



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 APRIL 2013

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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 23 April 2013, commencing at 6.05pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.05pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Matt Buckels due to Personal Commitments.

Cr Warren McGrath will be late due to Work Commitments.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward (from 6.25pm)

Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary)

Employee of the Month Recipient

Nicky Basham Senior Customer Service Officer (until approximately 6.20 pm)

Media

Carol Smith Journalist – *"The Guardian Express"* (until approximately 8.20pm)

David Bell Journalist – *"The Perth Voice"* (until approximately 7.20pm)

Approximately 22 Members of the Public

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

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

1. Paul Kotsolo of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.3 Stated the following:
 - He spoke on behalf of his clients and advised that he had been working with the Council in relation to the project.
 - He had advised his clients on the concept of an acoustic report and recommendations that should be implemented as a result of this and they are currently seeking the services of acoustic consultants.
2. Greg White of 6/106 Oxford Street, Leederville – Item 9.2.5 Stated the following:
 - He owned the property immediately adjoining the proposed Reserve for about seventeen (17) years and is a member of the Leederville Village Council of owners.
 - He spoke in favour of the proposal and thanked the Council for initiating and following through on this proposal.
3. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.10 Stated the following:
 - They have advertised on two (2) occasions and his client Mr Joe Saraceni has also conducted a door knock and spoken with his neighbours regarding the proposal.
 - The main concerns raised related to traffic and noise and both these issues will be addressed through a management plan for the site.
4. Chris Selman of 50 Milton Street, Mount Hawthorn – Item 9.1.9 Stated the following:
 - He has objections to the proposal. His first objection was in relation to the revised plans that had not been submitted online and made available to the public for comment and he asked if the approval could be deferred until these plans were made available.
 - His second objection was in relation to the provision of a communal bin area at the rear of the development.
 - He strongly believed that the reason for all the objections and violations is due to the concept and a poor choice of location and it is inappropriate for the block size.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that when the Item is up for discussion, the Director Planning Services will provide further detail. In relation to the R60 - that was presented to the Council for consideration and the Council determined to proceed with the R60 density.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- [3.1](#) Cr Josh Topelberg relating to Item 9.3.1 – Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 17.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

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 9 April 2013

Moved Cr Maier, Seconded Cr Topelberg

That the Minutes of the Ordinary Meeting of Council held on 9 April 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

(Cr Buckels was an apology for the Meeting.)

(Cr McGrath had not yet arrived at the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Hon. Alannah MacTiernan read the following:

7.1 Employee Of The Month Awards For The City Of Vincent For March 2013

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for March 2013 is awarded jointly to Allana Hajdu, Coordinator Customer Service and Nicky Basham, Senior Customer Service Officer.

Allana and Nicky were nominated as a result of an email of appreciation received from a resident, Mr Paul Jones, who wrote in as follows:

"Fantastic Customer Service...

I would like to inform you of the wonderful help and service I received from Allana and Nicky recently. They not only assisted me but went out of their way to help with my building approval and planning application.

Can you please pass on my thanks to these two ladies and I look forward to doing more business with the City of Vincent and your helpful staff."

It is always pleasing to receive correspondence such as this, where the positive actions of the City and the City's employees are brought to notice.

Unfortunately, Allana could not attend tonight's Council Meeting as she is on Annual Leave, however Nicky is in attendance to accept the Award on behalf of them both.

Received with Acclamation!

7.2 Development Mindarie Regional Council and Withdrawal of Stirling

The problems with the Mindarie Regional Council and the attempts by the City of Stirling to depart the Mindarie Regional Council are having some quite profound effects financially which will impact on the City of Vincent.

The tipping fees now, due to the City of Stirling having an exemption at the moment which, are going to be levied are getting to a level that is unsustainable and as a consequence I am part of a group of people that are on the Mindarie Regional Council that are looking in to see if we can reverse the proposition that City of Stirling leaves the Council. I propose to submit a Notice of Motion to our next Ordinary Meeting of Council. It ultimately will be the decision for the Minister for Local Government as to whether or not the City of Stirling will be allowed to leave.

My view is that if City of Stirling is allowed to leave, then the City of Vincent should exercise our rights to also withdraw.

I think this is a serious issue for us and wanted to alert the Council of the issue.

7.3 **Deferral of Item 9.5.5 – Late Item Review of Code of Conduct – Adoption of Amended Clause 8.4 and Clause 8.5**

With the Council's approval, I would like to defer considering the Item on Code of Conduct, as the amendments may not be going in the direction that the Council had originally wanted.

A little bit more work will be required on this item.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Harley

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

**(Cr Buckels was an apology for the Meeting.)
(Cr McGrath had not yet arrived at the Meeting.)**

8. DECLARATIONS OF INTERESTS

8.1 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.2.3 – Forrest Park, Mt Lawley – Progress Report No.5. The extent of her interest being that she owns and resides in a property opposite Forrest Park and requested to participate in the debate and vote on the item, but not preside over the item.

8.2 Cr Carey declared an Impartiality interest in Item 9.2.1 – Beaufort Streetscape – Proposed Tree Species. The extent of his interest being that he is a member of the Beaufort Street Executive Member.

8.3 Cr Topelberg declared an Impartiality interest in Item 9.1.2 – No. 116 (Lot 408; D/P 39280) Angove Street, North Perth – Proposed Change of Use from Residential to Residential and Office. The extent of his interest being that the applicant is a personal acquaintance and he met the applicant in late 2012 to explain the application process and stated that he has not had any further discussions in relation to this matter.

8.4 Chief Executive Officer John Giorgi, declared an Impartiality Interest in Item 9. 2.3 - Forrest Park- Proposed Improvement Works. The extent of his interest being that he is an accredited Soccer referee with Football West and FFA and sometimes is allocated to referee soccer games at Forrest Park. He disclosed that he did not have any input into the preparation of the agenda report, other than the normal vetting of the report as part of compiling the agenda.

The Chief Executive Officer advised the meeting that as the Deputy Mayor – Cr McGrath had not yet arrive at the meeting, the Council will need to elect a Presiding Member to preside, whilst the Council considered the Mayor Hon. Alannah MacTiernan request concerning Item 9.2.3.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Wilcox

That Cr Carey be elected as Presiding Member, as Deputy Mayor Warren McGrath had not yet arrived to the Meeting, to consider the Mayor's request to participate in debate and vote on Item 9.2.3.

PROCEDURAL MOTION CARRIED UNANIMOUSLY (7-0)

**(Cr Buckels was an apology for the Meeting.)
(Cr McGrath had not yet arrived at the Meeting.)**

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 6.22 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.3.

Cr John Carey assumed the chair as Presiding member for this matter.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Harley

That:

- 1. Item 9.2.3 – Forrest Park, Mt Lawley – Progress Report no. 5, be approved.**
- 2. Mayor Hon. Alannah MacTiernan’s request to participate in the debate and vote on item 9.2.3, be recorded in the Minutes.**

CARRIED UNANIMOUSLY (6-0)

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)
(Cr Buckels was an apology for the Meeting.)
(Cr McGrath had not yet arrived at the Meeting.)

Mayor Hon. Alannah MacTiernan returned to the Chamber at 6.24pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that item 9.2.3 was moved and seconded and carried without debate and her interest was recorded in the Minutes.

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

Nil.

10. REPORTS

The Presiding Member, Mayor Hon. Alannah MacTiernan, 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 9.13, 9.1.9, 9.1.10 & 9.2.5

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 9.1.9, 9.2.5, 9.4.1 and 9.5.3

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

Item 9.2.3

Presiding Member, Mayor Hon. Alannah MacTiernan, 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:

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	9.1.6
Cr Buckels	Apology for the Meeting
Cr Carey	9.2.1 & 9.4.1
Cr Harley	Nil
Cr Maier	9.1.1, 9.1.2, 9.1.7, 9.1.8, 9.5.2 & 9.5.4
Cr McGrath	Nil
Cr Pintabona	Nil
Cr Topelberg	Nil
Cr Wilcox	Nil

The Presiding Member, Mayor Hon. Alannah MacTiernan, 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 9.1.4, 9.1.5, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3 & 9.5.1

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

Nil.

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 9.1.4, 9.1.5, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3 & 9.5.1

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

Items 9.1.3, 9.1.9, 9.1.10 & 9.2.5

(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.

(d) Confidential Items – to be considered (“Behind Closed Doors”).

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

Cr Warren McGrath entered the meeting at 6.25pm.

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Pintabona, Seconded Cr Wilcox

That the following unopposed items be approved “En Bloc”, as recommended;

Items 9.1.4, 9.1.5, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3 & 9.5.1

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

9.5.5 LATE ITEM: Review of Code of Conduct – Adoption of Amended Clause 8.4 and Clause 8.5

Ward:	Both	Date:	22 April 2013
Precinct:	Both	File Ref:	ADM0050
Attachments:	001 – Code of Conduct Clauses 8.4 and 8.5		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that minor changes are recommended by the City’s Solicitors to Clauses 8.4 and 8.5 of the City’s Code of Conduct 2013; and
2. **ADOPTS** the amended Clauses 8.4 and 8.5 of the City’s Code of Conduct 2013, as shown in Appendix 9.5.5.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Harley

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels was an apology for the Meeting.)
(Cr McGrath had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the City’s Solicitors advice, as it applies to Clauses 8.4 and 8.5.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 April 2013 the Council considered this matter and resolved as follows;

“COUNCIL DECISION ITEM 9.5.2

That the Council;

1. *NOTES that;*
 - 1.1 *the Council’s Code of Conduct has been reviewed as required by clause 9.1(b);*
 - 1.2 *minor changes are recommended to the Code of Conduct; and*
2. *ADOPTS the Code of Conduct 2013, as shown in Appendix 9.5.2; and*
3. *REQUESTS a report be prepared concerning Clause 8.5 (i) (a) of the Code of Conduct to clarify the application of the Clause and in particular whether it relates to development applications only.”*

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees. The Council first adopted a Code of Conduct on 26 August 1996.

Whilst it is no longer a legal requirement for a Local Government to review its Code of Conduct every two (2) years, it is "best practice" to do so, as this ensures;

- The Code remains current and relevant;
- That any Legislative changes can be included; and
- The review acts as a reminder to Council Members and Employees.

DETAILS:

Legal Advice about the City's Current Code of Conduct – Clauses 8.4 and 8.5

Following the Ordinary Meeting of Council held on 9 April 2013, the Chief Executive Officer obtained advice from Mr Neil Douglas, Partner of McLeods Barristers and Solicitors.

The City's solicitors advises as follows:

1. "The principles and restrictions relating to bias and prejudice apply beyond development applications to any matter to be determined by the Council which affect, or may affect, the rights or interests of a person. For this reason, in my view, **clause 8.5** should continue to be expressed broadly and should not be restricted to development applications, as follows:

1. Clause 8.5 – Comment During Public Consultation Period Advice

When a matter is being advertised for public comment or is yet to be considered and determined by the Council:

(i) Council Members and Employees:

- (a) will refrain from making public comment expressing a personal opinion which is biased, or which may be perceived as biased or prejudging the matter; ~~whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;~~
- (b) will clearly preface any of their remarks as being their own personal views and not those of the Council ~~or possibly be construed to be on behalf of the Council;~~ and
- (c) will encourage members of the public to make a written submission to the City; and .

(ii) ~~t~~The Mayor and/or the Chief Executive Officer will take appropriate action (including issuing a statement to the media) correcting any misinformation or erroneous information which is in the public arena."

Chief Executive Officers Comment:

The Chief Executive Officer supports the City's Solicitors advice as it removes ambiguity as to when the Clause is applicable.

2. Clause 8.4 - Expression of Personal Views – Generally

The City Solicitor has also recommended the following change;

- "(i) Council Members are free to make their own personal position known about any matter, which is pertinent to the business of the City, (including Council decisions) and may express a personal opinion on an issue of public interest provided that:
- (a) any statement made it cannot be construed to be a statement on behalf of the Council;
 - (b) ~~(ii)~~ Council Members and Employees will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council;
 - (c) ~~(iii)~~ Council Members and Employees will not adversely reflect on a Council decision; and
 - (d) Council Members will always act in accordance with their duty of fidelity to the City.
- ~~(iv) This shall not prejudice an individual member's right to express a personal opinion on issues of public interest.~~
- (ii) Employees may express a personal opinion on an issue of public interest provided that:
- (a) any statement made cannot be construed to be a statement on behalf of the Council;
 - (b) Employees will not adversely reflect on a Council decision; and
 - (c) Employees will always act in accordance with their duty of fidelity to the City. "

Chief Executive Officers Comment:

The Chief Executive Officer supports the City's Solicitors advice as it removes ambiguity and makes it clearer.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Appointment of Complaints Officer

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2009-2014, 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."

RISK MANAGMENT:

High: It is a legal requirement for every Local Government to have a Code of Conduct. It is important to regularly review the Code to ensure that it meets the requirements expected of Local Government Council members and City employees.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Chief Executive Officer supports the City's Solicitors advice. It is recommended that the amendments to the Code of Conduct be adopted

9.2.3 Forrest Park, Mount Lawley – Barrier Options - Progress Report No. 5

Ward:	South	Date:	12 April 2013
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **NOTES**;

1. the progress of the 'Forrest Park Barrier Options' project, as at 12 April 2013; and
2. that Newforms Landscape Architecture Pty Ltd has been selected at a cost of \$4,800 for the project, having provided the lowest cost option and satisfied all the requirements of the Request For Quotation;
3. a Community Forum will be held at the Forrest Park Croquet Clubs at 7pm on Wednesday 1 May 2013; and
4. a further report will be submitted to the Council in May 2013, once the Community Forum has been undertaken and a final concept design has been prepared by Newforms Landscape Architecture Pty Ltd.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Topelberg, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (6-0)

(Mayor Hon. Alannah MacTiernan – declared a Proximity Interest and was out of the Chamber.)
(Cr Buckels was an apology for the Meeting.)
(Cr McGrath had not yet arrived at the Meeting.)

Note: Cr John Carey was the Presiding Member for this Item.

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with an update of the Forrest Park barrier options project, as required by the Council decision of 12 March 2013.

BACKGROUND:

Ordinary Meeting held on 12 March 2013 – Progress Report No. 4:

The previous item presented to the Council in relation to this project was deferred and the Chief Executive Officer, in liaison with the Mayor, were authorised to engage a Landscape Consultant Architect to review and further develop the barrier options with local residents and park users (adopted in Principle by the Council) for Forrest Park.

It was also proposed that a final report be presented to the Council on 23 April 2013.

DETAILS:

Forrest Park Barrier Options Project – Request for Quotation (RFQ):

Number of RFQ's Issued:

On the 15 March 2013 RFQ documentation was sent out to twelve (12) selected local landscape architects and an additional eleven (11) copies sent out following requests from landscape architects across Australia who had seen this request via the City's website.

Number of RFQ's received/appointment:

On the closing date (22 March 2013) three (3) submissions were received and following an assessment by staff, Newforms Landscape Architecture Pty Ltd were selected for this project having provided the lowest cost option and satisfied all the requirements of the RFQ. The prices ranged from \$4,800 to \$15,350.

Meeting with City and Consultant:

A meeting with representatives from Newforms Landscape Architecture Pty Ltd and the City's representatives was, unfortunately, unable to be convened any earlier than 11 April 2013.

Timeline:

Preparation of visual/concepts:

It is now evident that with the time required for Newforms to undertake further research and preparation for the community workshop, it is not feasible to complete this project and for Council officers to prepare a report for the Ordinary Meeting of Council on 23 April 2013 as originally requested. Newforms will require at least two (2) weeks to undertake the required work i.e. completed week ending 26 April 2013.

Community Forum:

A community forum will be held at 7 pm on the 1 May 2013 with community members, park user groups, Council members, Council staff and Newforms Architecture Pty Ltd at the Forrest Park Croquet Club.

Further report to Council:

A report will be presented to the Ordinary Meeting of Council on 28 May 2013, once the Community Forum has been undertaken and the final report has been prepared by Newforms Landscape Architecture Pty Ltd.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A part-permanent physical or vegetative barrier if installed may improve the amenity/safety of all park users.

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".

1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports, if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity, however would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

FINANCIAL/BUDGET IMPLICATIONS:

No funding has been allocated within the 2012/2013 budget to undertake any works in relation to the installation of any form of barrier at Forrest Park.

An allocation of \$50,000 has been listed for consideration in the draft 2013/2014 budget to undertake the barrier option approved by the Council.

COMMENTS:

Following the Community Forum, Newforms Landscape Architecture Pty Ltd have indicated that they will be able to provide a final report with recommendations to the City within two (2) weeks and staff can then prepare a report to the Ordinary Meeting of Council to be held on 28 May 2013.

9.1.4 No. 440 (Lot 200; D/P 66500) William Street, Perth - Proposed Balconies to Approved Fourth Floor Offices of Five (5) Storey Building Comprising Four (4) Multiple Dwellings, Office Building, Shops and Associated Car Parking

Ward:	South	Date:	12 April 2013
Precinct:	Beaufort; P 13	File Ref:	PRO0893; 5.2013.111.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	Remajee Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Development Services		

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 Domination Homes on behalf of the owner Perfect Time Pty Ltd for Proposed Balconies to Approved Fourth Floor Offices of Five (5) Storey Building Comprising Four (4) Multiple Dwellings, Office Building, Shops and Associated Car Parking at No. 440 (Lot 200; D/P 66500) William Street, Perth, and as shown on plans stamp-dated 28 March 2013, subject to the following conditions:

1. **Building**

- 1.1 All conditions subject to Approval to Commence Development Serial No. 5.2012.440.1 issued on 10 January 2013 for Proposed Additional Fifth (5th) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking are to be complied with in accordance with this approval; and
- 1.2 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 William Street.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the previous proposal was determined by Council. This proposal is for front balcony additions to the fourth floor office.

BACKGROUND:

The Council at its Ordinary Meeting held on 18 December 2012 conditionally approved an application for additional fifth (5th) storey comprising four (4) multiple dwellings to approved four (4) storey commercial building comprising office building, shops and associated car parking.

History:

Date	Comment
26 February 2008	The Council at its Ordinary Meeting conditionally approved the demolition of two existing institutional buildings and construction of a four-storey development, comprising six offices and two shops
12 June 2008	The City issued a demolition licence for the existing buildings on No. 440 and No. 444 William Street, Perth.
11 December 2008	The Western Australian Planning Commission conditionally approved the amalgamation of No. 440 (Lot 5) and No. 444 (Lot 6) William Street, Perth.
11 May 2010	The Council at its Ordinary Council Meeting conditionally approved Four-Storey Commercial Building Comprising Four Shops, Ten Offices and Associated Car Parking.
13 July 2010	The Council at its Ordinary Meeting approved reconsideration of conditions to the Four-Storey Commercial Building.
26 November 2011	The City under Delegated Authority conditionally approved amendment to exiting approval for alterations to Front Entry and Glazing to Front Facade to the Four Storey Commercial Building Comprising Shops, Offices and Associated Car Parking.

Previous Reports to Council:

This development was previously reported to the Council on 18 December 2012. The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 18 December 2012 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/f90763a8-dd15-4277-8823-a12500d20aaa/20121218.pdf>

DETAILS:

Landowner:	Perfect Time Pty Ltd
Applicant:	Domination Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Mixed-Use Building Currently under Construction
Use Class:	Multiple Dwellings, Shop and Office Building
Use Classification:	"AA", "P", "P"
Lot Area:	975 square metres
Right of Way:	Not applicable

The mixed use building comprising of multiple dwellings, shops and offices is currently under construction. This proposal is for front balcony additions to the fourth floor of the building approved as offices.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	N/A		
Front Fence	N/A		
Front Setback			✓
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	✓		
Building Storeys	✓		
Open Space	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Outdoor Living	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Street Setback
Requirement:	Design Guidelines For William Street, Between Bulwer and Newcastle Streets, Perth – Appendix No. 18. The fourth storey is required to be setback a minimum of 5 metres from the primary street.
Applicants Proposal:	The balcony will be located within the 5 metres street setback area.
Applicant justification summary:	<p><i>"This involves the removal of the roof over the level three offices fronting onto William Street and creating a balcony with glass balustrading. The windows fronting the balcony have been amended to give access to the balcony.</i></p> <p><i>The glass balustrades will replace a parapet wall that was concealing the roof behind. This will reduce the impact of the facade on the streetscape. Also the provision of the balconies and glass balustrading will increase the surveillance of the street.</i></p> <p><i>The balconies will be ancillary to the offices and unroofed therefore there will be no provision for the offices to be extended at a later date.</i></p> <p><i>The amendment is only for a balcony only so it will have no effect on any plot ratio or car parking calculations."</i></p>
Officer technical comment:	The balcony will be open and the glass balustrades 1.2 metres above the floor level. It is considered there will be no impact on the bulk of the building. Moreover, the proposed balconies will provide additional articulation to the building and will not result in privacy issues given the commercial buildings on both adjoining side properties.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Consultation Period: The proposal was not advertised as it is considered a minor amendment to the planning approval and there will be no impact on the adjoining properties.

Comments received: Not applicable.

Car and Bicycle Parking

There is no change to the car and bicycle parking calculation as the balcony areas are not included in the gross floor area of the offices.

Design Advisory Committee:

Referred to Design Advisory Committee: No; as the proposal is a minor amendment to the approved development.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City"*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

SOCIAL	
Issue	Comment
The proposed balconies will provide a place of interaction for employees and casual surveillance of William Street	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The proposed balconies will not have an undue impact on the surrounding area in terms of bulk and streetscape. Rather, they will enhance casual surveillance of the street, provide visual interest along the street and there will be no impact on privacy of the adjoining commercial properties. In this instance the application is recommended for approval.

9.1.5 Nos. 250-252 (Lot 300; D/P 44848) Oxford Street, corner Bourke Street, Leederville - Proposed Construction of Two Storey Commercial Building Comprising of Office, Eating House and Associated Car Parking

Ward:	South	Date:	12 April 2013
Precinct:	Oxford Centre; P 04	File Ref:	PRO2918; 5.2012.533.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	Remajee Narroo, Acting Co-ordinator Statutory Services		
Responsible Officer:	C Eldridge, Director Development Services		

CORRECTED 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 Joe Peci on behalf of the owner Mainbelle Pty Ltd for Proposed Construction of Two Storey Commercial Building Comprising of Office, Eating House and Associated Car Parking at Nos. 250-252 (Lot 300 ; D/P 44848) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 28 March 2013 and amended plan dated 8 April 2013, subject to the following conditions:

1. Building

- 1.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 248 Oxford Street and No. 19 Bourke Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
- 1.2 the doors, windows and adjacent floor areas fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with these streets;
- 1.3 the maximum gross floor area of the offices shall be limited to 1870 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City;
- 1.4 the maximum public floor area of the eating house including the alfresco area within the lot boundary shall be limited to 70 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City; and
- 1.5 an interpretative plaque or another appropriate form of interpretation that recognises the historic significance of the subject place at Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, Leederville, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the City prior to the submission of a Building Permit application;

2. Car Parking and Access-Ways

- 2.1 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 car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

3. Vehicle Entry Gates

The proposed vehicular entry gates to the car parking area shall have a minimum fifty (50) percent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the City prior to the first occupation of the development;

4. 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:

- 4.1 within twenty eight (28) days of the '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 \$28,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$2,800,000);

- 4.2 in conjunction with the above chosen option;

4.2.1 Option 1

prior to the approval and subsequent issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist;

OR

4.2.2 Option 2

prior to the approval and subsequent issue of a Building Permit 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.

5. Cash-in-Lieu

- 5.1 within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

- 5.1.1 pay a cash-in-lieu contribution of \$22,610 for the equivalent value of 6.46 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

5.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$22,610 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;

6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

6.1 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;

6.2 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:

- 6.2.1 the location and type of existing and proposed trees and plants;**
- 6.2.2 all vegetation including lawns;**
- 6.2.3 areas to be irrigated or reticulated;**
- 6.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;**
- 6.2.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and**
- 6.2.6 a 'green roof' treatment across the area of the first floor balcony on the eastern side of the building, which is to function as a landscaped buffer between the adjacent residential area and the commercial building.**

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);

6.3 Schedule of External Finishes

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

6.4 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;

6.5 Refuse and Recycling Management Plan

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

6.6 Security Bond

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. A refundable footpath upgrading bond of \$26,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

6.7 Awnings

The awnings shall be a minimum of 600mm clear of the face of the Oxford Street and Bourke Street kerbs;

6.8 Design Features

A minimum of two (2) appropriate significant design features being incorporated into the southern elevation of the building;

6.9 Louvres

The louvres shall be designed to meet the different solar requirements of the three sides of the building and blend aesthetically with the overall architectural design of the proposed development;

6.10 Ballustrading - East Boundary

The ballustrading to the terrace facing the eastern boundary shall be made of glass materials. The glass shall be obscured and fixed to a minimum height of 1.6 metres above the floor level of the terrace; and

6.11 Bifold Windows

Bifold windows shall be provided at the corner of Oxford Street and Bourke Street for the full width of the corner portion;

“6.12 Projections

Other than awnings at street level, no projections are permitted into the road reserve, except non structural decorative cornices or columns of 235_millimetres or less;”

7. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 7.1 **Car Parking**
- 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;
- 7.2 **Management Plan-Vehicular Entry Gates**
- Any 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 at all times for staff, visitors to the offices and eating house, shall be submitted to and approved by the City;
- 7.3 **Bin store**
- A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
- 7.4 **Bicycle Parking**
- A minimum of ten (10) class one or two bicycle parking facilities and three (3) class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance, publically accessible and within the development except the class 3 bicycle parking facilities. The bicycle facilities shall be designed in accordance with AS2890.3; and
8. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner 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 Oxford Street and Bourke Street;
3. 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;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;

5. Any new street/front wall, fence or gate within the Oxford Street and Bourke 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; and
6. With regard to condition 6.7, the minimum width of the proposed awning shall be 2.1 metres, except where this encroaches into the 600 mm clearance from the kerb.

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the previous approval was determined by Council.

BACKGROUND:

The Council at its Ordinary Meeting held on 26 June 2012 conditionally approved an application for demolition of existing building and construction of four-storey commercial development comprising eating house, offices and associated car park (amendment to previous approval).

History:

Date	Comment
27 April 2010	The Council at its Ordinary Meeting conditionally approved an application for the Demolition of the Existing Civic Building (Police Station) and the Construction of a Five-Storey Commercial Building comprising of Shops and Offices and Associated Basement Car Park.
6 December 2011	The Council at its Ordinary Meeting conditionally approved an application for the Demolition of the Existing Civic Building (Police Station) and Construction of a Four-Storey Commercial Development comprising Eating House, Offices and Associated Car Park.
12 March 2012	The City issued a Demolition Permit under Delegated Authority.

Previous Reports to Council:

This development was previously reported to the Council on 26 June 2012. The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 26 June 2012 relating to this report is available on the City's website at the following link:
<http://www.vincent.wa.gov.au/files/01592240-2ffe-4e2c-841f-a07600d7a0bd/20120626.pdf>

DETAILS:

Landowner:	Mainbelle Pty Ltd
Applicant:	Joe Peci
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Land
Use Class:	Office and Eating House
Use Classification:	"P"
Lot Area:	1825 square metres
Right of Way:	Not applicable

This proposal is for a two-storey commercial building comprising of office, eating house and associated car parking. The main change from the previous approved plan is the building has been reduced from four storey to two storey.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Plot Ratio	N/A		
Streetscape	✓		
Front Fence	N/A		
Front Setback	✓		
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	N/A		
Site Works	✓		
Essential Facilities	N/A		
Surveillance	✓		
Outdoor Living	N/A		
Landscaping			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Street Setback
Requirement:	Oxford Centre Precinct – Policy No. 3.1.4 Eastern boundary: Ground and First Floors= 9 metres
Applicants Proposal:	Nil setbacks.

Issue/Design Element:	Street Setback
Applicant justification summary:	<p><i>"The previous approval had a zero setback on this boundary with 3.7 m high (average) parapet wall. Furthermore, the offices on levels 1,2 and 3 were on a 4 m setback. This was approved and endorsed by both council and the adjoining owner. What is now proposed is of a greatly reduced scale. The rear lot setback is only 1.4 m above the rear natural ground (plus a 1.6m high masonry visual barrier), then the second floor is setback 4m.</i></p> <p><i>You may also note that a current DA exists for the property directly to the east and abutting our lot. This application has a zero alignment with our property and is 3 stories high.</i></p>
Officer technical comment:	<p>The Council supported nil setbacks for the ground and first floors for the two previous applications. In this instance the variation to the eastern boundary ground and first floor setbacks are supported. It is noted that the development approval issued for adjoining eastern property (No. 91 Bourke Street) expired on 8 December 2012.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Non-residential/Residential Development Interface Policy No. 3.4.3</p> <p>Ten per cent of the site= 182.5 square metres</p>
Applicants Proposal:	<p>Landscaping on the terrace= 12.64 square metres</p>
Applicant justification summary:	<p><i>"As this is a commercial application it is not practical to provide 10% of the site for landscaping. As in the previous endorsed applications we request the approval for the provision of planter boxes to the rear terrace. This will add to the amenity for the employees using this area.</i></p>
Officer technical comment:	<p>Landscaping for the previous applications considered by Council was not required. However, Council requested a 'green roof' treatment across the area of the first floor balcony on the eastern side of the building, which is to function as a landscape buffer between the adjacent residential area and the commercial building. In this instance, in the event this application is supported, provision for the green roof will be applied in the landscaping condition.</p>

Issue/Design Element:	Car Parking
Requirement:	<p>Parking and Access Policy 3.7.1</p> <p>34.46 car bays</p>
Applicants Proposal:	<p>28 car bays</p>
Applicant justification summary:	<p>Nil</p>
Officer technical comment:	<p>The variation is supported subject to cash-in-lieu payment.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	20 March 2013 to 4 April 2013
Comments Received:	One submission for support.

Car Parking

Car Bay Requirement	
<ul style="list-style-type: none"> Eating House (Restaurant) based on 1 car bay per 4.5 square metres of public area (proposed 70 square metres)= 15.55 car bays. Office based on 1 car bay per 50 square metres of gross floor area (proposed 1870 square metres)= 37.4 car bays. <p>Total car bays= 52.95 car bays= 53 car bays</p>	53 car bays
<p>Apply the parking adjustment factors.</p> <ul style="list-style-type: none"> 0.85 (the proposed development is within 800 metres of a rail station) 0.85 (the proposed development is within 400 metres of a bus stop/station) 0.90 (the proposed development provides 'end-of-trip' facilities for bicycle users) 	(0.65025) = 34.46 car bays
Minus the car parking provided on-site	28 car bays
Minus the previously approved on-site car parking shortfall	N/A
Resultant Shortfall	6.46 car bays

Bicycle Parking

Bicycle Parking	
<p>Eating House</p> <ul style="list-style-type: none"> 1 space per 100 square metres public floor area (class 1 or 2) – 0.7 bicycle space = 1 bicycle space. 2 spaces plus 1 space per 100 square metres public floor area (class 3)= 2 + 0.7= 2.7= 3 bicycle spaces <p>Office</p> <ul style="list-style-type: none"> 1 space per 200 square metres gross floor area (class 1 or 2) = 9.35 bicycle space 1 space per 750 square metres over 1,000 square metres (class 3)= 1.16 bicycle space <p>Total class 1 or 2 = 10.35 bicycle spaces= 10 bicycle spaces Total class 3= 4.16 bicycle spaces= 4 bicycle spaces.</p>	<p>10 Secure Bike Racks provided.</p> <p>Class 3 bays provided along Bourke Street.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The DAC provided the following recommendation:

"Mandatory:

Bi-fold or openable doors to corner tenancy facing Oxford Street (including truncated portion). Sun shading design differently for north, east and west facades to reflect different solar requirements.

