4.2 Loftus Centre, 99 Loftus Street, Leederville – Management Committee**

<b>Ward:</b>	South	<b>Date:</b>	24 June 2011
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	PRO3829
<b>Attachments:</b>	<a href="#">001</a> – Loftus Centre Management Committee Minutes		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the **Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 21 June 2011 as shown in Appendix 9.4.2.**

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr Maier**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Centre Management Committee meeting held on the 21 June 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 19 December 2006, Item 10.4.9 the Council approved of a Management Committee for the Loftus Centre, as follows;

*“OFFICER RECOMMENDATION:*

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to determine the day-to-day operational issues of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) the Committee shall comprise of the following persons;*
  - (a) the Town's Chief Executive Officer or his representative;*
  - (b) a representative of Belgravia Leisure Pty Ltd;*
  - (c) a representative of Gymnastics WA;*
  - (d) a representative of the Loftus Community Centre; and*
  - (e) the Town's Manager Library and Information Services;*
- (iii) in accordance with the Lease between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer (with the and Executive Manager Corporate Services as Deputy) to the Committee; and*

- (iv) *to delegate the following functions to the Committee;*
- (a) *to determine day to day operational issues (including without limitation, use of the Premises, Common Areas cleaning, security issues, and use of the car park) which may arise as a result of the Lessee's use of the Loftus Centre Facilities with a view to ensuring the safe and efficient use of the Centre's Facilities by all users;*
  - (b) *to establish and review risk management plans for the Centre's Facilities;*
  - (c) *to consider and approve, if satisfactory, temporary structures within the Centre's Facilities;*
  - (d) *to make recommendations for the maintenance of Common Areas;*
  - (e) *to make recommendations for any capital improvements to the Centre's Facilities; and*
  - (f) *to do all such other things and to determine all such other issues in respect of the Centre's Facilities as are incidental or conducive to the above objects or any of them."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY**

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent's Plan for the Future, Strategic Plan 2011 – 2016:

*"Key Result Area Four – Leadership, Governance and Management - Objective 4.1: Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management:*

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the *Local Government Act 1995* and its regulations.

**9.4.3 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes**

<b>Ward:</b>	North	<b>Date:</b>	24 June 2011
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	PRO3549
<b>Attachments:</b>	<a href="#">001</a> – Loftus Recreation Centre Management Committee Minutes		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 20 June 2011 as shown in Appendix 9.4.3.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 20 June 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 19 December 2006, the Council approved of a Management Committee for the Loftus Recreation Centre, as follows;

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
  - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*
  - (b) to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
  - (c) to receive and consider Performance Reports;*

(d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*

(e) *to review the Risk Management Plan for the Premises."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2011-2016:

Key Result Area Four - "*Leadership, Governance and Management*", in particular,

"4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

**SUSTAINABILITY IMPLICATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act (1995)P and its regulations.



#### 9.4.4 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 12 July 2011, as distributed with the Agenda.

#### COUNCIL DECISION ITEM 9.4.4

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

#### DETAILS:

The items included in the Information Bulletin dated 12 July 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Minister for Local Government relating to Upcoming Change of Designation to Establish the City of Vincent
IB02	Letter from Minister for Local Government relating to Review of Perth Metropolitan Boundaries and Governance Models
IB03	Circular No. 16-2011 from Minister for Local Government relating to Commitment to Local Government Reform following 2011-12 State Budget
IB04	Letter from the Director Strategy and Performance, Western Australian Police relating to the Office of Crime Prevention Restructure
IB05	Letter from Department of Commerce, Building Commission regarding the New Building Legislation
IB06	Email of Appreciation from Ms L Bateman to the City's Technical Services - Property Maintenance Section
IB07	Email of Appreciation from Grow WA for the excellent service received in their relocation to No. 81 Angove Street
IB08	Letter of Appreciation from T Fay, recipient of a Youth Development Grant from the City of Vincent
IB09	Email of Appreciation from Ms M Prince regarding the new Kyilla Playground
IB10	Email of Appreciation from Ms M Slyth regarding the Community Garden Tour conducted by the City's Community Development Section

- IB11 Minutes from the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 6 April 2011 (*Please note these Minutes are a duplication of the Minutes included in the Information Bulletin for the Ordinary Meeting of Council held on 28 June 2011*)
- IB12 Minutes from the Parks People Project Working Group (PPPWG) Meeting held on 8 June 2011
- IB13 Minutes of the Tamala Park Regional Council Meeting held on 23 June 2011
- IB14 Report on the Chief Executive Officer's attendance at the Local Government Managers' Australia (LGMA) National Congress and Business Expo 2011
- IB15 Report on the Mayor and Chief Executive Officer's attendance at the National General Assembly of Local Government 2011
- IB16 Register of Petitions - Progress Report - July 2011
- IB17 Register of Notices of Motion - Progress Report - July 2011
- IB18 Register of Reports to be Actioned - Progress Report - July 2011
- IB19 Register of Legal Action (Confidential – Council Members Only) - Progress Report - July 2011
- IB20 Register of State Administrative Tribunal Appeals - Progress Report - July 2011
- IB21 Forum Notes - 21 June 2011
- IB22 Notice of Forum - 19 July 2011

**9.3.2 Men's Shed - Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	29 June 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0128
<b>Attachments:</b>	<a href="#">001</a> – Steering Committee Charter <a href="#">002</a> – Annual Operating Budget - Indicative <a href="#">003</a> – Shed Establishment Budget - Indicative <a href="#">004</a> – Site Requirements <a href="#">005</a> – Site Assessment Matrix <a href="#">006</a> – Map of Preferred Location		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A McCormick, Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the progress report regarding the Men's Shed;
2. **APPROVES IN PRINCIPLE** the site at 10 Farmer Street North Perth as the preferred location for the Men's Shed; and
3. **NOTES** that:
  - 3.1 an amount of \$40,000 is listed on the 2011/2012 Budget for the establishment of a Men's Shed; and
  - 3.2 a further progress report will be submitted to Council in due course.

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**PURPOSE OF REPORT:**

To provide a progress report to Council in relation to the establishment of a Men's Shed in the City of Vincent.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on 5 April 2011, the following resolution was adopted:

*"That the Council;*

- (i) *RECEIVES* the report concerning the outcome of the Community Consultation on the interest in the establishment of a Men's Shed in the Town of Vincent;

- (ii) *APPROVES IN PRINCIPLE of the establishment of a Men's Shed in the Town of Vincent;*
- (iii) *LISTS an amount of \$40,000 for consideration in the 2011/2012 Draft Budget for the establishment of a Men's Shed;*
- (iv) *NOTES that subject to final approval in the 2011/2012 Budget, a further report will be submitted to Council on:*
- (a) *Management Options;*
  - (b) *Funding models (establishment and on-going);*
  - (d) *preferred location; and*
  - (d) *an Implementation Plan for the establishment of the Men's Shed in the Town; and*
- (v) *REQUESTS the Town's Administration to work with the Committee to facilitate an interim solution as soon as possible."*

**DETAILS:**

**1. Management Options**

At the Community Consultation Meeting on 20 January 2011, a group of interested people volunteered to form a Steering Committee for the Men's Shed.

The Committee consisted of the following members:

- (Mr) Will Parker;
- (Mr) Graham Lantzke;
- (Mr) Bob Crowe;
- (Mr) Murray Dowsett; and
- (Mr) Lee Scanlan.

Between the months of January and May 2011, the group met on an ad-hoc basis to commence initial planning, in the residence of Ms Maureen Schoch, who donated her shed for the use of Committee meetings.

In May 2011, regular meetings commenced between the Community Development Officer and the Steering Committee. At this stage, membership of the Steering Committee was formalised and opened up to all those who attended the community consultation, through the completion of an expression of interest form. The response to this was limited and the core members of the Committee remain unchanged to date.

The group are in the process of applying to become incorporated, further to which Committee members will be appointed specific roles. The Steering Committee intend to remain in position until the Men's Shed is established and responsibility is handed over to a duly constituted committee who will continue the project.

The Steering Committee currently meets fortnightly with the City in addition to meeting privately on a regular basis. Please refer to Appendix 9.3.2A for details of the steering committee charter.

**2. Funding models**

The Steering Committee have produced an indicative budget outlining annual operating costs (Appendix 9.3.2B) and a Shed establishment budget outlining the costs associated with constructing the shed (Appendix 9.3.2 C). These are a best estimate of the costs involved to +/-20% accuracy.

Given that the budgets are based on knowledge available at the current time, and a range of assumptions yet to be confirmed, they are therefore subject to change. Where there is a variable the budgets on the side of caution and it is anticipated that the overall cost will be less than the predicted net cash expenditure. Both budgets include a contingency to cover inevitable unexpected issues.

The Steering Committee have run a number of membership scenarios which range from forty to one hundred plus (40-100+) based on the response to the Community Consultation and discussions with interested parties and other contacts. The proposal is definitively financially sustainable in the long-term, provided the City charges a nominal rent and there are at least sixty (60) members. There is a "grey" area in the range of forty to sixty (40-60) members where financial sustainability is "tight" but still feasible. If the Men's Shed have less than forty (40) members the proposal will be revisited as this falls outside the worst case estimate.

## **2.1 Annual Operating Budget**

The annual operating budget indicates a \$12,010 cash income, \$12,120 cash expenditure and \$110 net cash expenditure.

The viability of the annual budget is highly dependent on the rent charged. The rent rate assumed (\$2,500 p.a.) is based on a review of rent the City collects from other groups, although it is acknowledged that this is variable.

The annual investment in capital equipment offsets the annual depreciation of said assets, that is, the budget demonstrates a sustainable ongoing investment in tools and equipment.

## **2.2 Shed Establishment Budget**

The Shed establishment budget indicates a \$130,000 cash income, and \$130,000 cash expenditure.

A core assumption in the Shed establishment budget is that the proposed Shed will meet planning requirements.

Depreciation on the building has not been included on the assumption that the City will own this and lease it to the Men's Shed. If depreciation were to be taken into account it would be in the order of \$2,400 per annum in 2010/11, based on a replacement value of \$120,000 and fifty (50) year life.

The Shed establishment budget identifies that the group will require a further \$85,000 grant from a source to be determined. The Steering Committee are currently exploring these options.

## **2.3 Additional Funding**

The Committee are optimistic about finding additional funding and have identified potential funding sources including:

- Partnering with other community groups;
- Corporate Sponsorship;
- Lotterywest Grant;
- Healthways Grant;
- Sport and recreation Grant;
- Commonwealth Men's Shed Grant; and
- Approaching local government for additional funding.

The Committee recognise that the financial sustainability and grant funding opportunities will be greatly increased if they can form partnerships, with one or more other community groups to provide a joint shared facility. They are currently pursuing this with organisations such as the Bookbinders Guild, Hand Tools Preservation Society, ASeTTS, Community Gardens and the Multicultural Day Centre.

### **3. Preferred Location**

A number of sites have been considered for the Men's Shed to date including the following:

- Claisebrook Stationmaster's House (East Perth);
- Angove Street (North Perth);
- Britannia Road (Leederville); and
- Farmer Street (North Perth).

#### **3.1 Claisebrook Stationmaster's House (East Perth)**

Claisebrook stationmaster's House was previously considered, but found to be unsuitable as the building is owned by the Public Transport Authority and therefore only available at a commercial price.

#### **3.2 Angove Street (North Perth)**

The site at Angove Street Police Station was favoured by the Steering Committee, but is no longer an option due to the proximity to private residences. The potential to cause noise complaints to the nearby residents is very high.

#### **3.3 Britannia Road (Leederville)**

Consideration has been given to a number of sites on Britannia Road including the following:

##### **3.3.1 Parkland area behind Aranmore Primary School**

This has no existing building and there were security concerns about using a public open space.

##### **3.3.2 Floreat Athena change rooms**

The site was considered to be too remote.

##### **3.3.3 Old Velodrome Gate House**

The Steering Committee reviewed this site recently but advised that it was unsuitable for a Men's Shed. Specifically the site was reported to be remote and the building unsuitable in configuration and condition. Given that it would require a similar investment for the construction of a new shed to make it useable, it was deemed unfeasible.

At the current time there are no other suitable sites with existing buildings within the City of Vincent, necessitating construction on existing land.

As a result, consideration was given to constructing a shed on land at 10 Farmer Street, North Perth, beside the Multicultural Day Care Centre.

#### **3.4 Farmer Street (North Perth)**

The site at Woodville Reserve, 10 Farmer Street, has significant advantages including the following: available car parking, proximity to public transport, sufficient access for delivery of tools and materials, limited impact on surrounding residences, and room for future expansion. Given that the shed will be purpose built, it can take account of the following requirements: security, disability access, fire regulations, and dedicated areas for machinery, socialisation and storage.