Entry door to corner, bifold doors to remainder of frontage to Oxford Street.

Between carpark and Bourke Street – architecture that relates to residential to be considered.

Design Considerations:

Boldly express nature of the corner, e.g. Materials, colour, textures and anchor the corner.

Design top roofline, e.g. drop roof and therefore corner is higher.

Need to address site specifics, transition material to residential

Consider breakdown facade into pieces to reflect different feel to Oxford and Bourke Streets

Design 3 facades/facade treatments – carpark to Bourke Street, Corner to fin (on Oxford Street), Fin/entry adjacent to Oxford Street.

Location part of Oxford Street, not West Perth – building design should reflect this.”

The applicant provided the following response:

“1. *Bi-fold doors to corner tenancy facing Oxford Street*

We agree with this recommendation and have incorporated this recommendation into our design. (See also item 3)

2. *Sun shading design differently to North, East and West*

We have engaged an Accredited Energy Consultant to ensure that our design is energy efficient and that it will meet all relevant requirements. The louvres should also blend aesthetically and in keeping with the architectural intention of the design. The louvres will therefore be designed to meet the different solar requirements of these three sides.

The specific louvres designs and energy efficiency calculations will be supplied with the working drawings.

3. *Entry door to the corner and bi-fold doors to Oxford Street*

We have given this recommendation a great deal of consideration; however it is not possible to achieve both parts of this requirement. The truncation at the Bourke Street corner has an R.L. of 17.87 and grades down to the Oxford Street end to R.L. 17.62 and continues sloping down to the end of this tenancy to an R.L. of 17.50. If we place the entry door at the centre of the truncation the midpoint R.L. would be 17.745, however at this floor level the centre of the required bi-fold door is R.L. 17.54 giving a drop of 245mm. This is not practical. We propose due to the slope of the site to make the floor level of eating house R.L. 17.600. This will allow an entry door at Oxford Street and bi-fold doors to the alfresco area with workable levels for entry, café and alfresco. Any other levels will not accommodate these three requirements. We are also mindful of the need to maintain an adequate level above the pavement to stop the ingress of stormwater runoff.

As stated above we cannot meet both requirements due to the slope of the site, either an entry at the truncation or bi-fold doors onto Oxford Street. Our preference is as per the drawings submitted, i.e. at Oxford St, an entry door and 6 metres of bi-fold doors giving a greater interaction to the alfresco zone.

Oxford Street is the main street we need to address, therefore we must work with the existing pavement levels.

4. *On Bourke Street between carpark and the (Eastern) boundary – Architecture that relates to residential to be considered.*

We agree with this recommendation which will both enhance the Architectural look of the development and also blend in with the nearby residential area. Consequently we have now modified the part of the façade so as to be predominantly face brickwork (i.e. Boral Heritage Red clay face brick or similar).

We have also further enhanced the residential theme by incorporating a balcony over the carpark entrance with glass balustrading. Glass balustrading has also been added to rear terrace adjacent to Bourke Street.”

Officer's Comments:

With regard to paragraphs 1 and 2, the City agrees with the applicant comments. However, to overcome the difference in the levels of the pavement and the ground floor of the building, the City Officers are of the view that openable bifold windows can be provided at the corner of Oxford Street and Bourke Street which will enhance this corner location and will restrict pedestrian access through to the building at the corner. Therefore, in the event this application is supported, a condition will be imposed for the openable bifold windows.

With regard to paragraph 2, a condition will be imposed for the louvres on the three sides of the building to meet the solar requirements on the three sides respective to each elevation.

In relation to paragraph 4, a condition will be imposed for glass ballustrading along the eastern boundary.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City"*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The development consists of a one hundred percent (100%) non-permeable surface and therefore stormwater management is important. As per the approval granted by Council at its Ordinary Meetings held on 6 December 2011 and 26 June 2012, it is a condition of approval that a 'green roof treatment across the area of the first floor balcony on the eastern side of the building, be incorporated into the design.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating employment opportunities. In addition, the proposed eating house and office uses will facilitate business development within the City, as they provide the potential for new businesses to invest whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal has car parking shortfall supportable to obtain active corner use. Applicant has reapplied to have all ground floor as office but Administration do strongly believe the active ground floor use contributes to the desired amenity of the area.

CONCLUSION:

The City's Policy No. 3.7.1 relating to *Parking and Access* states "22) ii) if the total requirement for a development (after adjustment factors have been taken into account) is between 11-40 bays, a minimum of 15 per cent of the required bays is to be provided." As such, the overall development requires 5.169 car bays, however 28 car bays are provided on site for the commercial development and is therefore compliant with this clause.

The subject site is located along Oxford Street which is easily accessible by bus routes. It is located within easy access of the Leederville Train Station and public car parks at Leederville.

The shortfall is supported so an active use can be provided at ground floor level. The proposed development will not have any impact on the surrounding area and moreover it is considered that the proposed development is in line with the future vision of Oxford Street.

In view of the above, the proposed development is supported subject to standard and specific conditions.

9.2.2 Asset Management – Transport, Light Vehicles/Major Plant & Equipment, Recreation and Buildings Asset Management Plans - Adoption

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	ADM0004
Tabled Items:	001 – Asset Management Plan – Light Vehicles/Major Plant & Equipment 002 – Asset Management Plan – Transport 003 – Asset Management Plan – Recreation 004 – Asset Management Plan – Buildings		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officers:	R Lotznicker, Director Technical Service M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the "FINAL DRAFT" of the City's Transport, Light Vehicles/Major Plant and Equipment, Recreation and Buildings Asset Management Plans, as shown in Appendix 9.2.2 (attachments 001,002,003 and 004).

COUNCIL DECISION ITEM 9.2.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the legislative requirements for, and complexity of compliant Asset Management Plans, and to adopt a 'final draft' of the City's Transport Asset Management Plan, Light Vehicles/Major Plant and Equipment Asset Management Plan, Recreation Asset Management Plan and Buildings Asset Management Plan.

BACKGROUND:

Definition:

A text book definition of Asset Management is that it '*is a systematic process of operating, maintaining, upgrading, and disposing of assets cost-effectively.*' In general terms it can be defined as a process that guides the acquiring of assets, and their whole of life use in order to gain the most out of an asset, and to know at what point to dispose of them.

Ordinary Meeting of 10 March 2009:

The Council received a report on the Infrastructure Asset Management – Adoption of Policy and Guidelines. As no comments were received within the adverting period the Policy and Guidelines were adopted effective 10 March 2009. The report also discussed the need for the (then) Town to develop an Asset Management Strategy.

Ordinary Meeting of 15 December 2009:

A report and 'draft' Asset Management Strategy 2010-2020 was presented to the Council at its for consideration. The report outlined the City's involvement in the Western Australian Asset Management Improvement (WAAMI) Program run through WALGA.

The WAAMI program comprised a number of workshops involving officers from all the service areas and outlined why asset management is necessary, where an organisation is in terms of asset management, and what needs to be undertaken to bring the organisation up to speed with regard to asset management.

The Council subsequently adopted the Asset Management Strategy 2010-2020.

'Asset Management – Framework & Guidelines':

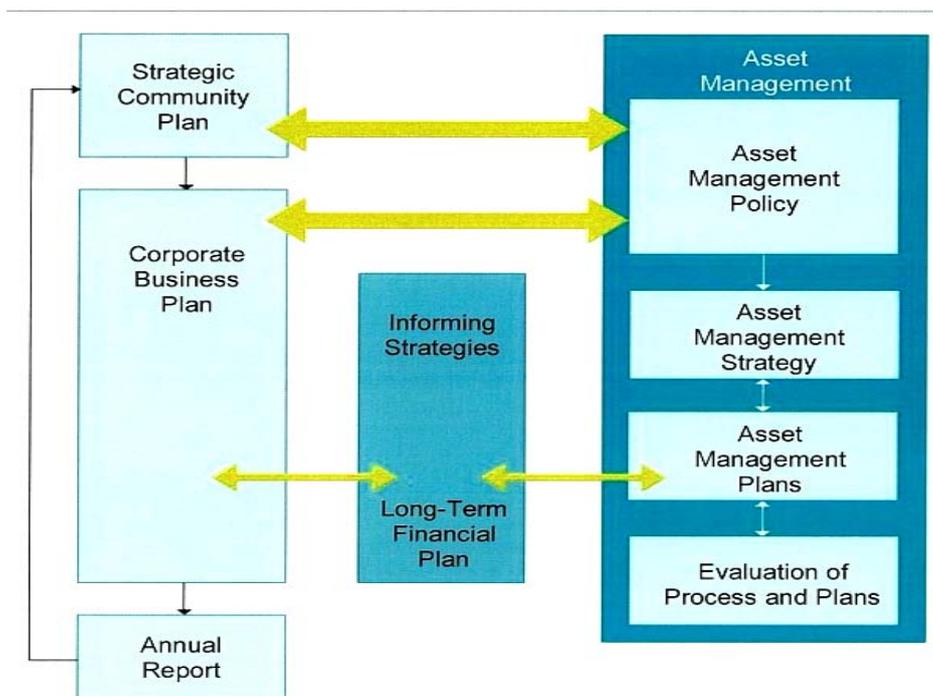
In 2011 the Department for Local Government (DLG) released a document titled 'Asset Management – Framework & Guidelines' in which it provided guidance to Local Government on how to progress Asset Management, and in which it flagged the likely Legislative changes making Asset Management Plans mandatory.

In the Minister for Local Government's circular No. 31-2012, Local Governments were advised that as part of the *Integrated Planning* reform process that new Strategic Community Planning and Corporate Business Planning requirements would come into effect on 30 June 2013. Asset Management Plans are in-turn an integral part of the Corporate Business Planning.

DETAILS:

As indicated above Asset Management Plans are an integral part of accountable Corporate Business Planning. The Asset Management Framework diagram below provides an overview of where Asset Management fits into the matrix.

Elements of WA Asset Management Framework



The City is the custodian of an extensive range of community assets which represents a vast investment over many years. In order to fulfil its obligations in delivering a variety of services to the community, the City must ensure that the assets supporting these services are managed in a way that guarantees maximum performance for the lowest 'whole of life' cost.

Amongst the major assets for which the City is responsible are:

- Roads (including kerbing)
- Footpaths,
- Car parks
- Drainage infrastructure
- Buildings
- Parks
- Plant and equipment
- Parking meters
- Signage and banner poles
- Information technology assets
- Art works

The importance of these assets to the community and their significance for the City's budget means that asset management should be a critical part of the Council's long term financial planning and service delivery.

Asset Management Policy:

An Asset Management Policy outlines a Local Government's asset management objectives, targets and plans. It establishes a platform for service delivery and provides the framework that enables the Asset Management Strategy and Plans to be produced. The Asset Management Policy must support a 'whole of life' and 'whole of organisation' approach to asset management. The Local Government administration develops the Asset Management Policy with the Council based on the Council priorities and community needs.

An Asset Management Strategy outlines how the City's asset portfolio will:

- Meet the service delivery needs of its communities into the future;
- Enable their Asset Management Policy to be achieved;
- Ensure that asset management is established as part of the local government's plan for the future; and
- It prioritises and articulates the delivery of community service needs through the development of Asset Management Plans for each asset class.

Asset management is a continuous improvement process, covering the whole of life of an asset. It is seen as a practical and financially responsible means of managing assets through the creation, acquisition, maintenance, operation, rehabilitation and a timely disposal of assets (where required) to provide for present and future community needs.

What is included in an Asset Management Plan?

- Reference to an asset register (which records all assets and their location, acquisition, disposal, transfer and other relevant transactions based on best current information and random condition/performance sampling).
- Defined levels of service for each asset category or particular actions required to provide a defined level of service in the most cost-effective manner (see below).
- Demand forecasting.
- Risk management strategies.
- Financial information such as asset values, depreciation rates, depreciated values, capital expenditure projections for new assets as a result of growth, or to renew, upgrade and extend assets.
- Strategies to manage any funding gaps.

- Consideration of alternative service delivery solutions (leasing, private/public partnerships, shared services arrangements).
- Information on 'whole of life' costing including changes in service potential for assets.
- A schedule for asset performance review and plan evaluation.
- An asset management improvement program.
- Clear linkages to other strategic documents such as the Corporate Business Plan, Long Term Financial Plan and Annual Budget.

Level of Service

A major part of an Asset Management Plan is determining an appropriate level of service to meet the community's expectations.

The Framework requires that:

Local governments must determine the level of service and the quality and cost standards for each asset class and the entire asset portfolio. This is a key process in the development of Asset Management Plans and is shaped by both community need (as identified through the Strategic Community Plan and ongoing community engagement activities) and Council priorities.

The Level of Service is defined as the service quality for a particular activity, i.e. footpaths, against which service performance may be measured.

- Service levels usually relate to quality, quantity, reliability, responsiveness, environmental acceptability and cost.
- Local governments must determine the level of service and the quality and cost standards for each asset class and the entire asset portfolio. This is a key process in the development of Asset Management Plans and is shaped by:
- Community need - as identified through the Strategic Community Plan and ongoing community engagement activities, and
- Council priorities.

Using footpaths as a simplified example:

The City has a complete inventory and condition rating of all its footpaths. They are currently rated from one (1), excellent condition, to ten (10), very poor and need of immediate attention.

Note: The City has no condition nine (9) or ten (10) footpaths in its network. This excludes localised problems where a developer may have badly damaged or removed a section of footpath.

The majority of the City's footpaths, 56%, are rated as levels one (1) to four (4), excellent to good condition. Forty percent (40%) are classified as average, while four percent (4%) are classified as poor, service level 7, and above. The level seven (7) and above footpaths comprises mainly of the remaining slab footpaths. The City has over the past fifteen (15) years been progressively replacing all its slab footpaths with cast in-site concrete.

In 2012/13 Council allocated \$350,000 to the program and therefore the *Footpath Replacement Program* should be completed within the next three (3) to four (4) years (2015/16 or 2016/17) if the current rate of expenditure is maintained.

If the Council and/or the community agree that the minimum level of service, or intervention level, for every footpath should be condition level seven (7), then theoretically if in the 2013/14 budget the Council were to allocate in the order of \$1,000,000 to the program then the all remaining slab and damaged footpaths would be eliminated.

Notes: The Transport Asset Management Plan suggests that approximately \$525,000 is required to upgrade all the remaining level seven (7) and above paths however this figure excludes traffic management, overheads and contingency's and also assumes a flat rate replacement cost per m2.

Footpaths upgraded in the early years of the program have deteriorated over time, due to factors such as tree roots, vehicles parking on them etc., but generally are still in the average to good category.

Therefore, if some of the remaining slab footpaths are still rated as condition five (5), or better, then is there any advantage to the City and the Community to replace them as priority if the funds are better spent elsewhere over a broader range of assets?

Typical Local Government Asset Classes and Sub-Classes:

Land:

Reserves, Botanical Garden, Parks, Sportsground and Playing Fields, Landfill Sites, Cemeteries and other land assets requiring management.

Buildings:

Administration buildings, animal shelters, libraries, public toilets, halls, heritage listed sites and other building assets requiring management.

Infrastructure:

Road networks (sealed, gravel, reseals, formed) including car parks, pavement, seal, kerb and channel, drainage, traffic management, furniture and signs, lighting and paths, drainage networks (including open channel storm water drains), flood mitigation networks, water supply network, sewerage networks (including waste treatment facilities), bridges airports, wharves, piers, jetties and pontoons, infrastructure on parks, gardens and reserves, tunnels, retaining walls, sea and river walls, canals as well as other infrastructure assets requiring management.

Information Technology:

Hardware (including computers, monitors, servers, network hubs), software (including all operating software – excluding internally developed software, specialist software e.g. finance/GIS, customer service systems), communications (telephone systems, radio systems, fibre optics conduits/pipe), application specific technology (CCTV cameras/systems, CCTV monitoring room equipment, GIS recording units) as well as other information technology requiring management.

Plant and Equipment:

Vehicles (including corporate fleet, service vehicles e.g. rubbish collection vehicles/ranger vehicles, works vehicles; heritage plant), equipment (including: fixtures and fittings, furniture, street cleaning equipment, roads/paving equipment, parks equipment, heritage equipment, library books) as well as other plant and equipment assets requiring management.

Other Assets:

Off road paths, beaches, urban open space, streetscapes and any other assets requiring management.

City of Vincent Asset Management Plans:

Taking the above into consideration the City has, or is currently, finalising the following Asset Management Plans:

Transport	Which encompasses those elements of the Infrastructure relevant to the City.
Recreation	Which encompasses those elements of Land, Infrastructure and Other Assets.
Buildings	Which encompasses those elements of Land, Infrastructure and Other Assets.
Light Vehicles/Major Plant and Equipment	As above, but excluding furniture and fixtures

Classification of Asset Management Plans for Reporting Purposes:

The City's major Asset Management Plans, such as Transport, Recreation and Buildings are based upon the Institute of Public Works Engineering Australia (IPWEA) *NAMs Plus template, which is an industry adopted standard. The NAMs Plus template is in-turn based upon the International Infrastructure Management Manual (IIMM), which has been indorsed by the Australian and New Zealand Governments as best practice and has been adopted globally.

*National Asset Management Strategy.

Smaller Asset Management Plans, such as the Light Vehicles/Major Plant and Equipment Replacement Program, do not require the same level of detail and can simply be an enhanced schedule. Historically Local Governments, including the City of Vincent, has always had a plant replacement schedules however under the legislative guidelines it is now reportable.

Confidence Levels in Asset Management Plans:

The development/preparation of Asset Management Plans for most Local Governments, prior to the 30 June 2013 deadline being imposed, was a medium priority. It is acknowledged that for many Local Governments this is their first cut (or attempt) at Asset Management Plans.

As a consequence the DLG is not expecting Asset Management Plans to be 100% accurate in respect of asset registers, data collection, condition ratings etc.

Note: What the DLG is expecting is that Asset Management Plans will improve over subsequent years and that they will become part of Local Governments core business.

Therefore a confidence rating of 70+ % in the first year has been suggested as acceptable, and then rising progressively. Further Asset management Plans are not a once off, but a dynamic and on-going commitment by the Council and the Administration.

Linking to the Long Term Financial Plan:

The DLG guidelines emphasis that the Asset Management *Strategy must link the 'whole of life' costing for each asset class with the local government's annual budget and long term and operational financial planning.*

Under the DLG's *Integrated Planning and Reporting Framework and Guidelines and Western Australian Local Government Accounting Manual (Edition 2)*, February 2011, there is a clear expectation that local governments will develop ten (10) year financial plans underpinned by robust estimates, cash flow predictions and expenditure projections based on asset maintenance, replacement or upgrade, renewal and disposal obtained from Asset Management Strategies and Asset Management Plans.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

As of Minister for Local Government's Circular No. 31-2012, there is now a legal requirement to have an Asset Management Policy, Asset Management Strategy and Asset Management Plans in place and submitted by 30 June 2013.

RISK MANAGEMENT IMPLICATIONS

HIGH: It is a legal requirement that every Local Government has an Asset Management Plan. Failure to do so and submit to the Department of Local Government by 30 June 2013 would be a breach of the Local Government Act.

STRATEGIC IMPLICATIONS

In accordance with 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

To maintain the City's assets to the required level of service in a financially and environmentally sustainable manner.

FINANCIAL/BUDGET IMPLICATIONS:

As Asset Management becomes more sophisticated and comprehensive and is duly recognised as being part of the Council's core business, the annual budget in future may largely be determined by the Asset Management Plans.

City's Asset Management Plans are to be submitted to the Department of Local Government by 30 June 2013, and submitted Asset Management Plans may vary from that of the "Final Draft" to align them to the City's new 'Long Term Financial Plan' which is currently being prepared.

COMMENTS:

Failure to adequately plan for the maintenance or replacement of existing assets and the development of new assets will invariably result in the 'levels of service' not meeting the Community's expectations.

The Council has previously adopted an Infrastructure Asset Management Policy and an Asset Management Strategy which in-turn requires the development of Asset Management Plans.

Major Asset Management Plans comprise complex documents with the City's Transport Asset Management Plan alone comprising approximately 160 pages. The officer recommendation is that the Council receive the Transport Asset Management Plan, Light Vehicle/Major Plant and Equipment Asset Management Plan, Recreation Asset Management Plan and Buildings Asset Management Plan on the understanding that they are an evolving document that will become progressively more accurate, and therefore useful, with each financial year.

A successful Asset Management Strategy, and the resultant Asset Management Plans, should ultimately form the basis of all future annual budgets.

Additional information on the Asset Management Framework and Guidelines, which can be found at: <http://integratedplanning.dlg.wa.gov.au/DeliverAssetManagement.aspx>

9.2.4 Hyde Park Lakes Restoration – Progress Report No. 18

Ward:	South	Date:	12 April 2013
Precinct:	Hyde Park (12)	File Ref:	RES0086, TEN0465
Attachments:	001 – Photos (Please click on pop up note for guide)		
Tabled Items:	Nil		
Reporting Officers:	K Bilyk, Property Officer J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council

1. **RECEIVES Progress Report No. 18 for the Hyde Park Lakes Restoration Project as at 11 April 2013; and**
2. **NOTES that the;**
 - 2.1 **restoration and treatment train construction works are to be completed in April 2013 as shown on the attached photographs; and**
 - 2.2 **planting and reinstatement works around the lakes, treatment train and on the islands will to commence in late April 2013 and these final works for the project are expected to be completed by the end of May 2013.**

COUNCIL DECISION ITEM 9.2.4

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Hyde Park Lakes Restoration Project.

BACKGROUND:

At its Special meeting held on 20 June 2012 the Council made the following decision (in part):

“That the Council;

1. *ACCEPTS the tender submitted by Advantesting Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;*
2. *AUTHORISES the:*
 - 2.1 *Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;*

- 2.2 *Chief Executive Officer to vary the proposed 'Soldier Pile Wall' design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and*
- 2.3 *AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;...*
4. *NOTES that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and..."*

DETAILS:

1. Contract Documentation

1.1 Tender

Tender No. 456/12
Advertised: 26 May 2012
Closed: 15 June 2012
Awarded: Advanteeering Civil Engineers

1.2 Contracts

Construction contract signed on 27 June 2012.

1.3 Contract Variations/Additional Scope of Works

Construction

- Remaining portion of existing wall 200mm high to be retained and repaired.
- Bore inlet water feature - design and documentation
- Lake edge treatment for lakes - design and documentation
- Removal and treatment of vegetation Eastern Island.
- Additional culvert construction through causeway.
- Extending capping wall height (old wall) and render.
- Pipe extensions into lakes.
- Issue drawings and calculations to Water Corporation.
- Additional piling and panels to reduce beach area in Western lake.
- Removal of exotic vegetation from the western island as per the recommendations provided by GHD.
- Mini-excavator to remove Giant Reed root balls from the lake around the east island. The reach of the mini excavator was not sufficient to reach the outer most root balls as a result of the moist unstable ground; hence once the island has dried more a larger excavator will need to be utilized to remove the remaining root balls.
- Treatment train installation in lieu of Sediment Trap – once the final design was approved this variation shows the difference in cost compared to the initial tender design.
- Landscaping to new lake edge hard landscaping - paving only. Parks staff will complete the planting around the lake at a later date (April – May).
- Bore water inlet treatment William St – to improve the water quality entering the lake from the William St bore.
- Modification of construction site fencing for the Hyde Park Rotary Fair – as requested by the Rotary Club.
- Removal of giant reed balls from the Eastern Island – final preparation of Eastern Island for planting.

- Repack lake floor with limestone to reduce depth of lake floor to new wall base – approx 90m of filling required. Lake bed uneven depth throughout this section.
- Adjustment / repairs to existing manhole in treatment train area to reduce down to new ground level.
- Grinding of tree stumps western island – after inspection of the island post exotic vegetation removal it was decided that removal of major tree stumps would be more effective in preventing re growth instead of poisoning.
- Kerbing of north side of treatment train – to prevent erosion of battered area of the treatment train.

1.4 **Cost Variations**

Construction

Client Requests:

Description	Amount
Existing wall to be retained and repaired.	\$ 5,253.10
Bore inlet water feature - design and documentation	\$ 5,880.00
Lake edge treatment for lakes - design and documentation	\$ 9,293.00
Removal and treatment of vegetation Eastern Island.	\$ 27,102.50
Additional culvert construction through causeway.	\$ 5,043.00
Extending capping wall height (old wall) and render	\$ 27,825.00
Pipe extensions into lakes	\$ 33,019.15
Issue drawings and calculations to Water Corp	\$ 2,904.00
Additional piling and panels to reduce beach area in Western lake.	\$ 15,970.25
Removal of exotic vegetation western island	\$ 40,040.00
Mini-excavator to remove Giant Reed Root Balls from the lake around the east island	\$ 1,100.00
Treatment train installation in lieu of Sediment Trap	\$ 5,800.00
Landscaping to new lake edge hard landscaping - paving only	\$ 21,654.00
Bore water inlet treatment William St	\$ 4,280.00
Modification of construction site fencing for Hyde Park Fair	\$ 1,545.00
Removal of giant reed balls eastern island	\$ 11,262.50
Repack lake floor with limestone to reduce depth of lake floor to new wall base – approx 90m of filling required	\$11,025.00
Adjustment / repairs to existing manhole in treatment train	\$1,082.00
Grinding of tree stumps western island	\$3,300.00
Kerbing of north side of treatment train	\$4,085.00
Total	\$237,463.50

Summary of Variations

Total Variation Savings	(\$0)
Total Variation Additions	\$237,463.50
Total Variation	\$237,463.50

1.5 **Claims**

Not applicable at this time.

2. Works - Lakes

2.1 Piling and panel installation.

All piles and panels have been installed. Back filling between new panel wall and old wall to eastern lake completed. Back filling to wall of western lake completed. Capping to old wall completed. Capping to the new wall is progressing well. Hard stand paving between old and new wall ground preparation is underway with hard stand areas construction set to commence shortly.

2.2 Islands – east and west

Eastern lake – final clearing and removal of giant reed root balls completed. Mounding of clean fill on eastern island completed. Island is being prepared for planting.

Western lake – causeway has been constructed to the western island and the removal of exotic species has been completed. Stump grinding has been completed and the island is being prepared for planting.

2.3 Pipe works

Majority of all pipe extensions installed to new walls. Waiting on approval from Water Corporation in regards to the connection of stormwater drains on William Street.

2.4 Sediment removal

Completed.

3. Works – Flora And Planting

3.1 Edge treatment planting

City of Vincent will carry out final planting around lakes edges. These works are set to commence at the beginning of May 2013.

3.2 East and west islands and beaches

Western lake beach construction commenced. The eastern and western lakes beach construction is in progress. Planting of the beaches is set to commence in late April 2013, early May 2013.

3.3 Treatment train

Construction of the treatment train is due to be completed on the week ending 19 April 2013. Planting of the treatment train is expected to commence in early May 2013.

4. Indicative Timeline

4.1 Progress

Works are progressing well with the restoration of the Lakes on schedule. Although works to complete the Treatment Train have been behind schedule construction works are due to be completed on both items on the week ending 19 April 2013. After this time reinstatement of the surrounding areas affected by construction is set to commence along with the planting on the islands, in and around the treatment train. The City of Vincent will commence plantings around the lakes edges in May of 2013 completion of the planting will be dependent on the availability of the tube seedlings and weather conditions. Some planting may need to be completed in late August 2013 / early September 2013.

4.2 **Days Claimed**

Zero (0) have been claimed.

5. **Communication Plan**

Various communication methods have been utilised to advise park patrons, stakeholders and employees of the redevelopment, these are listed below:

- A letter drop to surrounding residents;
- Signage at either end of the central causeway;
- Website updates, including a photo diary, plans and a detailed project overview.
- Monthly report to Council.

CONSULTATION/ADVERTISING:

The City's officers have been updating the City's web page and relevant information together with photographs is included on this site. The site is updated on a regular basis. Additionally a letter drop was conducted at the commencement of the project to residents surrounding the Hyde Park site and further letter drops will be undertaken as the project nears completion.

LEGAL/POLICY:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The construction project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant construction projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

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 Enhance and maintain the City's parks, landscaping and the natural environment."

SUSTAINABILITY IMPLICATIONS:

The City is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the City's Sustainable Environment Plan 2007-2012, the City has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of treatment train);
- encourage the planting of native species (Islands to be replanted); and
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funding has been allocated in the 2012/2013 budget to undertake the project. The original cost of the tender approved at the Ordinary Meeting of Council held on 20 June 2012 is \$2,965,178.70. The Commonwealth Government is funding approximately 50% of the final project cost with the City and other minor contributions from the Water Corporation and North Perth Community– Bendigo Bank.

Eight (8) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (<i>excl GST</i>)	Amount Paid (<i>excl GST</i>)	Date Paid
No. 1	August	\$139, 467.20	\$139, 467.20	September 2012
No. 2	September	\$488, 281.55	\$488, 281.55	October 2012
No. 3	October	\$470, 067.70	\$470, 067.70	December 2012
No. 4	November	\$252, 793.69	\$252, 793.69	December 2012
No. 5	December	\$140, 697.64	\$140, 697.64	January 2013
No. 6	January	\$164, 110.88	\$164, 110.88	February 2013
No. 7	February	\$386, 278.71	\$386,278.71	March 2013
No. 8	March	\$373, 679.15	0	n/a
		Total Paid	\$2,041,697.37	

COMMENTS:

Works are progressing well. Construction works are expected to be completed in the week ending 19 April 2013 with the reinstatement of construction areas and planting set to commence shortly thereafter.

9.3.1 Investment Report as at 31 March 2013

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, Act. Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 March 2013 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in money market for various terms. Details are attached in Appendix 9.3.1.

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 March 2013 were \$17,111,000 compared with \$18,711,000 at 28 February 2013. At 31 March 2012, \$27,111,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000
November	\$21,011,000	\$24,711,000
December	\$18,011,000	\$20,711,000
January	\$25,011,000	\$20,711,000
February	\$23,811,000	\$18,711,000
March	\$27,111,000	\$17,111,000

Total accrued interest earned on Investments as at 31 March 2013:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$505,000	\$337,893	57.86
Reserve	\$535,000	\$460,000	\$516,612	96.56

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The funds invested have decreased from previous period due to payment to creditors.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 March 2013

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Wong, Acting Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 March – 31 March 2013 and the list of payments;**
2. **Direct lodgement of payroll payments to the personal bank account of employees;**
3. **Direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **Direct lodgement of Child Support to the Australian Taxation Office;**
5. **Direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

Paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 March 2013 – 31 March 2013.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	73826 - 73979	\$162,091.12
Transfer of Creditors by EFT Batch	1506 - 1509, 1511 - 1514	\$3,855,681.56
Transfer of PAYG Tax by EFT	March 2013	\$269,979.67
Transfer of GST by EFT	March 2013	
Transfer of Child Support by EFT	March 2013	\$1,179.84
Transfer of Superannuation by EFT:		
• City of Perth	March 2013	\$29,798.01
• Local Government	March 2013	\$99,252.24
Total		\$4,417,982.44
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$9,319.74
Lease Fees		\$25,640.57
Corporate MasterCards		\$15,376.29
Loan Repayment		\$194,101.70
Rejection fees		\$60.00
Total Bank Charges & Other Direct Debits		\$244,498.30
Less GST effect on Advance Account		0.00
Total Payments		\$4,662,480.74

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

“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;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment.