The Steering Committee is of the opinion that this site is suitable in all respects, and subject to planning requirements being met, is requesting Council permission to proceed with building on the current site.

Please refer to Appendix 9.3.2D for details on the site requirements and Appendix 9.3.2E for the site assessment matrix. The proposed location is highlighted in red on maps in Appendix 9.3.2F.

Prior to formal approval of this site for the Men's Shed further investigation is required in the following areas:

- Planning – Land use compliance;
- Lease – The lease status of the land in question; and
- Possible development of the existing building on Woodville Reserve by the Multicultural Day Care Centre

The land in question is the Old Petanque Rinks, which were included in the North Perth Bowling Club lease. This was subsequently leased to the French Mauritian Society who gave up the lease prior to expiry date. The land is currently fallow.

#### 4. Implementation Plan

The Steering Committee have produced two workflow schedules identifying the major tasks which need to be completed for the Men's Shed to be established. The schedules show the major grouping of tasks, order of completion, estimated time to complete, estimated start and finish dates and overall project completion date.

Schedule 1 presents a worst case plan, based on the assumption that an existing suitable building cannot be found and a new shed will be constructed, plus a margin for delay of certain tasks. The main milestones in this model are outlined below:

##### Schedule 1

Milestone	Date
1. Initial Feasibility Complete Project Charter Agreed	3 June 2011
2. Planning Complete	15 July 2011
3. Stakeholder and Public Support	2 September 2011
4. Approvals Received	12 September 2011
5. Works Completion	27 January 2012
6. Final Completion	2 February 2012

Schedule 2 presents an optimistic plan, based on the assumption that a suitable existing building can be found quickly and critical tasks are expedited. The main milestones in this model are outlined below:

##### Schedule 2

Milestone	Date
1. Initial Feasibility Complete Project Charter Agreed	3 June 2011
2. Planning Complete	1 July 2011
3. Stakeholder and Public Support	31 July 2011
4. Approvals Received	11 September 2011
5. Works Completion	19 September 2011
6. Final Completion	25 September 2011

In summary, it is anticipated that the Men's Shed will be established by February 2012 at the latest. At present the group are working on the tasks associated with 'milestone 2'. Given that the site at 10 Farmer Street has been identified as a potential location, and a suitable existing building has not been identified, the group are currently following the timeline according to Schedule 1.

## **5. Interim Solution**

Community Development Officers have been meeting fortnightly with members of the Steering Committee since May 2011, in an attempt to progress the development of the Men's Shed. It is the desire of both parties to have the group established as soon as possible. The lack of a suitable existing building means the construction of a new building is required, this therefore will extend the time frame for commencement of the project.

It is also for this reason, in addition to the number of tasks which need to be completed prior to the commencement of a Men's Shed, that an interim solution has not proved possible.

In the meantime, Officers will continue to meet with the Steering Committee to progress plans and the Steering Committee will continue to keep interested parties updated with progress through the production of a monthly newsletter.

### **CONSULTATION/ADVERTISING:**

The information in this report has been compiled through ongoing consultation with the Men's Shed Steering Committee as outlined above.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Further to the provision of financial and practical support from the City to assist with initial set-up, it is the intention of the Steering Committee that the Men's Shed will operate as an independent entity.

### **STRATEGIC IMPLICATIONS:**

The support of a Men's Shed is in keeping with the following objectives from the City of Vincent Strategic Plan 2011 -2016:

- 3.1.1 *Celebrate and acknowledge the City's cultural and social diversity*
- 3.1.2 *Provide and develop a range of community programs and community safety initiatives*
- 3.1.3 *Determine the requirements of the Community and focus on needs, value, engagement and involvement*

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

### **FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$40,000 is listed in the 2011/2012 Budget for the establishment of a Men's Shed in the City.

### **COMMENTS:**

Further to initial community support in favour of the establishment of a Men's Shed in the City of Vincent, the project is now one step closer to realisation. A Steering Committee has been established to drive forward the project; a budget has been created to take into account initial and sustained funding; a suitable location has been identified; and an implementation plan has been created with anticipated completion by February 2012.

The success of the Men's Shed is contingent on Council support to facilitate initial set-up, with a view to operating as an independent entity within the City.

The Steering Committee are grateful for the Council's support to date and request that consideration be given to the provision of funding and land as outlined in the report.



At approximately 6.28pm a Member of the Public Gallery interjected and advised that she wanted to speak on Item 9.1.5.

The Presiding Member, Deputy Mayor Sally Lake advised that Public Question Time had concluded and unfortunately there was no other opportunity for Members of the Public Gallery to address the Council.

The Presiding Member, Deputy Mayor Sally Lake also advised that Item 9.1.5 had been carried as recommended in the Agenda therefore, legally it was not possible for the Item to be recommitted as it was a Development Application – once approved, it cannot be re-considered.

The Presiding Member, Deputy Mayor Sally Lake asked the Chief Executive Officer for advice as to how this matter could be dealt with.

The Chief Executive Officer advised that the Council could move a Procedural Motion for suspension of Standing Orders to allow the Member of the Gallery to speak.

The Presiding Member, Deputy Mayor Sally Lake asked for the Procedural Motion to be moved.

**PROCEDURAL MOTION** moved at 6.29pm

**Moved** Cr Topelberg, **Seconded** Cr Maier

That Standing Orders be suspended to enable a Member of the Public Gallery to address the Council, as they had arrived after Public Speaking time had closed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

The following member of the public addressed the Council;

Dorothy McGinnley of 201 Scarborough Beach Road, Mt Hawthorn – Item 9.1.5. Stated the following:

- She is concerned about the development that has happened on the one side of their home and now about this proposed development on the Kalgoorlie Street side.
- Asked that she be contacted by the developers about the fence, as they are concerned about the security of the seven (7) elderly in the units and also would like to know if a temporary security fence will be put up once the old fence is removed during construction.

The Presiding Member, Deputy Mayor Sally Lake then asked the Applicant who was in the public gallery, to confirm that there would be contact with the residents/neighbours before the development occurs.

The Applicant, Mr Del Borrello confirmed that this would occur.

**PROCEDURAL MOTION** moved at approximately 6.31pm

**Moved** Cr Farrell, **Seconded** Cr Topelberg

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harvey had not yet arrived to the meeting. Mayor Catania was on approved leave of absence.)

**9.1.2 Further Report - No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Sixteen (16) Single Bedroom Multiple Dwellings and Ten (10) Multiple Dwellings and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	Oxford Centre , P4	<b>File Ref:</b>	PRO5299; 5.2011.107.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Plans - Coloured Perspectives		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by JDI Projects Pty Ltd on behalf of the owner 176 Investment Pty Ltd for proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Sixteen (16) Single Bedroom Multiple Dwellings and Ten (10) Multiple Dwellings, and Associated Basement Car Parking, at No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville, and as shown on amended plans stamp-dated 24 June 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street;
- 1.2 First obtaining the consent of the owners of No. 285 and No. 289 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 285 and No. 289 Vincent Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Vincent Street and the entrance to the building fronting Vincent Street, shall maintain active and interactive relationships with this street;
- 1.4 The maximum gross floor area of the offices shall be limited to 56 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Parking and Access Policy No. 3.7.1;
- 1.5 The commercial units shall be used as offices only; and
- 1.6 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

2. **Car Parking and Accessways**

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 One (1) car parking bay shall be allocated for the offices;

3. **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 3.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$43,800 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,380,000); and
- 3.2 in conjunction with the above chosen option;
  - 3.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
OR
  - 3.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

5.2 **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and

5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

5.3 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

5.3.1 the location and type of existing and proposed trees and plants;

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

5.4 **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details);

**5.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. This report shall include the car stackers and the recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

**5.6 Refuse and Recycling Management Plan**

Bin numbers, collection and stores shall meet with the City's minimum service provision;

**5.7 Right of Way**

Prior to the first occupation of the development, the full length and width of the adjacent right of way from the eastern boundary of No. 287 Vincent Street to the western boundary of No. 297 Vincent Street, shall be sealed and drained in accordance with the City's specification, at the full cost of the developer. A bond for the sum of \$15,000 shall be paid for the upgrading of the right of way. The bond will be held until the works are completed. A written application is required for the refund of the bond;

**5.8 Security Bond**

A bond or bank guarantee for the sum of \$2,200 shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

**5.9 Privacy**

Revised plans shall be submitted to and approved by the City demonstrating the balconies to Units 5,6,12,13,19 and 20 on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 210 Carr Place, stating no objection to the respective proposed privacy encroachment;

**5.10 Fencing**

Any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**5.11 Stores**

All stores shall comply with minimum internal area of 4 square metres and minimum dimension of 1.5 metres;

**5.12 Balconies**

All balconies shall comply with a minimum area of 10 square metres and minimum dimension of 2.4 metres;

**5.13 Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 9 and 100 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

**5.14 Underground Power**

In keeping with the City's Policy 2.2.2, the domestic power lines along the Vincent Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the City and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

**5.15 Floor Level**

Final plans demonstrating that the finished floor level of the ground floor being 300 millimetres above the existing crown of the adjacent road; and

**6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

**6.1 Residential Car Bays**

Twenty (20) car bays and seven (7) car bays shall be provided for the residents and visitors respectively. The twenty-seven (27) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**6.2 Bicycle Parking**

Three (3) bicycle bays for the visitors of the residential component plus one (1) class one or two bicycle bay for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**6.3 Management Plan-Vehicular Entry Gates**

The proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**6.4 Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

---

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 6.31pm.

Debate ensued.

Cr Farrell returned to the Chamber at 6.32pm.

Debate ensued.

Cr Harvey entered the meeting at 6.36pm.

Debate ensued.

**MOTION PUT AND LOST (3-5)**

**For:** Cr Buckels, Cr Farrell, Cr McGrath

**Against:** Deputy Mayor Lake, Cr Burns, Cr Harvey, Cr Maier, Cr Topelberg

**(Mayor Catania was on approved leave of absence.)**

**Reasons:**

1. Excessive plot ratio and bulk.
2. Concerns about some of the height provisions of Policy No. 3.4.8 – Multiple Dwellings.
3. Concerns about some of the setbacks, particularly on the east and western boundary.

---

<b>Landowner:</b>	176 Investment Pty Ltd
<b>Applicant:</b>	JDI Projects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling, Office Building
<b>Use Classification:</b>	"P", "SA"
<b>Lot Area:</b>	Lot 9=524 square metres Lot 100= 263 square metres Total site area= 787 square metres
<b>Access to Right of Way</b>	Southern side, 5 to 6 metres wide, unsealed, privately owned

The Council considered the subject application at its Ordinary Meeting held on 14 June 2011, and resolved as follows:

*“That the item be DEFERRED to allow the Applicant to further consider the concerns raised by Council Members.”*

**FURTHER REPORT:**

During Public Question Time, the owner at No. 5/210 Carr Place, spoke about criteria being used to assess the application are not applicable to that location; the criteria being used are commercial; and the proposed development would impact on his privacy and would like that the development complies with the Leederville Masterplan Guidelines.

During Council Member discussion, the following issues were raised in relation to the plans proposed:

- The development should comply with the Leederville Masterplan Guidelines;
- The proposed development missed out on addressing the privacy and solar issues with respect to the rear properties; and
- Five storeys facing Vincent Street is acceptable; however, the bulk at the rear should be reduced to minimise the impact on the adjoining rear properties.

The applicant has submitted amended plans which detail the following changes:

- The fourth storey (Level 4) is setback further from the rear boundary (shown clouded). The main building and balconies will be setback 8.9 metres to 11.3 metres and 8.9 metres to the rear boundary respectively.
- The number of dwellings have changed from twenty, single bedroom multiple dwellings and eight multiple dwellings, to sixteen, single bedroom multiple dwellings and ten multiple dwellings.
- The proposed setback for the fourth floor has resulted in a decrease in the area of overshadowing to the southern properties.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Density:</b>	R 120= 13.25 multiple dwellings (as per Leederville Masterplan Guidelines)	R <del>274</del> <del>262</del> = <del>20</del> <del>16</del> single multiple dwellings and <del>8</del> <del>10</del> multiple dwellings
<b>Officer Comments:</b>		
Supported- It is noted that whilst the Leederville Masterplan Built Form Guidelines specify the density, the new R-Codes (2010) does not consider density as a criteria for assessing an application for a mixed use development. In light of the changes in the R-Codes, the Leederville Masterplan is being reviewed to reflect these changes. Accordingly, density is not considered a criteria for this application.		
<b>Plot Ratio:</b>	As per the Leederville Masterplan Built Form Guidelines, the plot ratio is 1.5.  1.5= 1181 square metres	<del>2.0</del> 1.93 = <del>1592</del> 1519 square metres
<b>Officer Comments:</b>		
Supported- Refer to “Comments” below.		
<b>Front Setback:</b>  Vincent Street  Second, Third, Fourth and Fifth Floors	7 metres	6 metres to 7 metres
<b>Officer Comments:</b>		
Supported - The variations will not have an impact on the streetscape as the main building line is setback 7 metres from Vincent Street.		



<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Setback:</b>		
Ground Floor	6 metres (Interface Policy)	1 metre to 2.4 metres
Rear (South)	4 metres	Nil
Side (West and East)		
First, Second, Third and Fourth Floors	4 metres	Nil to 1.5 metres
West	4 metres	Nil to 2.8 metres
East	4 metres	2.1 metres to 4.5 metres
Rear		
<u>Fourth Floor</u>	<u>4 metres</u>	<u>Nil to 1.5 metres</u>
<u>West</u>	<u>4 metres</u>	<u>Nil to 2.8 metres</u>
<u>East</u>	<u>4 metres</u>	<u>2.1 metres to 4.5 metres</u> <u>6.5 metres to 11.3 metres</u>
<u>Rear</u>		
<b>Officer Comments:</b>		
Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the eastern and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking of these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining and surrounding properties.		
<b>Boundary Wall:</b>	Maximum Height= 7 metres Average Height= 6 metres Two-thirds of the length of the boundary Eastern boundary wall length=29.9 metres Western boundary wall length= 28.2 metres	Eastern Boundary Maximum Height= 15 metres Average Height= 15 metres Length= 34.4 metres Western boundary Maximum Height= 15 metres Average Height= 15 metres Western boundary-length= 34.4 metres
<b>Officer Comments:</b>		
Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the eastern and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining surrounding properties.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Number of Storeys:</b>	4 Storeys as per the Leederville Masterplan Guidelines  5 Storeys within the site as per the City's Multiple Dwellings Policy No. 3.4.8	5 storeys and basement car parking
<b>Officer Comments:</b>		
Supported- The Leederville Masterplan Built Form Guidelines specify that for a land area between 500 square metres to 1500 square metres, 4 storeys can be supported. However, the City's Multiple Dwellings Policy No. 3.4.8 recommends that 5 storeys within the site are permitted. Therefore, this proposal is consistent with the Multiple Dwellings Policy No. 3.4.8. It is accordingly considered that five storeys will not have any undue visual impact on the surrounding locality. Refer to "Comments" below.		
<b>Vehicular Access:</b>	Vehicular access from right of way	Vehicular access from Vincent Street
<b>Officer Comments:</b>		
Supported- If in the future developments occur along Vincent Street, the existing right of way will not be able to accommodate the load of traffic generated. Therefore, access from Vincent Street will contribute to minimising the impact on the right of way. Moreover, the existing developments along Vincent Street have their primary access from Vincent Street and, therefore, the proposed access will not impact on the streetscape.		
<b>Solar Access:</b>	Adjoining sites are not adversely affected by solar access	Overshadowing to the rear (southern) sites.
Supported- In the new R-Codes, there is no Acceptable Development standard for solar access for adjoining properties coded R80 and above. The R-Codes specify that in codings R80 and above, " <i>it is anticipated that some overshadowing will occur however, the building design can ensure that solar access on adjoining sites and within the development are not adversely affected.</i> "		
Given the site is north-west oriented, the southern sites which will be impacted by the overshadowing are No. 210 and No. 212 Carr Place. As shown on the overshadowing diagram, No. 212 Carr Place will be mostly impacted by the overshadowing; No. 210 Carr Place will be overshadowed a relatively small part.		
No objection was received from the owner of No. 212 Carr Place with regard to overshadowing. As per the Leederville Masterplan Built Form Guidelines, No. 210 Carr Place can be developed to four storeys. The objective of the Carr Place Residential Precinct is to increase density in the Precinct which will result in buildings of 3 storeys to 8 storeys in the area. Therefore, given the sizes of the lots and the heights being proposed for the Carr Place Residential Precinct, it is anticipated that some overshadowing will occur. In this instance, the owner of No. 212 Carr Place did not object to the overshadowing and a relatively small part (area of overshadowing= 57.5 square metres, percentage of overshadowing= 5.5 per cent) of No. 210 Carr Place will be overshadowed; therefore, the variation to overshadowing is supported.		
<b>Stores:</b>	Minimum width of 1.5 metres and minimum internal area of 4 square metres	Width= 1.4 metres  Internal area= 3.64 square metres
<b>Officer Comments:</b>		
Not supported- If this application is supported, the applicant will be required to comply with internal area and dimension.		
<b>Privacy:</b>	Balcony = 7.5 metres	Units 5,12,19,26 = 4.5 metres to southern boundary  Units 6, 13, 20, 27 = 6 metres to southern boundary.
<b>Officer Comments:</b>		
Not supported- If this application is supported, the applicant will be required to screen the balconies.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Balconies:</b>	Minimum area of 10 square metres and a minimum dimension of 2.4 metres	Area of 8 square metres and a minimum dimension of 2 metres.
<b>Officer Comments:</b>		
Not supported- If this application is supported, the applicant will be required to comply with the required internal area and minimum dimension.		
<b>Dwelling Size:</b>	Minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development and minimum of 40 per cent 2 bedroom dwellings	A maximum of 61 per cent for 1 bedroom dwellings 38 per cent 2 bedroom dwellings
<b>Officer Comments:</b>		
Supported-It is considered that the proposal provides diversity in dwelling type which ensures that a range of housing types and sizes are provided in this area.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

### Car Parking

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= <del>48</del> <u>16.5</u> car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 4 car bays	
Visitors= 0.25 per dwelling= <del>7</del> <u>6.5</u> car bays	
Total= <del>29</del> <u>27</u> car bays	<u>29</u> <u>27</u> car bays
Total car bays provided	30 car bays
<b>Surplus</b>	<b><u>4</u> <u>3</u> car bays</b>

In total 29 27 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 30 car bays. Therefore, for the commercial component, ~~one~~ three car bays will be available.

Car Parking	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 56 square metres = 1.12 car bays Total car bays required = 1 car bay	1 car bay
Apply the parking adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) • 0.80 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)	(0.4913)  0.4913 car bay
Minus the car parking provided on-site	4.3 car bay
Minus the most recently approved on-site car parking shortfall	Nil
<b>Surplus</b>	<b><u>0.5087</u> <u>2.5087</u> car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking:</b>	<p>Offices- 1 space per 200 (proposed 56) square metres (class 1 or 2)= 0.28 bicycle bay= Nil bay</p> <p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):</p> <p><del>Nine</del> <u>Eight</u> bicycle bays for the residents and two bicycle bays for the visitors.</p>	Bike racks are shown on the plan for 14 bicycle bays.

**COMMENTS:**

It is considered that the amended plans have aimed to address the concerns raised by Council Members.

In view of the above, the application is recommended for approval and the Officer Recommendation remains the same, except for clauses 2.3 and 6.2 as requested. At the last Ordinary Meeting of Council held on 14 June 2011.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 June 2011.

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by JDI Projects Pty Ltd on behalf of the owner 176 Investment Pty Ltd for proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Twenty (20) Single Bedroom Multiple Dwellings and Eight (8) Multiple Dwellings, and Associated Basement Car Parking, at No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville, and as shown on amended plans stamp-dated 27 May 2011, subject to the following conditions:*

*(i) Building*

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street;*
- (b) first obtaining the consent of the owners of No. 285 and No. 289 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 285 and No. 289 Vincent Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas facing Vincent Street and the entrance to the building fronting Vincent Street, shall maintain active and interactive relationships with this street;*
- (d) the maximum gross floor area of the offices shall be limited to 56 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1;*

- (e) *the commercial units shall be used as offices only; and*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) Car Parking and Accessways

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *the car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (e) *one (1) car parking bay being allocated for the offices;*

(iii) Public Art

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$43,800 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,380,000); and*
- (b) *in conjunction with the above chosen option;*
  - (1) *Option 1 –*  
*prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*  
*prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
  - (2) *Option 2 –*  
*prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) Signage

*All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;*

(v) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

(a) *Construction Management Plan*

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;*

(b) *Section 70 A Notification under the Transfer of Land Act*

*The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

- (1) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

*This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

(c) *Landscape and Reticulation Plan*

*A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- (1) the location and type of existing and proposed trees and plants;*
- (2) all vegetation including lawns;*
- (3) areas to be irrigated or reticulated;*
- (4) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (5) separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(d) *Schedule of External Finishes*

*A detailed schedule of external finishes (including materials and colour schemes and details);*

(e) Acoustic Report

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. This report shall include the car stackers and the recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(f) Refuse and Recycling Management Plan

*Bin numbers, collection and stores shall meet with the Town's minimum service provision;*

(g) Right of Way

*Prior to the first occupation of the development, the full length and width of the adjacent right of way from the eastern boundary of No. 287 Vincent Street to the western boundary of No. 297 Vincent Street, shall be sealed and drained in accordance with the Town's specification, at the full cost of the developer. A bond for the sum of \$15,000 is to be paid for the upgrading of the right of way. The bond will be held until the works are completed. A written application is required for the refund of the bond;*

(h) Security Bond

*A bond or bank guarantee for the sum of \$2,200 shall be lodged with the Town and be held until all building/development works have been completed. It will be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(i) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the balconies to Units 5,6,12,13,19,20,26 and 27 on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 210 Carr Place, stating no objection to the respective proposed privacy encroachment;*

(j) Fencing

*Any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(k) Stores

All stores shall comply with minimum internal area of 4 square metres and minimum dimension of 1.5 metres;

(l) Balconies

All balconies shall comply with a minimum area of 10 square metres and minimum dimension of 2.4 metres;

(m) Amalgamation

Prior to the issue of a Building Licence, the subject Lots 9 and 100 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

(n) Underground Power

In keeping with the Town's Policy 2.2.2, the domestic power lines along the Vincent Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

(o) Floor Level

Final plans demonstrating that the finished floor level of the ground floor being 300 mm above the existing crown of the adjacent road; and

(vi) PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:

(a) Residential Car Bays

Twenty-two (22) car bays and seven (7) car bays are to be provided for the residents and visitors respectively. The twenty-nine (29) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) Bicycle Parking

The bicycle facilities shall be designed in accordance with AS2890.3;

(c) Management Plan-Vehicular Entry Gates

The proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town; and

(d) Clothes Drying Facility

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.



COUNCIL DECISION ITEM 9.1.8

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Buckels

That clause (vi)(b) be amended to read as follows:

“(vi)(b) Bicycle Parking

Three (3) bicycle bays for the visitors of the residential component plus one (1) class one or two bicycle bay for the office component, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

Debate ensued.

Cr Farrell entered the Chamber at 7.24pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Topelberg

That the item be DEFERRED to allow the Applicant to further consider the concerns raised by Council Members.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Lake

(Cr Burns was an apology for the meeting.)

Landowner:	176 Investment Pty Ltd
Applicant:	JDI Projects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Office Building
Use Classification:	"P", "SA"
Lot Area:	Lot 9=524 square metres Lot 100= 263 square metres Total site area= 787 square metres
Access to Right of Way	Southern side, 5 to 6 metres wide, unsealed, privately owned

**PURPOSE OF REPORT:**

*This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.*

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The applicant initially submitted an application for the demolition of the existing single house and construction of a six-storey mixed use development consisting of two offices, twenty single bedroom multiple dwellings and ten multiple dwellings and associated basement car parking. Following concerns from the adjoining neighbours and the Town, the applicant submitted amended plans for a five storey development.*

*The amended proposal involves the demolition of the existing single house and construction of a five-storey mixed use development consisting of two (2) offices, twenty (20) single bedroom multiple dwellings and eight (8) multiple dwellings and associated basement car parking.*

*The site is located within the Carr Place Residential Precinct of the Leederville Town Centre Masterplan. It forms part of the Transitional Zone as outlined in the Leederville Masterplan Design Guidelines.*

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R 120= 13.25 multiple dwellings dwellings (as per Leederville Masterplan Guidelines)	R 271= 20 single multiple dwellings and 8 multiple dwellings
Officer Comments:		
Supported- It is noted that whilst the Leederville Masterplan Built Form Guidelines specify the density, the new R-Codes (2010) does not consider density as a criteria for assessing an application for a mixed use development. In light of the changes in the R-Codes, the Leederville Masterplan is being reviewed to reflect these changes. Accordingly, density is not a criteria for this application.		
Plot Ratio:	As per the Leederville Masterplan Built Form Guidelines, the plot ratio is 1.5.  1.5= 1181 square metres	2.0=1592 square metres
Officer Comments:		
Supported- Refer to "Comments" below.		
Front Setback: Vincent Street		
Second, Third, Fourth and Fifth Floors	7 metres	6 metres to 7 metres
Officer Comments:		
Supported - The variations will not have an impact on the streetscape as the main building line is setback 7 metres from Vincent Street.		
Building Setbacks:		
Ground Floor		
Rear (South)	6 metres (Interface Policy)	1 metre to 2.4 metres