9.3.3 Financial Statements as at 31 March 2013

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Financial Statements** for the month ended 31 March 2013 as shown in **Appendix 9.3.3**.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Pintabona, **Seconded** Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 March 2013.

BACKGROUND:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

In addition to the above, under Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 March 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-51
12.	Monthly Financial Positions Graph	52-54

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$13,652,917
YTD Revised Budget	\$15,475,175
YTD Variance	\$1,822,258
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 88% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 18% under budget;
 Governance – 84% under budget;
 Law, Order, Public Safety – 42% over budget;
 Health – 6% under budget;
 Education and Welfare – 1% under budget;
 Community Amenities – 16% over budget;
 Recreation and Culture – 20% under budget;
 Transport – 14% under budget;
 Economic Services – 29% under budget;
 Other Property and Services – 160 over budget; and
 General Administration (Allocated) – 2% over budget.

Operating Expenditure

YTD Actual	\$32,566,268
YTD Revised Budget	\$33,763,404
YTD Variance	(\$1,197,136)
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 96% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 3% under budget;
 Governance – 1% under budget;
 Health – 12% under budget;
 Education and Welfare – 6% under budget;
 Community Amenities – 7% under budget;
 Recreation and Culture – 5% under budget;
 Transport – 8% under budget;
 Economic Services – 11% under budget;
 Other Property & Services – 207% over budget; and
 General Administration (Allocated) – 117% under budget.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$18,158,177
YTD Revised Budget	\$18,249,555
Variance	(\$91,378)
Full Year Budget	\$26,434,292

4. Statement of Financial Activity by Nature and Type Report

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$21,687,692 and non-current assets of \$202,957,987 for total assets of \$224,645,679.

The current liabilities amount to \$10,301,835 and non-current liabilities of \$19,356,716 for the total liabilities of \$29,658,551.

The net asset of the City or Equity is \$194,987,128.

7. Net Current Funding Position

	31 March 2013 YTD Actual \$
Current Assets	
Cash Unrestricted	5,355,435
Cash Restricted	10,032,711
Receivables – Rates and Waste	623,001
Receivables – Others	3,568,317
Inventories	162,329
	19,741,793
Less: Current Liabilities	
Trade and Other Payables	(4,395,659)
Provisions	(2,597,861)
Accrued Interest (included in Borrowings)	(55,297)
	(7,048,817)
Less: Restricted Cash Reserves	(10,032,711)
Net Current Funding Position	2,660,265

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2012/2013 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$194,990	\$132,955	68%
Plant & Equipment	\$1,757,000	\$1,061,537	\$951,648	90%
Land & Building	\$11,289,000	\$11,461,513	\$8,230,201	72%
Infrastructure	\$13,916,365	\$9,887,679	\$4,351,978	44%
Total	\$27,273,005	\$22,605,719	\$13,666,782	60%

Note: The actual to date value for Plant and Equipment is the net of trade in value of the purchase price.

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.3.

9. Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 March 2013 is \$10m. The balance as at 31 March 2012 was \$20.8m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,127,616 is outstanding at the end of March 2013.

Out of the total debt, \$357,760 (31.7%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Sundry Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

11. Rate Debtors

The notices for rates and charges levied for 2012/13 were issued on the 23 July 2012.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	27 August 2012
Second Instalment	29 October 2012
Third Instalment	3 January 2013
Fourth Instalment	7 March 2013

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the City for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 March 2013 including deferred rates was \$705,328 which represents 2.87% of the outstanding collectable income compared to 3.04% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 March 2013 the operating deficit for the Centre was \$1,098,656 in comparison to the year to date budgeted deficit of \$654,632.

The cash position showed a current cash deficit of \$706,578 in comparison year to date budget estimate of a cash deficit of \$259,145. The cash position is calculated by adding back depreciation to the operating position.

The indoor pool re opened on the 23rd July, 2012. The new 50 metre outdoor pool opened on 22 November, 2012 with the other outdoor pools opening in mid December. It should be noted that it was budgeted for the complete redeveloped centre to open in December 2012 which opened in March 2013.

13. Major Variance Report

The material threshold adopted this year is 10% or \$10,000 to be used in the preparation of the statements of financial activity when highlighting material variance in accordance with FM Reg 34(1) (d).

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

"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;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.5.1 Workforce Plan 2013 – 2018 - Adoption

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	PER0024
Attachments:	001 – Workforce Plan 2013-2018		
Tabled Items:			
Reporting Officer:	A. Smith – Manager Human Resources		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the City of Vincent Workforce Plan 2013-2018, as shown in Appendix 9.5.1

COUNCIL DECISION ITEM 9.5.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to adopt the City of Vincent Workforce Plan 2013-2018.

BACKGROUND:

In 2012 the Department of Local Government (DLG) advised that the City in accordance with the Local Government Act 1995, all Local Governments are required to prepare and implement a Workforce Plan.

The City is required to submit its plan to the DLG by 30 June 2013.

Purpose

A Workforce Plan can be defined as;

“A continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and in the future.” (Australian National Audit Office 2004).

The purpose of the Plan is to provide each Local Government with a strategic focus to maximise human resource potential.

Goals

The Goals of a Workforce Plan are:

- Develop a highly skilled, resourceful, resilient and respected Local Government workforce;
- Effective implementation of a range of workforce planning and development activities tailored to local needs and changing circumstances;
- Address increased competition for workers from other industries and sectors;
- Increase workforce productivity; and
- Foster collaboration between Federal, State, Northern Territory and Local Governments to implement appropriate workforce development activities.

Benefits

Workforce Planning enables the City to:

- Respond quickly and more strategically to change by recognising emerging challenges;
- Improve efficiency, effectiveness and productivity by having employees with the right knowledge and skills and who are a good fit for the job they are in;
- Facilitate strategic staffing and planning for future workforce requirements by identifying these in a timely manner, monitoring staff separations and making arrangements to fill key vacancies;
- Strengthen its capacity to achieve the outcomes of the Strategic Community Plan and Corporate Business Plan;
- Encourage understanding of its workforce profile so that existing workforce capacity can be maximised and the future workforce shaped as needed;
- Assist with identifying and managing people with the knowledge critical for efficient and effective business operations, and managing corporate memory;
- Adapt and integrate management and business processes, technology and systems and adjust organisational structure to use resources most effectively;
- Monitor costs and directly link workforce expenditure against business outputs and outcomes; and
- Strengthen the Local Government industry through stronger career paths and staff development.

DETAILS:

In October 2012, the Chief Executive Officer and Human Resources Manager attended a two (2) day workshop conducted by the DLG which specifically focussed on the development and implementation of Workforce Planning. The DLG provided each Local Government with a Workforce Planning Toolkit to assist local governments in reviewing their current workforce and in identifying future needs.

Workforce Planning is a key component of the Integrated Planning and Reporting Framework which was introduced to Western Australian local governments in 2011, underpinned by regulatory amendments. Together with Strategic Community Planning, Asset Management and Long Term Financial Planning, it forms part of the Integrated Planning and Reporting Framework.

CONSULTATION/ADVERTISING:

Not required. The Workforce Plan 2013-2018 will be available on the City's Website.

LEGAL/POLICY:

The process to develop the Draft Workforce Plan 2013-2018 is prescribed within the Local Government (administration) Regulations 1996.

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government's Integrated Planning and Reporting Framework and Advisory Standards.

The City has ensured that the process undertaken to develop the Plans meet all legislative requirements, as well as seeking to achieve best practice standards in accordance with the Advisory Standards.

RISK MANAGEMENT IMPLICATIONS:

High: It is a statutory requirement for a Local Government to have a Workforce Plan in place. Failure to do so would be a breach of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Community Plan 2011- 2026, Objective 4.2.1 (a) – Finalise, adopt and *implement* a Workforce Plan.

SUSTAINABILITY IMPLICATIONS:

The Workforce Plan will set a strategic direction concerning the City's Workforce over the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

The implementation of various initiatives detailed in the Workforce Plan 2013-2018 are contained within the City's operating budget.

COMMENTS:

It is recommended that the City's Workforce Plan 2013-2018 be received and adopted.

9.1.1 Nos. 498 (Lot 29; D/P 2355) Fitzgerald Street, North Perth – Demolition of Existing Single House and Construction of Three-Storey Multiple Dwelling Building Comprising Eleven (11) Multiple Dwellings and Associated Parking

Ward:	South	Date:	12 April 2013
Precinct:	Norfolk; P10	File Ref:	PRO5795; 5.2012.454.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report 003 – Applicant’s Justification dated 27 February 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED 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 Studio Di Architettura on behalf of the owners, 498 Fitzgerald Street Pty Ltd, for Proposed Construction of Three-Storey Building Comprising Eleven (11) Multiple Dwellings and Associated Car Parking at No. 498 (Lot 29; D/P 2355) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 19 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1-3/38 Marmion Street and No. 496 Fitzgerald Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

2.2 Acoustic Report

Prepare and Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

2.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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:

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.3.9 Planting to the northern, eastern and southern boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing's for the full width of the respective boundaries.

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);

“2.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services requirements.

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

~~1 x mobile garbage bin per unit; and~~

~~1 x recycle bin per unit;”~~

2.5 Single Bedroom Dwellings

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 single bedroom dwelling that:

2.5.1 A maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;

2.5.2 The floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and

2.5.3 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, 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 single bedroom dwelling; and

2.6 Schedule of External Finishes

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

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

3.1 Car Parking

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;

3.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

3.3 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.4 Residential Car Bays

A minimum of nine (9) and three (3) car bays shall be provided for the residents and visitors respectively. The twelve (12) car parking spaces shall be clearly marked and signposted accordingly;

3.5 Visitor Bays

The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

2.6 Bicycle Parking

Four (4) and two (2) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 Fitzgerald Street;
4. Any new street/front wall, fence and gate within the Fitzgerald 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; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

“That Clauses 2.5.1 and 2.5.2 be deleted.

~~2.5.1 A maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;~~

~~2.5.2 The floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and”~~

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr McGrath

“That a new Clause 2.5.1 be inserted as follows:

2.5.1 That the top floor be setback between 2 and 2.6 metres.”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

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

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.1

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 Studio Di Architettura on behalf of the owners, 498 Fitzgerald Street Pty Ltd, for Proposed Construction of Three-Storey Building Comprising Eleven (11) Multiple Dwellings and Associated Car Parking at No. 498 (Lot 29; D/P 2355) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 19 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1-3/38 Marmion Street and No. 496 Fitzgerald Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;

2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

2.2 Acoustic Report

Prepare and Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

2.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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:

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.3.9 Planting to the northern, eastern and southern boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing's for the full width of the respective boundaries.

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);

2.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services requirements.

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

2.5 Single Bedroom Dwellings

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 single bedroom dwelling that:

2.5.1 The top floor be setback between 2 and 2.6 metres; and

2.5.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, 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 single bedroom dwelling; and

2.6 Schedule of External Finishes

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

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

3.1 Car Parking

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;

3.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

3.3 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.4 Residential Car Bays

A minimum of nine (9) and three (3) car bays shall be provided for the residents and visitors respectively. The twelve (12) car parking spaces shall be clearly marked and signposted accordingly;

3.5 Visitor Bays

The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

2.6 Bicycle Parking

Four (4) and two (2) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 Fitzgerald Street;
4. Any new street/front wall, fence and gate within the Fitzgerald 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; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises eleven (11) dwellings and it is a three (3) storey development.

BACKGROUND:

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the construction of a three-storey building comprising five (5) two bedroom multiple dwellings, six (6) single bedroom multiple dwellings and associated car parking at No. 498 Fitzgerald Street, North Perth.

Landowner:	498 Fitzgerald Street Pty Ltd
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	1067 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space	✓		
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works			✓
Essential Facilities			✓
Surveillance			✓
Dwelling Size	✓		
Landscaping			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements BDADC 3 Roof pitches between 30 degrees and 45 degrees (inclusive).</p>
Applicants Proposal:	Flat roof proposed.
Performance Criteria:	<p>Residential Design Elements BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>“Although roof forms of between 30 to 45 degrees are encouraged, they are not an absolute requirement. The Performance Criteria allow different roof forms provided certain requirements are satisfied.</i></p> <p><i>The following justifications demonstrate compliance with BDPC3 and are provided for the City’s consideration:</i></p> <ul style="list-style-type: none"> • <i>The proposed development is designed with a flat roof behind parapets in order to be in keeping with the contemporary design of the proposed development.</i> • <i>The immediate streetscape is not recognised as an area of value and contemporary flat roof will not unduly impact on the overall streetscape, indeed the flat roof is considered to more appropriately reflect the emerging overall streetscape.</i> • <i>The flat roof will reduce the visual bulk of the development and in turn also reduce the amount of overshadowing cast onto the adjoining southern property.</i> <p><i>Having regard for the above it is considered that the proposed contemporary flat roof contributes positively to the streetscape, will not compromise the solar access to adjoining properties and therefore should be approved.”</i></p>
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the Residential Design Elements.</p> <p>As the overall building height complies with the three-storey height limit of the City’s Policy No. 3.4.8 relating to Multiple Dwellings, it is considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 434.67 square metres (40.74 per cent), whereas 533.5 square metres (50 per cent) is permitted.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5 <u>Upper Floors</u> A minimum of 2 metres behind each portion of the ground floor setback.</p>
Applicants Proposal:	<p><u>Upper Floors</u> 1.7 metres – 7.14 metres behind the ground floor setback.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“It is suggested that the City’s Acceptable Development Standard should not be applied to the site given the fact that the house two doors down to the right located at the corner of Fitzgerald and Marmion street and facing onto Marmion Street is substantially set back from Fitzgerald Street as is often the case with corner properties. For a more relevant representation of the streetscape, the average setback calculation should exclude corner properties (given they have two street frontages) and should place more emphasis on the immediate adjoining properties.</i></p> <p><i>The following additional front setback justification is provided for the City’s consideration:</i></p> <ul style="list-style-type: none"> • <i>The ground floor street setback of 7.3 metres in lieu of the average calculated setback of 9.08 metres has been located 600mm forward of that of the existing house on the site.</i> • <i>The proposed development set back is consistent with the properties directly adjoining. Indeed the immediate property to the right is setback 6.0 metres from the front boundary. This is consistent with SADC(b) in that the proposed setback is consistent with the predominant street setback pattern.</i> • <i>The setback will more than allow for the provision of landscaping and for that landscaping to flourish to maturity.</i> • <i>The proposed development setback will not inhibit solar access to the adjoining properties.</i>

Issue/Design Element:	Front Setback
	<ul style="list-style-type: none"> • <i>The upper floors are setback from the ground floor between 2.1 metres (over the front entry canopy) and 2.24 metres. This setback will add to the articulation of the front facade in both form and materials and significantly reduce the visual bulk of the development from Fitzgerald Street.</i> • <i>The staggered upper floor levels provide interest and articulation to the building hence contributing in a positive manner to the emerging streetscape.</i> <p><i>Having regard for the above it is considered that the front setback for the proposed development is consistent with the Acceptable Development Standard SADC5(b) and hence also satisfies the Performance Criteria. Additionally the proposal maintains adequate sight lines, contributes positively to the streetscape, will not compromise the safety or efficiency of the street's functionality and, therefore should be supported."</i></p>
Officer technical comment:	<p>The proposed upper floor setback complies with the Performance Criteria in this instance as it maintains the streetscape character.</p> <p>The proposed upper floor is setback a minimum of 1.7 metres behind the ground floor setback; however a portico is provided in front of this portion of the ground floor whereby the upper floor is setback 2.2 metres behind the portico area. The proposed portico aids providing articulation between the ground floor and upper floor setback whilst not resulting in any undue building bulk, as there is a roof separation provided between ground floor and upper floors. In light of this it is considered that the proposal maintains the streetscape character and amenity of the locality.</p> <p>The proposed landscaping space within the front setback area is typical of a residential development, with it complying with the Acceptable Development provisions of Clause 7.3.2 "Landscaping" of the R-Codes and the landscaping of the common property area complying with the Acceptable Development provisions of Clause 4.2 of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, with there being sufficient space provided for vegetation to grow.</p> <p>It is noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 434.67 square metres (40.74 per cent), whereas 533.5 square metres (50 per cent) is permitted.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.1</p> <p><u>Ground Floor</u> Northern boundary: 2 metres</p> <p><u>First Floor</u> Eastern boundary: 2.1 metres Southern boundary: 7 metres</p> <p><u>Second Floor</u> Northern boundary: 4.8 metres Eastern boundary: 2.6 metres Southern boundary: 9 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Northern boundary: 1.1 metres – 2.9 metres</p> <p><u>First Floor</u> Eastern boundary: 1.51 metres – 2.82 metres Southern boundary: 5.55 metres – 10.09 metres</p> <p><u>Second Floor</u> Northern boundary: 4.27 metres – 5.8 metres Eastern boundary: 1.51 metres – 2.82 metres Southern boundary: 5.55 metres – 10.09 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1</p> <p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“The development setbacks to the Primary Street and adjacent lot boundaries have been proposed in accordance with the City’s Residential Design Elements (Policy No. 3.2.1). In particular the two upper floors have been setback from the Primary Street and articulated to minimise the impact on affected neighbours. The setback (and height) of the development will ultimately influence the potential for overshadowing and overlooking to occur. Accordingly, considerable care has been taken to ensure that the development is generally compliant under the provisions of the R-Codes and City’s local planning policies. Although there are instances where minor incursions occur into the setback areas, design solutions such as obscure glazing to eye-level has been provided to balcony areas so as to address these situations.”</i></p>

Issue/Design Element:	Building Setbacks
<p>Officer technical comment:</p>	<p>The proposed setbacks from the boundaries comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining properties, whilst moderating the impact of building bulk on the adjoining properties.</p> <p>The proposal comprises windows to habitable rooms and balconies facing the northern boundary to take advantage of the northern sunlight.</p> <p>It is noted that the proposal does have major openings facing west, where solar design recommends that areas of glass should avoid facing west; however as Fitzgerald Street is to the west the proposal is required to have major openings facing the street for surveillance in accordance with the R-Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements and the City's Policy No 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>As the lot has an east-west orientation, there are limited windows to the rear, facing east. It is noted that large areas of glass should also be avoided from facing east unless screened. There are a large number of windows facing south, which can take advantage of the south-westerly breeze and also aids in providing cross ventilation to the dwellings.</p> <p>As the proposal comprises varying setbacks it is considered that there is sufficient articulation provided to the walls, which aid in minimising building bulk on an adjoining property.</p> <p>The location of the proposed building does not adversely affect the adjoining properties access to day light and direct sun. With regards to the adjoining northern property the proposed building does not adversely affect its access to sun for the following reasons:</p> <ul style="list-style-type: none"> • As the proposed building is located to the south of this property, it will not have any impact on the northern aspect of the site or on its access to the afternoon summer sun; and • The sun never hits the southern face of a building in winter; as the proposed building is located on the adjoining south property it will not alter the current situation. <p>With regards to the adjoining southern property the proposed building does not adversely affect its access for the following reasons:</p> <ul style="list-style-type: none"> • The outdoor living area of the dwelling has direct access to the northern sun, whereby the shadow cast by the proposed building falls over 43.32 percent (80.5 square metres) of the outdoor living area whereas 50 percent (92.92 square metres) is permitted under the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes.

Issue/Design Element:	Building Setbacks
	<p>Further to the above, it is noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 434.67 square metres (40.74 per cent), whereas 533.5 square metres (50 per cent) is permitted.</p> <p>It is also noted that the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, therefore the proposed setbacks do not result in any detrimental impact with regards to visual privacy.</p>

Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p>
Applicants Proposal:	<p>Boundary walls to two side boundaries.</p> <p><u>Eastern boundary</u> Length: 5.82 metres Maximum height: 2.6 metres Average height: 2.55 metres</p> <p><u>Southern boundary</u> Length: 3.67 metres Maximum height: 2.6 metres Average height: 2.5 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>"The following justifications are provided for the City's consideration:</i></p> <ul style="list-style-type: none"> • <i>It is proposed that the bins store located at the rear right side of the site has two walls located at zero setbacks to the property boundaries (eastern and southern). The proposed boundary walls are well below the maximum and average permissible heights and also well below the permissible length.</i> • <i>The boundary walls of the bins store will not have any undue visual impact on the adjoining properties, and will not affect solar access to the properties.</i>

Issue/Design Element:	Boundary Walls
	<ul style="list-style-type: none"> <i>They will positively affect the protection of privacy to the adjoining properties by increasing the built form separation between the proposed development and the adjoining properties.</i> <p><i>Having regard for the above it is considered that the proposed boundary walls to the south eastern corner of the site will not have any detrimental impact on the adjoining properties and therefore should be supported."</i></p>
Officer technical comment:	<p>The proposed boundary walls comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining properties, with it also moderating the impact of building bulk on the adjoining property.</p> <p>As outlined in the table above, there is adequate direct sun and ventilation provided to the subject site, with there being windows and living areas located to take advantage of the northern sun and south-western breeze.</p> <p>The proposed eastern and southern boundary walls individually comply with the permitted length and heights under the Acceptable Development provisions of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes. The proposed boundary walls do not compromise the adjoining property's access to northern sun, nor do they result in any undue overshadowing of an adjoining property.</p> <p>Further to the above, it is noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 434.67 square metres (40.74 per cent), whereas 533.5 square metres (50 per cent) is permitted.</p> <p>It is also noted that the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, the proposed boundary walls do not result in any detrimental impact with regards to visual privacy.</p>

Issue/Design Element:	Bicycles
Requirement:	<p>Residential Design Codes Clause 7.3.3 A3.2 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3.</p> <p><u>Residents</u> 4 spaces</p> <p><u>Visitors</u> 2 spaces</p>

Issue/Design Element:	Bicycles
Applicants Proposal:	<u>Residents</u> 4 spaces <u>Visitors</u> 1 space
Performance Criteria:	Residential Design Codes Clause 7.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other offsite parking; and • The location of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes in this instance; therefore it is recommended that it be a condition of approval that a minimum of four (4) bicycle spaces are provided for residents and two (2) bicycle spaces are provided for visitors.

Issue/Design Element:	Site Works
Requirement:	Residential Design Elements BDADC 7 Retaining walls do not exceed 500 millimetres in height. Written justification must be provided for any retaining wall over 500 millimetres in conjunction with an application to commence development outlining the purpose and reason for an over-height retaining wall. Filling behind the street setback line and within 1 metre of a common boundary do not exceed 500 millimetres above the natural ground level at the boundary, or retained in accordance with the requirements under clause BDADC8.
Applicants Proposal:	<u>Northern boundary</u> Filling up to 784 millimetres. <u>Eastern boundary</u> Filling up to 628 millimetres. <u>Southern boundary</u> Filling up to 728 millimetres.
Performance Criteria:	Residential Design Elements BDPC 7 Minimise changes to natural ground level of the development lot.
Applicant justification summary:	<i>"The previous plans submitted to the City which formed the basis of the staff assessment have been revised and reissued.</i> <i>The following justifications are provided for the City's consideration:</i>

Issue/Design Element:	Site Works
	<p><i>The reissued Site Plan (drawing A.03) corrects the finished levels adjacent to the adjoining property boundaries which were incorrectly noted on the initially submitted drawing. The noted level differences have been effectively reduced as follows:</i></p> <ul style="list-style-type: none"> • <i>From 0.892 metres to now 0.188 metres between the building line and the front boundary.</i> • <i>From up to 1.51 metres to the Northern Boundary to 0.214 metres.</i> • <i>From up to 1.61 metres to the Eastern Boundary to 0.390 metres.</i> • <i>From up to 1.79 metres to the Northern Boundary to 0.308 metres.</i> <p><i>Having regard for the above it is noted that the proposed excavations do not exceed 500mm and therefore the Acceptable Development Criteria are satisfied."</i></p>
Officer technical comment:	<p>The proposed development complies with the Performance Criteria as the development retains the visual impression of the natural level of the site, as seen from both Fitzgerald Street and the adjoining properties. It is due to the sloping nature of the site, that the fill of the site exceeds 500 millimetres.</p> <p>It is noted that the proposal complies with the building height permitted under Clause 2.2 "Building Height" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p>

Issue/Design Element:	Essential Facilities
Requirement:	<p>Residential Design Codes Clause 7.4.7 A7.3 Developments are provided with:</p> <ul style="list-style-type: none"> • An adequate communal area set aside for clothes-drying, screened from the primary or secondary street; or • Clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling. <p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 5.2 A7.3 Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows: 1-15 dwellings = 3 lineal metres of clothes line per dwelling.</p>
Applicants Proposal:	A clothes-drying area is not provided.
Performance Criteria:	<p>Residential Design Codes Clause 7.4.7 P7 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are:</p> <ul style="list-style-type: none"> • Adequate for the needs of residents; and • Without detriment to the amenity of the locality.
Applicant justification summary:	No justification received.

Issue/Design Element:	Essential Facilities
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance; therefore it is recommended that it be a condition of approval that a clothes-drying area is provided.

Issue/Design Element:	Surveillance
Requirement:	<p>Development Guideline for Multiple Dwellings in Residential Zones Clause 3.1 A1.4</p> <p>The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p>
Applicants Proposal:	Visitor bay located between the ground floor unit and the front boundary
Performance Criteria:	<p>Development Guideline for Multiple Dwellings in Residential Zones Clause 3.1 P1.3, P 1.5 and P1.5</p> <p>Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p>Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</p> <p>Streetscape Integration: Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</p>
Applicant justification summary:	<p><i>"The following justifications are provided for the City's consideration:</i></p> <ul style="list-style-type: none"> • <i>The development plans have been revised to reduce the number of Visitor carbays within the street setback area from 2 to 1 (refer to Design Parking Spaces).</i> • <i>The front entry to the proposed development is clearly identifiable from the street and is street facing. This will provide for Ground Floor Activation and passive surveillance of the street from the building – including the upper levels.</i> • <i>Garaging in internal to the development hence it does not impact on streetscape or surveillance opportunities.</i> • <i>Upper level balconies face the street hence maximising the opportunities for additional street surveillance.</i> <p><i>Having regard for the above it is contended that the one (1) proposed visitor bay within the front setback, the location of the front entry, and the orientation of the upper level balconies will facilitate significant passive surveillance opportunities and therefore should be supported."</i></p>

Issue/Design Element:	Surveillance
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as the proposed visitor's car parking space allows for a clear and identifiable entry point to the multiple dwellings. As the proposal comprises permeable grass paver for the parking space, it will not result in the parking space dominating the streetscape; rather it will blend with the vegetation within the street setback area.</p> <p>The location of the proposed parking space does not reduce the passive surveillance between the proposed building and Fitzgerald Street, as it is located in front of a 1.8 metre high fencing; with the upper floor providing adequate surveillance of the street.</p> <p>As the majority of spaces are located behind the dwelling, with the proposed bay being an open parking space and located on permeable grass pavers, it is considered that the development integrates with the street without parking dominating the streetscape.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 A2 A minimum of 5 percent of the total site area shall be provided as <i>soft landscaping</i> within the private outdoor living areas of the dwellings.</p> <p>5 percent: 53.35 square metres</p>
Applicants Proposal:	1.57 percent 16.7 square metres
Performance Criteria:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 P2</p> <ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. <p>Assists in increasing tree and vegetation coverage.</p>
Applicant justification summary:	<p><i>"The following justification is provided for the City's consideration:</i></p> <ul style="list-style-type: none"> • <i>The attached revised plans depict the visitor bay as incorporating trafficable paving which permits the growth of grass. A total area of 133.85m² is evident forward of the building and front fence. Of this are, 55.26m² is occupied by 'hard' surfaces resulting in 78.59m² (58.7%) of the area incorporating 'soft' landscaping.</i> <p><i>Having regard for the above it is contended that the revised proposal is compliant."</i></p>

Issue/Design Element:	Landscaping
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance; therefore it is recommended that it be a condition of approval that landscaping is provided in accordance with Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. It is noted that the amount of landscaping provided can be easily increased through modifications to the proposal without increasing the building footprint.

Car Parking	
Residents car parking requirement	
<ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 8 dwellings = 6 car bays • Medium (75 square metres – 110 square metres) 1 space per dwelling 3 dwellings = 3 car bays • Large (>110 square metres) 1.25 spaces per dwelling Nil 	
Total car bays required = 9 car bays	= 15 car bays
Visitors car parking requirement	
<ul style="list-style-type: none"> • Visitors 0.25 spaces per dwelling 11 dwellings = 2.75 car bays 	
Total car bays required = 3 car bays	= 3 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	10 January 2013 to 31 January 2013
Comments Received:	Six (6) objections, one (1) neither support or object and one (1) support.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Scale of the Development</p> <ul style="list-style-type: none"> • Does set a precedent for monster and unsightly buildings near family homes. • The height of the building is too high. A two-storey building would be more suitable. • Out of proportion to the rest of the street. 	<p>Not supported. The proposed building height of three-storey complies with Clause 2.2 "Building Height" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>The proposed plot ratio complies with the Acceptable Development provision of Clause 7.1.1 "Building Size" of the R-Codes, with the plot ratio being 0.69 (741.23 square metres) whereas a maximum plot ratio of 0.70 (746.9 square metres) is permitted.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • Sets a bad precedent for overdevelopment. • Too many dwellings on a small area. • Three-storey development, if this is allowed it will open up the way to all the older houses facing Fitzgerald Street to apply for the same. <p>It would be the only three-storey building within the street block.</p>	
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> • Up to 17 vehicles in and out of 498 into a very busy road at all times – a traffic hazard. • What will happen in the future if the proposed Light Rail goes down Fitzgerald Street. • Visitor's vehicles using the verges in Fitzgerald and Marmion Street any hour of day/night. • There is already a problem with parking and they proposed only one visitors parking for 11 dwellings. • It will increase traffic. • Visitors will end up parking in Marmion Street 	<p>Not supported. The number of car parking spaces exceeds that required by the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes.</p>
<p>Issue: Earth Works</p> <ul style="list-style-type: none"> • Earth works for proposed building would affect our present home with cracks in walls and loosen our ground footings. • The excavation works will shake the foundations of adjoining houses and cause cracks in the ceiling and walls. 	<p>Not supported. These concerns will be assessed and addressed as part of the Building Permit process, as it is not governed under Planning Legislation.</p>
<p>Issue: Noise</p> <ul style="list-style-type: none"> • Noise levels of vehicles coming and going at all times. 	<p>Not supported. This is not a planning related objection.</p> <p>Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; for further information regarding noise please contact the City's Health Services on 9273 6533.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> • Present proposed plans would result in overlooking of adjoining properties. • Ceiling heights are too high and will allow residents to look into the adjoining properties • Balconies will look directly into adjoining properties. 	<p>Not supported. The proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> • There will be overshadowing of adjoining properties. 	<p>Not supported. The overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 434.67 square metres (40.74 per cent), whereas 533.5 square metres (50 per cent) is permitted.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: 20 July 2012

Summary of Design Advisory Committee Comments:

The DAC is unable to support the current proposal and recommends the following:

1. *Consider flipping the plan to improve access to direct north light to all apartments especially living spaces.*
2. *Reduce the number of apartments to comply with the plot ratio requirements. Consider one apartment at ground level facing the street instead of two.*
3. *Redesign the access to apartment 9 to improve the apartment connection to the street.*
4. *Redesign the stairs to reduce bulk to adjacent properties.*
5. *Develop the roof on the upper level to admit direct north light via clerestory windows or similar.*
6. *Relocate the proposed basement stores to ground level.*
7. *Increase side setbacks to conform with the R-Code privacy requirements.*
8. *Increase street setbacks to be consistent with adjacent properties.*
9. *There is a strong history of art deco buildings in this area that should form part of the reference point for this design. We recommend more Art Deco buildings be studied including the mix of fine face brick and render detailing.*

Amended plans were referred to the Design Advisory Committee whereby the provided the following comment:

1. *We recommend they enclose the passage to the first stair be reconfigured/rationalised, perhaps treating this as a walkway without enclosed wall. This may also allow natural light and ventilation to the Unit 1 bedroom.*

The applicant redesigned the proposal to incorporate the City's Design Advisory Committee's above-mentioned comments and significantly increased the amount of natural light and cross ventilation to each of the dwellings and achieve a better amenity within the dwellings. The dwelling layout now optimises ventilation with the units having both north and south balconies and windows. The redesign now achieves windows and direct light to living areas from the north.