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Side (West and East)	4 metres	Nil
First, Second, Third and Fourth Floors		
West	4 metres	Nil to 1.5 metres
East	4 metres	Nil to 2.8 metres
Rear	4 metres	2.1 metres to 4.5 metres
<i>Officer Comments:</i>		
<p><i>Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the east and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking of these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining and surrounding properties.</i></p>		
Boundary Wall	<p>Maximum Height= 7 metres</p> <p>Average Height= 6 metres</p> <p>Two-thirds of the length of the boundary</p> <p>Eastern boundary wall length=29.9 metres</p> <p>Western boundary wall length= 28.2 metres</p>	<p>Eastern Boundary</p> <p>Maximum Height= 15 metres</p> <p>Average Height= 15 metres</p> <p>Length= 34.4 metres</p> <p>Western boundary</p> <p>Maximum Height= 15 metres</p> <p>Average Height= 15 metres</p> <p>Western boundary-length= 34.4 metres</p>
<i>Officer Comments:</i>		
<p><i>Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the east and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining surrounding properties.</i></p>		
Number of Storeys	<p>4 Storeys as per the Leederville Masterplan Guidelines</p> <p>5 Storeys within the site as per the Town's Multiple Dwellings Policy No. 3.4.8</p>	5 storeys and basement car parking
<i>Officer Comments:</i>		
<p><i>Supported- The Leederville Masterplan Built Form Guidelines specify that for a land area between 500 square metres to 1500 square metres, 4 storeys can be supported. However, the Town's Multiple Dwellings Policy No. 3.4.8 recommends that 5 storeys within the site are permitted. Therefore, this proposal is consistent with the Multiple Dwellings Policy No. 3.4.8. It is accordingly considered that five storeys will not have any undue visual impact on the surrounding locality. Refer to "Comments" below.</i></p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Vehicular Access	Vehicular access from right of way	Vehicular access from Vincent Street
<i>Officer Comments:</i>		
Supported- If in the future developments occur along Vincent Street, the existing right of way will not be able to accommodate the load of traffic generated. Therefore, access from Vincent Street will contribute to minimising the impact on the right of way. Moreover, the existing developments along Vincent Street have their primary access from Vincent Street and, therefore, the proposed access will not impact on the streetscape.		
Solar Access	Adjoining sites are not adversely affected by solar access	Overshadowing to the rear (southern) sites.
Supported- In the new R-Codes, there is no Acceptable Development standard for solar access for adjoining properties coded R80 and above. The R-Codes specify that in codings R80 and above, "it is anticipated that some overshadowing will occur however, the building design can ensure that solar access on adjoining sites and within the development are not adversely affected."		
Given the site is north-west oriented, the southern sites which will be impacted by the overshadowing are No. 210 and No. 212 Carr Place. As shown on the overshadowing diagram, No. 212 Carr Place will be mostly impacted by the overshadowing; No. 210 Carr Place will be overshadowed a relatively small part.		
No objection was received from the owner of No. 212 Carr Place with regard to overshadowing. As per the Leederville Masterplan Built Form Guidelines, No. 210 Carr Place can be developed to four storeys. The objective of the Carr Place Residential Precinct is to increase density in the Precinct which will result in buildings of 3 storeys to 8 storeys in the area. Therefore, given the sizes of the lots and the heights being proposed for the Carr Place Residential Precinct, it is anticipated that some overshadowing will occur. In this instance, the owner of No. 212 Carr Place did not object to the overshadowing and a relatively small part of No. 210 Carr Place will be overshadowed; therefore, the variation to overshadowing is supported.		
Stores	Minimum width of 1.5 metres and minimum internal area of 4 square metres	Width= 1.4 metres Internal area= 3.64 square metres
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to comply with internal area and dimension.		
Privacy	Balcony = 7.5 metres	Units 5,12,19,26 = 4.5 metres to southern boundary  Units 6, 13, 20, 27 = 6 metres to southern boundary.
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to screen the balconies.		
Balconies	Minimum area of 10 square metres and a minimum dimension of 2.4 metres	Area of 8 square metres and a minimum dimension of 2 metres.
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to comply with the required internal area and minimum dimension.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Dwelling Size	Minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development and minimum of 40 per cent 2 bedroom dwellings	A maximum of 52 per cent for 1 bedroom  21 per cent 2 bedroom dwellings
<i>Officer Comments:</i>		
Supported-It is considered that the proposal provides diversity in dwelling type which ensures that a range of housing types and sizes are provided in this area.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	Nil	Noted.
Objections (10)	<p><b>Density</b></p> <p>The proposed density exceeds both the current zoning and the master plan zoning which will have a detrimental impact on the surrounding area.</p> <p><b>Building Setbacks</b></p> <p>The variations to the setbacks are related to the increase in the density proposed which will have a negative impact on the amenity of the surrounding area.</p> <p><b>Number of Storeys</b></p> <p>A six storey building will be out of character with the surrounding area. A 3 to 4 storeys building will blend with the character of the area and is as per the Leederville Master Plan.</p> <p><b>Privacy</b></p> <p>Loss of privacy will impact on people private life, mental health and outlook.</p> <p><b>Car Parking</b></p> <p>Supporting a shortfall in parking will be completely in contradiction to the efforts of the Town to make parking more accessible and available to residents.</p>	<p>Not Supported- Refer to "Assessment Table".</p> <p>Not supported-Refer to "Assessment Table"</p> <p>Not Supported- Refer to "Comments" below.</p> <p>Supported- If this application is supported, the applicant will be required to erect screens so as to prevent any overlooking.</p> <p>Not supported- The proposal complies with the parking requirements as shown in the Car Parking Assessment Table.</p>

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
	<p><i>Cycle Parking</i></p> <p><i>The Town is promoting cycling as an alternative means of transport. However, if new developments do not provide the required cycle parking, then cycling as an alternative means of transport will fail.</i></p>	<p><i>Not supported- The proposal complies with the bays required as shown in the Bicycle Parking Assessment Table.</i></p>
	<p><i>Solar Access</i></p> <p><i>“The proposed height and setbacks, which are outside the zoning guidelines mean that less sun will be available to residents behind the development lot. There has been no evidence provided that clarifies how much sun, if any, will reach the properties behind the development lot and whether this will remove all possibility of using solar.”</i></p>	<p><i>Not supported- Refer to Assessment Table.</i></p>
	<p><i>Stores</i></p> <p><i>Non compliance with the number of stores will impact surrounding area. The future residents will use their balconies as storage which will create an eyesore.</i></p>	<p><i>Not supported- The applicant has submitted amended plans to comply with the required number of stores.</i></p>
	<p><i>Right of Way-objection in part</i></p> <p><i>No objection to the proposed density, height or plot ratio as the property is located so close to the Leederville Town Centre and Leederville Train Station. However, should use the right of way as access point and not from Vincent Street. Access from Vincent is in contradiction to Western Australian Planning Commission Policy Development Control 5.2. Vehicular traffic is an ongoing issue.</i></p> <p><i>“I am somewhat baffled as to the Town’s decision to allow the right of way to end one property to the west of the north-south laneway between Carr Place and Vincent Street (as shown in the Leederville Masterplan Built Form Guidelines-page 42). Surely it would create a better planning outcome to achieve connection of these two accessways and go some way to improving access for the 32 cars accessing the proposed development at number 287.”</i></p> <p><i>The proposed bicycle rack is located on the right of way which will block access to No. 285 Vincent Street.</i></p>	<p><i>Not supported in part. Refer to Assessment Table. Moreover, it is noted that the north-south laneways, indicated on page 42 of the Leederville Town Centre Masterplan and Built Form Guidelines, are not considered paramount to the success of the Leederville Masterplan, and have therefore only been shown indicatively. The widening of the existing right of way however, depicted by number ‘2’ on page 42 of the Leederville Town Centre Masterplan and Built Form Guidelines, is supported by the Town, as this will improve safety and access for existing properties and future developments.</i></p> <p><i>In light of the above, the termination of the right of way corresponds with the transition from the ‘transition zone’, as depicted by the hatched area on the map, to the residential-only zone.</i></p> <p><i>Supported-The applicant has submitted amended plans showing no building within the right of way.</i></p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p><b>Structural Damage</b></p> <p>The proposed development may cause structural damage to the surrounding properties during construction.</p>	<p>Not supported- If this application is supported, as part of the Building Licence, the applicant will be required to submit a Construction Management Plan to be approved by the Town. The Construction Management Plan will address the issue of any potential damage to existing surrounding buildings.</p>
	<p><b>Traffic Impact</b></p> <p>The proposed car bays accessing/egressing from Vincent Street will further impact on the existing traffic congestion along Vincent Street.</p>	
	<p><b>Design Guidelines</b></p> <p>The proposal should comply with the Town's guidelines and no variations should be supported.</p>	<p>Not supported- The Town's Town Planning Scheme and Residential Design Codes allows for variations, subject to the Town being satisfied that there will be no impact on the amenity of the adjoining neighbours.</p>
Advertising	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation	

**Car Parking**

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= 18 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 4 car bays	
Visitors= 0.25 per dwelling= 7 car bays	
<b>Total= 29 car bays</b>	29 car bays
<b>Total car bays provided</b>	30 car bays
<b>Surplus</b>	<b>1 car bay</b>

In total 29 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 30 car bays. Therefore, for the commercial component, one car bay will be available.

Car Parking	
<p>Car parking requirement (nearest whole number).</p> <ul style="list-style-type: none"> <li>Office (1 car bay per 50 square metres gross office floor area)</li> </ul> <p>Proposed 56 square metres = 1.12 car bays</p> <p><b>Total car bays required = 1 car bay</b></p>	1 car bay

<b>Car Parking</b>	
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 800 metres of a rail station)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces)</li> <li>• 0.8 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)</li> </ul>	(0.4913)  0.4913 car bay
Minus the car parking provided on-site	1 car bay
Minus the most recently approved on-site car parking shortfall	Nil
<b>Surplus</b>	<b>0.5087 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<p>Offices- 1 space per 200 (proposed 56) square metres (class 1 or 2)= 0.28 bicycle bay= Nil bay</p> <p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):</p> <p>Nine bicycle bays for the residents and two bicycle bays for the visitors.</p>	Bike racks are shown on the plan for 14 bicycle bays.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Leederville Masterplan and Built Form Guidelines and Residential Design Codes (R Codes).
<b>Strategic</b>	The Town's Strategic Plan 2011-2016 - Objective 1 states:  "Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure 1.1.2 Enhance and maintain the character and heritage of the Town."
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Demolition**

The subject dwelling at No. 287 Vincent Street, Leederville is a brick and tile residence constructed circa 1933 in the Interwar Bungalow style of architecture.

A Certificate of Title indicates that William Marshall, a shop assistant, was the sole proprietor of the subject property in 1932. The subject place is first listed in the WA Post Office Directories in 1934 and was occupied by Claude M Williams. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

The subject dwelling has a western gable roof over the protruding room and a main hipped roof sheltering the front verandah. The shallower roof of the front verandah is supported by two massive columns. The exterior walls of the subject dwelling have been rendered and painted in light brown and rose pink.

The Building Licence cards indicate that the then owner of the subject dwelling submitted an application to the City of Perth for the construction of a steel framed patio in 1990.



*A preliminary Heritage Assessment, including an external inspection undertaken on 20 April 2011, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.*

*In light of the above, it is considered that approval should be granted for demolition subject to the standard condition.*

#### *Planning*

*The site is located in the transitional zone within the Leederville Masterplan area. The Masterplan provides the planning framework that will ensure the continued development of Leederville based on a series of key goals including; encouraging a sustainable density of development, capitalising on the close proximity to the train station, providing additional residential and commercial opportunities and encouraging local employment.*

*The proposed mixed-use development is consistent with the Leederville Masterplan Carr Place Precinct and also strongly supports the key goals of the Leederville Masterplan detailed above. It is considered the proposal will facilitate a benchmark for future development and contribute to landowner confidence in renewing this underdeveloped residential area.*

*Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties. The proposed development is consistent with the Leederville Masterplan and the Town's Policy No. 3.4.8 relating to Multiple Dwellings. The bulk and scale is consistent with the future desired character of the locality and the design treatments will contribute to reduce the appearance of bulk.*

*Due to the support of a five-storey development on the subject site, the proposed plot ratio is also recommended for approval. The subject development is consistent with the principles of transit oriented development espoused with respect to a proposed high density residential building in close proximity to rail facilities.*

*In view of the above, the application is supportable as it is not considered that the development will result in any undue impact on the amenity of the surrounding area, but rather, will contribute to the development of the Leederville Masterplan in line with the overarching vision for the Town Centre.*

**9.1.7 No. 7 (Lot 20; D/P: 953; Lot 649; D/P: 156041) Melrose Place, Leederville – Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	Oxford Centre-P4	<b>File Ref:</b>	PRO5406; 5.2011.153.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ian Collins Homes Pty Ltd on behalf of the owners EY Tse, KM Hawthorne, RH Hawthorne, SA Meyer and SA Oregoni for proposed Demolition of Existing Single House and Construction of Four(4), Two-Storey Multiple Dwellings, at No. 7 (Lot 20; D/P: 953; Lot 649; D/P: 156041) Melrose Place, Leederville, and as shown on plans stamp-dated 12 May 2011 and amended ground floor and site plan stamp-dated 17 June 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Melrose Place; and
- 1.2 First obtaining the consent of the owners of No. 5 and No. 11 Melrose Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls/retaining walls facing No. 5 and No. 11 Melrose Place in a good and clean condition;

**2. Car Parking and Accessways**

- 2.1 A minimum of four (4) car bays and one (1) car bay shall be allocated for the owners and visitors respectively. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and
- 2.2 The common car parking area for the residents and the visitors car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

**3. Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;

**4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

**4.1 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

**4.2 Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

4.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and

4.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

**4.3 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

4.3.1 the location and type of existing and proposed trees and plants;

4.3.2 all vegetation including lawns;

4.3.3 areas to be irrigated or reticulated;

4.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

4.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

**4.4 Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details);

**4.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

**4.6 Refuse and Recycling Management Plan**

Bin numbers, collection and stores shall meet with the City's minimum service provision;

**4.7 Security Bond**

A bond or bank guarantee for the sum of \$2,250 shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

**4.8 Fencing**

Any new street/front wall, fence and gate within Melrose Place setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**4.9 Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 20 and 649 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

**4.10 Privacy**

Revised plans shall be submitted to and approved by the City demonstrating the windows to kitchen of Units 1 and 4 on the eastern and western elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 5 and No. 11 Melrose Place, stating no objection to the respective proposed privacy encroachment; and

5. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

5.1 **Visitors Car Bays**

The one (1) car parking space provided for the visitors of the development shall be clearly marked and signposted for the exclusive use of visitors of the development;

5.2 **Bicycle Parking**

One (1) bicycle bay for the owners shall be provided at a location convenient to the entrance of the development. Details of the design in accordance with AS2890.3 and layout of the bicycle facilities shall be submitted to and approved by the City prior to the installation of such facilities;

5.3 **Management Plan-Vehicular Entry Gate**

If a vehicular entry gate is proposed at the entrance to the site it shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for residents at all times, shall be submitted to and approved by the City. The Management Plan shall also include management measures about the management of the visitors parking to the satisfaction of the City; and

5.4 **Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

---

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued. It was queried whether this application satisfied the requirements for a "Multiple Dwelling".

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Buckels**

That the item be DEFERRED to further consider the matter and allow the Director Development Services to further discuss the matter with the Applicant.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Mayor Catania was on approved leave of absence.)**

---

<b>Landowner:</b>	E Y Tse, K M Hawthorne, R H Hawthorne, S A Meyer and S A Oregioni
<b>Applicant:</b>	Ian Collins Homes Pty Ltd
<b>Zoning:</b>	Residential/Commercial RC80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Lot 20= 288 square metres Lot 649= 288 square metres Total= 576 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination as the City's Officers do not have Delegated Authority to deal with more than three (3) dwellings.

**BACKGROUND:**

No background.

**DETAILS:**

The application is for demolition of the existing single house and construction of four, two-storey multiple dwellings.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1= 576 square metres	0.73= 420.5 square metres
<b>Officer Comments:</b>		
Noted.		
<b>Building Setbacks:</b>	Ground Floor  Eastern, Western and Southern boundaries - 4 metres  First Floor  Eastern, Western and Southern boundaries - 4 metres	Eastern and Western boundaries - Nil to 1.5 metres  Southern boundary - 1.5 metres  Eastern and Western boundaries - Nil to 1.5 metres
<b>Officer Comments:</b>		
Supported- There will be no impact in terms of loss of ventilation, visual impact and daylight on the adjoining properties. No objections were received from the adjoining neighbours.		
<b>Overshadowing:</b>	There is no acceptable development standard in the R-Codes for properties. However, the building design can ensure that solar access on adjoining sites and within the development are not adversely affected.	Overshadowing of the adjoining southern properties. Area of overshadowing = 108.5 square metres and percentage of overshadowing = 6.2 per cent.
<b>Officer Comments:</b>		
Supported- The overshadowing will be cast partly to a blank wall of a two storey building and partly at the rear and front of the building. No objection was received from the adjoining neighbour and, therefore, the variation to the overshadowing is supported.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Bicycle Parking:</b>	1 bicycle space	Nil
<b>Officer Comments:</b>		
Not supported- In the event the application is supported, the applicant will be required to provide one bicycle parking space.		
<b>Retaining Wall:</b>	Not more than 0.5 metre above the natural ground level	0.598 metre
<b>Officer Comments:</b>		
Supported- The variation is minor and it is considered, therefore, there will be no undue impact on the adjoining property and streetscape.		
<b>Privacy:</b>	Kitchen- 6 metres	Kitchen- 1.5 metres to eastern and western boundaries
<b>Officer Comments:</b>		
Not Supported- In the event the application is supported, the window to the kitchen will be required to be screened.		
<b>City Policy No. 3.4.8 relating to Multiple Dwellings</b>	<i>"A dwelling in a group of more than one dwelling on a lot where 50 per cent or greater of floor area of a dwelling is vertically above part of any other but."</i>	Unit 1-Only 33 per cent of the first floor area overlapping the common property by 43 per cent only.
<b>Officer Comments:</b>		
Supported- Given the other dwellings comply with the Multiple Dwellings Policy and unit 1 appears as a multiple dwelling, a dwelling type which contributes to a more diverse housing choice in this inner city area, the variation is supported.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

Consultation	
<b>In Support:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Noted.
<b>Objections:</b>	Nil
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Noted.
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.

Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes).
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>"Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 4 car bays	
Visitors= 0.25 per dwelling= 1 car bay	
<b>Total= 5 car bays</b>	5 car bays
<b>Total car bays provided</b>	9 car bays
<b>Surplus</b>	4 car bays

<b>Bicycle Parking</b>	
As per R-Codes 2010	
1 bicycle space to each 3 dwellings for residents (4 dwellings proposed)= 1 bicycle space	
Total= 1 bicycle space	Nil

**COMMENTS:**

**Demolition**

The subject dwelling at No. 7 Melrose Place, Leederville is a brick and tile residence constructed after 1952 in the Post-war Conventional Suburban Style Bungalow.

A Metropolitan Water Supply Sewerage & Drainage Department (MWSS&DD) Plan dated 1952 indicates that the subject property was divided into two separate lots in that year. The western lot was vacant whereas a weatherboard dwelling was located at the eastern lot with a street number 7. The weatherboard dwelling had a front verandah that ran the full width of the frontage and an asbestos addition at the rear of the dwelling.

The WA Post Office Directories first listed the weatherboard dwelling at No. 7 Melrose Place in 1916. The first resident documented is James Buckley. Since then the subject dwelling has been transferred several times to new owners and occupiers.

The compilation of the above information suggests that the weatherboard dwelling at No. 7 Melrose Place constructed in 1915 was demolished at some stage after 1952. Subsequently, a brick and tile Post-war Conventional Suburban Style Bungalow was constructed on both the eastern and western lots which were documented in the 1952 Plans. However, no Building Licence Plans were located to substantiate the statement.

The existing Post-war Conventional Suburban Style Bungalow has a main hipped roof and blonde brick walls. There are two sets of windows facing Melrose Place and a carport located along the eastern boundary. The dwelling is simple in design with no ornamentation.

A Preliminary Heritage Assessment, including an external inspection undertaken on 8 April 2011, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition, subject to standard conditions.

**Planning**

It is considered that the proposed multiple dwelling development, which is in conformity with the plot ratio and height requirements of the City's Town Planning Scheme No. 1, is acceptable, and provides a more diverse housing choice for this inner city area. The overall contemporary style of the development will not impact on the streetscape and amenity of the area; rather it will contribute to the evolving inner city Leederville landscape.

The application is therefore supported, subject to standard and appropriate conditions to address the above matters.



### 9.1.8 Prostitution Bill 2011

<b>Ward:</b>	Both Wards	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0060
<b>Attachments:</b>	CONFIDENTIAL – Existing Sexual Service Businesses		
<b>Tabled Items:</b>	Prostitution Bill 2011		
<b>Reporting Officers:</b>	N Wellington, Development Compliance Officer S Teymant, Acting Manager Health Services M Wood, Co-ordinator Safer Vincent S Kendall, Senior Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. **ADVISES** the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that it **SUPPORTS IN PRINCIPLE** the Prostitution Bill 2011, subject to the comments detailed in this Report; and
2. **ENCOURAGES** the State Government to consult with the Sex Workers Association in consideration of the legislation.

#### COUNCIL DECISION ITEM 9.1.8

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

#### AMENDMENT

Moved Cr Buckels, Seconded Cr Harvey

That a new clause 3 be inserted as follows:

- “3. **REQUESTS** that the Office of the Attorney General provides more detail on its reasons for requiring closure of existing brothels within the City of Vincent where no substantive complaints have been received.”

Debate ensued.

Cr Topelberg suggested that the words “where no substantive complaints have been received” be deleted from the amendment.

The Mover, Cr Buckels and the Seconder, Cr Harvey agreed.

Debate ensued.

#### AMENDMENT PUT AND LOST (1-7)

For: Cr Buckels

Against: Deputy Mayor Lake, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

(Mayor Catania was on approved leave of absence.)

Debate ensued.

#### PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr McGrath

That the item be DEFERRED to allow the City's Administration to prepare a submission to the Office of the Attorney General, for consideration for the next Ordinary Meeting of Council to be held on 26 July 2011.

#### PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

For: Deputy Mayor Lake, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Burns

(Mayor Catania was on approved leave of absence.)

The Presiding Member, Deputy Mayor Sally Lake requested Councillors to submit their comments as soon as practicable to the Director Development Services.

---

#### PURPOSE OF REPORT:

The Western Australian Local Government Association (WALGA) is seeking comments on the Prostitution Bill 2011 by Friday, 15 July 2011 for incorporation into a submission to the Department of Planning.

#### BACKGROUND:

The Council at its Ordinary Meeting held on 5 April 2011, considered the Extract from Hansard dated 25 November 2010, as provided by the Attorney General's Office, and resolved as follows:

*"That the Council in respect of the proposed Prostitution Legislation Reform in Western Australia:*

- (i) *ADVISES the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Extract from Hansard dated 25 November 2010; and*
- (ii) *ENCOURAGES the State Government to consult with the Sex Workers Association in consideration of the legislation."*

#### DETAILS:

The Summary of Key Clauses as provided by the Office of the Attorney General are as follows:

#### Licensing

- *Individual prostitutes, managers of brothels and operators of brothels will be required to possess a valid licence, and conduct business from premises approved for that purpose via local government planning processes. [clause 42]; [clause 43]; [clause 44]*
- *Managers, operators and self-employed prostitutes will be required to display licenses in places from which their business is being conducted. [clause 17]*
- *Applications for operator's licenses and manager's licenses will be required to be accompanied by documents verifying the applicant's identity and age, residential and contact addresses, and providing evidence of relevant planning approvals. [clause 47]*

- *Operators and managers will be required to be at least 18, an Australian citizen or permanent resident, ordinarily resident in Western Australia; have no relevant criminal offences and otherwise be of good standing. [clause 47]; [clause 52]*
- *Applications for a prostitute's licenses will be required to be accompanied by documents verifying the applicant's identity and age; and where they propose to conduct business as a self-employed prostitute, be accompanied by evidence of planning approval. [clause 48]*
- *Prostitute's licenses will be only issued to people who are at least 18, are an Australian citizen or permanent resident, ordinarily resident in Western Australia. [clause 48]*
- *Stringent probity checks, including palm prints and fingerprints, will apply in relation to all operator and manager license applications, but only where considered reasonably necessary in relation to prostitute's license applications. [clause 49]*
- *License holders will be required to comply with conditions prescribed or imposed by the Department of Racing, Gaming and Liquor. [clause 55]; [clause 601]*

#### City of Vincent Comment

##### *Clauses 47 and 48*

It is noted that applications for a prostitute's licence will be required to be accompanied by documents, including evidence of planning approval. Proposed licensing under Clause 49, based on feedback received by the City (refer to 'Consultation/Advertising' of this report) may be too stringent and actually have the unintended and negative effect of pushing sexual services further underground. Any new legislation should provide a contingency measure to ensure that on-street based sex work does not become more prevalent.