LEGAL/POLICY:

The following legislation and policies apply to the three-storey building comprising eleven (11) multiple dwellings at No. 498 Fitzgerald Street, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10;
- Residential Design Elements Policy No. 3.2.1;
- Single Bedroom Dwellings Policy No. 3.4.7; and
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.

It is noted that Clause 2.5.4 of the R-Codes States:

"A council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council's planning scheme or a local planning policy."

Further to the above, it is also noted that the "Description of the Performance Approach Used in the R-Codes" of the Explanatory Guidelines of the R-Codes states:

"The objective the desired outcome for a particular design element or special provision.

The performance criteria are general statements of the means of achieving the objective. They are not meant to be limiting in nature. Instead, they provide applicants with an opportunity to develop a variety of design responses to address each residential design issue.

The acceptable development provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. Acceptable Development provisions are intended to provide a straightforward pathway to assessment and approval; compliance with an acceptable development provision automatically means compliance with the corresponding performance criterion, and thus fulfilment of the objective.

The codes have been designed to provide a clear choice for applicants to select either a performance criteria approach for assessment, an acceptable development provision approach, or a combination of the two."

"Given the acceptable development provisions illustrate only one way of satisfactorily meeting the corresponding criterion, the use of an acceptable development provision as a yardstick or evaluation standard during a performance criteria assessment is generally not appropriate."

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 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 City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The application proposes adequate soft landscaping on-site, therefore providing sufficient permeable surfaces for the development. It's also noted that the design of the three-storey building provides for direct light and cross ventilation.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Plot ratio and building height contribute to the bulk and scale of a development; as the proposal complies with the Acceptable Development provisions of the R-Codes and the City's policy No 3.4.8 relating to Multiple Dwellings in Residential Zones it is not considered to have an undue impact on the amenity of the locality.

The design of the building, with regards to the side and rear building setbacks, roof forms, open space and landscaping of the setback area will not have an undue impact on the surrounding properties or the locality in terms of bulk and amenity. The proposal generally provides for the required landscaping and it is conditioned for mature (200L) trees along the northern, eastern and southern boundaries to be planted at 3 metre spacing's for the full width of the respective boundaries.

CONCLUSION:

In view of the above, the application is supportable as it is considered that the proposal complies with the City's Town Planning Scheme No. 1 and the Acceptable Development and Performance Criteria of the Residential Design Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.3 Nos. 212-214 (Lot 6; D/P:384) Lake Street, Perth – Proposed Extension of Operating Hours of Eating House and Rear Courtyard to Existing Eating House and Shop (Tarts Café)

Ward:	South	Date:	12 April 2013
Precinct:	Hyde Park, P12	File Ref:	PRO0137; 5.2013.51.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification dated 11 February 2013 003 – Applicant Justification and Response to Neighbour Comments dated 28 March 2013		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning 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 Planning Solutions (Aust) Pty Ltd on behalf of the owner M Poncini for Proposed Extension of Operating Hours of Eating House and Rear Courtyard to Existing Eating House and Shop (Tarts Café) at Nos. 212-214 (Lot 6; D/P: 384) Lake Street, Perth, and as shown on plans stamp-dated 18 February 2013, subject to the following conditions:

1. The hours of operation shall be as follows:
 - 1.1 Eating House (Tarts Café)
Saturday and Sunday 7am to 10pm;
 - 1.2 Outdoor Eating Area (existing rear courtyard)
Friday and Saturday 7am to 10pm; and
Sunday to Thursday 7am to 8pm,
All activities and clean-up shall cease by 10.30pm Friday and Saturday and 8.30pm on Sunday to Thursday in the Outdoor Eating Area (existing rear courtyard),
2. 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 and approved prior to the erection of the signage;
3. The windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street; and
4. The double doors at the front of the premises are required to swing inwards.

ADVISORY NOTES:

1. The City's Technical Services do not support the proposed two (2) outdoor heaters affixed to the wall of the building within the alfresco area, as well as the double doors extending out into the alfresco area;
2. Sound emitted from the premises, including the Outdoor Eating Area, shall be in compliance with the *Environmental (Noise) Regulations 1997* (The Regulations) at all times. Should breaches of the Regulations be confirmed by the City's Authorised Officer's enforcement action will be taken under the *Environmental Protection Act 1986*.

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation, together with the following change(s), be adopted:

1. That Clause 1.2 be amended to read as follows:

“1.2 Outdoor Eating Area (existing rear courtyard)

~~Friday and Saturday 7am to 10pm; and~~

~~Sunday to Thursday 7am to 8pm,~~

Monday to Sunday 7am to 8pm

All activities and clean-up shall cease by 8.30pm ~~10.30pm~~ ~~Friday and Saturday and 8.30pm on~~ from Monday to Sunday to Thursday in the Outdoor Eating Area (existing rear courtyard),”

2. That a new Advisory Note 3 be inserted to read as follows:

“3. Should the applicant wish to apply for further hours of operation in the Outdoor Eating Area (existing rear courtyard) and/or in the Existing Eating House, the application shall be accompanied by a Sound Attenuation Report which demonstrates compliance with the City's Sound Attenuation Policy No. 3.5.21, in relation to the proposed extended hours of operation.”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.3

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 Planning Solutions (Aust) Pty Ltd on behalf of the owner M Poncini for Proposed Extension of Operating Hours of Eating House and Rear Courtyard to Existing Eating House and Shop (Tarts Café) at Nos. 212-214 (Lot 6; D/P: 384) Lake Street, Perth, and as shown on plans stamp-dated 18 February 2013, subject to the following conditions:

1. The hours of operation shall be as follows:
 - 1.1 Eating House (Tarts Café)
Saturday and Sunday 7am to 10pm;
 - 1.2 Outdoor Eating Area (existing rear courtyard)
Monday to Sunday 7am to 8pm
All activities and clean-up shall cease by 8.30pm from Monday to Sunday in the Outdoor Eating Area (existing rear courtyard);
2. 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 and approved prior to the erection of the signage;
3. The windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street; and
4. The double doors at the front of the premises are required to swing inwards.

ADVISORY NOTES:

1. The City's Technical Services do not support the proposed two (2) outdoor heaters affixed to the wall of the building within the alfresco area, as well as the double doors extending out into the alfresco area;
2. Sound emitted from the premises, including the Outdoor Eating Area, shall be in compliance with the *Environmental (Noise) Regulations 1997* (The Regulations) at all times. Should breaches of the Regulations be confirmed by the City's Authorised Officer's enforcement action will be taken under the *Environmental Protection Act 1986*.
3. Should the applicant wish to apply for further hours of operation in the Outdoor Eating Area (existing rear courtyard) and/or in the Existing Eating House, the application shall be accompanied by a Sound Attenuation Report which demonstrates compliance with the City's Sound Attenuation Policy No. 3.5.21, in relation to the proposed extended hours of operation.

PURPOSE OF REPORT:

The report is referred to an Ordinary Meeting of Council as the previous approval for the use of the site was approved by the Council and more than five (5) objections have been received.

BACKGROUND:

Previous Reports to Council

- 7 October 2008 The Council at its Ordinary Meeting approved an application for change of use from shop to eating house and ancillary shop and associated alterations (application for retrospective approval) subject to a number of conditions.
- 16 December 2008 The Council at its Ordinary Meeting approved a change of use application from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) Reconsideration of Previous Cash-in-Lieu Condition).
- 22 November 2011 The Council at its Ordinary Meeting approved an increase to the proposed trading hours to the Existing Eating House.

DETAILS:

The proposal is an application for the proposed extension of operating hours for the following:

- Outdoor eating area (rear courtyard) from 7am to 10pm, Sunday to Thursday; and
- Eating house and rear courtyard from 7am to 12am, Friday and Saturday.

The Council previously approved:

- Outdoor Eating area (rear courtyard) from 7am to 10pm, Friday and Saturday and Sunday to Thursday 7am to 8pm for a period of 12 months only; and
- Eating House from 7am to 10pm; Monday to Sunday;

The applicant seeks to increase the hours of operation for the existing eating house to serve meals and drinks past 8pm, Monday to Sunday. No modification of the internal or external structure of the building is proposed in the application.

Landowner:	Mr M Poncini
Applicant:	Mr J Vallini
Zoning:	Residential R80
Existing Land Use:	Eating House and Shop
Use Class:	Eating House and Shop
Use Classification:	"SA"
Lot Area:	728 square metres
Right of Way:	Eastern Side, 4.0 metres wide, sealed, City owned.

ASSESSMENT:

Town Planning Scheme Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		

Town Planning Scheme Detailed Assessment

Issue/Design Element:		Operating Hours	
Requirement:	<p>Eating House</p> <p>Outdoor Eating Area (Rear Courtyard)</p>	<p>Existing</p> <p>Monday to Sunday (7am to 10pm).</p> <p>Friday to Saturday 7am to 10pm;</p> <p>Sunday to Thursday 7am to 8pm</p> <p>(With cleaning activities to cease by 10.30pm Friday to Saturday and 8.30pm Sunday to Thursday in the Outdoor Living Area).</p>	<p>Proposed</p> <p>Eating house from 7am to 12am, Friday and Saturday</p> <p>7am to 12am on Friday and Saturday</p> <p>7am to 10pm, Sunday to Thursday</p>
Performance Criteria:	Not Applicable		
Applicant justification summary:	<p><i>The proposed extension of trading hours for the outdoor eating area (rear courtyard) will enhance the serviceability of the Café to the surrounding residential area by enabling the service of meals and beverages past 8pm</i></p>		
Officer technical comment:	<p>The proposed increase in operating hours to the rear courtyard are considered excessive as the property abuts residential properties to the north and east as well as across the road. Any increase in operating hours post 10pm will significantly impact the ability of the residential properties to enjoy a normal residential amenity.</p> <p>The City's Health Services have noted that as the property is located in close proximity to Residential areas that any extension to the hours that have previously been approved would contribute to unreasonable noise being emitted from the premises.</p>		

Issue/Design Element:	Operating Hours
	<p>The City has received noise complaints over the years and an increase in hours would exacerbate this issue. The Environmental (Noise) Regulations 1997, note that after 10pm the allowable limits for noise decrease considerably. Any noise generated from the outdoor living area would not be able to comply with the requirement. Health Services would note that whilst internally it would support to 12am (after 10pm – all of the windows and doors to remain closed), externally in the outdoor living area, 7am to 8pm (Sunday – Wednesday) and 7am to 10pm (Thursday to Saturday) would not be supported.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 6 March 2013 – 19 March 2013

Comments received: Eight (8) comments were received with five (5) objections and one (1) late objection.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Rear Courtyard Use and Noise</p> <ul style="list-style-type: none"> • Concern in relation to the use of the rear courtyard given it is often utilised as a 'private function venue'. Issues exist in relation to loud music, party noise such as loud talking/shouting and doors slamming. Of particular note since the granting of a liquor licence. 	<p>Support. It is considered the use of the rear courtyard area should not operate later than 10pm on Friday and Saturday and 8pm on Sunday to Thursday, given the area is mainly residential and any additional hours would impact the adjoining property owners. Furthermore limiting the hours of operation allows for a reduction in associated noise from the activity.</p>
<p>Issue: Operating Hours of Rear Courtyard</p> <ul style="list-style-type: none"> • Concern that the existing operating hours in the rear courtyard reduce the amenity of the area and no extension should be allowed. • Strong concern in relation to additional hours of operation, given some functions already continue over the permitted hours of operation. • Would recommend that the hours of operation for Tarts Café continue 7am to 10pm Monday to Sunday and limit the hours of operation in the rear courtyard to 8.30 pm seven nights a week. • Should not approve any service in the rear courtyard past 8pm seven nights per week. 	<p>Support. It is considered that the proposed operating hours of the rear outdoor courtyard to 12pm on Friday and Saturday evenings will be of a detrimental nature to the adjoining property owners which to the front and rear of the premises, are entirely residential.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Parking</p> <ul style="list-style-type: none"> Concern in relation to issues with parking given the capacity for up to 100 people in the premises and the minimal car parking available in the area for the operators, clientele or visitors for the residents of the area. Concern also in regard to illegal parking from patrons on the street with patrons parking in no standing areas and obscuring the view of vehicles exiting Ruth or Amy Street into Lake Street. 	<p>Noted. Tarts Café received Planning Approval for a Change of Use in October 2008. As part of the approval, the Council, at its Ordinary Meeting, approved a shortfall in car parking of 5.65 car parking bays and a cash in lieu payment of \$15, 820 for the car parking shortfall. There are no additional seats within the café/alfresco or outdoor area in the rear courtyard to facilitate a reassessment of the parking requirements and therefore the parking is deemed to comply. Any illegal parking can be noted and brought to the attention of the City's Ranger Services who patrol the area regularly.</p>
<p>Issue: Noise</p> <ul style="list-style-type: none"> Concern in relation to noise and its impact on adjoining property owner's ability to utilise their backyards comfortably. Would request that amplified music be barred. Note that other venues in proximity are required to cease amplified music by 10pm. 	<p>Support. Any proposed music should be of a stereo nature and not allowed to be amplified above a certain time frame. The City's Health Services note that any issues with noise can be monitored according to the Environmental (Noise) Regulations 1997.</p>
<p>Issue: Antisocial Behaviour from Clientele</p> <ul style="list-style-type: none"> Note the proliferation of visitors exiting the premises urinating and smoking in the right of way to the rear of the site, leaving cigarette butts. 	<p>Noted. Whilst it is considered that antisocial behaviour may or may not have occurred from clientele from the premises, the premises has toilets and bins available for use, which adequately cater for the use. It is also noted there are other uses in the area to which antisocial behaviour may have originated from.</p>
<p>Issue: Size and nature of Cafe</p> <ul style="list-style-type: none"> Note that the Café has slowly evolved from a small quiet café to an increasingly busy disruptive establishment to the area. 	<p>Noted. The property is located in an area which includes uses of a Commercial nature. The increases to the size and nature of the premises have each been carefully considered by the City to ensure that the amenity of the adjoining landowners is maintained. The recommendation to not allow later hours is to maintain residential amenity to the surrounding properties.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

Design Advisory Committee:

Referred to Design Advisory Committee: Not Applicable

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy 3.1.12; and
- Parking and Access Policy 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 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 City."*

SUSTAINABILITY IMPLICATIONS:

Nil.

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Noise impacts from the late night operation of the premises would impact the quiet residential nature of the adjoining properties.	

SOCIAL	
Issue	Comment
Whilst the proposal provides for an increased range of services to the local community and facilitates social interaction, the impact of later night operation of the premises are likely to impact the surrounding dwellings amenity.	

ECONOMIC	
Issue	Comment
The ongoing utilisation of the premises offers job opportunities to the local community.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

Health Services

It is advised Health Services **do not support** the application for extension of operating hours as summarised below:

	Existing	Proposed – do not support
Eating House	Monday – Sunday 7am – 10pm	Monday – Sunday 7am – 12am
Outdoor Eating Area (rear courtyard)	Sunday – Thursday 7am – 8pm Friday and Saturday 7am – 10pm	Sunday – Thursday 7am – 10pm Friday and Saturday 7am – 12am

Due to the close proximity of the premises to surrounding residential areas, Health Services are of the opinion that the extension of hours in the outdoor eating area may significantly contribute to unreasonable noise being emitted from the premises. Considering that the City has received a number of noise complaints regarding this outdoor eating area over recent years, is it expected that the proposed hours would create a further disturbance to local residents.

Furthermore, in accordance with the *Environmental Protection (Noise) Regulations 1997* the assigned level specified in Regulation 8 decreases considerably at 10pm to a maximum level of 35dB. It is suggested that patron noise and associated noise within the alfresco area (i.e. background music) would not be able to comply with this level and as a result would be non-compliant with the Regulations.

In the event the proposal is supported, Health Services propose the following amended operational hours for the premises:

Eating House (after 10pm – all windows and doors of the premises are to remain closed)	Monday – Sunday 7am – 12am
Outdoor Eating Area (rear courtyard)	Thursday – Saturday 7am – 10pm Sunday - Wednesday 7am – 8pm

Planning Services

The proposal for the extension of operating hours is not supported, as it is considered an increase in operating hours is likely to impact the adjoining residential properties.

As noted above the City's Health Services advise that any additional hours after 10pm would exacerbate noise issues and result in non compliance with the acceptable levels according to the Environmental (Noise) Regulations 1997.

In light of the above, a continuation of the present hours of operation is conditioned appropriately.

9.1.9 FURTHER REPORT: No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn - Proposed Demolition of Existing Single House, and Construction of Six Multiple Dwellings

Ward:	North	Date:	16 April 2013
Precinct:	COS; P16	File Ref:	PRO5876; 5.2012.460.2
Attachments:	001 – Property Information Report, Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Development Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

A. 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 A Gauci of Milton Pulse Pty Ltd for the Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn, and as shown on amended plans stamp-dated 15 April 2013, subject to the following conditions:

1. Amendment No. 32 to City of Vincent Town Planning Scheme No 1 being approved by the Western Australian Planning Commission and gazetted in the Government Gazette, approving No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn to be zoned Residential R 60, and permitting multiple dwellings within the Residential R 60 zone;
2. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 50 Milton Street and No. 7 Anderson Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
3. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

3.1 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;

3.2 Schedule of External Finishes

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

“3.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City 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:

- 3.-43.1 Provision of landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 3.-43.2 Provision of soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 3.-43.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 3.-43.4 The location and type of existing and proposed trees and plants;
- 3.-43.5 All vegetation including lawns;
- 3.-43.6 Areas to be irrigated or reticulated;
- 3.-43.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 3.-43.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 3.-43.9 Planting to the western, eastern and northern boundaries to include ~~200~~ 100L trees planted at 5 metres spacing's respectively for the full width of the boundaries;

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

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

3.4 Refuse and Recycling Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services Specifications.

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

~~The applicant is required to submit amended plans showing compliance with the City's bin store requirements to the satisfaction of Technical Services;~~

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

3.5 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 approved 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;

3.6 Stores

All stores shall be a minimum of 4 square metres in area in accordance with the R-Codes;

3.7 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:

3.7.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and 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;

3.8 Crossover

The applicant is required to submit amended plans showing the crossover being offset 0.5 metre from the boundary;

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

4.1 Car Parking

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;

4.2 Clothes Dryer

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Multiple Dwellings Policy No. 3.4.8, Clause 5.2;

4.3 Residential Car Bays

A minimum of six (6) and two (2) car bays shall be provided for the residents and visitors respectively. The two (2) car bays for visitor parking spaces shall be clearly marked and signposted accordingly;

4.4 Visitor Bays

The car parking area shown for the visitor bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and

4.5 Bicycle Parking

Two (2) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided; and

5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer; and

- B. APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive Officer the authority to approve the subject development upon gazettal of Amendment 32.

ADVICE NOTES:

1. With regard to condition 2 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
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 Milton Street;
3. Any new street/front wall, fence and gate within the Milton 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;
4. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that voting would be carried out in two parts.

PART A:

- A. 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 A Gauci of Milton Pulse Pty Ltd for the Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn, and as shown on amended plans stamp-dated 15 April 2013, subject to the following conditions:

1. **Amendment No. 32 to City of Vincent Town Planning Scheme No 1 being approved by the Western Australian Planning Commission and gazetted in the Government Gazette, approving No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn to be zoned Residential R 60, and permitting multiple dwellings within the Residential R 60 zone;**
2. **The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 50 Milton Street and No. 7 Anderson Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;**
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

3.1 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;

3.2 Schedule of External Finishes

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

“3.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City 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:

- 3.-43.1 Provision of landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;**
- 3.-43.2 Provision of soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;**
- 3.-43.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;**
- 3.-43.4 The location and type of existing and proposed trees and plants;**
- 3.-43.5 All vegetation including lawns;**
- 3.-43.6 Areas to be irrigated or reticulated;**
- 3.-43.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and**
- 3.-43.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and**
- 3.-43.9 Planting to the western, eastern and northern boundaries to include ~~200~~ 100L trees planted at 5 metres spacing's respectively for the full width of the boundaries;**

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

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

“3.4 Refuse and Recycling Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City’s Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City’s Technical Services Specifications.

Residential:

Waste bins for general waste and recycling as per the City’s Technical Services requirements;

~~The applicant is required to submit amended plans showing compliance with the City’s bin store requirements to the satisfaction of Technical Services;~~

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

3.5 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 approved 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;

3.6 Stores

All stores shall be a minimum of 4 square metres in area in accordance with the R-Codes;

3.7 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:

3.7.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and 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;

3.8 Crossover

The applicant is required to submit amended plans showing the crossover being offset 0.5 metre from the boundary;

4. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
 - 4.1 **Car Parking**

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;
 - 4.2 **Clothes Dryer**

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Multiple Dwellings Policy No. 3.4.8, Clause 5.2;
 - 4.3 **Residential Car Bays**

A minimum of six (6) and two (2) car bays shall be provided for the residents and visitors respectively. The two (2) car bays for visitor parking spaces shall be clearly marked and signposted accordingly;
 - 4.4 **Visitor Bays**

The car parking area shown for the visitor bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and
 - 4.5 **Bicycle Parking**

Two (2) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided; and
5. **The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer; and**

ADVICE NOTES:

1. **With regard to condition 2 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
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 Milton Street;**
3. **Any new street/front wall, fence and gate within the Milton 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;**
4. **An application for a crossover is to be submitted to, and approved by the City's Technical Services;**

5. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and**
6. **No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.**

PART A PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona,
Cr Topelberg and Cr Wilcox
Against: Cr Carey

(Cr Buckels was an apology for the Meeting.)

PART B:

- B. **APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive Officer the authority to approve the subject development upon gazettal of Amendment 32.**

**PART B PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)**

For: Mayor Hon. MacTiernan, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona,
Cr Topelberg and Cr Wilcox
Against: Cr Carey

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.9

That the Council;

- A. **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 A Gauci of Milton Pulse Pty Ltd for the Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn, and as shown on amended plans stamp-dated 15 April 2013, subject to the following conditions:**

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

3.8 Crossover

The applicant is required to submit amended plans showing the crossover being offset 0.5 metre from the boundary;

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

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The car parking area shown for the visitor bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and

4.5 Bicycle Parking

Two (2) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided; and

5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer; and

- B. APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive Officer the authority to approve the subject development upon gazettal of Amendment 32.

ADVICE NOTES:

1. With regard to condition 2 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
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 Milton Street;
3. Any new street/front wall, fence and gate within the Milton 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;
4. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

FURTHER REPORT:

The proposed demolition of single house and construction of six multiple dwellings at No. 52 Milton Street, Mount Hawthorn, was presented to Council at its Ordinary Meeting held on 26 March 2013, whereby Council resolved:

"That the item be DEFERRED for further consideration."

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 26 March 2013 relating to this report are available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/52c99aba-7237-423d-9942-a18601156395/20130326.pdf>

DETAILS:

At the Ordinary Meeting of Council held on 26 March 2013, there were concerns raised in respect of the rear setback. It was recommended that the rear setback be 1.5 metres from the rear northern boundary except where the building is adjacent to a boundary wall.

Amended Plans dated 15 April 2013 were submitted to the City. The main changes are as follows:

- the rear of the proposed building (apartment 6) is setback 1 metre to 1.5 metres from the northern boundary.
- a ground floor boundary wall along the eastern boundary of apartment 6.
- The upper floor of apartment 6 setback 1.2 metres from the eastern boundary.
- The ground floor of apartment 1 setback increased to 3.7 metres from Milton Street.
- The upper floor balconies to apartments 1 and 2 setback 4.7 metres from Milton Street.
- The boundary wall length to apartment 6 has increased to accommodate the laundry/powder room from 5.5 metres to 8.04 metres

The following table has been amended in strikethrough and underline to reflect changes as a result of the amended plans.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks	✓		
Boundary Wall			✓
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Landscaping	✓		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Streetscape Front Setback
Requirement:	Residential Design Elements- SPC 5 South front setbacks Ground floor = 5.8 metres Second Floor Required = 6.8 metres to balcony and 7.8 to wall.
Applicants Proposal:	Ground floor = 2.403 <u>3.7</u> metres Second floor = 3.780 <u>4.7</u> metres to balcony and 5.28 metres to wall.

Issue/Design Element:	Streetscape Front Setback
Performance Criteria:	<p>Development is to be appropriately located on site to: Maintain streetscape character; Ensure the amenity of neighbouring properties is maintained; Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; Facilitate solar access for the development site and adjoining properties; Protect significant vegetation; and Facilitate efficient use of the site.</p> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The characteristic of the local precinct is the development of 1950/60’s residences on large sites, grouped dwelling developments and more recently multiple dwelling developments. Only a few large sites remain undeveloped and a number of projects are under construction within the precinct consisting of grouped and multiple dwellings. The majority of development occurred through the City of Stirling regime of grouped dwellings with 4 metre average street setbacks.</i></p> <p><i>A small portion (4.9m) of the proposed ground floor is set back 2.4m from the front boundary, while the average street set-back of the building is 6.98m.</i></p> <p><i>This complies with the minimum primary street set-back of 2m as per the Residential Design Codes. The average street set-back is consistent with the City’s set-back policy which calculates the average of adjoining properties in the street being 5.8m however the minimum set-back requires consideration under the performance criteria.</i></p> <p><i>The design ensures the amenity of neighbouring properties is maintained and has no northern overshadowing impacts to the neighbouring properties and a generous setback to the eastern shadow precinct (where the neighbours’ driveway is located).</i></p> <p><i>Given the local area is undergoing significant transformation and an increase in zoning from R50 to R60 the proposed set-back is consistent with the desired future streetscape. The surrounding architecture has little heritage value and the majority of developments were approved under the City of Stirling’s planning scheme. There are two other multiple dwelling developments in the precinct currently under construction with minimum set-backs of 2.4m and 2.7m.</i></p> <p><i>Following a meeting with the City’s Planning Department 13th December 2012 the applicant amended the plans to introduce screening (consistent with the front boundary screening) to the front elevation.”</i></p>

Issue/Design Element:	Streetscape Front Setback
Officer technical comment:	<p>The proposed front setbacks are not supported as they will result in a substantial reduction in the average street setback, and affect the existing streetscape. The recommended variation in the ground floor front setback to 3.7 metres to Milton Street and for the upper floor setback to meet the City's Policy relating to Residential Design Elements (RDE's) with the balcony setback 1 metre minimum from the ground floor and the upper floor being setback 2 metres from the ground floor setback. This setback is recommended as the area is transitioning to grouped dwellings and multiple dwellings and the average setback of these in the street is around 3.5 metres. The setback of the adjoining developed property is 3.7 metres and this is felt to be an appropriate setback as the small portion of the building at this reduced is adjacent to this property and driveway.</p> <p>The applicant has advised via email that they accept the above new setbacks and that it be a condition of approval. The applicant further advises that the increased setback may need to increase the length of the eastern boundary wall in order to achieve the required setback, and therefore seek the City's support should this outcome arise as they do not expect any further approval or neighbour consent will be required should this occur.</p> <p><u>The applicant has amended the plans to comply with the street setback of 3.7 metres for the ground floor and the balcony on the upper floor being setback 1 metre behind the ground floor building. The variation is supported.</u></p>

Issue/Design Element:	Setbacks
Requirement:	R Codes –table 2b North rear setback Ground floor = <u>4.5 1 metre</u>
Applicants Proposal:	Ground floor = <u>Nil 1 metre to 1.5 metres</u>
Officer technical comment:	<p>The buildings, while on the boundary still allow for adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing is compliant, hence providing adequate access to daylight and direct sun to adjoining properties. The applicants have adhered to the 2-storey height limit applying to the site.</p> <p>Compliant with the solar access requirements, this ensures access to daylight and direct sun for adjoining properties.</p> <p>Compliant with the privacy requirements results in the protection of privacy between adjoining properties.</p> <p><u>The ground floor complies with the required rear setback acceptable development criteria.</u></p>

Issue/Design Element:	Plot Ratio
Requirement:	<p>Plot ratio- R 50; R-Codes –table 4 Required 0.6 or 453.6 square metres</p> <p>Plot Ratio for R60 as per Scheme Amendment 32 is 0.7 = <u>529.2 square metres</u></p>

Issue/Design Element:	Plot Ratio
Applicants Proposal:	0.608 <u>0.621</u> or 459.65 <u>468.47</u> square metres
Performance Criteria:	Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<i>"The proposed development has a plot ratio of 60.8%. The accepted plot ratio for R50 has been exceeded by 0.8%. It is considered the increase in plot ratio of 6.05m2 is supportable given the bulk and scale of the development is consistent with multiple dwelling development form and with the desired future built form of the locality. As the proposal is a two storey development it reflects the existing scale and minimises impact on the adjoining properties through its contemporary design and the use of different building materials which provide articulation to both the adjoining properties and Milton Street.</i>
	<i>The area is currently awaiting gazettal of Scheme Amendment 32 which will increase the zoning to R60 and while the applicant has not based the submission on an increased zoning it is pertinent to note that the proposed design is 9.2% less than the R60 plot ratio of 70%. The development also reduces bulk and scale through quality articulated design. The design incorporates balconies, varying set-backs, a 6m wide landscaped driveway, the retention of two verge trees, a contemporary skillion roof and mixed building materials which break the lines of the building reducing bulk and scale. The development will significantly enhance the character of the emerging area."</i>
Officer technical comment:	The proposed rezoning of the site is R 60 which will result in a plot ratio of 0.7 or 529.2 square metres. The proposed increase in plot ratio is considered minimal, and not considered to adversely affect the amenity of the area in terms of bulk and scale. <u>The proposed plot ratio is compliant with R60 plot ratio requirements.</u>

Issue/Design Element:	Store
Requirement:	R Codes-7.4.7- Store is required to have a minimum dimension of 1.5 metres with an internal area of 4 square metres.
Applicants Proposal:	Area of 4 square metres not achieved for some stores.
Performance Criteria:	Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality.
Applicant justification summary:	The stores were compliant.
Officer technical comment:	Based on the dimensions given, the stores are slightly non-compliant in area. A condition has been recommended that all stores are a minimum of 4 square metres in area.