#### **Planning and Development Controls**

- *Licenses will not be granted to prostitution businesses unless they can show that they have been granted planning approval by the relevant local government authority. [clause 47]; [clause 48]*
- *Land in a residential area or special use area will not be permitted to be used for any prostitution business in any circumstances. [clause 74]*
- *Land in places other than residential areas or special use areas may be used for prostitution business where planning approval is granted by the responsible planning authority. [clause 75]*
- *Outside of the City of Perth area, land which is not in a residential area but is nevertheless within 100m of a residence, or 200m of a protected place, will not be permitted to be used for any prostitution business in any circumstances. [clause 76]*
- *Within the City of Perth area, land which is not in a residential area but is nevertheless in an area that contains a significant number of dwellings, or is within 100m of a protected place, or land which comprises a building that contains a dwelling; must not be used for any prostitution business in any circumstance. [clause 76]*
- *Planning schemes may not be amended to override these rules, for example, to make prostitution businesses a prohibited use in areas other than residential or special use areas, or permit applications in residential areas. [clause 74]; [clause 75]*
- *Existing inappropriately situated businesses may be permitted to continue to operate for up to 18 months, but only if the Department of Racing Gaming & Liquor is satisfied that the business has not been causing disturbance or interfering with the amenity of the area. [clause 168]*

#### City of Vincent Comment

##### *Clause 74*

Land in a residential area or special use area must not be used for the purposes of a prostitution business. It is noted that all of the City's zones listed in Town Planning Scheme No. 1 permit, or allow with the Council's discretion, residential uses. It is therefore considered that prostitution businesses will be prohibited throughout the City.

It is noted that Planning schemes may not be amended to override these requirements.

*Clause 166*

Existing inappropriately situated businesses may be permitted to operate for up to 18 months if the CEO (Department of Racing, Gaming and Liquor) is satisfied that the land was being used for the prostitution business as at commencement day of the Act, and had been so used on a continuous basis since 6 September 2008 or earlier; and having regard to all the matters mentioned in subsection (5), that the business is being, and will continue to be, managed appropriately.

In considering an application, the CEO must liaise with the local government of the district in which the land is located and the Commissioner of Police with regard to:

- “(a) whether the way in which the business has been conducted has been the subject of complaints from persons living or working in the area; and*
- (b) whether the way in which the business is conducted causes, or is likely to cause, disturbance in the neighbourhood, and*
- (c) whether conducting the business interferes, or is likely to interfere, with the amenity of the neighbourhood.”*

It is considered that there are four (4) known sexual services businesses in the City of Vincent that would fall within this category. The list of the existing businesses and comments on their management is circulated to Council Members separately, on a confidential basis.

Operators, managers and prostitutes working in these existing businesses will be required to lodge applications for relevant licences within three months of the day on which the legislation comes into operation. Clause 58 of the Bill provides some guidance in terms of what is acceptable in relation to the size of the business, as follows:

- The business must not have more than 6 rooms in which persons may take part in acts of prostitution;
- No more than 9 persons act, or are available to act, as prostitutes at the place at the same time; and
- No more than a total 13 staff, inclusive of the above 9 persons.

There is concern that existing businesses may expand their operations to be in line with the above criteria relating to the size of the business. The increase in operation of the existing businesses should not be encouraged by the Bill. Furthermore, the Bill should provide guidance on an acceptable range of hours that such a business may operate within. Notwithstanding the above, it is acknowledged that such businesses generally operate outside normal business hours.

**Enforcement**

- *Conducting any form of prostitution business outside the licensed scheme, or, in relation to potential clients, entering or remaining in an unlawful prostitution business without lawful excuse, will be a criminal offence. [clause 9]; [clause 10]; [clause 13]; [clause 42]; [clause 43]; [clause 44]*
- *Police will have the power to enter premises, other than residences, which they reasonably suspect are being used to conduct prostitution businesses, without a warrant. [clause 92]*
- *Police will, upon receipt of complaints, have the power to issue closure notices restricting access to premises which they reasonably suspect are being used for unlawful prostitution, or on their own initiative where serious offences have occurred. These notices will be required to be considered by a court before being made permanent. [Part 7; Division 7]*
- *Existing evidentiary presumptions in relation to kerb crawling and street walking will continue to apply. [clause 144]*
- *Strong evidentiary presumptions will apply that persons are operating or managing a prostitution business where grounds exist for suspecting such an activity. [clause 149]*

- *Police will have the power to make barring notices, and prohibition orders similar to those contained in the Liquor Control Act 1988, to deal with dangerous or undesirable persons working in or attending brothels. [Part 7 Division 5]; [Part 7 Division 6]*
- *License numbers will be required to be displayed in any advertisements for prostitution [clause 24].*
- *There will be a strong evidentiary presumption against persons who unlawfully place advertisements which could be reasonably suspected to be for a prostitution business [clause 145]*
- *The State Government will possess an absolute discretion to reject a particular license application, or direct that licenses not be issued in relation to particular areas of the state. [Part 6; Division 9]*

#### City of Vincent Comment

##### *Clauses 42-44*

The Police will be responsible for dealing with public complaints about unlawful prostitution and, where their involvement becomes necessary, enforcing the law with respect to offences under the Act.

Any person who runs a prostitution business without a current licence will be liable for a penalty of \$50,000 or imprisonment for three years. Companies that run a prostitution business will be liable for a penalty of \$250,000. A person who engages in prostitution without a current licence will be liable for a maximum fine of \$6,000.

The City's Officers will not be involved in the enforcement of this legislation.

##### *Clause 87*

Public service officers employed in the Department, may be designated as Authorised persons. The City's Officers will not be authorised for this purpose.

##### *Clause 92*

Police Officers and authorised persons may enter a place for certain purposes, without a warrant.

##### *Clause 121*

It is noted that a closure notice may be issued by the Police, in relation to a specified place if the Commissioner of Police has received a written complaint from a local government, alleging that a place is being used for a prostitution business.

#### **Protecting vulnerable people**

- *A person who engages in an act of prostitution with a person who they knew, or could reasonably be expected to have known was being coerced commits an offence punishable by up to 14 years imprisonment, or, where the prostitute was a child or incapable person, imprisonment for up to 20 years. [clause 14]*
- *Prostitutes working within the licensed system will have an absolute right to refuse to take part in acts of prostitution, and persons who operate or manage a prostitution business will be required to display information to that effect. [clause 12]; [clause 25];[clause 26]*
- *There will be a positive obligation on persons who operate or manage prostitution businesses to ensure that children do not work within the business, or permit children to be on the premises of the business. [clause 36];[clause 38]*
- *A person who causes, permits or induces a child to act as a prostitute commits a crime punishable by imprisonment of up to 14 years. [clause 33]*
- *The penalty for acting as an unlicensed prostitute is such that infringement notices may be issued for offences pursuant to the Criminal Procedure Act 2004. [clause 44]*
- *The Commissioner of Police will have the power to provide information regarding clients who have been issued with barring notices to operators or managers, if it is considered necessary to minimise the risk of harm or injury to any person. [clause 118]*

City of Vincent Comment

The City's Health Services understand the developmental effects that childhood exposure to adult related activities such as alcohol use, smoking and violence can have over the short and longer terms. As such, safeguards put in place to deal with 'vulnerable people' within the Bill, and particularly in relation to children, are considered to be a sensible approach.

**Health**

- *It will be an offence for a person to engage in an act of prostitution without using a condom (or other appropriate barrier to STIs). {clause 28}*
- *There is a positive obligation on operators and managers to issue condoms free of charge to workers, and ensure that their workers do not engage in acts of prostitution without using a condom (or other appropriate barrier to STIs). [clause 28]*
- *Operators and managers must take all reasonable steps to display health information to clients and to workers. [clause 32]*
- *Advertisements or statements made must not imply that a person is not infected, or is unlikely to be infected with a sexually transmitted infection. [clause 29]*
- *Possession of condoms cannot be used as evidence in connection with prosecutions for unlicensed prostitution. [clause 153]*

City of Vincent Comment

Regulation of the Prostitution Industry is strongly supported by the City's Health Services, as it provides an opportunity to put legitimate processes in place for the monitoring of health and safety standards at brothels, and within the profession more generally. At present, there are no current regulatory requirements in place to compel safe and hygienic practices being implemented at brothels. However, there is an organisation known as Magenta – Sex Worker Support Project ('Magenta') set-up by Family Planning Western Australia, which currently works with the industry in a cooperative manner to improve the health and safety of sex workers. The City's Coordinator Safer Vincent participates in the project working group.

From the City's involvement with Magenta, it is understood that the widespread concern among sex workers is the 'registration' requirements currently proposed within the Draft Bill. The information expressed during working group meetings is that the overwhelming majority of sex workers have serious concerns about confidentiality, and the negative effect that confidentiality leaks/disclosure may have on sex workers futures; particularly in areas such as employment, legal representation and other settings where such information could result unfavourable biases.

As a result, the industry view expressed through Magenta is that should the current proposed registration requirements be imposed, it is likely that the following outcomes will occur:

- Some workers will simply not register and instead find other ways to continue operating, such as 'street walking';
- It is likely that there will be an increase in unregistered workers acting as escorts - a mode of sex work that poses an increased safety risk to the worker, due to work being performed in isolation at a location chosen by the client; and
- Some of the industry will continue to operate 'underground' which will defeat the purpose of current attempts to improve regulation of the industry and the efforts of the Magenta – Sex Worker Support Project to deliver better health and safety outcomes to the industry.

To allay these concerns, Magenta suggests that the licensing process be less onerous than currently proposed. Paper licenses with no photographs and without the need for fingerprinting is believed to be one such way that the anonymity of sex workers could be better protected.

**CONSULTATION/ADVERTISING:**

The closing date for submissions on the proposed Bill are due to the Western Australian Local Government Association by Friday, 15 July 2011 and to the Department of the Attorney General on Friday, 29 July 2011.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The enforcement role of Local Government in relation to matters concerning prostitution will be removed should the Prostitution Bill be enacted as proposed. With enforcement of brothels to fall solely under State Government jurisdiction, the current enforcement related risk implications to the City will be eliminated.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 3.1 states:

*“Enhance and promote community development and wellbeing*

*3.1.2 Promote and foster community safety and security;*

*3.1.3 Promote health and wellbeing in the community;”*

**SUSTAINABILITY IMPLICATIONS:**

Whilst the current resource demands relating to localised prostitution are limited, the removal of Local Government's involvement in dealing with 'unauthorised' local brothels from a Town Planning perspective should almost reduce demands on the City's resources entirely.

**FINANCIAL/BUDGET IMPLICATIONS:**

Although the savings will be negligible, it is anticipated that costs involved with investigations of unauthorised brothels by the City's Officers under the Town Planning Scheme will be mostly eliminated.

**COMMENTS:**

It is recommended that the Council approve the Officer Recommendations detailed within this report and advises the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Prostitution Bill 2011, subject to the following comments:

1. Clause 74–No prostitution businesses in residential or special use areas
  - 1.1 All of the City's zones, including 'commercial use' zones, listed in Town Planning Scheme No. 1, also permit or allow 'residential uses' at the Council's discretion. As such, the entire area of the City can be used for a 'residential use' and, as such, the City has interpreted clause 74 to mean that prostitution businesses will be effectively prohibited throughout the City; and
  - 1.2 The Bill is silent on the approved hours of operation for prostitution businesses. The City recommends that guidance on the permitted hours of operation should be provided to Local Government, in addition to clarification of whether Local Government will be able to stipulate and enforce hours of operation through existing local development approval processes;
2. Clause 166–Planning requirements as to existing prostitution businesses

There are four (4) known sexual service businesses in the City of Vincent that would fall within this category.

It is noted that operators, managers and prostitutes working in these existing businesses will be required to lodge applications for relevant licences within three months of the day on which the legislation comes into operation, and that the City will be consulted with regard to the way in which the businesses have been conducted, including the provision of information relating to complaints from persons living or working in the area, disturbances to the neighbourhood and the affect on the amenity of the neighbourhood.

There is concern that existing businesses may endeavour to expand their operations in line with the criteria relating to the size of the business detailed in clause 58 of the Bill. The City is of the view that should businesses wish to do this, there must be a requirement for local planning approval to be issued prior to any such expansion;

3. Clause 121–Requirements for issue of closure notice

The City is supportive of the procedure whereby a closure notice may be issued in relation to a specified place if the Commissioner of Police has received a written complaint from a local government, alleging that a place is being used for a prostitution business; and

4. Clause 42 onwards–Licensing Query

4.1 It is noted clause 9 (1) and (2) Relating to Seeking Prostitute in or in View of or Within Hearing of a Public Place outlines that a 'person must not, in the view or within hearing of a public place, seek another person to act as a prostitute' and that person who contravenes this requirement is guilty of a punishable crime; and

4.2 Given the requirement of Division 2 – Licences required for Certain Activities involving prostitution, there is concern that the 'registration' requirements may be too stringent and have the adverse effect of pushing sexual services further underground. In particular, it is anticipated that the number of street sex workers operating in local streets/communities will increase.