Issue/Design Element:	Building on boundary
Requirement:	R Codes-6.3.2 Wall on one boundary; maximum height 3.5 metres and average height of 3 metres
Applicants Proposal:	Walls on 2 side boundaries. Height on north boundary

Issue/Design Element:	Building on boundary
	<p>3.705 metres.</p> <p><u>Northern boundary</u></p> <p><u>Average Height=3.45 metres</u></p> <p><u>Eastern boundary</u></p> <p><u>Average Height= 3.6 metres</u> <u>Maximum Height= 4.1 metres</u></p>
Performance Criteria:	<p>Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<p><i>“The proposed development exceeds the acceptable criteria for boundary walls to one side boundary. There are boundary walls to the North and East boundaries. The boundary walls to the east (store walls) require approval under the performance criteria of the Residential Design Codes. The neighbouring property has a 1.8 metre high masonry fence above a substantial retaining wall. This fence predominately obscures the boundary walls proposed. Store 5 is abutting an existing boundary wall. In consideration of these factors, the proposed boundary walls have no visual impact of building bulk on the neighbouring property. This is further emphasised with the boundary walls significantly setback for the neighbour’s residence. The common driveway exists along this common boundary. The secondary boundary exists to the northern boundary consisting of store 6 and Apartment 6. The northern boundary property is currently under construction with a grouped dwelling development. A boundary wall has been constructed on the neighbouring property which predominately obscures store 6. The remainder of the boundary wall does not affect the daylight or direct light due to the orientation of the site. The visual impact is mitigated as the neighbour has already constructed a boundary wall, our boundary wall will create a rhythm to an existing structure. We have stepped the multiple dwellings along the slope as practical as possible and ensuring a satisfactory slope to the driveway”.</i></p>
Officer technical comment:	<p>The proposed setbacks would not result in any undue impact on the adjoining properties. The overshadowing is to the northern side which falls within the road reserve. Moreover the proposed development complies with the privacy requirements of the R codes which will not adversely the amenity of the adjoining properties.</p> <p><u>The boundary wall to apartment 1 complies with the average and maximum heights as required by the R-Codes.</u></p>

Issue/Design Element:	Building on boundary
	<p>Clause 7.1.4A4.3 of the R-Codes under the Acceptable Development specifies the following: <i>"The wall has a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions."</i></p> <p>In this instance, the proposed northern boundary wall will abut an existing wall of the same proportion and therefore complies with the above requirement.</p> <p>With regard to the eastern boundary wall to apartment 6, as shown on the eastern elevation, the boundary wall will abut an existing wall along the boundary except for a small portion. It is considered that the variation is supported as the small portion of the wall will be facing the adjoining driveway on the eastern property and therefore there will be no impact in terms of overshadowing and privacy.</p>

Issue/Design Element:	Driveway access
Requirement:	R Codes-7.3.7 Formed driveways designed for two way access and for vehicles to enter the street in forward gear where the driveway serves five or more dwellings.
Applicants Proposal:	Small section being in-gate accessway.
Performance Criteria:	Vehicular access provided so as to minimize the number of crossovers, to be safe in use and not detract from the streetscape.
Applicant justification summary:	<i>"The driveway design allows for two way access, there is a small section (of 5.4m only) at 3m width along a 40m long driveway. The design provides sufficient access for the development allowing for two way access."</i>
Officer technical comment:	The single driveway for a small section of the driveway is unlikely to affect two way traffic movements within the site and is supported.

COMMENTS:

Technical Services

The bin-store was modified in the amended plans and does not comply with the City's requirements in addition to the crossover which is required to be offset 0.5 metres from the boundary. In the event this application is supported, the applicant is required to submit amended plans depicting a compliant bin-store and crossover.

Planning

In view of the above, the application is supportable and it is recommended that the application be approved subject to standard and appropriate conditions and advice notes.

9.1.10 Proposed Additional Use to the City's Town Planning Scheme No. 1 – Scheme Amendment No. 33- No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth (Vastese Bakery)

Ward:	North	Date:	12 April 2013
Precinct:	Smith Lake, P6	File Ref:	PLA0243
Attachments:	001 – Scheme Amendment No. 33 Report 002 – Planning Solutions Scheme Amendment Report 003 – Summary of Submissions		
Tabled Items	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESOLVES** pursuant to Town Planning Regulations 17, 18 and 25:
 - 1.1 to **RECEIVE** the 12 submissions in relation to Amendment No. 33 to the City of Vincent Town Planning Scheme No. 1, as summarised in Appendix 9.1.10; and
 - 1.2 that Amendment No. 33 relating to the subject site of Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to the City's Town Planning Scheme No. 1 and Smiths Lake Precinct – Scheme Map 6, **BE ADOPTED FOR FINAL APPROVAL** for the purpose of:
 - 1.2.1 allowing an Additional Use of Light Industry (Bakery), and incidental uses Local Shop and Office to the above mentioned subject site;
 - 1.2.2 including Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to Schedule 3 – Additional Uses of the City's Town Planning Scheme No. 1; and
 - 1.2.3 removing property No. 178 (Lot 9) Alma Road, North Perth from the City's Non-Conforming Use Register;
2. **AUTHORISES** the Mayor Hon. MacTiernan and the Chief Executive Officer to execute and affix the City of Vincent common seal to Amendment No. 33 to the City of Vincent Town Planning Scheme No. 1 Amendment documents reflecting the Council's endorsement of final approval;
3. **FORWARDS** the relevant executed documents to the Western Australian Planning Commission and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 33, to the City of Vincent Planning Scheme No. 1; and
4. **ADVISES** the Environmental Protection Authority and those who made submissions of the Council decision.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Maier

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Scheme Amendment No. 33 and to seek the Council's final endorsement of the Amendment prior to forwarding to the Minister for Planning for gazettal.

BACKGROUND:

Date	Comment
1961	The Saraceni family owned and operated Vastese Bakery at No. 178 (Lot 9) Alma Road, North Perth.
20 November 2001	No. 178 (Lot 9) was in lawful operation prior to the gazettal of the City of Vincent's Town Planning Scheme No. 1, and is identified as NCU in the City's Non-Conforming Use Register which was adopted as Appendix 11 to the City's Planning and Building Policy Manual on 20 November 2001.
20 December 2011	The City at its Ordinary Meeting resolved to approve the Draft Local Planning Strategy and Draft Town Planning Scheme No. 2 and forwarded the documents to the Western Australian Planning Commissions (WAPC) for consent to advertise.
21 December 2011	A compliance letter from the City was sent relating to No. 180 (Lot 8) Alma Road, North Perth resulting in an investigation of the alleged use of the subject site for non-residential activities.
4 February 2012	The City's Officers met with the owners of Vastese Bakery to discuss some options to ensure the operation and progress of Vastese Bakery is permitted under the City's Town Planning Scheme No. 1.
23 March 2012	A site visit was undertaken with Cr Josh Topelberg, Manager Strategic Planning, Sustainability and Heritage Service and Planning Officers (Strategic) to meet Joe Saraceni of Vastese Bakery to discuss primarily heritage interpretation and other associated matters.
9 May 2012	Planning Solutions on behalf of Vastese Bakery, prepared a Scheme Amendment Submission to rezone No. 178 (Lot 9) and No. 180 (Lot 8) from Residential R40 to Residential/Commercial R40 under the City's Town Planning Scheme No. 1.
28 May 2012	Director Planning Services, Manager Strategic Planning, Sustainability and Heritage Services and Manager Planning and Building Services, met with Joe Saraceni of Vastese Bakery and Ben Doyle from Planning Solutions to discuss the above mentioned Scheme Amendment submission. It was agreed that Planning Solutions re-submit the Scheme Amendment on behalf of Vastese Bakery to request an Additional Use, with provisions to ensure a residential component is provided and maintained on the land to reflect its Residential zoning.
5 July 2012	The City received three (3) copies of the Scheme Amendment Report and one (1) electronic copy, to retain the Residential zoning of No. 178 (Lot 9) and No. 180 (Lot 8) and allow for Additional Use of Light Industry, and incidental uses including Eating House, Local Shop, and Office to be provided for. The report was prepared by Planning Solutions on behalf of Vastese Bakery.
9 July 2012	The City received the prescribed fee of \$ 2, 600, to initiate and progress with the matter of a proposed Scheme Amendment to the City's Town Planning Scheme No. 1.
14 August 2012	The Council at its Ordinary Meeting approved: the initiation of Scheme Amendment No. 33; the forwarding of Scheme Amendment reports to the Western Australian Planning Commission; and formal advertising of Scheme Amendment No. 33.

Date	Comment
27 November 2012	The formal advertising period commenced, concluding 30 January 2013. Due to inconsistencies within the advertised reports and Council decision item 9.1.5 from the Ordinary Meeting of Council held on 14 August 2012 a second period of advertising was considered necessary.
19 February 2013	The second period of advertising commenced, concluding 5 April 2013.
26 February 2013	The owner of No. 178 (lot 9) and No. 180 (lot 8) Alma Road, North Perth was reimbursed the Scheme Amendment fee of \$2,600.

DETAILS:

The advertised changes to Schedule 3 of the City's Town Planning Scheme No. 1 are as follows. The new information proposed to be included is shown in the table below:

No.	Description of Land	Additional Use	Conditions
1	No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth	P – Light Industry (Bakery) IP – Local Shop, Office	<ol style="list-style-type: none"> 1. Minimum residential land use component comprising 100sqm net lettable area shall be provided and maintained on the land; 2. The uses of Local Shop and/or Office are permitted uses where those uses are incidental to the predominant Light Industry (Bakery) use; 3. Any Local Shop shall have a maximum gross floor area of 50sqm and only sell items produced on site; 4. Any Office shall have a maximum gross floor area of 100sqm; and 5. The Additional Use, shall operate in accordance with a Management Plan approved by the Council, prior to the issuing of a Planning Approval and must comprise information relating to: <ol style="list-style-type: none"> (i) Parking & Access; (ii) Noise; (iii) Streetscape Amenity; and (iv) Operational Procedures, including Business Operating Hours and Delivery Schedules. 6. The Management Plan shall be made public available to all owners and occupiers within the locality; and 7. The Council can request the Management Plan to be amended at its discretion.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period One: 42 days: 27 November 2012 – 30 January 2013

Consultation Type: Advert in local paper, notice on the City’s website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent and in line with the Town Planning Regulations 1967.

Due to inconsistencies within the advertised reports and Council decision item 9.1.5 from the Ordinary Meeting of Council held on 14 August 2012 a second period of advertising was considered necessary. Consultation Period One undertaken from 27 November 2012 to 30 January 2013 received 11 submissions as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	7	100%
Total	7	100%

Community Submissions

Position	Number Received	Percentage
Support	1	25%
Object	3	75%
Not Stated	-	-
Total	4	100%

Total Submissions Received

Position	Number Received	Percentage
Support	1	9.1%
Object	3	27.3%
Not Stated	7	63.6%
Total	11	100%

The results of Consultation Period One are considered invalid as the report publicised during the advertising period, which was the subject of the submissions, did not align correctly with the minutes of the Ordinary Meeting of Council held on the 14 August 2012 and therefore the submissions were incorrectly informed and considered void in the consideration of Scheme Amendment No. 33.

Consultation Period Two: 42 days: 19 February 2013 – 5 April 2013

Consultation Type: Advert in local paper, notice on the City’s website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent and in line with the Town Planning Regulations 1967.

Government Authority Submissions

Position	Number Received	Percentage
Support	1	12.5%
Object	-	-
Not Stated	7	87.5%
Total	8	100%

Community Submissions

Position	Number Received	Percentage
Support	4	57.1%
Object	2	28.6%
Not Stated	1	14.3%
Total	7	100%

Total Submissions Received

Position	Number Received	Percentage
Support	5	33.3%
Object	2	13.3%
Not Stated	8	53.3%
Total	15	100%

Submissions in Support of Scheme Amendment No. 33

Submission	Officer Comment
The business has operated successfully for many years, the Scheme Amendment will improve the business and its impact on the surrounding properties.	Noted. This supports the City's Position to formalise the non-conforming use rights on the subject site to facilitate improvements to the operation of the business and the appearance of the buildings.
<i>'The business is owned and operated by members of the community, provides traditional local made produce and generates local economic development.'</i>	Noted. The business provides local economic stimulus and is a positive part of the community, formalising the land use will ensure development applications for the subject site are appropriately assessed for best outcomes.

Submissions in Opposition of Scheme Amendment No. 33

Submission	Officer Comment
There will be increased traffic in the area with the introduction of the incidental use of shop.	Local Shop is an incidental use to the primary use of bakery and has been restricted to sell items produced on site. To operate the additional use following the gazettal of Scheme Amendment No. 33 a Management Plan must be submitted to and approved by the Council, the information provided will relate to: Parking and access; Noise; Streetscape Amenity; and Operational Procedures, including Business Operating Hours and Delivery Schedules.
Noise is an issue at the site for surrounding residents.	As stated above the incidental use of local shop has strict conditions upon floor area and products. Further to this a management plan must be submitted and approved by the Council for the continued use. The management plan is to include detailed information pertaining to noise management, this plan must also be available to all owners and occupiers within the locality.

LEGAL/POLICY:

- City of Vincent *Town Planning Scheme No. 1* and associated Policies;
- State Planning Policy 4.2 "*Activity Centre for Perth and Peel*";
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium: Scheme Amendment No. 33, will entitle No. 178 (Lot 9) to be removed from the City's Non-Conforming Use Register and instead allow for the permanent operation under Schedule 3 – Additional Use of the City's Town planning Scheme No. 1.

The Amendment proposes an Additional Industry Use (Bakery) and incidental uses including Eating House, Local Shop, and Office. The surrounding uses to the subject site are zoned Residential and therefore the proponents of Vastese Bakery as part of their proposal have ensured a management plan as well as explore new technology to minimise traffic and noise pollutions to the area.

STRATEGIC IMPLICATIONS:

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

"Improve and Maintain the Environment and Infrastructure:

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"*

Economic Development

2.1 *Progress economic development with adequate financial resources.*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

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

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL
As part of the Scheme Amendment report the proponents intend to create a management plan to ensure the ongoing land use will continue to be compatible within its surrounds, and ensure the operation of the business minimises impacts on surrounding residents. Any development will serve to promote the City's commitment to environmental sustainability, primarily through the adaptive re-use of the City's existing building stock and the reduction in the waste of building material associated with full demolition and redevelopment.
SOCIAL
The site is considered to have high cultural and heritage significance and an example of what strong Italian migrant influences had on shaping North Perth.
ECONOMIC
The proposed Scheme Amendment No. 33 - Additional Use (Light Industry - Bakery) will assist in the conservation and retention of a high valued service as well as contribute to the economic activity of the local and wider Vincent locality.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$74,556

COMMENTS & CONCLUSION:

Scheme Amendment No. 33 has been prepared in consultation with Planning Solutions and Vastese Bakery business managers and aims to formalise the non-conforming use rights on the subject site. The Scheme Amendment will assist in alleviating community concerns due to the requirement of a management plan which requires information relating to: Parking and access; Noise; Streetscape Amenity; and Operational Procedures, including Business Operating Hours and Delivery Schedules.

Vastese Bakery has operated successfully from No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth for over 50 years. The zoning of the site will remain residential with the additional use of light industry (bakery) for this specific site therefore redevelopment of this site is restricted to the aforementioned uses and not open to other commercial uses. The Scheme Amendment will facilitate appropriate development applications to improve the operation of the business and the appearance of the buildings.

In light of the above, it is recommended that the Council resolves to adopt Scheme Amendment No. 33 to the City's Town Planning Scheme No. 1.

9.2.5 LATE ITEM: Leederville Town Centre Enhancement Project – Oxford Street Reserve Proposed improvements – Consideration of Submissions

Ward:	South	Date:	22 April 2013
Precinct:	Oxford Centre (4)	File Ref:	ADM0106, RES0059
Attachments:	001 – Option One (1) – Plan and Sketch		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the twenty one (21) submissions received in relation to the Oxford Street Reserve Improvements recently advertised for public comment;
2. **APPROVES**;
 - 2.1 the proposed improvements to Oxford Street Reserve, as shown on the attached concept plan No. 9.2.5 (Option No.1) at an estimated cost of \$1,145,000 (as detailed in the report) and progresses to the detailed design/documentation phase; and
 - 2.2 **BY AN ABSOLUTE MAJORITY** to reallocate \$745,000 from identified 2012/2013 funded projects, to the Oxford Street Reserve project, as follows:

Item	Amount
Britannia Reserve Masterplan Implementation Stage 1	\$170,000
Beaufort Street Precinct – Unisex Toilet	\$140,000
Mount Hawthorn Community Centre – Replace Roof	\$100,000
Charles, Carr and Newcastle Streets – Slab Replacement	\$95,000
Mount Hawthorn Area Wide Traffic Calming Pilot Scheme	\$50,000
Nova Lane Configuration/Resurfacing	\$48,000
Fitzgerald Street	\$42,000
Depot Resurfacing	\$35,000
Town Centre Banner Poles	\$30,000
Purslowe/Brady Streets Traffic Management	\$20,000
Formalise (free) On Road Motor Cycling Scooter Parking Spaces	\$15,000
TOTAL	\$745,000

- 2.3 to include the above projects in the 2013/2014 budget to enable the previously funded projects to be implemented;
3. **AUTHORISES** the Chief Executive Officer;
 - 3.1 to instruct the landscape architect to prepare construction/working drawing and detailed specifications for the project;
 - 3.2 upon completion of 3.1 above, calls tenders for suitable contractors to undertake the works specified; and
4. **ADVISES** the local community, 'Leederville Connect' and business owners of its decision.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Buckels was an apology for the Meeting.)

ADDITIONAL INFORMATION:

Community Consultation was carried out in accordance with the City's Policy No. 4.1.5 – Community Consultation – Part 7 – “*Significant Works*” for Parks and Reserves to be advertised within a 500 metre radius of the Park.

The City's Technical Services posted out 770 letters and information package to all properties bounded by Leederville Parade, Melrose Street and Loftus Street (plan as tabled).

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent community consultation in relation to the Oxford Street reserve Improvements and to seek approval to progress with this project and call tenders for construction.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 March 2013, a Leederville Town Centre Enhancement Project Progress report was presented to the Council where it was resolved as follows:-

“That the Council;

1. *APPROVES IN PRINCIPLE the City's Leederville Town Centre Working Group (LTCWG) preferred option for the proposed improvements to Oxford Street Reserve, as shown on the attached Option No. 1, at an estimated cost of \$1,050,000;*
2. *CONSULTS with, the local community, “Leederville Connect” and business owners in accordance with the City's Consultation Policy No: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting with the Leederville Business owners during the consultation process; and*
3. *NOTES that;*
 - 3.1 *in the preparation of the Leederville Activity Structure Plan, the Oxford Street Reserve will be considered as a dedicated area for Public Open Space, to accommodate the proposed increase in population and associated residential and commercial development within the Leederville Town Centre;*
 - 3.2 *the Leederville Activity Centre Structure Plan will ultimately supersede the Leederville Master Plan Built Form Guidelines;*
 - 3.3 *an amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre Enhancement Works including, but not limited to, the future upgrade of the Oxford Street/Newcastle Street Streetscape, Water Corporation Reserve, Oxford Street Reserve and other works which are still being investigated; and*
 - 3.4 *further progress reports will be presented to the Council as the enhancement projects outlined in clause 3.1 and clause 3.3 above, is further developed; and*
 - 3.5 *a further report will be submitted to the Council following the close of the Community Consultation period to consider any submissions received and for the Council to approve of the funding source for the reallocated funds listed in Clause 2.1 (above).”*

DETAILS:

Community Consultation:

Leederville Town Centre Enhancement Project – Proposed Improvements To Oxford Street Reserve:

In accordance with the Council's decision on 26 March 2013, 770 consultation packs and attached plans were distributed around the Leederville precinct in accordance with the City's Consultation Policy.

At the close of the consultation period only twenty one (21) responses were received, a response rate of only 2%.

Related Comments *In Favour* of the Proposal: (15)

- 5 x in favour with no further comment.
- I have been an adjoining owner for the past 20 years and a member of the Leederville Village Council of Owners for a similar period. I have spent a great deal of time, effort and capital in attempting to bring greater vibrancy to the southern end of Oxford Street and am overjoyed the City of Vincent has "come to the party" in providing what promises to be a well designed, outstanding community facility. I thank and congratulate the City for this initiative.
- We suggest the east-west walkway adjacent to 'Cranked' should be fully roofed to provide shelter from sun and rain. A crosswalk should be provided in front of 'Kailis' and Oxford Street should be fenced to direct pedestrians from the station to the crosswalk.
- Query outdoor chess as a 'youth' facility. Any evidence 'youth' play outdoor chess?
- Items that should be addressed prior to implementation include: CPTED - ensure open-sightings to the road reserve and include high quality lighting to the area to ensure a safe/secure amenity.
- Retaining as many car bays as possible would be desirable.
- Looks great! But why not also have a community veggie garden?
- A fantastic proposal to enhance the existing park.
- I support this particular proposal and would like further information on the proposed Oxford/Newcastle Street streetscape and other works still under investigation.
- I support this initiative from the City of Vincent and believe more enhancement works should be regularly undertaken to the Leederville Town centre to enhance its vibrancy.
- I support this initiative for the City of Vincent and believe more enhancement works should be regularly undertaken to the Leederville Town Centre to enhance its vibrancy.

Related Comments *against* the Proposal: (4)

- Indeed, we, businesses at the end of Oxford Street, are struggling daily to provide parking to our customers. Our private parking bays are regularly squattered by other businesses and "parking rage" is not unusual. How can you propose to reduce the number of parking bays by 25? How can you justify blocking the entry from Oxford Street to the main parking area? My customers are already complaining that parking is too difficult!
Also, I love trees BUT these last ten years the eucalypt trees on Oxford Street in front of No.106, units 1 to 6 had to be cut down because they were a traffic hazard with falling branches during winter storms...
- In an area acutely deficient in parking the loss of 20-25 parking bays is unacceptable. The \$1m plus would be better utilised reducing rates.
- Parking is already a problem; it is going to make the matter worse.
- The whole idea of public open space is for it to be open. Not space filled with inane objects with a few trees and grass...in order to retain the appeal and the uniqueness of the area we shouldn't be just using the current trends in planning and design that are seen everywhere. The park is already well utilised, we don't want to be a copy of Claremont or Subiaco, both of which over planning has destroyed the soul...parking needs to be retained in Leederville at all costs. Closed in and hidden areas are dangerous, spend the money on cleaning the footpaths and maintaining the area, not on killing the area.

Other comments regarding the Proposal: (2)

- Concern of loss of parking and impact on residential areas e.g. Carr Place where parking is difficult for residents. Also seems a lot of money for very little. In favour of improving the area, not convinced this proposal really delivers.
- Concerned about vehicle access to the parking (public) area. Closing off access to Oxford Street will leave only 2 entrances – Water Corp. and through Leederville Village (our concern) is very narrow and limited.

Officer's comments

Whilst there has been a poor response to the consultation in regard to the Oxford Street Reserve improvement project, the majority are in favour of the proposal. The cost of this project is significant considering the size of the reserve, however components of the landscape such as paving are high quality and very durable in comparison with other projects the City has undertaken.

CPTED principles will be applied to this design to ensure the park is open, well lit and safe for all users. Whilst specific plant species or additional plantings are yet to be determined there has been general discussion of incorporating a sensory garden. Community Gardens are being developed in other areas throughout the City and this site would not be considered a viable option for a community garden.

As suspected, those against the proposal and some in favour do not support a reduction in parking spaces and closing access into the carpark from Oxford Street. The fact is that proposal will reduce the number of car bays and restrict access into the Frame Court car park. This is the outcome of increasing the area of the park and shifting it further to the north (closer to the commercial centre). The question is; does this proposed amenity improvement outweigh the loss of parking and reduced access. The majority of the respondents seem to accept this.

With regards the suggestions made, where appropriate, the landscape consultants will be requested to assess these and incorporated into the final design where practicable.

With regards the inclusion of a crossing point in Oxford Street, this will be discussed with Main Roads WA however in the recent past, they have not supported these devised on safety grounds and prefer a central pedestrian median for providing refuge (as currently exists in Oxford Street, which is also a 30 kph zone).

CONSULTATION/ADVERTISING:

Consultation was undertaken with the local community and business owners in accordance with the City's Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: These proposals are likely improve safety for both pedestrians and park patrons by providing a safe enclosed space where children can play and parents can sit and enjoy the space without the worry of their children running onto adjacent busy roads.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

“Leadership, Governance and Management

Objective 4.1: Manage the organisation in a responsible, efficient and accountable manner.

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:

Consideration has been given whilst progressing this project to ensure that sustainability options are investigated and included within the final design of the areas to be upgraded where practicable.

FINANCIAL/BUDGET IMPLICATIONS:

Estimated Cost of Implementing Option No.1:

The estimated cost of implementing the project excluding the cost of the playground is \$1.05m. The cost of the playground has not been determined but could be as high as \$0.4m depending on the final design.

In addition the other 'estimated' costs associated with this project include the following (\$95,000):

- Prepare concept plans, \$25,000 (completed).
- Detailed design/documentation, \$30,000.
- Tender assessment, project inspections, \$25,000.
- Electrical Services/Lighting design, \$6,000.
- Detailed site feature survey, \$9,000.

Therefore the total estimated of the project (excluding the playground component) is \$1,145,000.

Current Funding:

An amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project, including but not limited to the future upgrade of the Oxford Street Reserve, Water Corporation Reserve and the Oxford Street – Newcastle Streetscape.

As noted above, the estimated cost of the project is \$1,145,000 therefore an additional \$745,000 will be required to be allocated towards this project.

It will either be necessary to reallocate additional funds from a funding source to be identified by the Chief Executive Officer or for funding to be listed for consideration in the 2013/2014 draft budget.

Should the Council decide to fund this project this financial year the funds could be sourced from the following projects and these funds reinstated in the 2013/2014 budget to enable the previously funded projects to be implemented.

Item	Amount
Britannia Reserve Masterplan Implementation Stage 1	\$170,000
Beaufort Street Precinct – Unisex Toilet	\$140,000
Mount Hawthorn Community Centre – Replace Roof	\$100,000
Charles, Carr and Newcastle Streets – Slab Replacement	\$95,000
Mount Hawthorn Area Wide Traffic Calming Pilot Scheme	\$50,000
Nova Lane Configuration/Resurfacing	\$48,000
Fitzgerald Street	\$42,000
Depot Resurfacing	\$35,000
Town Centre Banner Poles	\$30,000
Purslowe/Brady Streets Traffic Management	\$20,000
Formalise (free) On Road Motor Cycling Scooter Parking Spaces	\$15,000
TOTAL	\$745,000

The overall 'proposed' scope of the Leederville Enhancement is as following:

- Oxford Street Reserve - \$1,145,000.
- Playground – cost to be determined (estimated \$0.4m+).
- Oxford Street/Newcastle Street Streetscape – Costs to be determined following further development of the design options by the landscape architect and the LTCWG.
- Water Corporation Reserve – Costs to be determined following further development of the design options by the landscape architect consultants and the LTCWG.

Proposed Timeline:

Should the project be approved, the following 'indicative' implementation time line is proposed:

Item	Indicative Timeline
Prepare Detailed Design/Documentation/ Tender Specification	April/May 2013 (4 weeks)
Advertise the Project Tender	May/June 2013 (3 weeks)
Assess Tender Submissions and Prepare report to the Council	May/June 2013
Council to award the Project Tender	June 2013
Prepare Contract Documentation	June 2013
Commence project*	Late June/early July 2013

Note*: The funds would be required to be allocated this financial year to enable the project to commence in 2013.

COMMENTS:

As previously advised the Leederville shopping precinct, including Oxford Street Reserve is looking tired and in need of an upgrade. The Leederville Town Centre Working Group have been meeting regularly and together with the recently appointed Landscape Consultants have produced a quality design for the park that will provide a significant improvement to the function and amenity of the area.

It is therefore recommended that the Council approves the Oxford Street Reserve Improvement project and advises the local community, "Leederville Connect" and business owners of the Council decision.

9.1.2 No. 116 (Lot 408; D/P 39280) Angove Street, North Perth – Proposed Change of Use from Residential to Residential and Office

Ward:	North	Date:	12 April 2013
Precinct:	Smith's Lake; P6	File Ref:	PRO2039; 5.2012.223.4
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Application Report received 24 May 2012 003 – Applicants Justification received 8 April 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning 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 D & DS Mossenson on behalf of the owner, D & DS Mossenson and Pecan Nominees Pty Ltd for Proposed Change of Use from Residential to Residential and Office at No. 116 (Lot 408; D/P 39280) Angove Street, North Perth, and as shown on plans stamp-dated 25 May 2012 and amended plans stamp-dated 10 December 2012, subject to the following conditions and advice notes:

1. The doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with this street;
2. The partial use of the subject site for office is subject to and conditional upon the office being operated by a person residing within the dwelling;
3. The hours of operation of the office component shall be limited to the following times: 8:30am to 6:00pm Monday to Friday;
4. The maximum gross floor area of the office component shall be limited to 37.83 square metres;
5. Three (3) car parking bays are to be provided on-site;
6. The office is limited to a maximum of two (2) employees at any one time;
7. Any signage is not to exceed 0.2 square metre in area;
8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the City:
 - 8.1 **Residential Car Bays**
A minimum of two (2) and one (1) car bays shall be provided for the residents and office component respectively. The three (3) car parking spaces shall be clearly marked and signposted accordingly; and
 - 8.2 **Car Parking**
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
9. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTE:

1. With regards to condition 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 Angove Street and Farmer Street;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
4. In regards to condition 5, the 2 residential bays can be tandem parking.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation, together with the following change(s), be adopted:

- “10. The use of the subject site for Residential and Office is subject to and conditional upon the retention and reuse of the existing dwelling on the subject site.”

Debate ensued.

Cr Carey departed the Chamber at 7.03pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.05pm.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

For: Mayor Hon. MacTiernan, Cr Harley, Cr McGrath, Cr Topelberg and Cr Wilcox
Against: Cr Carey, Cr Maier and Cr Pintabona

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.2

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 D & DS Mossenson on behalf of the owner, D & DS Mossenson and Pecan Nominees Pty Ltd for Proposed Change of Use from Residential to Residential and Office at No. 116 (Lot 408; D/P 39280) Angove Street, North Perth, and as shown on plans stamp-dated 25 May 2012 and amended plans stamp-dated 10 December 2012, subject to the following conditions and advice notes:

1. The doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with this street;
2. The partial use of the subject site for office is subject to and conditional upon the office being operated by a person residing within the dwelling;

3. The hours of operation of the office component shall be limited to the following times: 8:30am to 6:00pm Monday to Friday;
4. The maximum gross floor area of the office component shall be limited to 37.83 square metres;
5. Three (3) car parking bays are to be provided on-site;
6. The office is limited to a maximum of two (2) employees at any one time;
7. Any signage is not to exceed 0.2 square metre in area;
8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the City:
 - 8.1 **Residential Car Bays**

A minimum of two (2) and one (1) car bays shall be provided for the residents and office component respectively. The three (3) car parking spaces shall be clearly marked and signposted accordingly; and
 - 8.2 **Car Parking**

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
9. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer; and
10. The use of the subject site for Residential and Office is subject to and conditional upon the retention and reuse of the existing dwelling on the subject site.