To ensure that this does not occur, what strategies will be put in place to ensure that street work, being a more problematic mode of sex work, does not become more prevalent.



**9.2.1 Proposed Obstruction of a Portion of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley, Progress Report No. 3**

<b>Ward:</b>	South	<b>Date:</b>	28 June 2011
<b>Precinct:</b>	Mount Lawley Centre Precinct (P11)	<b>File Ref:</b>	TES0429
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2731-CP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Munyard; Senior Engineering Technical-Officer Land & Development; R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** a ‘partial obstruction’ to prevent vehicular traffic, via the use of bollards or an alternative ‘appropriate’ method as determined by the Chief Executive Officer, of a portion of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets as shown on attached Plan No. 2731-CP-01 for the following reasons:
  - 1.1 the majority of respondents indicated they were in favour of obstructing a ‘portion’ of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley;
  - 1.2 obstructing the portion of Right of Way to vehicular access from Beaufort Street will result in safety and amenity improvements; and
  - 1.3 a partial obstruction of the right of way will still ensure that vehicular access is maintained to all properties adjoining the right of way; and
2. **ADVISES** the respondents and the authors of the petitions of its decision.

**Moved Cr McGrath, Seconded Cr Maier**

That the recommendation be adopted.

**AMENDMENT**

**Moved Cr McGrath, Seconded Cr Maier**

That a new clause 3 be inserted as follows:

- “3. **REFERS** the treatment of the Right of Way obstruction, including the bollard design and placement to the Beaufort Street Enhancement Working Group.”

**AMENDMENT PUT AND CARRIED (7-1)**

**For:** Deputy Mayor Lake, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Cr Burns

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

(Mayor Catania was on approved leave of absence.)

---

**COUNCIL DECISION ITEM 9.2.1**

**That the Council;**

1. **APPROVES** a 'partial obstruction' to prevent vehicular traffic, via the use of bollards or an alternative 'appropriate' method as determined by the Chief Executive Officer, of a portion of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets as shown on attached Plan No. 2731-CP-01 for the following reasons:
    - 1.1 **the majority of respondents indicated they were in favour of obstructing a 'portion' of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley;**
    - 1.2 **obstructing the portion of Right of Way to vehicular access from Beaufort Street will result in safety and amenity improvements; and**
    - 1.3 **a partial obstruction of the right of way will still ensure that vehicular access is maintained to all properties adjoining the right of way;**
  2. **ADVISES** the respondents and the authors of the petitions of its decision; and
  3. **REFERS** the treatment of the Right of Way obstruction, including the bollard design and placement to the Beaufort Street Enhancement Working Group.
- 

**PURPOSE OF REPORT:**

The purpose of this further report is to seek the Council's approval for the obstruction of one leg of a Dedicated Right of Way (ROW).

**BACKGROUND:**

**Ordinary Meeting of Council held on 27 April 2010:**

In 2010, following a request from the proprietor of an adjacent business, a report was prepared for the Council's consideration recommending 'approval in principle' for the obstruction of a small portion of the dedicated Right of Way (ROW) which runs between Roy Street and Beaufort Street, Mount Lawley.

It was proposed that if this section of the ROW was obstructed, to motor vehicular traffic only, the ROW could be beautified with such measures as improvements to pavement, installation of potted trees, and decorative lighting. If obstructed, pedestrian access would still be maintained at all times.

At the time, the proprietor of the adjacent business also expressed interest in applying for permission to establish an outdoor dining addition to the proposed café within the newly landscaped section of ROW.

After consideration of the report the Council made the following decision:

*"That the Council;*

- (i) **APPROVES IN PRINCIPLE** the obstruction of the north west leg of the Dedicated Right of Way known as ROW 2.51-a (as shown on Appendices 9.2.3A & B);
- (ii) **NOTES that:**
  - (a) *the applicant is requesting the ROW Obstruction to improve safety and to add to the vibrancy of the area;*

- (b) *should the ROW obstruction be approved, the applicant may apply for an alfresco dining licence for a portion of the obstructed section of ROW (as shown indicatively in Appendix 9.2.3C); and*
- (c) *should the ROW obstruction be approved, removal of the existing crossover on Beaufort Street may be undertaken, at the applicant's expense, however a physical obstruction to the satisfaction of the Town would still be required at both ends of the ROW portion to be obstructed;*
- (iii) *ADVERTISES the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the Cities Consultation Policy for a period of not less than twenty-eight (28) days; and*
- (iv) *RECEIVES a further report at the conclusion of the advertising period."*

In accordance with (iii) of the Council's decision, the proposal was advertised in the West Australian with submissions invited for a period of 28 days. Individual letters were also sent to all owners of adjacent properties.

#### **Ordinary Meeting of Council held on 24 August 2010:**

As the results of the consultation were inconclusive, with some apparent misunderstanding of the extent of the proposed obstruction, a firm recommendation to Council from the City's Officers could not be made without more public discussion. A report outlining the submissions received was submitted to the Council where the following decision was made:

*"That the Council;*

- (i) *CONSIDERS the submissions received concerning the proposed obstruction of a portion of the Dedicated laneway Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley, as detailed in this report;*
- (ii) *DEFERS making a decision concerning the proposed obstruction of a portion of the Dedicated laneway Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley; and*
- (iii) *APPROVES of:*
  - (a) *an Information Session to be held inviting all interested parties, petitioners, affected businesses and residents, where further information regarding the overall proposal will be provided; and*
  - (b) *further consultation to be carried out following the Information Session."*

#### **DETAILS:**

##### **The ROW Block:**

The ROW block in question runs in a 'T' configuration from Beaufort Street through to Roy Street, with a central connection running down into Barlee Street. The ROW legs are only 3.0m wide, however, some years ago (prior to the City of Vincent) the ROW legs were dedicated as a public road.

##### **Information Session - 16 September 2010:**

The information session held at the Administration and Civic Centre was attended by the Chief Executive Officer, a number of the City's Officers, two (2) Councillors, and five (5) members of the public.

Attendees were advised that if obstructed, the ROW would remain accessible to pedestrians at all times, and the positioning of bollards (or similar) would not hinder vehicle access to existing private parking.

Strong views were expressed at the meeting, both for and against the obstruction and possible alfresco use of this section of ROW.

**Further Consultation:**

In accordance with (iii)(b) of the Council's decision (*Ordinary Meeting of Council held on 24 August 2010*) a second consultation letter was sent to all adjoining properties, together with those who had contributed to petitions previously submitted to the Council over the proposal.

Note: The ROW network is dedicated as public roads, and therefore, in accordance with the Local Government Act 1995, submissions from all members of the public must be considered.

At the conclusion of the further consultation period, ALL submissions received were carefully assessed. A number of respondents merely recycled what they had previously submitted while others were also signatories to the petitions received. Therefore the outcome of the two (2) consultations and petitions were subject to in-depth analysis, which yielded the following results:

- A total of 67 responses were received either via a comment's sheet or signatory to a petition;
- Forty (40) were in favour of the obstruction of portion of the ROW;
- Twenty six (26) were opposed the obstruction of portion of the ROW.
- One (1) respondent was partially in favour of the proposal

A summary of the responses received are attached at appendix 9.2.1.

In Favour of the proposal:

The main issues identified by those who supported the proposal, were safety related, but enthusiastic support for aesthetic improvement and amenity for pedestrians was also apparent.

With the significant increase in traffic volumes, some ROWs which were created at the turn of the century and functioned well at that time, may now present an unacceptable hazard to both other road users and pedestrian traffic. The ROW in question terminates at Beaufort Street 60m south of the Walcott Street intersection. Beaufort Street is classified as a District Distributor A Road and currently carries in excess of 30,000 vehicles per day.

Officers Comments:

*A portion of the east/west leg of the ROW has been partially obstructed to vehicular traffic since August 2009. This 'temporary' obstruction has not resulted in any noticeable adverse impact on access to the remaining ROW block. In fact it has improved safety for both pedestrians using the ROW for access to the shops in Beaufort Street and due to poor sight lines for vehicles exiting onto Beaufort Street has addressed a potentially dangerous situation for both pedestrians and motorists.*

Against the Proposal

Those who oppose the obstruction of the ROW expressed a variety of reasons including that pedestrian traffic would be curtailed by the installation of the bollards. Some were of the view that vehicle access to the rear of their properties would be affected. Also several of those who opposed the obstruction, were concerned about possible negative effects which may result from the introduction of an alfresco area.

Officers Comments:

*As mentioned above pedestrian traffic would not be curtailed in fact it will be enhanced. Also no property will lose vehicular or pedestrian access via the ROW system, if the Council approves the obstruction as proposed in the Plan that was distributed with the consultation letters. All vehicular access will be maintained to all properties.*

*In addition the proposal under consideration is for the partial obstruction of the ROW for vehicular from Beaufort Street. Should an application be received for an outdoor eating area within the obstructed area, this would be the subject of a separate application and would be assessed and considered on its merits in accordance with City's Policy 3.8.1 "Outdoor Eating Areas"*

**Recommendation:**

As can be seen the majority of respondents support the obstruction of portion of the ROW, as proposed. Pedestrian safety is identified as the most significant factor, followed by improvement of amenity and a boost to the vibrancy of the area. Therefore, it is recommended that the Council approve the placement of the bollards, as illustrated on the attached plan No. 2731-CP-01.

**CONSULTATION/ADVERTISING:**

Extensive consultation has been carried out, as detailed previously in this report. Additionally, the matter was advertised in the West Australian on Wednesday 28 June 2010.

The respondents and authors of the petition will be advised of the Council's decision.

**LEGAL/POLICY:**

The ROW leg is under the care, control and management of the City however, to enable an obstruction to occur, this is actioned in accordance with section 3.50 of the Local Government Act 1995.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The proposal will improve safety for both pedestrians using the ROW for access to the shops in Beaufort Street and due to poor sight lines for vehicles exiting onto Beaufort Street will address a potentially a dangerous situation for both pedestrians and motorists.

**STRATEGIC IMPLICATIONS:**

The Cities *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the Cities infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Will enhance the vibrancy of the area and encourage pedestrian use of the ROW.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost to install 'standard' bollards would be in the order of \$500 however as part of the Beaufort Street enhancement works there may be scope to implement a more 'upmarket' solution using a sculptural element, street furniture or the like to form the actual physical obstruction.

**COMMENTS:**

Beaufort Street carries in excess of 30,000 vehicles per day. Vehicles exiting the east/west ROW leg from the ROW into Beaufort Street are faced with poor sightlines and high traffic numbers. From a safety point of view closing this leg to vehicular traffic would be most desirable.

Due to the existing continuous median island in Beaufort Street, the ROW entry/exit is currently restricted to "left in/left out" so closure of the ROW leg would not only improve safety but would not adversely affect access as vehicles would still be able to access the ROW via Roy or Barlee Streets. In addition the ROW leg has in effect being obstructed to vehicular traffic for some time now with no apparent adverse impact on access.

It is therefore recommended that the portion of ROW be obstructed to vehicular access as shown on attached Plan No. 2731-CP-01.

**9.2.2 Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 5**

<b>Ward:</b>	South	<b>Date:</b>	1 July 2011
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	TES0473
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	C Wilson, Manager Asset & Design Services; R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONTINUES TO SUPPORT** the proposal to reintroduce 'two-way' traffic in William, Beaufort and Brisbane Streets;
2. **NOTES** that the matter was considered by the Perth City Council at its Ordinary Meeting held on 28 June 2011 where the Council resolves, in part, to request that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay;
3. **REQUESTS** that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay noting that both the City of Vincent and the City of Perth have coordinated the implementation of the project to occur concurrently toward the end of 2011;
4. **ADVISES** the City of Perth of its continued support; and
5. **RECEIVES** a further report at the conclusion of the discussions with the City of Perth, Main Roads WA, Department of Transport and the Public Transport Authority.

---

**Moved Cr Topelberg, Seconded Cr Burns**

That the recommendation, together with the following new clause 6, be adopted:

- "6. **DOES NOT SUPPORT** a twenty four (24) hour bus lane on Beaufort Street due to the negative impact on local retail districts, pedestrian amenity and alfresco dining."