ADVICE NOTE:

1. With regards to condition 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 Angove Street and Farmer Street;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
4. In regards to condition 5, the 2 residential bays can be tandem parking.

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal relates to a 'SA' use and three (3) objections were received when it was originally advertised as a change of use from residential to office. The proposal has been modified since deferral to be residential and office.

BACKGROUND:

History:

Nil.

Previous Reports to Council:

The proposal was presented to the Council at its Ordinary Meeting held on 11 September 2012, whereby it resolved:

“That the item be DEFERRED at the request of the Applicant, in order to allow the Applicant time to revise their Development Application.”

The proposal presented to the Council at its Ordinary Meeting held on 11 September 2012 comprised a change of use from residential to office. The proposal comprised a gross floor area of 133 square metres, with the hours of operation being 8:30am to 6:00pm Monday to Friday.

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 11 September 2012 relating to this report is available on the City’s website at the following link:

<http://www.vincent.wa.gov.au/files/8c85c2ca-6b92-4697-90d4-a0c300c4e62e/20120911.pdf>

DETAILS:

The application is for a change of use from residential to residential and office at No. 116 Angove Street, North Perth.

The applicant met with the City’s Officers in November to discuss the areas of non-compliance. Amended plans were then submitted to the City for a mixed use development comprising a residential component and an office component; whereby the gross floor area of the office has been reduced from 133 square metres, to a gross floor area of 37.83 square metres, with the remainder of the building being used for residential purposes.

The applicant has advised the City’s Officers that the proposed office is to be run by the occupier of the household, therefore a condition of approval regarding this has been recommended accordingly.

The proposed hours of operation for the office are 8:30am to 6:00pm Monday to Friday, with the number of employees being two (2) to four (4) employees. Due to the location of the subject site and number of car parking bays, it is recommended that it be a condition of approval that the proposed office is limited to a maximum of two (2) employees.

Landowner:	D & DS Mossenson and Pecan Nominees Pty Ltd
Applicant:	D & DS Mossenson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House and Office
Use Classification:	“P” and “SA”
Lot Area:	419 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Roof Forms	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	✓		
Economic Development			✓
Non-Residential Development Interface			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Economic Development
Requirement:	Economic Development Strategy 2011-2016 Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.
Applicants Proposal:	The subject property is located outside the activity centre and within a residential area.
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>"The site is located within the suburb of North Perth and forms part of a transitional area between the local commercial centre and the existing residential area and has dedicated road access from Angove Street in the south and Farmer Street in the north."</i></p> <p><i>"The land is located in close proximity to the intersection of Angove Street, Scarborough Beach Road and Charles Street. This is a busy intersection dominated by car based retail uses at the north western intersection containing a 24 hour BP Service Station and a McDonald's restaurant.</i></p> <p><i>The immediate area is characterised by light industrial workshops/mechanics, a vacant old service station used as a car park, the North Perth church directly opposite and various retail tenancies along Charles Street.</i></p>

Issue/Design Element:	Economic Development
	<p><i>There is no defined character to the area with gentrification taking place at a much slower rate than the adjoining District Centres in North Perth and Mount Hawthorn. Reasons for this could include the anchor tenants, being BP and McDonald's, are a focus for car based transport, as is the intersection generally. This diminishes the walkability and quality of the pedestrian environment of the area.</i></p> <p><i>There are other 'office' uses in the immediate area, the contemporary development on the south west corner of the main intersection, which currently has no vacancies, provides a mix use of retail, restaurant and office space. The only vacancies within the area are for retail use, within the Local Centre to the north east.</i></p> <p><i>Further car based retail uses extend along Charles Street with Kennard's Hire adjoining the retail strip. Farmer Street extends from Angove Street and allows rear access for the commercial tenancies and first two dwellings along Angove, including the subject site.</i></p> <p><i>The street block containing the subject acts as a natural transition area between the light industrial/commercial uses within the Local Commercial Centre and residential properties on Angove Street. The street block is afforded excellent access for car parking from the rear, as well providing economic impetuuous to the Local Centre and Commercial area through the multiplier effect."</i></p>
Officer technical comment:	<p>The proposed residential and office use is considered to be supportable in this instance, as the subject site functions similar to a buffer site with the proposal also being similar in nature to a home occupation.</p> <p>Buffer sites permit uses which are of a low scale, low intensity and comprise interactive uses which may serve the day-to-day needs of the local resident population, which can generate pedestrian traffic and surveillance of the street. It is considered that the proposed mixed use residential and office land uses, results in the office component being of a small scale and low intensity. An office of this scale will also provide service which has the potential to serve the day-to-day needs of the local residents.</p> <p>Schedule 1 – Scheme Interpretations of the City of Vincent Town Planning Scheme No. 1 defines a home occupation as:</p> <p><i>“a business or activity carried on within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:</i></p> <p>(a) <i>entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;</i></p>

Issue/Design Element:	Economic Development
	<p>(b) <i>does not cause injury to or prejudicially affect the amenity of the neighbourhood;</i></p> <p>(c) <i>does not detract from the residential appearance of the dwelling house or domestic outbuilding;</i></p> <p>(d) <i>does not entail employment of any person not a member of the occupier's household;</i></p> <p>(e) <i>does not occupy an area greater than 20 square metres;</i></p> <p>(f) <i>does not display a sign exceeding 0.2 square metre in area;</i></p> <p>(g) <i>in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;</i></p> <p>(h) <i>will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and</i></p> <p>(i) <i>does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight."</i></p>
	<p>With regards to the above home occupation definition, it is considered that the proposed residential and office land uses will be of a similar impact to that of a home occupation; however it comprises an area of 37.83 square metres and may employ two (2) to four (4) persons.</p> <p>The proposed change of use from residential to residential and office does not detract from the residential amenity, due to the small scale of the proposed office, therefore maintaining the residential amenity. It is noted that no signage is currently proposed, with it being a condition of approval that any signage is not to exceed 0.2 square metres. It is also noted that there is the potential for the car parking on-site to be fully compliant with both the Acceptable Development requirements of Clause 6.5.1 "On-Site Parking Provision" of the R-Codes and the City's Policy No. 3.7.1 relating to Parking and Access, with it being a condition of approval that three (3) car parking bays are to be provided on-site.</p>

Issue/Design Element:	Non-Residential Development Interface
Requirement:	Non-Residential/Residential Development Interface Policy No. 3.4.3 Clause 2 It is preferred that the address and entry points for the residential use are to be separate from other uses and readily identifiable. All necessary rubbish bin areas, letterboxes, drying areas, residential visitor bays and similar facilities and services are to be separately provided for residential uses.
Applicants Proposal:	The residential component and office component have the same entry point.
Performance Criteria:	Not applicable.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed mixed use development comprising residential and office utilise the same entry point which is considered supportable in this instance. Due to the small scale and low intensity expected of the proposed office, with it being of a similar nature to that of a home occupation, as the office is to be utilised by the residents, it is considered acceptable for the proposed residence and office to utilise the same entry point.

Residential Car Parking	
Residential Design Codes Clause 6.5.1 A1 i Single Houses: Two spaces, which may be in tandem.	= 2 car bays
Car parking provided on-site	2 car bays

Non-Residential Car Parking	
Car parking requirement (nearest whole number) • Office 1 space per 50 square metres of gross floor area Gross floor area: 37.83 square metres = 0.7566 car bays Total car bays required = 1 car bay	= 1 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.80 (contains a mix of uses, where at least 45 percent of the gross floor area is residential) • 0.95 (within 400 metres of a public car parking place with in excess of 25 car parking spaces)	(0.646) = 0.646 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	0.646 car bays

Bicycle Parking	
Consulting Room(s) – two (2) practitioners: <u>Office</u> : • 1 space per 8 practitioners <u>200 square metres gross floor area</u> (class 2) = Nil <u>0.18915</u> • 1 space per 4 practitioners <u>750 square metres over 1000 square metres</u> (class 3) = 0.5 <u>spaces Nil</u> <u>Required</u> 0.5 <u>0.18915</u> spaces = 1 space <u>Provided</u> Nil	

Note: *The above was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

The proposed office component results in a shortfall of 0.646 car bays. It is noted that there is sufficient space on-site for the proposal to comprise complaint car parking and in this instance is necessary for support of the application. It is recommended that it is a condition of approval that three (3) car parking spaces are to be provided on-site in accordance with the requirements of Clause 6.5.1 "On-Site Parking Provision" of the R-Codes and the City's Policy No. 3.7.1 relating to Parking and Access, with two (2) bays being provided for the residential component and one (1) space being provided for the office component.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	10 July 2012 to 30 July 2012
Comments Received:	Three (3) objections and one (1) support

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> There is already limited available parking in the area. The proposed office will exacerbate the parking issue in the area. 	<p>Not supported as issue conditioned. It is a condition of approval that three (3) car parking spaces are to be provided on-site in accordance with the requirements of Clause 6.5.1 "On-Site Parking Provision" of the R-Codes and the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Encroachment of Commercial Development</p> <ul style="list-style-type: none"> While both ends of Angove Street are designated for commercial uses, this proposal (commercial) will encroach in the residential area which will be out of character with the area. 	<p>Not supported as issue addressed. The proposal is of a similar nature as a home occupation, whereby the office use has been reduced from 133 square metres to 37.83 square metres.</p>
<p>Issue: Planning Application</p> <ul style="list-style-type: none"> It is noted that the City is processing another application for Change of Use from a Single House to Office Building at No. 103 Angove Street, North Perth. If the City supports this application and the other application at No. 103 Angove Street, these businesses will indelibly change the landscape of Angove Street. 	<p>Not supported. Each development application is assessed on its individual merit.</p> <p>It is noted that the proposal is of a similar nature as a home occupation, whereby the office use has been reduced from 133 square metres to 37.83 square metres, with the proposal being in keeping with the residential amenity of the locality.</p>
<p>Issue: City of Vincent Economic Development Strategy</p> <ul style="list-style-type: none"> The proposed development is contrary to the City's Economic Development Strategy to retain commercial developments within designated commercial areas. 	<p>Not supported as issue addressed. The proposal is of a similar nature as a home occupation, whereby the office use has been reduced from 133 square metres to 37.83 square metres.</p>
<p>Issue: Benefits to the area</p> <ul style="list-style-type: none"> There are no perceived benefits from this proposal and mainly demonstrate negative impacts to residents. 	<p>Not supported. The proposal is of a similar nature as a home occupation, whereby the office use has been reduced from 133 square metres to 37.83 square metres, with the proposal being in keeping with the residential amenity of the locality.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the office at No. 116 Angove Street, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Smith's Lake Policy No. 3.1.6;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 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 City.*

Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
	The proposal uses an existing building for the proposed residential and office land uses. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for an office purpose. It is noted that the development comprises of some soft landscaping providing permeable surfaces for the site.

SOCIAL	
Issue	Comment
The proposal provides for an increased range of services to the local community, whilst also providing for an increase in housing diversity within the City.	

ECONOMIC	
Issue	Comment
The proposed land use will provide employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Heritage

The applicant has provided the following comments relating to the heritage and existing and historical use and development of the subject site:

“Heritage

The subject land was listed in the City of Vincent Municipal Heritage Inventory (MHI) in 1995 as John Robert’s House. It is considered as a fine and uncommon example of a Donnybrook stone dwelling and an exemplar of the Italianate style. It has associations with John Roberts who was the owner/builder and a stonemason of some renown. It also informs of settlement in the area from the early 1900s and is a notable place in this section of Angove Street.

The house was built by John Roberts, a stonemason who was born in Victoria in 1867 and arrived in WA circa 1897 with his wife Jane and sons Henry (born 1895) and Albert (born 1897). In 1897 he purchased the block in Angove Street, which also had a frontage, a narrower one, onto Farmer Street at the rear. The family lived in a one-roomed timber shed while saving enough money to commence building the house. It was built in stages in Donnybrook Stone and, with Henry Roberts’ help it was completed about 1920. John Roberts dies in 1951, at the age of 83, and Henry Roberts continued to live in the house until his own death in 1978.

The current owners bought the subject land in 2001, 6 years following the initial listing on the MHI.

Existing and Historical Use and Development

The subject land has historically been used as a single residential dwelling and has been leased to private tenants since 2001. In 2002/2003 the current landowners added heritage sensitive bathroom and verandah renovations to the rear of the property. This has demonstrated both their respect for the MHI listing of the property and an ability to effectively maintain and appropriately update the property, in accordance with Heritage best practice.

In leasing the property the owners have encountered varying levels of care given to the property by the residential tenants. It is not considered good practice for the owners of historical buildings to rely on transient residential tenants to care for and maintain the original fabric of important buildings, furthermore given the nature of residential letting, the owners have found it difficult to maintain the same tenants for periods of greater than 12 months.

It is accepted that the general period of office letting is far longer than 12 months and that the general standard of maintenance and care for the building is far better due to business demands and company image.

To this end, the proposed 'Office' land use will facilitate the conservation of a heritage place and also enhance and preserve its heritage values in a much more effective manner than through leasing to private residential tenants."

The subject place at No. 116 Angove Street, North Perth, is listed on the City's Municipal Heritage Inventory as Management Category of B – Conservation Recommended.

The proposal involves a change of use of the heritage listed single house to residential and office building. It is noted that the application does not involve any alterations and additions, including signage.

In accordance with the City's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, it is considered that the proposed works require minimal alteration to the original fabric. Given this, it is considered that the proposed works will have no adverse impact on the heritage listed building and will ensure the continued use of the subject property.

In light of the above, the Heritage Officers have no objection to the subject application and no additional condition relating to heritage management is required.

Planning

The proposed mixed use development comprises a residential component and an office component; whereby the gross floor area of the office has been reduced from 133 square metres, to a gross floor area of 37.83 square metres, with the remainder of the building being used as a single house.

It is considered that the proposed residential and office land uses will be of a similar impact to that of a home occupation as the proposal does not detract from the residential amenity, due to the small scale of the proposed office. It is also noted that no signage is currently proposed and there is the potential for the car parking on-site to be fully compliant with both the Acceptable Development requirements of Clause 6.5.1 "On-Site Parking Provision" of the R-Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

CONCLUSION:

In view of the above, the application is supportable as it complies with the City's Policy No. 3.1.6 relating to Smith's Lake Precinct, the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, the City's Policy No. 3.5.15 relating to Shop Fronts and Front Facades to Non-Residential Buildings, the City's Policy No. 3.7.1 relating to Parking and Access and the City of Vincent Town Planning Scheme No. 1

Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.6 Nos. 102-104 (Lot: 1 D/P: 2251) Lincoln Street, Corner of Stirling Street, Highgate – Proposed Reconsideration of Condition (Change of Trading Hours to Existing Eating House)

Ward:	South	Date:	12 April 2013
Precinct:	Forrest Precinct – P14	File Ref:	PRO1655; 5.2013.58.1
Attachments:	001 – Property Information Report & Previously Approved Development Assessment Plans (20 February 2009)		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, 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 F Bayar for the Proposed Reconsideration of Condition (Change of Trading Hours to Existing Eating House) at Nos. 102-104 (Lot: 1 D/P: 2251) Lincoln Street, Corner of Stirling Street, Highgate, and as shown on approved plans stamp-dated 20 February 2009 subject to the following conditions:

1. The hours of operation for the Eating House shall be restricted to 7.00am to 5.00pm Monday to Sunday inclusive, excluding Thursday in which operation shall be between 7.00am to 11.00pm.
2. This approval is subject to compliance with all conditions of planning approval reference number 5.2009.52.1 approved on 26 May 2009, with the exception of condition vii.

ADVICE NOTES:

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 Lincoln and Stirling Streets.
2. Any new street/front wall, fence and gate within the Lincoln and Stirling Streets setback areas, including along the side boundaries within the 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) are to be retained and protected from any damage including unauthorised pruning.
4. All signage on site shall:
 - 4.1 Not have flashing or intermittent lighting.
 - 4.2 Be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site.
 - 4.3 Not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona,
Cr Topelberg and Cr Wilcox
Against: Cr Maier

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to the Council for determination as the proposal relates to a reconsideration of a condition applied by the Council at its Ordinary Meeting held on 26 May 2009. The condition relates to an extension of the currently imposed trading hours, extending the opening hours to 7.00am seven days a week.

BACKGROUND:

History:

Date	Comment
12 February 2007	An application for Change of Use from Shop to Cafe and Associated Signage was approved under Delegated Authority. The Opening hours were conditioned to 7.30am to 5.00pm Monday to Sunday inclusive.
20 February 2009	An application for the reconsideration of the approved trading hours was approved by the Council at its Ordinary Meeting held on 26 May 2009. Opening hours were extended to 11.00pm on Thursday nights.

DETAILS:

Landowner:	R & N Duric
Applicant:	F Bayar
Zoning:	Residential R80
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"SA"
Lot Area:	425 square metres
Right of Way:	5 metres wide, sealed, privately owned (has access)

The applicant has proposed to vary the currently imposed trading hour restrictions placed on the use by the previous council decision on 20 February 2009 which were 7.30am to 5.00pm seven days a week with the exception of Thursdays, on which it may operate until 11.00pm. The new proposal seeks to extend these hours to a 7.00am opening time seven days a week.

ASSESSMENT:

Town Planning Scheme

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Use Class			✓

Town Planning Scheme

Issue/Design Element:	Use Class
Requirement:	Town Planning Scheme No. 1 Permitted uses within a Residential zone.
Applicants Proposal:	Eating House "SA"
Performance Criteria:	"SA" means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37.
Applicant justification summary:	The new proposed hours reflect frequent requests by customers for an earlier opening time. The earlier opening time gives customers the chance to have breakfast or coffee before work.
Officer technical comment:	Supported – Given that there is no change to the floor area of the eating house, the maximum intensity of the use has not changed with this proposal and as such is not considered to increase any potential negative impacts. Rather, the proposal allows the business to cater to a larger customer base by providing longer hours. The 7.00am starting time is only a slight increase on the existing 7.30am start time, and extends trading to a time which allows for the convenient provision of service to people working standard hours. As such it is not considered unreasonable. Further no objections were received during the consultation period, nor have any complaints been received regarding the operation of the business since its previous approval in 2009.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 7 March 2013 – 20 March 2013

Comments received: Two (2) supports were received during the consultation period.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Extended Hours of Operation</u></p> <ul style="list-style-type: none"> Support of the proposed change to trading hours. 	Noted

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

LEGAL/POLICY:

The following legislation and policies apply to the proposed Reconsideration of Condition (Change of Trading Hours to Existing Eating House):

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Nil	

SOCIAL	
Issue	Comment
The extended trading hours will enable the existing Eating House to service a wider range of local customers.	

ECONOMIC	
Issue	Comment
Extension of the existing trading hours allows for the Eating House to gain a larger customer base and increase profit, while at the same time providing further potential employment opportunities for the community.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The proposal for increased trading hours is relatively minor, by half an hour each morning to open from 7.00am. Only one response was received from the advertising period, which was of support for the change, and no complaints have been received regarding the operation of the business since its approval by Council.

Given that there is no change to floor area of the eating house, the maximum intensity of the use has not changed with this proposal and as such is not considered to increase any potential negative impacts. Rather the proposal allows the business to cater to a larger customer base by providing wider time range of service, which is beneficial to existing and potential customers from the community.

In light of the above, it is considered that the proposal benefits the community, providing a service and employment opportunities and as such it is recommended that the development application be approved subject to the recommended conditions.

9.1.7 FURTHER REPORT: No. 12 (Lot 801; D/P 64064) Smith Street, Perth – Proposed Construction of Four-Storey Building Comprising Nineteen (19) Multiple Dwellings (Aged or Dependent Persons Dwellings) and Associated Car Parking

Ward:	South	Date:	16 April 2013
Precinct:	Forrest; P14	File Ref:	PRO5458; 5.2012.297.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Assessment Report 003 – Applicant’s Response to Design Advisory Committee Recommendations dated 21 June 2012 004 – Applicant’s Response to Submissions dated 30 October 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED 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, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission, for the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Department of Housing for Proposed Construction of Four-Storey Building Comprising Nineteen (19) Multiple Dwellings (Aged or Dependent Persons Dwellings) and Associated Car Parking at No. 12 (Lot 801; D/P 64064) Smith Street, Perth, and as shown on amended plans stamp dated 9 April 2013, subject to the following conditions and advice notes:

1. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

- 1.1 **Privacy Screening**

The following major opening(s) shall be screened to the requirements of the Residential Design Codes November 2010:

- 1.1.1 The first floor north facing living room windows any point within the cone of vision less than 6 metres from a neighbouring boundary;
- 1.1.2 The second floor north facing living room window any point within the cone of vision less than 6 metres from a neighbouring boundary; and
- 1.1.3 The third floor north facing living room window any point within the cone of vision less than 6 metres from a neighbouring boundary;

- 1.2 **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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

1.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 1.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 1.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 1.3.4 The location and type of existing and proposed trees and plants;
- 1.3.5 All vegetation including lawns;
- 1.3.6 Areas to be irrigated or reticulated;
- 1.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 1.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 1.3.9 Planting to the eastern, southern and western boundaries to include 200L trees planted at 3 metre spacing's for the full width of the boundary; and
- 1.3.10 Planting to the northern boundary to include 200L trees planted at 3 metre spacing's for all identified landscaped areas.

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);

“1.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services Specifications.

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

~~1 x mobile garbage bin per unit; and~~

~~1 x recycle bin per unit;”~~

1.5 Schedule of External Finishes

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

2. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 2.1 **Car Parking**
- 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;
- 2.2 **Vehicular Entry Gates**
- Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;
- 2.3 **Clothes Drying Facility**
- Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;
- 2.4 **Residential Car Bays**
- A minimum of fourteen (14) and five (5) car bays shall be provided for the residents and visitors respectively. The nineteen (19) car parking spaces shall be clearly marked and signposted accordingly;
- 2.5 **Visitor Bays**
- The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and
- 2.6 **Bicycle Parking**
- Six (6) and two (2) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. Privacy screening as required by condition 1.1 is to be to a minimum of 1.6 metres above finished floor level and permanent in nature, which does not include self adhesive material. The screening may be horizontal or vertical (where appropriate), and top hinged windows may be openable no greater than 20 degrees. Alternatively if the opening(s) are amended to no longer be considered a major opening as defined in the Residential Design Codes November 2010, screening is not required;

2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 Smith Street;
4. Any new street/front wall, fence and gate within the Smith 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;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning; and
6. It may be possible to significantly improve the liveability of some of the units by providing a more environmentally sensitive treatment to the units on the northern elevation; and taking advantage of City views from units on the southern elevation without compromising the privacy of neighbours to the south.

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Maier, Seconded Cr Carey

That the recommendation, together with the following change(s), be adopted:

- "1. That Clause 1.3.9 be amended to read as follows:

"1.3.9 Planting to the eastern, ~~southern~~ and western boundaries to include 200L trees planted at 3 metre spacing's for the full width of the boundary; and"
2. That a new Clause 1.3.11 be inserted to read as follows:

"1.3.11 Planting to the southern boundary to include 200L trees planted at 3 metre spacing's for the full width of the boundary, with the trees planted for a distance of 15 metres from the eastern boundary to be deciduous."

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.7

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission, for the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Department of Housing for Proposed Construction of Four-Storey Building Comprising Nineteen (19) Multiple Dwellings (Aged or Dependent Persons Dwellings) and Associated Car Parking at No. 12 (Lot 801; D/P 64064) Smith Street, Perth, and as shown on amended plans stamp dated 9 April 2013, subject to the following conditions and advice notes:

1. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

1.1 Privacy Screening

The following major opening(s) shall be screened to the requirements of the Residential Design Codes November 2010:

1.1.1 The first floor north facing living room windows any point within the cone of vision less than 6 metres from a neighbouring boundary;

1.1.2 The second floor north facing living room window any point within the cone of vision less than 6 metres from a neighbouring boundary; and

1.1.3 The third floor north facing living room window any point within the cone of vision less than 6 metres from a neighbouring boundary;

1.2 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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

1.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;

1.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;

1.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;

1.3.4 The location and type of existing and proposed trees and plants;

1.3.5 All vegetation including lawns;

1.3.6 Areas to be irrigated or reticulated;

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

1.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);

1.3.9 Planting to the eastern and western boundaries to include 200L trees planted at 3 metre spacing's for the full width of the boundary; and

1.3.10 Planting to the northern boundary to include 200L trees planted at 3 metre spacing's for all identified landscaped areas; and

1.3.11 Planting to the southern boundary to include 200L trees planted at 3 metre spacing's for the full width of the boundary, with the trees planted for a distance of 15 metres from the eastern boundary to be deciduous.

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);

1.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services Specifications.

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

1.5 Schedule of External Finishes

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

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

2.1 Car Parking

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;

2.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

2.3 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

2.4 Residential Car Bays

A minimum of fourteen (14) and five (5) car bays shall be provided for the residents and visitors respectively. The nineteen (19) car parking spaces shall be clearly marked and signposted accordingly;

2.5 Visitor Bays

The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

2.6 Bicycle Parking

Six (6) and two (2) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. Privacy screening as required by condition 1.1 is to be to a minimum of 1.6 metres above finished floor level and permanent in nature, which does not include self adhesive material. The screening may be horizontal or vertical (where appropriate), and top hinged windows may be openable no greater than 20 degrees. Alternatively if the opening(s) are amended to no longer be considered a major opening as defined in the Residential Design Codes November 2010, screening is not required;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 Smith Street;
4. Any new street/front wall, fence and gate within the Smith 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;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning; and
6. It may be possible to significantly improve the liveability of some of the units by providing a more environmentally sensitive treatment to the units on the northern elevation; and taking advantage of City views from units on the southern elevation without compromising the privacy of neighbours to the south.

PURPOSE OF REPORT:

The application is referred to Council for determination as it was previously deferred by Council at its Ordinary Meeting held on 26 March 2013.

FURTHER REPORT:

The proposed construction of four-storey building comprising nineteen (19) multiple dwellings (aged or dependent persons dwellings) and associated car parking at No. 12 Smith Street, Perth, was presented to the Council at its Ordinary Meeting held on 26 March 2013, whereby the Council resolved:

"That the item be DEFERRED for further consideration."

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 26 March 2013 relating to this report are available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/52c99aba-7237-423d-9942-a18601156395/20130326.pdf>

DETAILS:

It is noted that Council members in their discussion at the Ordinary Meeting held on 26 March 2013 raised concerns relating to the developments access to summer sun and natural light to both north facing living rooms and the ground floor courtyards.

Following Council's deferral of the application the applicant submitted amended plans on 9 April 2013 which comprise the inclusion of light shafts to provide natural light to the ground floor courtyards and major openings to the northern elevation. It is considered that the concerns regarding access to natural light for the ground floor courtyards and northern living areas have been adequately addressed.

There were also concerns raised by Council members relating to conditions of approval requiring a notification on the Certificate of Title and the dwellings to be occupied by aged or dependent persons. Since the introduction of Part 7 "Design elements for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres" of the R-Codes in November 2010, there is no longer a density bonus applicable. The additional height has been sought via the proposal comprising affordable housing not aged and dependent person's dwellings; therefore the conditions relating to aged and dependent persons dwellings are not applicable and have been removed accordingly.

COMMENTS:

In view of the above changes, it is considered that the application is supportable as it complies with the R-Codes, City of Vincent Town Planning Scheme No. 1, the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.4.8 Development Guidelines for Multiple Dwellings in Residential Zones and with the intent and objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. Accordingly, it is recommended that the Council recommend to the Western Australian Planning Commission that the application be approved subject to standard and appropriate conditions and advice notes.

9.1.8 FURTHER REPORT: No. 131 (Lot 144; D/P 1197) West Parade, Mount Lawley – Proposed Construction of Two-Storey Building Comprising Three (3) Multiple Dwellings and Associated Car Parking to Rear of Existing Dwelling

Ward:	South	Date:	16 April 2013
Precinct:	Banks; P15	File Ref:	PRO2323; 5.2012.423.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning 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 S Tempestt, for Proposed Construction of Two-Storey Building Comprising Three (3) Multiple Dwellings and Associated Car Parking to Rear of Existing Dwelling at No. 131 (Lot 144; D/P 1197) West Parade, Mount Lawley, and as shown on plans stamp-dated 18 March 2013 and amended plans stamp-dated 10 April 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 133 West Parade, Mount Lawley, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Amended Plans

Amended plans are required demonstrating the following:

- 2.1.1 The details on the site plan, detailed landscape plan and total combined landscaping plan match the details on the stamp dated floor plans stamp-dated 10 April 2013;
- 2.1.2 The external highlight windows and bathroom windows to each dwelling are operable;
- 2.1.3 The garage doors are to be a minimum of 2.4 metres wide in accordance with Clause 7.3.4 “Design of Parking Spaces” of the Residential Design Codes of Western Australia 2010;
- 2.1.4 The top of pitched roof building height is reduced to a maximum of 9 metres in accordance with Clause BDADC 5 “Building Height” of the City’s Policy No. 3.2.1 relating to Residential Design Elements; and
- 2.1.5 The location of the letterboxes and meter boxes for each dwelling in accordance with Clause SADC 13 “Street Walls and Fences” of the City’s Policy No. 3.2.1 relating to Residential Design Elements;

2.2 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;

2.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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:

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.3.9 Planting to the north-eastern and south-western boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing's for the full width of the boundary.

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);

2.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City's Technical Services, prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Technical Services Specifications:

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

2.5 Single Bedroom Dwellings

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 single bedroom dwelling that:

2.5.1 A maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;

2.5.2 The floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and

2.5.3 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, 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 single bedroom dwelling;

2.6 Right of Way Widening

No new development shall occur within 1.19 metres of the north-western boundary of No. 131 West Parade, Mount Lawley, to facilitate future right-of-way widening;

2.7 Schedule of External Finishes

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

2.8 Design Features

2.8.1 The south-western elevation of the garage is to include timber slats or similar; and

2.9 Vehicular Access

Where vehicular access to the property is via a right-of-way and the right-of-way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right-of-way, to the satisfaction of the City;

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

3.1 Car Parking

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;

3.2 Clothes Drying Facilities

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.3 Residential Car Bays

A minimum of three (3) and one (1) car bays shall be provided for the residents and visitors respectively. The four (4) car parking spaces shall be clearly marked and signposted accordingly;

3.4 Visitor Bays

The car parking area shown for the visitor bay shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

3.5 Bicycle Parking

One (1) and one (1) bicycle bays shall each be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 West Parade and the north-western right-of-way;
4. Any new street/front wall, fence and gate within the West Parade and north-western right-of-way setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation, together with the following change(s), be adopted:

That Clauses 2.5.1 and 2.5.2 be deleted.

~~2.5.1 A maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;~~

~~2.5.2 The floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and~~

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier, Cr McGrath,
Cr Topelberg and Cr Wilcox

Against: Cr Pintabona

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.8

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 S Tempestt, for Proposed Construction of Two-Storey Building Comprising Three (3) Multiple Dwellings and Associated Car Parking to Rear of Existing Dwelling at No. 131 (Lot 144; D/P 1197) West Parade, Mount Lawley, and as shown on plans stamp-dated 18 March 2013 and amended plans stamp-dated 10 April 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 133 West Parade, Mount Lawley, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Amended Plans

Amended plans are required demonstrating the following:

- 2.1.1 The details on the site plan, detailed landscape plan and total combined landscaping plan match the details on the stamp dated floor plans stamp-dated 10 April 2013;
- 2.1.2 The external highlight windows and bathroom windows to each dwelling are operable;
- 2.1.3 The garage doors are to be a minimum of 2.4 metres wide in accordance with Clause 7.3.4 "Design of Parking Spaces" of the Residential Design Codes of Western Australia 2010;

2.1.4 The top of pitched roof building height is reduced to a maximum of 9 metres in accordance with Clause BDADC 5 “Building Height” of the City’s Policy No. 3.2.1 relating to Residential Design Elements; and

2.1.5 The location of the letterboxes and meter boxes for each dwelling in accordance with Clause SADC 13 “Street Walls and Fences” of the City’s Policy No. 3.2.1 relating to Residential Design Elements;

2.2 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;

2.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City’s Parks and Property Services Section.

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:

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.3.9 Planting to the north-eastern and south-western boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing’s for the full width of the boundary.

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);

2.4 Refuse and Recycling Management Plan

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

Residential:

Waste bins for general waste and recycling as per the City's Technical Services requirements;

2.5 Single Bedroom Dwellings

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 single bedroom dwelling that:

2.5.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, 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 single bedroom dwelling;

2.6 Right of Way Widening

No new development shall occur within 1.19 metres of the north-western boundary of No. 131 West Parade, Mount Lawley, to facilitate future right-of-way widening;

2.7 Schedule of External Finishes

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

2.8 Design Features

2.8.1 The south-western elevation of the garage is to include timber slats or similar; and

2.9 Vehicular Access

Where vehicular access to the property is via a right-of-way and the right-of-way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right-of-way, to the satisfaction of the City;

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

3.1 **Car Parking**

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;

3.2 **Clothes Drying Facilities**

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.3 **Residential Car Bays**

A minimum of three (3) and one (1) car bays shall be provided for the residents and visitors respectively. The four (4) car parking spaces shall be clearly marked and signposted accordingly;

3.4 **Visitor Bays**

The car parking area shown for the visitor bay shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

3.5 **Bicycle Parking**

One (1) and one (1) bicycle bays shall each be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. 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 West Parade and the north-western right-of-way;

4. Any new street/front wall, fence and gate within the West Parade and north-western right-of-way setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

PURPOSE OF REPORT:

The application is referred to Council for determination as it was previously deferred by Council at its Ordinary Meeting held on 9 April 2013.

FURTHER REPORT:

Previous Reports to Council:

The proposed construction of two-storey building comprising three (3) multiple dwellings and associated car parking to rear of existing dwelling at No. 131 West Parade, West Parade, was presented to the Council at its Ordinary Meeting held on 9 April 2013, whereby Council resolved:

"That the item be DEFERRED for further consideration."

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 9 April 2013 relating to this report are available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/681cef1f-d412-4dcc-b4a6-a19500d0cf39/20130409.pdf>

DETAILS:

Following Council's deferral of the application the City's officers discussed with the applicant the need for further consideration of the upper floor setbacks. Accordingly, the applicant submitted amended plans stamp-dated 10 April 2013 which comply with the Acceptable Development provision Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes, which also results in the proposal complying with the Acceptable Development provisions of Clause 7.1.5 "Open Space" of the R-Codes. Therefore it is considered that the concerns regarding the upper floor setbacks have been addressed.

The following table has been amended in strikethrough and underline to reflect changes as a result of the amended plans.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Setbacks from Rights-of-Way			✓
Building Setbacks	✓		✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Open Space	✓		✓
Outdoor Living Areas			✓
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities			✓
Surveillance			✓
Dwelling Size	✓		
Landscaping			✓
Energy Efficient Design	✓		
Lofts			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Building Setbacks
Requirement:	Residential Design Codes Clause 7.1.4 A4.1 <u>Ground Floor</u> South-western boundary: 1 metre <u>Upper Floor</u> North-eastern boundary: 2 metres South-western boundary: 2.1 metres
Applicants Proposal:	<u>Ground Floor</u> South-western boundary: 0.94 metres – 1.24 metres <u>Upper Floor</u> North-eastern boundary: 1.24 metres – 1.84 metres South-western boundary: 1.24 metres – 1.94 metres
Performance Criteria:	Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<i>"As highlighted in Principle 3, the proposed development provides for a modern, well-articulated façade to the R.O.W. and clearly identifies as this as being the "front" of the development. The proposal also has well-articulated side and rear elevations to ensure that when viewed from any angle, it presents an interesting and visually cohesive building for both occupants and neighbours."</i>

Issue/Design Element:	Building Setbacks
	<p>The proposal is consistent with existing development along the R.O.W, providing for modern architectural styles in complete contrast to the existing West Parade streetscape. In my professional opinion, I believe it is better to clearly delineate between old and new, along a concerted effort to reduce the impact of the new; to avoid making a mockery of the old with poorly replicated period styles. The proposed development at #131 West Parade provides for exactly this scenario; and is in keeping with existing R.O.W. development in the immediate surrounds."</p>
Officer technical comment:	<p>The proposed setbacks from the boundaries comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining property, with it also moderating the impact of building bulk on the adjoining property.</p> <p>The proposed lot orientation provides some constraints with respect to solar access and achieving direct sun. It is considered that the proposal comprises adequate direct sun as there is a bedroom window and the proposed balcony to the front upper floor dwelling on the north-western elevation, which increases the usability of these rooms. There are also highlight windows located along the north-eastern elevation and the living areas to the ground floor and rear upper floor dwellings, which also aids in increasing the usability of these areas.</p> <p>The north-western and south-western elevations of the dwelling demonstrate that the ground floor garage and foyer area and upper floor balcony are located to the western most aspect of the site. This is acceptable as the ground floor does not comprise a habitable area, with the balcony being screened to reduce the impact of the summer sun.</p> <p>The southernmost aspect of the site comprises major openings on the south-western elevation, which is able to take advantage of the south-western breeze.</p> <p>It is a condition of approval that each of the external windows is operable; therefore providing cross ventilation to each of the dwellings.</p> <p>It is a condition of approval that the north-eastern and south-western upper floor elevations are to include a minimum of two design features, as this will aid in minimising the building bulk on the adjoining properties. It is noted that the proposal does contain a number of different finishes and includes the windows on each of these elevations which currently reduces the building bulk; however the condition is in place to ensure that at least two of the design features are included.</p>

Issue/Design Element:	Building Setbacks
	<p>The location of the proposed building does not adversely affect the adjoining properties access to day light and direct sun. With regards to the adjoining north-eastern property the proposed building does not adversely affect its access to sun for the following reasons:</p> <ul style="list-style-type: none"> • The outdoor living area of the northern property is located to the northern aspect of its site, therefore the proposed building will not result in any undue impact on its solar access; • As the proposed building is located to the south-west of this property, it will not have any impact on the northern aspect of the site or on its access to western afternoon summer sun; and • The sun never hits the southern face of a building in winter; therefore as the proposed building is located on the adjoining south-western property it will not alter the current situation. <p>With regards to the adjoining south-western property the proposed building does not adversely affect its access for the following reasons:</p> <ul style="list-style-type: none"> • The outdoor living area of the dwelling is located to the northern aspect of their site, whereby the shadow cast by the proposed building falls over 28.05 percent (11.78 square metres) of the outdoor living area whereas 50 percent (21 square metres) is permitted under the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; • The south-eastern, south-western and north-western sides of the dwelling is not compromised by the proposed building; and • As the proposed building is located to the north-western side of the dwelling, it provides a buffer from the afternoon summer sun. <p>Further to the above, it is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.</p> <p>As the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, the proposed setbacks do not result in any detrimental impact with regards to visual privacy.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p> <p>North-eastern length: 11.67 metres South-eastern length: 6.33 metres</p>

Issue/Design Element:	Boundary Wall
Applicants Proposal:	<p><u>North-eastern boundary</u> Maximum height: 3.44 metres Average height: 3 metres Length: 8.63 metres</p> <p><u>South-eastern boundary</u> Maximum height: 5.7 metres 8.9 metres Average height: 5.7 metres 6.37 metres Length: 7.66 metres 8.75 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“As highlighted in Principle 3, the proposed development provides for a modern, well articulated façade to the R.O.W. and clearly identifies as this as being the “front” of the development. The proposal also has well articulated side and rear elevations to ensure that when viewed from any angle, it presents an interesting and visually cohesive building for both occupants and neighbours.</i></p> <p><i>The proposal is consistent with existing development along the R.O.W, providing for modern architectural styles in complete contrast to the existing West Parade streetscape. In my professional opinion, I believe it is better to clearly delineate between old and new, along a concerted effort to reduce the impact of the new; to avoid making a mockery of the old with poorly replicated period styles. The proposed development at #131 West Parade provides for exactly this scenario; and is in keeping with existing R.O.W. development in the immediate surrounds.”</i></p>
Officer technical comment:	<p>The proposed boundary walls comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining property, with it also moderating the impact of building bulk on the adjoining property.</p> <p>As outlined in the table above, There is adequate direct sun and ventilation provided to the subject site, with there being windows and living areas located to take advantage of the northern sun and south-western breeze.</p>

Issue/Design Element:	Boundary Wall
	<p>The proposed south-eastern boundary wall is located along a proposed lot boundary, where varying finishes to the wall are proposed to reduce the impact of the wall on the existing dwelling.</p> <p>With regards to the boundary wall located along the north-eastern boundary, it is noted that individually this wall complies with the permitted length and heights under the Acceptable Development provisions of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes. As the wall is located to the south-western boundary of the adjoining property it will not compromise the adjoining property's access to northern sun, nor will it result in any overshadowing of an adjoining property.</p> <p>Further to the above, it is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 108.48 square metres (17.17 per cent) <u>99.15 square metres (15.69 per cent)</u>, whereas 316 square metres (50 per cent) is permitted.</p> <p>As the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, the proposed boundary walls do not result in any detrimental impact with regards to visual privacy.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (roof above): 6 metres <u>Top of pitched roof: 9 metres</u></p>
Applicants Proposal:	<p>Top of external wall (roof above): 6.442 metres <u>8.9 metres</u> Top of pitched roof: 9.063 metres</p>
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p>No justification received.</p>
Officer technical comment:	<p>The proposed building height complies with the Performance Criteria in this instance as it does not result in the building dominating the streetscape. The portions of the building which comprise a flat roof on the north-western, north-eastern and southern western elevations that exceed the 6 metre wall height by 0.442 metres. It is noted that the portion of the wall exceeding 6 metres occupies 4.79 metres (being 42.58 percent) of the north-western elevation, 8.99 metres (being 57.08 percent) of the north-eastern elevation and 5.75 metres (being 37.46 percent) of the south-western elevation. These portions of wall provide interest and articulation to the building, which will aid in developing the streetscape of the right-of-way.</p>

Issue/Design Element:	Building Height
	<p>The proposed building height complies with the Performance Criteria in this instance as it does not result in the building dominating the streetscape.</p> <p>The portion of the building which comprises a flat roof on the north-western elevation exceeds the 6 metre wall height by 0.442 metres. It is noted that the portion of the wall exceeding 6 metres occupies 4.79 metres (being 42.58 percent) of the north-western elevation.</p> <p>Due to the proposed loft the north-eastern elevation exceeds the 6 metre wall height for the full length of the building. The wall provides interest and articulation to the building through staggering of the proposed height and varying the finishes of the walls, which will aid in developing the streetscape of the right-of-way.</p> <p>The proposed building height does not result in any undue overshadowing or visual intrusion on an adjoining property. It is noted that the proposal complies with the Acceptable Development provision of 7.4.1 "Visual Privacy" and Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with there being no overshadowing and the overshadowing being 408.48 square metres (17.17 per cent) 99.15 square metres (15.69 per cent), whereas 316 square metres (50 per cent) is permitted.</p> <p>Further to the above, as the proposed top of the pitched roof exceeds the permitted 9 metres, it is recommended that is be a condition of approval that the top of pitched roof is reduced to a maximum of 9 metres in accordance with Clause BDADC 5 "Building Height" of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 7.1.5 A5 Proposed Building 45 percent 122.4 square metres</p>
Applicants Proposal:	<p>Proposed Building 44.57 percent 121.23 square metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.5 P5 Open space respects existing or preferred neighbourhood character and responds to the features of the site.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed amount of open space complies with the Performance Criteria in this instance as it respects the existing and future neighbourhood character.</p> <p>It is considered that the proposed amount of open space is generally consistent with the amount of open space on surrounding developments.</p>

Issue/Design Element:	Open Space
	<p>It is also noted that the portion of the upper floor that overhangs the ground floor comprises 14.75 square metres; where the proposal is 1.17 square metres short of the Acceptable Development provisions. The area beneath the upper floor functions as open space; however it does not fall within the definition of 'Open Space' as outlined in the R-Codes. If this area were included in the open space calculations it would result in 135.98 square metres, being 49.99 per cent, open space.</p> <p>In light of the above, combined with the open space variation being 1.17 square metres, it is considered that the proposal is in keeping with the existing and desired future character of the locality.</p>

Issue/Design Element:	Lofts
<u>Requirement:</u>	<p>Residential Design Elements BDADC 6 Dormer windows and gables to lofts are to comply with the following requirements:</p> <ul style="list-style-type: none"> • Not project beyond the roof pitch nor exceed 2.4 metres above the loft finished floor level, whichever is the greater; and • Maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling on that particular elevation, whichever is the lesser.
<u>Applicants Proposal:</u>	<p>Projects 2.6 metres above the loft finished floor level 6 metres in length, being 40.35 per cent of the north-eastern wall.</p>
<u>Performance Criteria:</u>	<p>Residential Design Elements BDPC 6 The use of space within the roof space for habitable purposes is encouraged in lieu of a second storey, particularly in streetscapes that comprise predominantly single storey dwellings.</p>
<u>Applicant justification summary:</u>	<p>No justification received.</p>
<u>Officer technical comment:</u>	<p>The proposed loft complies with the performance criteria in this instance as it is contained within a roof pitch of 35 degrees to 45 degrees.</p> <p>The proposed loft does not resemble an additional storey; with the proposal complying with the Acceptable Development provision Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes.</p> <p>It is noted that the proposal complies with the Acceptable Development provision of 7.4.1 "Visual Privacy" and Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with there being no overlooking and the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.</p>

COMMENTS:

In view of the above, the application is supportable as the proposal complies with the City of Vincent Town Planning Scheme No. 1, the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.4.7 relating to Single Bedroom Dwellings, and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Accordingly, it is recommended that the application be approved subject to standard and appropriate conditions and advice notes.

9.2.1 Beaufort Streetscape – Proposed Tree Species - Approval

Ward:	South	Date:	12 April 2013
Precinct:	Forrest (14) Mount Lawley (11)	File Ref:	TES0234
Attachments:	001 – Street Tree Species to be Considered for Beaufort Street 002 – Plan No. 2927-CP-01/02 – Landscaping/Tree Planting		
Tabled Items:	Nil		
Reporting Officers:	K Godfrey, Technical Officer Parks Services J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the;
 - 1.1 planting of Jacaranda mimosaeifolia (Jacaranda) and Delonix regia (Royal Poinciana) in the proposed new tree locations in garden beds/nibs at street intersections as shown on attached Plan No 2927-CP-02;
 - 1.2 planting of Bradford Pears in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles; and
 - 1.3 planting of either the London Plane, Yellow Bloodwood, Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, as shown on attached Plan No 2927-CP-02, where sufficient area is available; and
2. **NOTES** that \$60,000 has been listed for consideration in the 2013/2014 draft budget for undertaking the proposed landscaping/tree planting in Beaufort Street as shown on Plan No 2927-CP-02.

Moved Cr Carey, Seconded Cr Pintabona

That the recommendation, together with the following change(s), be adopted:

That the Council;

1. **APPROVES** the;
 - 1.1 planting of Jacaranda mimosaeifolia (Jacaranda) and Delonix regia (Royal Poinciana) in the proposed new tree locations in garden beds/nibs at street intersections as shown on attached Plan No. 2927-CP-02;
 - 1.2 planting of Bradford Pears in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles; and
 - 1.3 planting of either the ~~London Plane, Yellow Bloodwood,~~ Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, as shown on attached Plan No 2927-CP-02, where sufficient area is available;
2. **NOTES** that \$60,000 has been listed for consideration in the 2013/2014 draft budget for undertaking the proposed landscaping/tree planting in Beaufort Street as shown on Plan No 2927-CP-02.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr

“That Clause 1.1 be amended to read as follows:

- 1.1 planting of ~~Jacaranda mimosaeifolia (Jacaranda)~~ and Delonix regia (Royal Poinciana) in the proposed new tree locations in garden beds/nibs at street intersections as shown on attached Plan No 2927-CP-02;”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

AMENDMENT 2

Moved Cr Maier, Seconded Cr

“That Clause 1.4 be amended to read as follows:

- 1.4 replacing the Bradford Pears with Apple Gum adjacent to the Barlee Street Car Park.

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Wilcox

“That Clause 1.2 be amended to read as follows:

- 1.2 planting of ~~Bradford Pear~~ trees in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles; and

AMENDMENT 3 PUT AND CARRIED (6-2)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Topelberg and Cr Wilcox

Against: Cr Maier and Cr Pintabona

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT 4

Moved Cr Carey, Seconded Cr Maier

“That Clause 1.3 be amended to read as follows:

- 1.3 planting of either the ~~London Plane, Yellow Bloodwood,~~ Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, ~~as shown on attached Plan No 2927-CP-02,~~ where sufficient area is available; and;

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Maier

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- 1. APPROVES the;**
 - 1.1 planting of Jacaranda mimosaeifolia (Jacaranda) and Delonix regia (Royal Poinciana) in the proposed new tree locations in garden beds/nibs at street intersections as shown on attached Plan No. 2927-CP-02;**
 - 1.2 planting of Pear trees in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles; and**
 - 1.3 planting of either the Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, where sufficient area is available; and**
- 2. NOTES that \$60,000 has been listed for consideration in the 2013/2014 draft budget for undertaking the proposed landscaping/tree planting in Beaufort Street as shown on Plan No 2927-CP-02.**

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval of an alternative tree species that may be planted along the verges and intersections in Beaufort Street, Highgate.

BACKGROUND:

Various reports have been presented to the Council in relation to the selection of the street trees for Beaufort Street, Mount Lawley as follows:-

Ordinary Meeting held on 23 September 2008:

The Council reaffirmed its decision to plant native trees in Beaufort Street with Spotted Gums to be planted along the central median islands and Broad Leafed Paperbarks to be planted along the verges.

Ordinary Meeting held on 24 February 2009:

The Council revoked its previous decision (OMC 13 February 2007) in relation to the trees species for Beaufort Street and resolved to defer the planting of trees and liaises with the City of Stirling concerning the proposed upgrade of Beaufort Street.

Ordinary Meeting held on 14 April 2009:

The Council reaffirmed its decision to plant Spotted Gums in the median islands along Beaufort Street and changed its decision to plant Bradford Pear trees along the verges in lieu of the Broad Leafed Paperbarks.

Ordinary Meeting held on 9 October 2012:

The officers recommended that a trial of planting Apple Gums be implemented along the verges of Beaufort Street between Grosvenor Road and St Albans Avenue; however the item was deferred to allow for further investigation and consideration of proposed tree species.

DETAILS:

Beaufort Network:

Officers have held meetings with the Beaufort Network to discuss tree species. One of their members who is a landscape architect advised that a suitable tree(s) for the garden/nib areas given the requirement for a spreading flowering tree is the Poinciana and/or the Jacaranda. This combination of tree species with their purple and red/orange flowers will highlight the otherwise stark intersections.

Whilst it has been recently highlighted that there is a need for a change of the street verge species it was also noted by the landscape architect that the current verge trees (Bradford Pears) are slowly establishing themselves in the harsh environment and should be retained and continued to be used in new locations along the verge where space is restricted.

In other new tree locations along the verge where the area is sufficient, larger tree species with spreading canopies are preferred. Officers view the London Plane (exotic) or the Yellow Bloodwood/Apple Gum/Red Mugga (native) to be the most appropriate tree selection to create the effect desired.

The following information (in part) was provided in the previous report presented at the Ordinary Meeting of Council held on 9 October 2013 and is still very relevant.

Street Tree Selection:

As reported to the Council on numerous occasions, the street tree selection for Beaufort Street has been a difficult one, particularly along the verges where vandalism is an ongoing issue, the verge space available for planting is limited and the trees have to contend with close passing vehicular traffic.

The other consideration to take into account with selection of a tree species is their availability not only at the time of planting but in the longer term for replacement plantings.

Native species which are generally more resilient than exotic species in these situations were selected for the median islands (Spotted Gums) and these have established and matured quickly given the limited hand watering undertaken over the summer months.

Discussion:

The initial Council decision was to plant Paperbarks (*Melaleuca quinquinervia*) along the verges; however this was changed to the Bradford Pear and staff have been trying to establish these trees within the streetscape since 2009.

In addition to their availability and establishment within such a harsh environment, the Bradford Pear was selected after many community members had expressed their delight at what had been achieved in Scarborough Beach Road and the transformation the Bradford Pears had made to the area.

Important Information:

It should be noted that the officers consider any tree species selected (given the tree well area available/size of trees planted) will be vulnerable to ongoing vandalism and establishment of an aesthetic pleasing streetscape will be difficult in this situation.

Tree guards/surrounds are extremely expensive and from past experience are unlikely to be overly effective in preventing vandalism of trees.

The verge trees, if allowed to mature will form a canopy over the footpath as passing traffic will naturally prune any vegetation encroaching over the road until they reach a significant height.

Officer Comments:

The attached spreadsheet provides a list of suitable street trees, readily available, proven performers in Perth's climate and part of already established streetscapes within the metropolitan area.

Garden areas

All tree species listed, particularly the larger spreading varieties would be most suitable for planting in the gardens located in nibs or at the side street intersections. As the Beaufort Network has outlined, they would like large spreading trees in these locations and ones that flower.

It is therefore recommended that the tree species to be planted at these locations is the Jacaranda mimosaeifolia (Jacaranda) and the Delonix regia (Poincianna).

Verges

Of those trees highlighted as suitable for verge planting, some as noted are relatively slow growing or columnar in habit/form, therefore not able to provide a fast and effective tree canopy over Beaufort Street. However, given the slow establishment (due to smaller size) and effect now evident, the Bradford Pears should be retained and planted in new locations along the verge where space is restricted.

Whilst found commonly throughout Cities around Australia due to their ongoing success, officers consider the most suitable verge trees to plant along the verges where sufficient area is provided are as follows:-

Exotic

London Plane	- Platanus acerifolia	(William Street)
London Plane ('Liberty')	- Platanus x acerifolia	(New disease resistant variety)

Native

Apple Gum	- Angophora costata	(Newcastle Street)
Red Mugga	- Eucalyptus sideroxlyn 'rosea'	(Robertson Park – central walkway)
Yellow Bloodwood	- Eucalyptus eximia	(Britannia Road, Mount Hawthorn)

CONSULTATION/ADVERTISING:

All business owners and affected residents will be advised of the Councils decision.

LEGAL/POLICY:

Beaufort Street is a District Distributor A Road under the Care Control and Management of the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Medium to High:

As previously reported to the Council, Main Roads WA has guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers, etc.

It is therefore considered that, even though the speeds in Beaufort Street are considerably lower than most Primary Distributors (excluding Charles Street and East Parade which are both Primary Distributors) with a posted speed of 60kph (outside of the 40kph speed restrictions as part of the variable speed zone trial) the traffic volumes are high and while, given the site constraints, it is not possible or practical to maintain a "clear zone", the type of tree selected should not further compromise safety in an already high risk area.

Also Element 2 of the Liveable Neighbourhoods document addresses trees in streetscapes with setback distances for trees from a moving travel lane specified. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.

In essence, the Liveable Neighbourhoods document indicates that for a District Distributor Road with a posted speed of 60 kph, the clearance from the travel lane to a frangible tree (i.e. a tree less than 100mm in diameter) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.

For a non frangible tree (i.e. a tree greater than 100mm in diameter) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.

Beaufort Street, no matter what tree species is planted in the central median, will not comply with either MRWA or the Liveable Neighbourhood requirements.

Therefore, whatever tree species is chosen for Beaufort Street, it will not be sustainable in the longer term unless the road was (in future) reduced to two (2) lanes with a wide medium or the posted speed was permanently reduced to say 40kph

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.

1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters."

SUSTAINABILITY IMPLICATIONS:

As previously outlined the street tree selection for Beaufort Street has always been a difficult choice given the narrow median strip being an extremely "hostile" environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings.

Native trees are more resilient and more sustainable than exotic species in these situations over the longer term, however the availability of particular species in larger containers not only at the time of planting but in the longer term for replacement plantings is an issue to be considered particularly in Beaufort Street.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$322,460 has been allocated in the 2012/2013 budget for the Beaufort Streetscape Enhancement Project Stages 1 & 2.

An additional amount of \$60,000 has been listed for consideration in the draft 2013/2014 Capital Works Budget to complete the proposed landscaping works.

COMMENTS:

As outlined in previous reports to the Council, it is going to be difficult to successfully establish and tree species along the verges of Beaufort Street for the reasons highlighted.

However, it is worthwhile experimenting with another verge species that is readily available, fast growing and proven to be successful within the Perth metropolitan area.

9.4.1 Street Prostitution in Highgate Area – Progress Report No. 2

Ward:	Both	Date:	15 April 2013
Precinct:	Highgate	File Ref:	TES0175
Attachments:	001 – Important Contact Numbers		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services B Albonetti, A/Coordinator Safer Vincent		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 2 as at 15 April 2013 concerning action taken to combat street prostitution in the Highgate area; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of funds from a source to be identified by the Chief Executive Officer, as follows;
 - 2.1 \$17,186 for the installation of moveable CCTV to target street crawling activity; and
 - 2.2 \$3,250 for the purchase and installation of twenty six (26) signs - "Reporting Crime".

Moved Cr Harley, Seconded Cr Wilcox

That the recommendation, together with the following change(s), be adopted:

That the Council;

1. **RECEIVES** the Progress Report No. 2 as at 15 April 2013 concerning action taken to combat street prostitution in the Highgate area; and
2. **APPROVES IN PRINCIPLE ~~BY AN ABSOLUTE MAJORITY~~** the reallocation of funds from a source to be identified by the Chief Executive Officer, as follows;
 - 2.1 \$17,186 for the installation of moveable CCTV to target street crawling activity; and
 - 2.2 \$3,250 for the purchase and installation of twenty six (26) signs - "Reporting Crime"; and
3. **CONSULTS with the local community for a period of fourteen (14) days and reports back to the Ordinary Meeting of Council to be held on 28 May 2013.**

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Pintabona

"That a new Clause 2.3 be inserted to read as follows:

- 2.3 the installation of TV and signage will be reviewed in six (6) months."

AMENDMENT 1 PUT AND CARRIED (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Pintabona, Seconded Cr Wilcox

“That Clause 2.1 be amended to read as follows:

- 2.1 \$17,186 for the installation of moveable CCTV/Automatic Number Plate Recognition (ANPR) to target street crawling activity; and”**

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-2)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona and Cr Wilcox

Against: Cr Maier and Cr Topelberg

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.1

- 1. RECEIVES the Progress Report No. 2 as at 15 April 2013 concerning action taken to combat street prostitution in the Highgate area; and**
- 2. APPROVES IN PRINCIPLE the reallocation of funds from a source to be identified by the Chief Executive Officer, as follows;**
 - 2.1 \$17,186 for the installation of moveable CCTV/Automatic Number Plate Recognition (ANPR) to target street crawling activity; and**
 - 2.2 \$3,250 for the purchase and installation of twenty six (26) signs - “Reporting Crime”; and**
 - 2.3 the installation of TV and signage will be reviewed in six (6) months; and**
- 3. CONSULTS with the local community for a period of fourteen (14) days and reports back to the Ordinary Meeting of Council to be held on 28 May 2013.**

ADDITIONAL INFORMATION:

An update on the action taken by the City on street prostitution and ‘kerb crawling’ was provided in a letter from the Mayor on Friday, 19 April 2013 to a total of 495 residents in Stirling Street and surrounding area bounded by Beaufort Street, Broome Street, Lord Street and Edward Street as well as emailed to 29 contacts listed on the City’s database established from the original public meeting held on 25 October 2012 as follows:

“It’s disappointing to note that since my latest update to you (9 November 2012) street prostitution and kerb crawling activities continue to trouble our local community. I acknowledge that there are underlying social issues driving this problem but as a Council we need to protect the amenity of the area and act now to control a situation that has become too rampant and intense.

I recently met with WA Police and Council staff to step-up our efforts and the following measures have subsequently been approved by Council at the 26 March meeting:

- *A programme placing Ranger Officers in Stirling Street and the surrounding areas to disrupt the standard routes used by kerb-crawlers and the activities of street walkers - for an initial period of one month (this started 11 April).*
- *Installation of additional lighting in Stirling Street, Highgate (between Bulwer and Lincoln streets) to assist in minimising and deterring street prostitution and anti-social behaviour.*
- *Installation of movable CCTV cameras in Stirling Street, Highgate and the surrounding areas.*
- *An urgent meeting convened between myself, the Chief Executive Officer, Senior Council Officers and Senior WA Police Officers to advise joint strategies on street prostitution.*
- *Additional pruning and trimming of verge tree canopies in Stirling Street.*
- *A dedicated City of Vincent Ranger mobile number to deploy resources and combat street prostitution/kerb crawling.*

We have appointed a Senior Ranger, Simon Giles, who will oversee and coordinate the Council's response and to maintain constant liaison with the police.

Important contact numbers for reporting all anti-social and criminal behaviour to WA Police, plus information about the dedicated Vincent Ranger mobile number can be found on the attached information sheet.

I am confident these proactive efforts combined with your reporting to WA Police and Rangers will result in bringing this issue under control."

The information sheet on 'Important Contact Numbers' for WA Police and City of Vincent Rangers referred to above is shown in Appendix 9.4.1.

Police Statistics

A request for further details and clarification on statistics from WA Police were provided as follows:

Arrests

The four (4) arrests reported from Week 1 Operation Proposal from Monday, 8 April to Sunday, 14 April 2013 were related to Drug and other Offense and bench warrants. The arrests did not relate to charges specific under the Prostitution Act; however, they do provide a deterrent and have a causal effect on the issue of Street prostitution.

Since 1 January 2013, one arrest and charge of 'Seek a Prostitute in a Public Place' Section 5(1) of the Prostitution Act has been made. The offender pleaded guilty at first appearance and was fine \$750 plus costs.

The City was previously advised that from 1 January 2013, there had been twenty (20) arrests in the Highgate area for a range of offenses. These relate to a variety of offences and include arrests made in relation to Burglaries, Robberies, Assaults, anti social behavior and volume crime offences.

The Highgate sub-district has seen a decline in crime statistics across the range of verified offences over the last 12 months.

Statistics

The statistics as captured for Operation Proposal in the detail provided by WA Police have been collated from the week commencing 8 April 2013. As the statistics were not compiled in this format WA Police are not able to provide them prior to this. Statistics in this format will continue to be provided to City of Vincent for the duration of Operation Proposal.