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Mayor Catania was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.2**

That the Council;

1. **CONTINUES TO SUPPORT** the proposal to reintroduce 'two-way' traffic in William, Beaufort and Brisbane Streets;
2. **NOTES** that the matter was considered by the Perth City Council at its Ordinary Meeting held on 28 June 2011 where the Council resolves, in part, to request that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay;

3. **REQUESTS** that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay noting that both the City of Vincent and the City of Perth have coordinated the implementation of the project to occur concurrently toward the end of 2011;
4. **ADVISES** the City of Perth of its continued support;
5. **RECEIVES** a further report at the conclusion of the discussions with the City of Perth, Main Roads WA, Department of Transport and the Public Transport Authority; and
6. **DOES NOT SUPPORT** a twenty four (24) hour bus lane on Beaufort Street due to the negative impact on local retail districts, pedestrian amenity and alfresco dining.

---

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of the reintroduction of two-way traffic in the City's of Vincent and Perth streets.

**BACKGROUND:**

At its Ordinary Meeting 13 April 2010 the Council received progress report No. 4 on the proposed reintroduction of two-way traffic on Beaufort, William Streets, Perth.

The report discussed the then proposed timetable for the conversion of the streets to two-way traffic along with that of Brisbane Street between William and Beaufort Streets.

At the conclusion of the discussion Council made the following, in part, decision:

- “(i) *NOTES the following;*
- (b) *Main Roads WA previously advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:*  
  
*An agreement with the City of Perth regarding future plans for the whole of William Street;*
- (ii) *SUPPORTS IN PRINCIPLE the proposal to reintroduce ‘two way’ traffic in William, Beaufort and Brisbane Streets subject to the City of Perth agreeing to undertake the following;*
- (d) *indicate what discussions have taken place with the Public Transport Authority (PTA) with regard to the proposal and advises what, if any, changes would be required to the road layout to accommodate PTA;*
  - (e) *agree to fund the design/documentation of signal modifications and any other design requirements associated with the two way street proposal within the Town at both the William/Brisbane and Beaufort/Brisbane Street intersections;*
  - (f) *provide further clarification on the proposed intersection treatments and proposed clearway zones during the AM and PM peak periods; and*
- (v) *WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the City of Perth;’ ”*

Since April 2010 a series of meetings have been held at officer level with the City of Perth, Public Transport Authority (PTA), Main Roads WA (MRWA) and the Department of Transport (DoT) to progress the matter. The City of Perth, in conjunction with the City of Vincent, were looking to convert Beaufort Street to two-way traffic in June 2011, which was subsequently deferred to October 2011 and is now likely to again be deferred to 2012\*.

Note\*: If not completed by early October the project will have to be rescheduled so as not to conflict with the Commonwealth Heads of Government Meeting (CHOGM), and after which it would then be too close to the Christmas season pushing it out to 2012.

However, there have been further developments, as discussed in the main body of the report that could potentially defer the project indefinitely.

#### **DETAILS:**

At the Council Members Forum held 16 February 2010 City of Perth officers gave a presentation on the City of Perth strategic 'City Streets Transport Plan' to progressively changing one-way roads to two-way roads to make the road network more legible and to implement a "to, not through" access philosophy.

The presentation included, in part, the following:

- This overall project was intended to be implemented with minimal physical or operational impact by maintaining the existing kerb lines as much as practical. Only relatively minor road works such as the removal of kerb extensions and minor realignment of kerb lines would be required at a few intersections. Additional traffic signal infrastructure would be required at all signalised intersections to cater for southbound traffic.
- North of Newcastle Street, Beaufort Street was within the City of Vincent and the City had previously indicated in-principle support for Beaufort Street and William Street becoming two-way.
- The City of Vincent's support of this treatment was important for the road network to be legible and operate as efficiently as possible. It was recommended that the City of Perth develop a concept Masterplan for the extension of the two-way treatment, in partnership with the City of Vincent.
- The reintroduction of two-way traffic on Beaufort Street was another important step in making the road network more legible and permeable and progressing the City's "to, not through" access strategy.
- MRWA has indicated its reluctance to approve any more two-way street conversions until more detail is presented on the overall program. The continuation of this project would assist in building the detailed information that MRWA is requesting.

As indicated above since April 2010 the City's Director Technical Services and Manager Asset and Design Services have had a number of meetings with the City of Perth, PTA, MRWA and DoT to progress the matter.

#### **Meeting at the City of Perth 26 May 2011:**

At a meeting held 26 May 2011 at Perth's Council house, and attended by all of the above aforementioned parties, discussions focused on the need to adequately provide for Public Transport in the City of Perth's 'City Streets Transport Plan', but more specifically in the conversion of Beaufort Street to two-way traffic.

While all parties agreed 'in principle' that two-way traffic would have significant benefits the talks stalled over the issue of traffic lane widths. Both Vincent and Perth indicated they intended to retain the existing road pavement width. The PTA, MRWA and DoT had a united position that Beaufort Street had to be widened by approximately 800mm to accommodate wider traffic lanes for the buses.



The obvious and most significant impact, if State agencies maintain their position, is on the cost of the project, which would effectively double.

Alternatively the existing road width was consider by MRWA, PTA and DoT to be adequate if the both Vincent and Perth approved 24/7 bus lanes in Beaufort Street from Brisbane Street to Roe Street.

While the State agencies argument is supported by the various design standards, essentially it means that in order for the project to proceed both Councils would have to approve 24/7 bus lanes immediately rather than phase them over a period of time, as was agreed in principle by all parties, in the original 'City Streets Transport Plan'. The initial discussions suggested that as first step AM and PM Clearways would be introduced, followed by AM and PM Bus Priority Lanes and ultimately 24/7 Bus Lanes.

While the above is subject to negotiation and has been elevated to higher levels within the respective State Government Departments until the above it is resolved MRWA will not approve the changes and therefore the works cannot proceed.

Officer Comment

*Therefore the general purpose of this report is to advise Council of current situation. If/or when there are further developments another progress report will be presented to Council.*

**City of Perth - Ordinary Meeting of Council 28 June 2011:**

The Perth City Council received a progress report on the *Two-way Streets Program*.

The report discussed the Strategic Agreement – City Streets Transport Plan, as signed by the Chief Executive Officer on behalf of the City of Vincent in January 2011 but yet to be signed by the Director General Transport, DoT, MRWA or PTA.

The State agencies have delayed signing the agreement '*until further consideration had been given to the implications of a range of projects including the Waterfront*'

City of Perth Officer Comments

*"The State's delayed signing of the strategic City Streets Transport Plan is unfortunate insofar that it provides no formal support for the City's two-way streets program. The agreement also included priority routes for public transport which are now not formally supported by State Government agencies. Until such time that a new comprehensive transport plan is developed for the city centre, the City Streets Transport Plan remains a robust framework for transport related decision-making.*

*It is anticipated that following the release of the State Government's 2030 Transport Plan, the current transport working group will be able to develop a new city centre traffic and transport plan within 12 months. This will incorporate two-way traffic, changes that result from Waterfront Project and public transport improvements.*

*While this future Plan is being developed it is considered appropriate that the City continues to progress key transport projects which will provide demonstrated benefit to all city users.*

*As a priority, the two-way conversion of Beaufort Street should continue. It is noted that this project has previously had the support of the Director General Transport and that the plans and coordination of work with the Town of Vincent are well advanced.*

*Although Beaufort Street (as well as other one-way streets in the city) is controlled by the City of Perth, it is noted that MRWA hold authority for road line marking and traffic signals. Before MRWA gives approval for changes to line markings and signals, it consults with other agencies such as PTA and DoT.*

Plans were originally lodged with MRWA for the conversion of Beaufort Street on 25 March 2010. Currently, MRWA does not support the conversion as it believes the current road width is too narrow unless buses have 24/7 operating bus lanes.

The City of Perth and City of Vincent believe that the original width of Beaufort Street operated comfortably as two-way and that the current plans should simply reinstate what was previously in place. Clearways will be introduced for peak traffic that will accommodate buses, however, any widening or 24/7 bus only lanes should be considered in the future after an operational review."

**CONSULTATION/ADVERTISING:**

Not required at this time, however depending upon the outcome of future discussions with the various State Government Departments and the City of Perth it is likely there will need to be extensive public consultation.

**LEGAL/POLICY:**

Brisbane, William and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the City of Vincent.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding of \$460,000 has been allocated in the 2011/2012 for implementing the works.

**COMMENTS:**

The City of Perth is pushing ahead with its strategic objectives of reverting one-way roads to two-way to make the road network more legible and to implement a 'to, not through' access philosophy.

The impact of the changes have been modelled by the City and discussions with the City of Vincent have been progressing for a number of years now.

It is considered that the proposal should continue to be supported.

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

### 10.1 Notice of Motion – Cr Dudley Maier – Town Planning Scheme Review – Plot Ratio Bonus

That the Council REQUESTS:

1. the Chief Executive Officer to investigate and provide a report on the implications of adopting a clause or clauses similar to Clauses 27 and 28 of the City of Perth City Planning Scheme Number 2, and a policy similar to City of Perth Policy 4.6.1 - Bonus Plot Ratio Policy, which limits the extent of plot ratio bonuses and requires applicants to justify any such bonus, as shown in Item [10.1](#), as attached; and
2. a report be submitted to the Council to the Ordinary Meeting of Council to be held on 9 August 2011.

---

#### COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Topelberg

That the motion be adopted.

Discussion ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Mayor Catania was on approved leave of absence.)

---

**10.2 Notice of Motion – Cr Dudley Maier – Community Consultation Policy – Amendment of “Community Consultation Submission Form – Non Planning Matters”**

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy 4.1.5 – “Community Consultation Letter & Form – Non Planning Matters” proforma, as shown in Appendix 1, so that it includes sections for ‘Reasons for the Proposal’ and ‘Benefits and Implications’, after the section which describes the proposal, as shown in Item [10.2](#), as attached.

Moved Cr Maier, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

The Mover, Cr Maier advised that he wished to change his Motion as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy 4.1.5 – “Community Consultation Letter & Form – Non Planning Matters” proforma, as shown in Appendix 1, so that it includes sections for ‘Reasons for the Proposal’ and ‘Potential Benefits and Implications’, after the section which describes the proposal, as shown in Item [10.2](#), as attached.”

The Seconder, Cr Buckels agreed.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be amended as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy 4.1.5 – “Community Consultation Letter & Form – Non Planning Matters” proforma, as shown in Appendix 1, so that it includes a sections for ‘Reasons for the Proposal’ and ~~‘Potential Benefits and Implications’~~, after the section which describes the proposal, as shown in Item [10.2](#), as attached.”

Debate ensued.

**AMENDMENT PUT AND CARRIED (7-1)**

**For:** Deputy Mayor Lake, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg  
**Against:** Cr Maier

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

(Mayor Catania was on approved leave of absence.)

**COUNCIL DECISION ITEM 10.2**

“That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy 4.1.5 – “Community Consultation Letter & Form – Non Planning Matters” proforma, as shown in Appendix 1, so that it includes a section for ‘Reasons for the Proposal’, after the section which describes the proposal, as shown in Item [10.2](#), as attached.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

**At 7.42pm**      **Moved Cr Burns, Seconded Cr Topelberg**

**That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Mayor Nick Catania was on approved leave of absence.)**

**There was one (1) members of the public present and one (1) journalist present (Lauren Peden), who departed the Chamber at 7.42pm.**

**The Council met behind closed doors, with the following persons present:**

**PRESENT:**

Cr Sally Lake ( <i>Deputy Mayor</i> )	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Kara Ball	Executive Secretary Corporate Services (Trainee Minutes Secretary)

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT: Review of Neglected/Derelict Buildings in the City of Vincent**

<b>Ward:</b>	Both	<b>Date:</b>	30 June 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0084
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	N Wellington, Development Compliance Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council NOTES;

1. the Review of Neglected/Derelict Buildings in the City of Vincent; and
2. an update of the Review of Neglected/Derelict Buildings be reported to the Council on a quarterly basis.

---

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Burns, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Mayor Catania on approved leave of absence.)**

---

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*“2.14 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

Cr McGrath departed the Chamber at 8.15pm.

The Minutes Secretaries departed the meeting at 8.15pm and did not return.

Cr McGrath returned to the Chamber at 8.17pm.

The Chief Executive Officer addressed the Council on the following items:

1. Scheme Amendment No. 29;
2. Concrete Batching Plants in East Perth; and
3. Organisational Structure.

The Council requested that the matters be treated as confidential information and not be disclosed to the public.

#### PROCEDURAL MOTION

At 8.28pm Moved Cr Topelberg, Seconded Cr Burns

That the Council resume an "open meeting".

#### PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Mayor Catania on approved leave of absence.)

### 15. CLOSURE

There being no further business, the Presiding Member, Deputy Mayor Sally Lake, declared the meeting closed at 8.28pm with the following persons present:

Cr Sally Lake ( <i>Deputy Mayor</i> )	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the media or Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 July 2011.

Signed: .....Presiding Member  
Deputy Mayor Sally Lake

Dated this ..... day of ..... 2011