Statistics for Week 2 of the Operation Proposal from Monday, 15 April 2013 to Sunday, 21 April 2013 in comparison with Week 1 are as follows:

Activity	8 to14 April 2013	15 to 21 April 2013
Patrol Hours	71	71
Vehicle Stops/Licence Checks	32	32
Move on Orders – Criminal Investigation Act	25	2
Move on Orders – Prostitution Act	8	5
Liquor Infringements	8	-
Field reports (Intelligence)	36	9
Arrests	4	1
Summons issued	9	3
Preliminary breath test	16	-
Traffic infringements	1	11
Jobs allocated (VKI CAD)	2	-
Vehicle Impounds	-	2
Total Contacts	195	40

The charges preferred for Week 2 do not relate specific to the Prostitution Act; however, as you will see from the other returns the Police presence has had an effect on all activity in the area in regard to Street Prostitution.

Operation Proposal enters a covert phase in the coming weeks and this will see a reduction in overt Police patrols and an increase in covert operations that have over time proved to be successful in establishing the evidence required to prefer charges under the Prostitution Act. Further liaison and communication between City of Vincent and WA Police will occur in regard to the Covert Strategy.

Inquiries continue in regard to proceeding by way of restraining Orders against Street Prostitutes under the Prostitution Act.

Legal Advice to “Name and Shame” Convicted Persons

Legal Advice was received by the City’s Solicitors on 19 April 2013 in regards to how the City could publicly provide details to “Name and Shame” persons convicted of Street Prostitution and/or soliciting for Street Prostitution.

This information is confidential and circulated to Council Members, Chief Executive Officer and Directors only.

PURPOSE OF REPORT:

The purpose of the report is to update Council on all subsequent proactive actions undertaken by Council Members and Council Officers, in conjunction with WA Police, to respond and minimise the impact of street prostitution issues on Stirling Street. The report details additional costs sought for a CCTV ‘Street Crawler Identification System’.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 March 2013 at Item 14.1, it was resolved as follows:

“That the Council;

1. *RECEIVES the Progress Report No. 1 as at 22 March 2013 concerning street prostitution in the Highgate area;*
2. *AUTHORISES the Chief Executive Officer;*
 - 2.1 *to implement a programme of placing Ranger/Security Officers in Stirling Street and the surrounding area as a way to disrupt the standard routes used by kerb-crawlers and the activities of streetwalkers, for an initial period of one (1) month, at an estimated cost of approximately \$10,500; and*

- 2.2 *to determine which streets should be the subject of activity as prescribed in Clause 1., based on information and intelligence from the WA Police and other sources;*
3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of;
- 3.1 *\$30,000 from a source to be identified by the Chief Executive Officer, for the installation of additional lighting in Stirling Street, Highgate, between Bulwer and Lincoln Streets to assist in minimising the incidence of street prostitution and anti social behaviour; and*
- 3.2 *\$20,000 from a source to be identified by the Chief Executive Officer, for the installation of moveable CCTV cameras in Stirling Street, Highgate and the surrounding area, to provide evidence and intelligence to support WA Police in identifying and prosecuting offenders and to assist in minimising the incidence of street prostitution and anti social behaviour;*
4. **NOTES** that;
- 4.1 *the Mayor is having ongoing discussions with senior police on the intensification of policing and prosecutions in respect to street prostitution and associated activities; and*
- 4.2 *a report will be provided to the next Ordinary Meeting of Council to be held on 9 April 2013;*
5. **APPROVES** the additional pruning and trimming of the verge tree canopies in Stirling Street, to maximise the available street lighting, as a way to assist in the detection of street prostitution offences and the promotion of positive aspects of community safety; and
6. **NOTES** that the City's Administration will pursue grants for the funding of the proposed CCTV cameras; and
7. **REQUESTS** that the City seek an urgent meeting with the WA Police and the Department of Housing to discuss the issue of street prostitution in Highgate area."

This report provides details of action taken since the Progress Report No. 1 was presented to the Ordinary Meeting of Council held on 26 March 2013 on Street Prostitution.

DETAILS:

1. Implementation of a Programme of Placing Ranger/Security Officers in Stirling Street (Clauses 2.1 and 2.2)

WA Police Actions

Following the Council Decision of 26 March 2013, several meetings have been held with WA Police to co-ordinate activities in the Highgate area. WA Police have advised that they are conducting both covert and overt operations in the Highgate area. As a result of increased Police activities, the City has been provided with the following statistics for the week, from Monday, 8 April 2013 to Sunday, 14 April 2013 as follows;

Activity	Number
Patrol Hours	71
Vehicle Stops/Licence Checks	92
Move on Orders – Criminal Investigation Act	25
Move on Orders – Prostitution Act	8
Liquor Infringements	8
Field reports (Intelligence)	36
Arrests	4
Summons issued	9
Preliminary breath test	16
Traffic infringements	1
Jobs allocated (VKI CAD)	2
Total Contacts	195

City of Vincent Rangers

The City's programme of placing Rangers in streets in the Highgate area commenced on the 11 April 2013 and will continue in accordance with the Council resolution for the next four to six weeks. WA Police have provided input to the structure of Ranger patrols to discourage street workers and street crawlers. Rangers coordinating patrols are in regular contact with WA Police.

The programme will consist of a minimum of two Rangers who will conduct high profile patrols in marked City of Vincent Ranger vehicles. The Ranger Vehicle will be immediately recognisable by anyone driving in the street with uniformed Officers inside the vehicle; and for additional protection and surveillance of prostitution issues, vehicles have been fitted with on-board CCTV units. Any relevant footage will be passed on to WA Police. To lift profile further, Electronic Visual Display signage will be trialled and mounted on the rear of the vehicles to clearly sign post 'Ranger Monitoring in Progress'.

Rangers will be undertaking monitoring duties in the areas regularly frequented by suspected prostitutes. The primary consideration will be the safety of Ranger staff and the avoidance of situations which may place them in a dangerous, awkward or uncomfortable position. As such, a comprehensive instruction and briefing of Rangers has been developed.

Ranger patrols including locations and timings will be intelligence led and based on reports of residents. A mobile telephone has been assigned for this purpose so that residents can call to advise Rangers of latest sightings of street workers/street crawlers.

2. Additional Lighting for Installation in Stirling Street, Highgate Between Bulwer and Lincoln Streets (Clause 3.1)

Technical Services have advised that quotes from Western Power for standard streetlights and quotes for lighting companies for LED solar and LED main powered lights are being sought. The solar powered option could be installed within 4-6 weeks. Western Power have advised that street light installations will take upwards of 3 months.

3. Quotation Received for Moveable CCTV Cameras in Stirling Street and Deployment of Temporary Cameras in Ranger Vehicles and Mobile Covert Cameras (Clause 3.2)

Ranger vehicles used for patrols have been fitted with on-board CCTV cameras and two (2) mobile cameras are being utilised for covert surveillance on Stirling Street. Any images captured of persons of interest and registration numbers of vehicles, along with Ranger observations, will be passed on to WA Police.

The City's current CCTV supplier NVR Solutions has provided 3 Options for a 'City of Vincent Street Crawler Identification System' in an attempt to reduce the incidence of street prostitution and street crawling behaviour, with the aim to provide additional resources to the WA Police to combat this problem. The surveillance system proposed will automatically identify the license plates of vehicles entering the field of view and capture images of the vehicle.

It is anticipated that by reducing the demand for such services by exposing street crawlers to identifying CCTV, will result in a decline in the prevalence of street prostitution in the area. Option 1 (refer to Table below) consists of one primary camera unit installed at a strategic location to cover aspects of Stirling and Lincoln Streets. Any additional cameras deployed and associated costs are detailed in Option 2.

Whilst a street side cabinet (as outlined in below table Option 3), similar to that seen at traffic intersections would be ideal to house the camera unit. A processing computer installed at an existing location should still supply a satisfactory viewing angle but reduce installation costs. The primary "Autoview Sharp X" unit will be tasked to record all vehicles and extract their license plate as they pass, approach and leave Stirling and Lincoln Streets. A second optional "SharpX" camera unit could be mounted on the building's roof with the primary camera giving a view down Lincoln Street and process number plates, thereby covering two directions of travel.

License plate images are stored on the processing unit with an XML file of read plates and time of passage. The vehicle images and XML files would be uploaded to a viewing station computer at the City's Administration and Civic Centre, via a 4G wireless connection. The viewing station will import the data files from the "AutoView SharpX" system, process the results against vehicle watch lists, exclude resident number plates and filter to repeat vehicles that may be trawling. Once a pattern of travel is observed, a report would be automatically generated by the system for email or dispatch to WA Police and City of Vincent Ranger and Community Safety Services. The report provided to WA Police would contain:

- Image of vehicle;
- Image of license plate;
- Processed license plate detail;
- Map of travel and indication of recognised pattern;
- Last read point;
- If vehicle is on the Watch List; and
- Whether the vehicle been previously detected.

Cost Breakdown

Option 1	Option 2	Option 3
To supply quoted solution including the primary "SharpX" camera processing unit and remote processing station:	To supply and install a second "SharpX" camera unit with the primary unit:	To supply and install multiple fixed street side cabinets that are capable of housing License Plate recognition systems in order to record possible street crawlers.
To supply goods, fit, program & commission	To supply goods, fit, program & commission	Cost per cabinet installation
Total incl. GST \$27,279.94	Total incl. GST \$8,168.05	Total incl. GST \$9,906

A combination of Option 1 and Option 3 is proposed in this report so as to reduce the reliance of installing on businesses and so that the City can maintain full control of the system. This would be at a total cost of:

Option 1	\$27,279.94
+Option 3	\$ 9,906.00
Total	<u>\$37,185.94</u>

As the \$20,000 approved at the Ordinary Meeting of Council is not sufficient, an additional amount of \$17,185.94 is required to bring CCTV cameras to target street prostitution to fruition.

4. Outcomes of Urgent Meeting Convened with the Mayor, Department of Housing Representatives, Senior City of Vincent Officers and WA Police (Clause 7)

A meeting was convened at the City of Vincent between the Mayor, the Superintendent of the Central Metropolitan District, Department of Housing Senior Officer, and the City's Chief Executive Officer and Director Community Services.

The meeting confirmed that WA Police will provide statistics of convictions of street prostitution related offences, along with issuing media statements; however, they will not participate in 'Name and Shame' activities. Since this meeting the City's legal representative has been requested to provide legal advice on 'Name and Shame' activities proposed.

The meeting also covered aspects of liaison between key WA Police and City of Vincent Ranger contacts, so that alleged persons of interest information, registration of vehicles of interest and Ranger statistics can be passed directly to WA Police.

On 9 April 2013 the following statistics were provided by the Superintendent:

Total Arrests- 1 January 2013 to date:

- 20 arrests in Highgate area - for a range of offences – *obscene behaviour, drugs, stealing* – *Specific details relating to Street Prostitution were unavailable.*

Verified Offences - Financial Years 2011/2012 and 2012/2013 year to date:

- Down 3.4% from previous year; and
- Burglaries down 20%.

Move On Notices - 1 January 2013 to date:

- 96 under Prostitution Act / Criminal Investigation Act; and
- One female arrested on the 8 of April 2013 who had a previous "Move on Notice" - but lives in Stirling Towers.

The Department of Housing confirmed their powers in relation to any tenants convicted of street prostitution offences. Under the Residential Tenancy Act, they have no powers if the activities are outside of Department of Housing properties.

On 12 April 2013 a written request for more detailed statistics on street prostitution was sent to the WA Police requesting the following statistics.

- Number of arrests for Street Prostitution;
- Number of Move-on Notices for Street Prostitution; and
- Number of Arrests for Soliciting for Street Prostitution.

Close liaison with WA Police is continuing, along with the Department of Housing.

5. Legal Advice to "Name and Shame" Convicted Persons

Following the Council Meeting held on 26 March 2013, the Mayor requested that Legal Advice be obtained as to how the City could publicly provide details to "Name and Shame" persons convicted of Street Prostitution and/or soliciting for Street Prostitution.

The Chief Executive Officer subsequently instructed the City's Solicitors to provide advice in this matter and at the time of writing this report, the City was awaiting the information. It is anticipated the Legal Advice will be received by the date of the Council Meeting.

6. Commencement of Additional Pruning/Trimming of Verge Canopies in Stirling Street (Clause 5)

Tree pruning has been arranged by Parks Services to begin on 15 April 2013. The tree pruning will aim to further lift canopies of trees to enable better lines of sight and maximize lighting from overhead street lights as per Designing Out Crime Principles.

7. The Availability of Current Grant Funding of CCTV That Will Be Pursued When and If Available (Clause 6)

The availability of current grant funding for CCTV has been explored with both WA Police - Strategic Crime Prevention Division and the WA State Government Attorney General's Department Criminal Property Confiscation Grants Program, as well as the Federal Governments Proceeds of Crime Funding, with no other potential funding sources identified as yet.

7.1 WA Police - Strategic Crime Prevention Division Funding

WA Police have advised that no further funding rounds are being offered for this financial year. Future funding rounds are anticipated in the latter part of this year, although the budget has not yet been confirmed for the 2013/2014 financial year. WA Police have advised that grant announcements are likely to be made in June 2013.

7.2 WA State Government Attorney General's Department Criminal Property Confiscation Grants

The WA State Government Attorney General's Department have advised that there are no further details on upcoming rounds and currently there are no rounds open. It should be noted that the City of Vincent currently has obtained a grant from the Criminal Property Confiscation Grants Program for \$200,182 for the implementation of a CCTV system on Beaufort Street. The City of Vincent is not eligible for further grants until this program is implemented and satisfactorily acquitted. This grant is expected to be finalised in accordance with the Attorney General requirements, within 12 weeks of June 2013.

7.3 Australian Government Proceeds of Crime Act (POCA) Funding

The Australian Government Attorney General's Department Crime Prevention does offer PCOA funding, though grant funding has closed for this financial year. No other funding rounds have been announced for the 2013/2014 financial year.

All relevant grant rounds will be pursued as and when they become available.

8. Letter to Residents

A letter is being developed for the Mayor to update residents, and will be distributed to residents on Stirling Street and surrounding areas encouraging residents to report all street prostitution/crawling sightings to WA Police, along with reporting to Ranger Officers conducting patrols, via a dedicated mobile number, so that Ranger patrols can be targeted accordingly.

A letter is also being developed for the Mayor's signature, to update all concerned residents. This will be distributed via the email list of attendees at the public meeting on prostitution in Stirling Street on 25 October 2012. This will include an information sheet on WA Police and City of Vincent Ranger Patrol Prostitution mobile number and

instructions for use of this. Liaison with the City's Communication Officer will continue with specific advice to residents regarding prostitution and the latest City of Vincent actions will be promoted on the City's website.

9. Street Signs "*Reporting Crime phone 131 444 Signage*"

To encourage resident awareness, it is proposed to manufacture and erect further "Eyes on the Street" street signs to encourage residents to report suspicious or alleged criminal activities to WA Police on the 131 444 number. These signs will be placed in the various streets in the Highgate area.

Approximately twenty six (26) signs and poles will be required at an estimated cost of \$3,250.

CONSULTATION/ADVERTISING:

There is no need to seek further comment though residents will be advised of actions through an email list set up from attendees of the public meeting on prostitution in Stirling Street on 25 October 2012.

Further progress reports will be submitted to the Council.

LEGAL/POLICY:

There are legal implications in publishing names or persons convicted of 'seeking a prostitute' offences in order to act as a deterrent to men seeking sex from street walkers within the City of Vincent. This is currently being considered prior to any commencement of publishing offenders names on any City of Vincent produced material or website.

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 3.1.2 states:

"Promote and Foster Community Safety and Security".

RISK MANAGEMENT IMPLICATIONS:

It is important that Council maintain a complementary and partnership approach to ensure that the most effective response to prostitution concerns is maintained. There is a risk, due to the emotive nature and depth of street prostitution concerns in the local community, that such issues could result in negative perceptions of community safety that is contrary to actual incidence of alleged offences. A more accurate picture of street prostitution will be obtained by continuing to encourage residents to report all occurrences they observe to WA Police and subsequent analysis of WA Police statistics on related charged offences when these are provided.

SUSTAINABILITY IMPLICATIONS:

As WA Police cannot attend on all occasions to concerns raised with prostitution offences, a continued partnership and 'whole of agency' approach, working closely in conjunction with WA Police and other Government Agencies and encouraging the proactiveness of the local community to report all anti social and criminal behaviour offences, is the most sustainable approach.

FINANCIAL/BUDGET IMPLICATIONS:

The expenditure for this matter will be further incurred under a budgeted item yet to be identified and is estimated to be an additional \$20,436 for the 'Street Crawler Identification System'.

COMMENTS:

The City report outlines current actions undertaken in response to community concerns raised in Stirling Street, Highgate. In dealing with negative perceptions of community safety, it is important that a clear, consistent and positive message is maintained. If any residents have concerns of anti social behaviour or crime, including prostitution offences, they should continue to report this to WA Police at the time of the offence occurring on the 131 444 number so that the offence can be recorded as a statistic. This will also enable WA Police to undertake their policing accordingly and enable broader partnership actions.

9.5.2 National Mainstreet Australia Conference 2013

Ward:	Both	Date:	12 April 2013
Precinct:	All	File Ref:	ADM0031
Attachments:	Nil		
Tabled Items:	001 – Conference Program		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That APPROVAL be granted for Mayor Hon. Alannah MacTiernan, Cr and Manager Parks and Property Services, to attend the National Mainstreet Australia Conference to be held in Melbourne from Sunday 12 May 2013 to Wednesday 15 May 2013, at an estimated cost of \$4,727 and \$3,227 each respectively.

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations and Cr Harley nominated. No other nominations were received.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
INCLUDING CR HARLEY'S NOMINATION (8-0)**

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.5.2

That APPROVAL be granted for Mayor Hon. Alannah MacTiernan, Cr Harley and Manager Parks and Property Services, to attend the National Mainstreet Australia Conference to be held in Melbourne from Sunday 12 May 2013 to Wednesday 15 May 2013, at an estimated cost of \$4,727 and \$3,227 each respectively.

PURPOSE OF REPORT:

The purpose of this report is to obtain Council approval for the Mayor, a Councillor and the Manager – Parks and Property Services to the National Mainstreet Australia Conference to be held at Federation Square in Melbourne from Sunday 12 May 2013 to Wednesday 15 May 2013.

DETAILS:

The National Mainstreet Conference - "*New Challenges, New Opportunities, New Values*" - is to be held at Federation Square in Melbourne from Sunday 12 May 2013 to Wednesday 15 May 2013.

The Conference was previously held in 1995, 1997, 1999, 2004, 2005, 2007, 2009 and 2011.

The first National Mainstreet Australia Conference was held in 2007 at the MCG with over 350 delegates. In 2009, the National Conference was held in Fremantle Western Australia and in 2011 National Mainstreet Conference was hosted by a newly formed Mainstreet South Australia organisation.

"In 2013, the Conference is returning back to Melbourne, where it all began. It is the biggest conference that specifically supports main street practitioners which includes: marketing co-ordinators, special rate programs, business/trader associations and Local Government Officers from key areas such as; economic development, community development, strategic planning, place-making and tourism.

It is a highly respected conference with a reputation for delivering value, practical insights and quality of speakers, experiences and information."

Confirmed Key Note Speakers are listed below:

- Michael Baker, *Principal of Baker Consulting - Retail and retail property economics advisory firm based in Sydney;*
- Julian Dobson, *Writer, Speaker and Commentator on regeneration, placemaking, civil society and social policy.*
- Jude Elledge, *Principal RTKL, formerly founder of Urban Glue, an Australian native and past President of the California/South West Chapter of the Retail Design Institute;*
- Suzie Matthews, *Manager of the Late Night Economy, Safe City and Business Precincts for City of Sydney;*
- Michael McQueen - *"Michael has helped some of the world's best known brands navigate change and stay in front of the curve";*
- Megan Quinn - *"Megan has built a career specialising at the luxury end of retailing, advertising, publishing and design for the fashion, jewellery, hotel and airline industries."*

A copy of the Conference Registration Brochure is attached.

FINANCIAL IMPLICATIONS:

Mayor's Costs:

	Costs
Conference Registration - <i>Non-Member Registration - Government / Corporate</i>	<u>\$1,175.00</u>
Accommodation (3 nights) (<i>Up to \$290 per night</i>)*	\$870.00
Airfare Return (economy class) - <i>indicative cost</i> **	\$2,200.00
Expenses allowance (<i>4 days @ \$120.52 per day</i>)#	\$482.00
	<hr style="border-top: 1px solid black;"/> <u>\$4,727.00</u> <hr style="border-top: 1px solid black;"/>

* *As per Council Policy No. 4.1.15*

** *Fully Flexible Economy Fare*

Rounded off.

City's Officer's and Councillor Costs:

	Costs
Conference Registration - <i>Non-Member Registration - Government / Corporate</i>	<u>\$1,175.00</u>
Accommodation (3 nights) (<i>Up to \$290 per night</i>)*	\$870.00
Airfare Return (economy class) - <i>indicative cost</i>	\$700.00
Expenses allowance (<i>4 days @ \$120.52 per day</i>)#	\$482.00
	<hr style="border-top: 1px solid black;"/> <u>\$3,227.00</u> <hr style="border-top: 1px solid black;"/>

* *As per Council Policy No. 4.1.15*

** *Rounded off.*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

As per Council Policy No. 4.1.15, 'Conferences – Attendance', clause 1.1(i) states:

- “(i) When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council; and*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

<u>Chief Executive Officer's Comment:</u>	
<i>Previous attendance at the National Mainstreet Conference has been as follows;</i>	
<i>Year*</i>	<i>Attendees</i>
<i>2004</i>	<i>Councillor Maddalena Torre, Chief Executive Officer, John Giorgi, and Executive Manager [Director] Technical Services, Rick Lotznicker</i>
<i>2005</i>	<i>Councillor Simon Chester and Chief Executive Officer, John Giorgi</i>
<i>2007</i>	<i>Mayor Nick Catania, Councillor Ian Ker and Executive Manager [Director] Environmental & Development Services, Rob Boardman</i>
<i>2009</i>	<i>Various attendees – The City was a co-sponsor of the National Conference, which was held in Perth and Fremantle</i>
<i>*</i>	<i>Nil attendance in previous years. 2004 was the first year representatives from the City attended a National Mainstreet Conference.</i>

RISK MANAGEMENT IMPLICATIONS:

Low: Nil.

STRATEGIC IMPLICATIONS:

Keeping in line with the City's *Strategic Plan 2011-2016 (Plan for the Future)*, Objective 4.1 states:

'Provide good strategic decision-making, governance, leadership and professional management.'

SUSTAINABILITY IMPLICATIONS:

The content of the conference refers to keeping in line with sustainability principles in ensuring that spaces are considered for activation in consideration of community needs and expectations.

COMMENT:

As the Council is aware, considerable resources are being allocated to upgrade the Mount Lawley/Highgate Town Centre and Leederville Town Centres.

This conference will provide information which will be benefit to the Council, as the upgrade projects are on-going.

The projects involve considerable upgrade of street infrastructure and street trees. It is therefore appropriate for an officer of the Technical Services Directorate attend.

The Chief Executive Officer recommends that the City's Manager Parks and Property Services attend on this occasion. It is also appropriate that Council Members attend, preferably those directly involved in the Town Centre Upgrade Working Group.

It is requested that approval be granted for the Mayor Hon. Alannah MacTiernan, Cr Harley and Manager Parks and Property Services to attend the National Mainstreet Australia Conference.

9.5.3 Delegated Authority Register - Amendments

Ward:	Both	Date:	16 April 2013
Precinct:	All	File Ref:	ADM0038
Attachments:	Nil		
Tabled Items:	001 – Delegated Authority Register 2012/2013 – Amended Delegations		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegations of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Amended Delegated Authority Register 2012/2013, as shown in Appendix 9.5.3 (electronic attachment 001).

COUNCIL DECISION ITEM 9.5.3

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council approval of amended delegations to the Chief Executive Officer for the remainder of the 2012/2013 year.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the "day to day" functions of the City's Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has reviewed the current Delegated Authority Register and it is advised that the following delegations require amendment. Changes are shown by strikethrough and underlining;

Chief Executive Officer's Comment:

Delegation 5.1 - Appointment of Authorised Persons for various Acts, Regulations and Local Laws

The Tobacco Products Control Act 2006 is required to be included in the list of Acts.

Currently the City's Environmental Health Officers (EHO) and Rangers are authorised under this act as Restricted Investigators. This allows the authorised persons to investigate complaints and issue Infringement Notices.

However, all prosecutions are to be carried out by the Department of Health.

The Act requires the Local Government Officers to undergo training, prior to being authorised. Upon successful completion of training, the authorisation is carried out in two parts, as follows:

Part one – Local Government Chief Executive Officer to authorise the Officers.

Part two – Department of Health Chief Executive Officer to approve of any Local Government authorised officers.

Currently, the majority of the City's EHO and Rangers are authorised. This amended delegation will allow for the Chief Executive Officer to authorise newly appointed EHO's and Rangers.

Building Act Delegations – 7.1, 7.2, 7.3, 7.5 and 7.7

This Delegation has been changed to reflect that the Council has delegated its Powers and Duties to the Chief Executive Officer. In addition The title position of "Co-ordinator Building Services" is to be replaced with "Senior Building Surveyor" wherever it appears. Following the recent resignation of the City's Co-ordinator Building Services, this position has been replaced with the Senior Building Surveyor.

Compliance Officers have also been included as authorised persons under the Building Act 2011.

Compliance Unit

The City has previously employed a Development Compliance Officer. Following the resignation of the City's Co-ordinator Building Services and Manager Planning and Building Services a minor restructure has been carried out. In essence a new Compliance Unit, comprising Senior Compliance Officer, Compliance Officer (new position) and Customer Services Officer (new position) has been created and placed under the newly designated Health and Compliance Services Section.

The newly created positions will not be an additional cost to the City, as cost savings have been achieved in the operating Budget for staff (deletion of the Co-ordinator Building Services).

Compliance of the City's various Acts, Regulations and Local Laws has grown significantly over previous years and additional resources are now required. A two (2) stage implementation is currently being carried out, effective from Monday 22nd April 2013, as follows:

Stage One

The new Compliance Unit will continue to carry out the previous Compliance Matters (primarily Planning and Building), other than inspection of private swimming pools which will remain under the Planning and Building Services Section. The Compliance Officers will also resume increased responsibility for other compliance matters (this minor restructure will enable the Manager of Planning and Building Services to place further emphasis on the processing of Development Applications and issuing of Building Permits).

Stage Two

All Compliance matters across the organisation will eventually be co-ordinated through the newly created Compliance Unit. This will ensure that matters such as unauthorised verge treatments, obstructions and the like will be better co-ordinated and more consistently enforced and managed.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the City; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power it to keep appropriate records.

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

Section 5.41 of the Local Government Act specifies the functions of the Chief Executive officer. Sub section (g) specifies that the Chief Executive Officer is responsible for the employment, management, supervision, direction and dismissal of employees (other than designated Senior Employees).

Policy No. 4.1.7 – *Organisational Structure and Designation of Senior Employees* is applicable.

RISK MANAGEMENT:

Not Applicable.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2011-2016 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The amended Delegations have resulted from a review of the City's enforcement of various statutes and a minor change of the City's Organisational Structure.

Accordingly, it is recommended that the Council approve of the Amended Delegations.

9.5.4 Information Bulletin

Ward:	-	Date:	12 April 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 12 April 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 12 April 2013 are as follows:

ITEM	DESCRIPTION
IB01	Sustainable Environment Strategy Implementation Plan – Progress Report 2
IB02	‘Creating Spaces – A Community Renewal’, Newcastle 12-14 March 2013 – Conference Report
IB03	Unconfirmed Minutes of the Seniors Advisory Group held on 20 February 2013
IB04	Unconfirmed Minutes of the Arts Advisory Group held on 27 February 2013
IB05	Unconfirmed Minutes of the Design Advisory Committee held on 6 March 2013
IB06	Unconfirmed Minutes of the Design Advisory Committee held on 20 March 2013
IB07	Unconfirmed Minutes of the Design Advisory Committee held on 3 April 2013

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Dudley Maier – Request to place an Obstruction to Vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street, Highgate
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That the Council;

1. **APPROVES IN PRINCIPLE** the obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix [10.1 B](#));
2. **ADVERTISES** the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the City's Community Consultation Policy for a period of not less than twenty eight (28) days;
3. **CONSULTS** the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and
4. **RECEIVES** a further report at the conclusion of the consultation period or no later than August 2013.

CHIEF EXECUTIVE OFFICER COMMENT:

The Legislation and Policy applicable to the placement of obstructions in a Right of Way is as follows;

Local Government Act 1995

The procedure regarding the process to obstruct a thoroughfare, which includes Laneway and Rights of Ways for the purpose of prohibiting vehicular traffic is undertaken in accordance with Section 3.50 of the Local Government Act (LGA) 1995, and Section 3.1 of the LGA where *"the general function of a local Government is to provide for the good government of persons in its district"*.

Transfer of Land Act 1893

If applicable, S167A of the Transfer of Land Act 1893 specifies that all persons who have legal right of access over a Right of Way must be in agreement for an obstruction to be installed.

A search of all titles abutting the ROW may also need to be carried out to ascertain which properties have right of access over the ROW.

Policy No 2.2.8 – Laneways and Rights of Way

This Policy outlines the procedure for the obstruction of a ROW for the purpose of prohibiting vehicular traffic.

The Policy indicates that the Council is required to duly consider all submissions/objections and, unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all adjacent property owners with an implied or expressed right of access over the Right of Way.

Right of Way

The portion of the ROW to be obstructed is highlighted in orange in Item 10.1B. However, this portion of the ROW is part of a longer ROW and "T" leg highlighted, as shown in Item 10.1C.

It is important that the process prescribed in the Act be closely followed and that all affected persons are to be given written notice of the Council intention to obstruct the thoroughfare. At the conclusion of the Consultation Period, the Council must duly consider all submissions.

Moved Cr Maier, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Maier

"That Clause 1 be amended to read as follows and Clause 2 be deleted and the remaining Clauses be renumbered as follows:

1. ~~APPROVES IN PRINCIPLE INVESTIGATES~~ the full or partial obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix [10.1 B](#));
2. ~~ADVERTISES the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the City's Community Consultation Policy for a period of not less than twenty eight (28) days;~~
- 3 2. **CONSULTS** the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and
43. **RECEIVES** a further report at the conclusion of the consultation period or no later than August 2013."

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Maier

"That a new Clause 1 be inserted to read as follows and the remaining Clauses be renumbered:

1. ACKNOWLEDGES the work of the Beaufort Street Network in relation to the activation of laneways in the area."
12. ~~APPROVES IN PRINCIPLE INVESTIGATES~~ the full or partial obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix [10.1 B](#));

~~3~~ 3. **CONSULTS** the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and

~~4~~ 3.4. **RECEIVES** a further report at the conclusion of the consultation period or no later than August 2013.”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

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

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.1

1. **ACKNOWLEDGES** the work of the Beaufort Street Network in relation to the activation of laneways in the area;
 2. **INVESTIGATES** the full or partial obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix [10.1 B](#));
 3. **CONSULTS** the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and
 4. **RECEIVES** a further report at the conclusion of the consultation period or no later than August 2013.
-

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.30pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary)

No members of the 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 23 April 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013